



**AGENDA
CITY OF LAPEER
CITY COMMISSION
576 LIBERTY PARK, LAPEER, MI 48446
JANUARY 16, 2024**

6:30 P.M. CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF JANUARY 16, 2024, AGENDA

A. MINUTES:

1. Minutes of the Regular meeting held December 18, 2023.

B. PUBLIC COMMENTS:

1. Lapeer County Commissioner - Brad Haggadone.

C. CONSENT AGENDA:

1. 2024 Farmland Lease Agreement – T. Jostock.
2. Special Event: Friday Night Bikes – June 7, 2024 through Sept. 20, 2024, Nepessing Street.

SUGGESTED MOTION:

Approve the Consent Agenda for January 16, 2024.

D. BILL LISTING FOR JANUARY 16, 2024.

SUGGESTED MOTION:

Approve the Bill Listing for January 16, 2024, in the amount of \$2,749,696.07.

E. PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS:

F. PUBLIC HEARINGS:

G. ADMINISTRATIVE REPORTS:

1. Ordinance Amendment – Chapter 15 Elections.

SUGGESTED MOTION:

Adopt the ordinance amendment to Chapter 15 (Elections) of the General Ordinances of the City of Lapeer.

2. Ordinance Amendment – Chapter 8 Property Maintenance Code.

SUGGESTED MOTION:

Introduce the proposed ordinance amendment to Chapter 8 (Property Maintenance Code) of the General Ordinances of the City of Lapeer.

3. Contract - Community Center Hot Water Boilers Replacement.

SUGGESTED MOTION: ON A ROLL CALL VOTE.

To approve of the agreement between the City of Lapeer and Macomb Mechanical to replace the Hot Water Boilers at the Lapeer Community Center not to exceed \$57,641.

4. Purchase – Fire Department - Heavy Rescue Vehicle.

SUGGESTED MOTION: ON A ROLL CALL VOTE.

To approve the agreement of sale with Payette Sales & Service, Inc. for the purchase of a new KME heavy rescue vehicle and approve the budget amendment as presented, for a price of \$1,186,021.00.

5. Lapeer Main Street DDA Wayfinding Signs.

SUGGESTED MOTION:

To support the Lapeer Main Street DDA applying for a Vibrancy Grant funded through the Michigan Economic Development Corporation for designing and installing wayfinding signs on City of Lapeer property.

6. Design Engineering Services – Pine Street.

SUGGESTED MOTION: ON A ROLL CALL VOTE.

Approve the Rowe contract for design engineer services for bidding documents for Pine Street including new water main from Oregon Street to Law, new pavement, curb and gutter from Oregon Street to Park Street and milling and resurfacing from Park Street to Nepessing Street, for a cost not to exceed \$54,000 and authorize the Director of Public Works to sign all necessary documents.

H. CITY MANAGER’S REPORT:

1. Marihuana Moratorium Resolution.
2. Discussion regarding adding an Invocation to City Commission Agenda.
3. Discussion on ordinance introduction procedure.
4. Various matters.

I. CITY ATTORNEY’S REPORT:

1. Closed Session – MCL 15.268(h).

SUGGESTED MOTION: ON A ROLL CALL VOTE.

To enter into a closed session at the conclusion of the regular meeting to discuss a written legal opinion from the City Attorney, which is exempt from disclosure as provided under Section 8 of the Open Meetings Act.

J. UNFINISHED BUSINESS:

1. Appointments to Boards and Commissions.
 - a. Resignation – B. Pattison – Board of Review.
 - b. Reappointment – C. Fischhaber – Center for the Arts of Greater Lapeer.

K. DEPARTMENTAL COMMUNICATIONS:

1. Monthly Departmental Reports.

L. PUBLIC COMMENTS:

M. CLOSING COMMENTS:

1. Commissioners.
2. City Manager.
3. Mayor.

N. REMINDER OF MEETINGS:

Next City Commission Meeting: **MONDAY, FEBRUARY 5, 2024, Regular**

O. REMINDER OF PUBLIC HEARINGS:

ADJOURNMENT

MATERIAL TRANSMITTAL

Notice:

Persons with disabilities needing accommodations for effective participation through electronic means in this meeting should contact the City Clerk at (810) 664-5231 or by email at clerk@ci.lapeer.mi.us at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

**LAPEER CITY COMMISSION
MINUTES OF A REGULAR MEETING
DECEMBER 18, 2023**

A regular meeting of the Lapeer City Commission was held December 18, 2023, at the Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

ROLL CALL

Present: Mayor Marquardt.

Commissioners: Atwood, Brady, Glisman, Petrie, Swindell.

Absent: None.

City Manager: Mike Womack, present.

Mayor Marquardt led the Pledge of Allegiance.

283 2023 12-18 AGENDA APPROVAL

Moved by Glisman. Seconded by Atwood.

Approve the Agenda for December 18, 2023, with the removal of Item J-1.

Ayes: Atwood, Brady, Glisman, Petrie, Swindell.

Nays: None.

MOTION CARRIED.

284 2023 12-18 MINUTES

Moved by Swindell. Seconded by Glisman.

Approve the minutes of the regular meeting held December 4, 2023, as presented.

Ayes: Atwood, Brady, Glisman, Petrie, Swindell.

Nays: None.

MOTION CARRIED.

PUBLIC COMMENTS

Brad Haggadone, Lapeer County Commissioner, provided an update to the City Commission regarding the Lapeer County Board of Commissioners proceedings.

Rev. Jared Niles gave an invocation.

John Vanwagoner Oregon Township resident, commented on prayer in American history.

John DeAngelis commented on employment contracts.

Jacob LaRoy Mayfield Township resident, commented on the ordinance amendment to Chapter 15 Elections.

William Hamilton, Lapeer County Commissioner and Lapeer Township, resident commented on City Income Tax.

285 2023 12-18 CONSENT AGENDA

Moved by Brady. Seconded by Swindell.

Approve the consent agenda for December 18, 2023, as presented:

1. Special Event – Free Family Winter Wonderland- Lapeer Community Center-January 13, 2024, 3 pm–5 pm.
2. Boundary Transfer – City of Lapeer – Headley Harris, LLC, 114 Pleasant St., 56-58 Main Street, and Pleasant St. Vacant.
3. Secondhand Dealer and Pawnbroker License – Lapeer Gold and Loan.

Ayes: Atwood, Brady, Glisman, Petrie, Swindell.

Nays: None.

MOTION CARRIED.

286 2023 12-18 BILL LISTING

Moved by Brady. Seconded by Glisman.

Approve the bill listing for December 18, 2023, in the amount of \$334,263.89.

ON A ROLL CALL VOTE.

Ayes: Atwood, Brady, Glisman, Petrie, Swindell.

Nays: None.

MOTION CARRIED.

PROCLAMATION, RECOGNITIONS AND RESOLUTIONS:

287 2023 12-18 PROCLAMATION – RECOGNITION OF ERIC CATTANE, JEFF PATTISON AND TONY STROH-PIECHOWSKI

Moved by Glisman. Seconded by Petrie.

Adopt the proclamations in recognition of Eric Cattane, Jeff Pattison and Tony Stroh-Piechowski for their service to the City of Lapeer and its citizens as City Commission members.

***CITY OF LAPEER
Proclamation
In Recognition of Eric Cattane***

WHEREAS, Eric Cattane was elected to the City Commission on November 5, 2019, and served the citizens of the City of Lapeer in that capacity until November 2023; and

WHEREAS, Eric, took an oath and gave conscientious, responsible, and professional service to serve the citizens of the City of Lapeer during his time on the City Commission; and

WHEREAS, Eric has devoted his time and effort in service to the Zoning Board of Appeals, Economic Development Corporation, Tax Increment Finance Authority, and Brownfield Redevelopment Authority, and has been dedicated to local community affairs and the development of projects during his tenure; and

WHEREAS, Eric is a member of the Kiwanis Club of Lapeer; and promotes civic activism and volunteerism; and

WHEREAS, Eric, has given four years of service to the City of Lapeer and leaves those in the City of Lapeer proud to have known him and to have served with him.

THEREFORE, LET IT BE KNOWN that the Lapeer City Commission wishes to honor and express deep appreciation to **Eric Cattane** for his efforts and devotion to public service and wish him continued success.

Dated this 18th day of December 2023.

**CITY OF LAPEER
Proclamation
In Recognition of Jeff Pattison**

WHEREAS, Jeff Pattison was elected to the City Commission on November 5, 2019, and served the citizens of the City of Lapeer in that capacity until November 2023; and

WHEREAS, Jeff, took an oath and gave conscientious, responsible, and professional service to the citizens of the City of Lapeer during his time on the City Commission; and

WHEREAS, Jeff has devoted his time and effort in service to the Planning Commission and has been dedicated to local community affairs and the development of projects during his tenure; and

WHEREAS, Jeff promotes civic activism and volunteerism; and

WHEREAS, Jeff, has given four years of service to the City of Lapeer and leaves those in the City of Lapeer proud to have known him and to have served with him.

THEREFORE, LET IT BE KNOWN that the Lapeer City Commission wishes to honor and express deep appreciation to **Jeff Pattison** for his efforts and devotion to public service and wish him continued success.

Dated this 18th day of December 2023.

**CITY OF LAPEER
Proclamation
In Recognition of Tony Stroh-Piechowski**

WHEREAS, Tony Stroh-Piechowski was elected to the City Commission on November 5, 2019, and served the citizens of the City of Lapeer in that capacity until November 2023; and

WHEREAS, Tony, took an oath and gave conscientious, responsible, and professional service to the citizens of the City of Lapeer during his time on the City Commission; and

WHEREAS, Tony has devoted his time and effort in service to the Downtown Development Authority, Park Board, Friends of the Dog Park and has been dedicated to local community affairs and the development of projects during his tenure; and

WHEREAS, Tony is involved in many productions at Stones Throw Theater; he promotes civic activism and volunteerism; and

WHEREAS, Tony has given four years of service to the City of Lapeer and leaves those in the City of Lapeer proud to have known him and to have served with him.

THEREFORE, LET IT BE KNOWN that the Lapeer City Commission wishes to honor and express deep appreciation to **Tony Stroh-Piechowski** for his efforts and devotion to public service and wish him continued success.

Dated this 18th day of December 2023.

Ayes: Atwood, Brady, Glisman, Petrie, Swindell.

Nays: None.

MOTION CARRIED.

Commissioner Petrie commented that she would like to add prayer to the agenda after the Pledge of Allegiance.

ADMINISTRATIVE REPORTS:

288 2023 12-18 VECTOR TECH GROUP – IT SERVICE CONTRACT

Moved by Swindell. Seconded by Brady.

Approve Vector Tech Group three-year agreement for IT Services for the City of Lapeer in the amount of \$71,600.00 for the first year and a one-time initial set-up fee of \$6,000.00, with an annual increase not to exceed 5% per year for years two and three.

ON A ROLL CALL VOTE:

Ayes: Brady, Glisman, Swindell, Atwood.

Nays: Petrie.

MOTION CARRIED.

289 2023 12-18 ORDINANCE AMENDMENT – CHAPTER 15 ELECTIONS

Commissioner Swindell introduced the Ordinance Amendment to Chapter 15 Elections of the General Ordinances of the City of Lapeer.

CITY OF LAPEER
LAPEER COUNTY, MICHIGAN
Ordinance #: 2023-07

An ordinance to amend City of Lapeer elections ordinance by amending § 15-1 Territory included in each precinct.

THE CITY OF LAPEER, LAPEER COUNTY, MICHIGAN ORDAINS:

ARTICLE I.

That Ordinance § 15-1 Territory included in each precinct is amended to read in its entirety as follows:

§ 15-1 Election Commission

The Election Commission shall consist of the City Clerk, the City Attorney, and the City Assessor. The Election Commission shall appoint the Board of Election Inspectors of each precinct and shall have charge of all activities and duties required of it by the City Charter, State law or other law or regulation relating to the conduct of elections in the City, including the setting of precinct boundaries.

ARTICLE II. SEVERABILITY

This ordinance and its various articles, paragraphs and clauses thereof are hereby declared to be severable. If any article, paragraph or clause is adjudged unconstitutional or invalid, the remainder of this amendatory ordinance shall not be affected thereby.

ARTICLE III. CONFLICT

All ordinances and provisions of ordinances of the City of Lapeer in conflict herewith are hereby repealed.

ARTICLE IV. ADOPTION

This amendatory ordinance shall be published as required by law and shall take effect after publication.

290 2023 12-18 MSHDA 2024 HOUSING CHOICE VOUCHER CONTRACT EXTENSION

Moved by Glisman. Seconded by Atwood.

Adopt the resolution for the MSHDA 2024 HCV administration amended contract extension and authorize the Director of Housing to sign on behalf of the City of Lapeer.

Ayes: Atwood, Brady, Glisman, Petrie, Swindell.

Nays: None.

MOTION CARRIED.

291 2023 12-18 MSHDA INDEPENDENT CONTRACTOR STAFF CONTRACTS 2024

Moved by Glisman. Seconded by Atwood.

Approve the budgeted staff contracts for January 1, 2024, through December 31, 2024, that coincide with the City of Lapeer/MSHDA HCV Administration 2024 amended contract extension and authorize the Mayor and City Manager to sign all necessary documents.

Ayes: Atwood, Brady, Glisman, Petrie, Swindell.

Nays: None.

MOTION CARRIED.

292 2023 12-18 SUBRECIPIENT FUNDING AGREEMENT – 2022 HOMELAND SECURITY GRANT PROGRAM

Moved by Swindell. Seconded by Glisman.

Approve entering into the District Health Department No. 2 2022 Homeland Security Grant Program, Subrecipient Funding Agreement for the purchase of body worn cameras, not to

exceed \$83,000 and approve the budget amendment as presented and authorize the City Manager to sign all necessary documents.

ON A ROLL CALL VOTE:

Ayes: Glisman, Petrie, Swindell, Atwood, Brady.

Nays: None.

MOTION CARRIED

DRAFT

293 2023 12-18 ROWE PROFESSIONAL SERVICE CONTRACT

Moved by Brady. Seconded by Atwood.

Approve ROWE Professional Services Contract to provide the City of Lapeer with Planning Services for a cost not to exceed \$110,000.00, with Subpart J to include language where the parties agree that jurisdiction and venue are appropriate in Lapeer County.

ON A ROLL CALL VOTE:

Ayes: Petrie, Swindell, Atwood, Brady, Glisman.

Nays: None.

MOTION CARRIED.

CITY MANAGER'S REPORT

City Manager Womack commented on a possible marihuana business moratorium. The current ordinance needs an update regarding odor control, enforcement, and licensure. Proposing to bring a moratorium to a meeting in January, to stop accepting any new application for marihuana business for a period. A public forum is planned for January 10, 2024, at 5:30 p.m. This will give the public the opportunity to express any concerns they may have in and around the city. Next, with the holiday next week, and this being a short work week, and with all the items on tonight's agenda, currently there are no items on the agenda for January 2, 2024, he asked if the commission would like to cancel the meeting.

294 2023 12-18 CANCELLATION OF JANUARY 2, 2024, REGULAR COMMISSION MEETING

Moved by Brady. Seconded by Swindell.

To cancel the January 2, 2024, Regular Commission Meeting.

Ayes: Atwood, Brady, Glisman, Petrie, Swindell.

Nays: None.

MOTION CARRIED.

City Manager Womack continued stating that on January 16, 2024, to plan on a closed session with the City Attorney, and a presentation on a new fire truck. Looking into scheduling a Commission workshop/retreat for some time in February; the 2024-2025 budget process is in full swing. The Free Family Winterland is centered around the ice rink.

CITY ATTORNEY'S REPORT

None.

UNFINISHED BUSINESS

None.

DEPARTMENTAL REPORTS

The Monthly Departmental Reports were received into the record.

PUBLIC COMMENTS

Jenny Burkhart spoke about prayer.

Chris Jadach spoke about City Income Tax.

Mayor Marquardt asked the Department Heads to judge the ugly sweater contest; Commissioner Petrie was declared the winner and given the trophy.

MAYOR/COMMISSIONER COMMENTS

Commissioner Glisman: Today is the 403rd Anniversary of the Mayflower landing at Plymouth Rock. She has been speaking to residents, asking what they love about the City of Lapeer; spoke to high school students asking the same thing. Basic family values are what is important to many people in Lapeer.

Commissioner Petrie: Gave credit to her friend Kelly who made her ugly sweater. Wished everyone a Merry Christmas, Jesus is the reason for the season. Keep in mind those who are missing people this year or are worried about people.

Commissioner Swindell: Merry Christmas to everyone, Happy Hanukkah, Happy Kwanzaa and happy holidays to everyone. Loves this time of year; check in on your friends and neighbors. Going into the new year, we will continue to work hard and move forward. Happy New Year.

Commissioner Atwood: Keep your head up and look out for those who are having a hard time this holiday season. Attended his first planning commission meeting; likes it and is learning as he goes. Attended the MML board of trustees meeting; some interesting bills are floating around that may cause increases in water bills. Merry Christmas and Happy New Year.

City Manager Womack: Appreciates Commissioner Glisman's history facts; on this day in 1865 the 13th amendment to the constitution, which outlawed slavery, officially entered into force. Merry Christmas, Happy Hanukkah, Happy Kwanzaa, and Happy New Year.

Mayor Marquardt: Read the list of events. Please get your cap-con information back to city staff as soon as possible. Merry Christmas, happy holidays, be safe driving, be nice and hold open a door for someone.

295 2023 12-18 ADJOURNMENT

Motion by Brady.

To adjourn the regular meeting at 7:47 p.m.

Ayes: Atwood, Brady, Glisman, Petrie, Swindell.

Nays: None.

MOTION CARRIED.

The regular meeting adjourned at 7:47 p.m.

Debbie Marquardt, Mayor

Romona Sanchez, City Clerk



ITEM C-1

To: Mayor and City Commissioners
From: Mike Womack, City Manager
Date: January 13, 2024
RE: Farmland Lease

STAFF RECOMMENDATION

Approve the farmland lease with Terry Jostock.

CURRENT OR NEW INFORMATION

On December 18, 2023, a letter was mailed to Mr. Terry Jostock, asking if he would like to extend the farmland lease for the 2024 farming season, for the same price as 2023 and 2022.

Mr. Jostock agreed, signed the lease on January 2, 2024, and paid the contract price of \$8,395 on the same date. The contract is for one-year for the two parcels, which is as follows:

- Parcel A, 20 Acres @ \$2,300.00/year
- Parcel 1, 53 Acres @ \$6,095.00/year

I am requesting that the attached lease be approved and allow the Mayor and myself to sign the documentation.

BACKGROUND OR PREVIOUSLY SUBMITTED INFORMATION

AGENDA ITEM REVIEW

Meeting Date:	January 16, 2024	Date Reviewed:	January 5, 2024
Consent:	X	Reviewed By:	R. Sanchez, City Clerk
Administrative:			
Public Hearing:			

LEASE AGREEMENT

Lease Agreement between the City of Lapeer, a Michigan Municipal Corporation, 576 Liberty Park, Lapeer, Michigan 48446, herein referred to as "Leasing Agent" and Terry Jostock, herein referred to as "Leasing Farmer."

DESCRIPTION OF PREMISES

Leasing Agent leases approximately 53 acres of land located in the City of Lapeer, Lapeer County, Michigan described as follows:

PARCEL # L22-01-710-040-00:

53 Acres – Off of Clark Road, behind Soccer Fields.

Leasing Farmer shall in no event till or work any land within the 100-yard flood plain of any creeks/ponds/waterway.

AND

Leasing Agent leases approximately 20 acres of land located in the City of Lapeer, Lapeer County, Michigan described as follows:

PARCEL # L22-01-715-040-00:

20 Acres – Vacant Land, Clark Road, Lapeer, Michigan 48446.

The South ½ of the southwest ¼ of the southwest ¼ of Section 9, Town 7 North, Range 10 East, Lapeer Township, Lapeer County, Michigan.

Leasing Farmer shall in no event till or work any land within the 100-yard flood plain of any creeks/ponds/waterway.

TERM

The term of this Lease is April 1, 2024, through December 31, 2024.

RENTAL

Leasing Farmer shall pay \$8,395.00 = (\$6,095 + \$2,300) as rent. The rent shall be paid on or before January 19, 2024.

USE OF PREMISES

The premises are to be used for the purpose of growing farm crops and Leasing Farmer shall restrict its use to such purpose and shall not use or permit the use of the premises for any other purpose without the written consent of Leasing Agent.

ASSIGNMENT OR SUBLEASE

The Lease shall not be sold, assigned, or in any manner transferred by Leasing Farmer, nor shall the leased premises or any part thereof be sublet, without the prior written consent of Leasing Agent.

NON-LIABILITY OF LESSOR FOR DAMAGES

Leasing Agent shall not be responsible for liability or claims of third parties for personal injury or property damage from any cause relating to the use of the premises by the Leasing Farmer. Leasing Farmer shall indemnify Leasing Agent from all liability, loss, or other damage claims or obligations resulting from any injuries or losses. Leasing Farmer shall make no claim against Leasing Agent for damages for personal injury or property damage from any cause relating to Leasing Farmer's use of the premises.

LEASING AGENT'S ACCESS TO PROPERTY

Leasing Agent reserves the right to go on and have access at all times during the existence of this Lease, to the leased premises for any purpose. Leasing Agent shall reimburse Leasing Farmer for any damages to crops caused by Leasing Agent's ingress and egress during any period of access use.

LEASING FARMER'S ACCESS TO PROPERTY

Farmer's Access will be to enter on Saginaw Road.

LEASING FARMER'S DUTIES

Leasing Farmer shall cut no live trees except by permission of Leasing Agent. Leasing Farmer shall farm the leased premises in a good and workmanlike manner and shall rotate the crops. Leasing Farmer shall prevent the accumulation of fire hazards and shall not do anything to increase the risk of hazard on the property.

IN WITNESS WHEREOF, the parties have executed this Lease on the respective dates set forth below.

CITY OF LAPEER

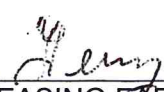
By:

Date: _____

Debbie Marquardt, Mayor
Leasing Agent

Date: _____

Mike Womack, City Manager
Leasing Agent

LEASING FARMER

Date: 1-2-24

By: _____
Its President

To: Mike Womack, City Manager
From: Jeremy Howe, Chief of Police
Date: January 9, 2024
RE: Special Event – Friday Night Bikes

STAFF RECOMMENDATION

Approve the event. Insurance required

CURRENT OR NEW INFORMATION

We have received a Special Event Application from Scott Jankovic to hold an event titled: "Friday Night Bikes." This event is scheduled to be held nearly every Friday night during the summer months beginning June 7, 2024 and ending September 20, 2024. Event operating time will be from 5:00PM to 11:00PM. This event will take place on Nepessing Street, from Mason Street to Court Street. Nepessing Street may be closed at Mason Street and at Court Street as deemed necessary. At the time of this request, there is no organization to coordinate and run additional activities during the event nights. Should activities such as band/DJ, vendors etc. resume as held in 2023, the police department will provide the necessary street closures and Officer assistance. At this time, it is anticipated that the south side of Nepessing Street will be coned off for the parking of motorcycles only and the northside will remain open for parking of all vehicles with no street closures.

This event requires City resources from the DPW for barricades and cones. The police department will set up the barricades/cones in conjunction with any event organizers. Police presence during the event will result in overtime.

See PDF File SE Friday Night Bikes 2024.

BACKGROUND OR PREVIOUSLY SUBMITTED INFORMATION

Previously held event in 2023.

AGENDA ITEM REVIEW

Meeting Date: January 16, 2024

Consent: X

Administrative:

Public Hearing:

Date Reviewed: January 10, 2024

Reviewed By: D. Jansen, Deputy Clerk

City of Lapeer

SPECIAL EVENT APPLICATION (SEA)



DIRECTIONS: Complete this application in accordance with the City of Lapeer Special Events Ordinance and Regulations, and return it to the either Parks & Rec department (for events at a City Park) or to the City Manager's Office at least 30 Calendar days prior to the starting date of the event.

If you are requesting an event to take place in a CITY PARK, YOU MUST SUBMIT YOUR SEA DIRECTLY TO THE PARKS & RECS DEPARTMENT Sara Tilley Stilley@ci.lapeer.mi.us). If your event is NOT in a City Park, your SEA should come directly to the City Manager's Office (Tracey Russell, Trussell@ci.lapeer.mi.us).

Sponsoring Organization
(Legal Name)

Lopovich Holdings Inc Phone # 810-660-7214
393 W. Nepessing Lapeer, MI 48446

Address

Organization Event
Coordinator/Contact

Scott Jankovic Phone # 313-589-3452

Event Coordinator/Contact
Address

1155 Portsmouth Rochester Hills MI 48309

Coordinator/Contact Email

scott.jankovic@hotmail.com

Event Name

Fridgy Night Bikers on Nepessing

Purpose of Event

to bring friends and families together in our downtown
and increase business

Event Location

Nepessing Street

Have you
reserved your
park/pavilion?

Yes ☒ No ☐

If yes, provide copy of reservation form
with this application, if no and planning a
park event, reservations need to be made.*

Date of Event

June - 7, 14, 21, 28 July - 5, 12, 19, 26
Aug - 2, 9, 23, 30 Sept 6, 13, 20

Event Time

5PM - 11PM

of Event

Organizational Team

of Expected
Attendees:

200 - 400 each night

Describe the activities

taking place at your event: Vendors, Live music

Please check what will be part of your event:

☒ Music
☐ Tents

☐ Animals
(such as a petting zoo)
☐ Wedding

☐ Selling of food*
☐ Selling of drinks*

☒ Posted Signage of
Event*
☐ Liquor/Beer or Wine*

*Please list here what type of music (DJ/Band/Individual singers, etc.) and/or list animals: Pi and Bands

Please check what you request the City to supply:

<input type="checkbox"/>	Picnic Tables Qty:	<input type="checkbox"/>	Electricity Turned on/off	<input type="checkbox"/>	Other:	
<input type="checkbox"/>	Inflatables	<input type="checkbox"/>	Road Crossing Guards Qty:	<input type="checkbox"/>	Trash Containers Qty:	
<input checked="" type="checkbox"/>	Road Closures List:					

Please attach a letter indicating all requests of City services if something other than above.

What type of event is this:

<input checked="" type="checkbox"/>	City Operated Event	<input type="checkbox"/>	Other Non-Profit Event	<input type="checkbox"/>	Co-Sponsored Event
		<input type="checkbox"/>	Other For-Profit Event	<input type="checkbox"/>	Political or Ballot Issue Event

INDEMNIFICATION AGREEMENT

The Popovich Holdings Inc agree(s) to defend, indemnify, and hold harmless the City of Lapeer, Michigan, its officers, employees and agents, from and against any claim, demand, suit, loss, cost or expense, or any damage, which may be asserted, claimed or recovered against or from the City of Lapeer, its officers employees agents, by reason of any damage to property, bodily injury or death, sustained by any person whomsoever and which damage, injury or death arises out of or is incident to or in any way connected with or related to the special event.

Signature: [Signature] Date: 1-4-24

Witness: [Signature] Date: 1-4-24

1. **ANNUAL EVENT:** Is this event expected to occur next year? [YES] [No]

If yes, you may reserve a date for next year with this application. To reserve dates for next year, please provide the following information:

Normal Event Schedule

(e.g., third weekend in July): every Friday from June till Sept 20th except Lapeer Days

2. **AN EVENT MAP** [IS] [IS NOT] attached. If your event will use streets and/or sidewalks (for a parade, run, etc.), or will use multiple locations, please attach a complete map showing the assembly and dispersal locations and the route plan. Also show streets or parking lots that you are requesting to be blocked off. **Crossing Guards are required if crossing any roads.**

3. **FREE PARKING:** Are you requesting free parking (see the Rules and Regulations)? [YES] [NO]

If yes, list the lots or locations where free parking is requested:

4. **Alcoholic Beverages:** Will they be served? [YES] [NO]
Who holds the Liquor Control Commission license?
-

5. **CERTIFICATION AND SIGNATURE:** I understand and agree on behalf of the sponsoring organization that:
- a. A certificate of insurance must be provided which names the City of Lapeer as an additional named insured party on the policy. (See the Rules and Regulations for insurance requirements)
 - b. Event sponsors and participants will be required to sign Indemnification Agreement forms.
 - c. If the event includes solicitation by workers standing in street intersections, the required safety requirements and use of traffic cones will be maintained at all times in accordance with the City's general policies and practices. The City does not recommend standing in the street or making any solicitations from the street.
 - d. All food vendors must be approved by the Lapeer County Health Department, and each food and/or other vendor must provide the City with a certificate of insurance in an amount approved by the City which names the City of Lapeer as an additional named insured party on the policy.
 - e. The approval of this special event may include additional requirements and/or limitations, based on the City's review of this application, in accordance with the City's Special Events Ordinance and Regulations. The event will be operated in conformance with the Written Confirmation of Approval.
 - f. The sponsoring organization will provide a security deposit for the estimated fees as may be required by the City of Lapeer and will promptly pay any billing for City services which may be rendered.

As the authorized agent of the sponsoring organization, I hereby apply for approval of this Special Event, affirm the above understandings, and agree that my sponsoring organization will comply with City's Special Events Ordinance and Regulations, the terms of the Written Confirmation of Approval, and all other City requirements, ordinances and other laws which may apply to this Special Event.

1-4-24

Date


Signature of Sponsoring Organization's Agent

RETURN THIS APPLICATION at least thirty (30) days prior to the first day of the event to:

Special Event, City of Lapeer, City Manager's Office, 576 Liberty Park, Lapeer MI 48446.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
03/17/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Core Insurance Group LLC 50787 Corporate Dr Shelby Township MI 48315		CONTACT NAME: Megan Mancuso PHONE (A/C, No, Ext): (248) 847-2673 E-MAIL ADDRESS: meganm@coreinsured.com FAX (A/C, No): INSURER(S) AFFORDING COVERAGE INSURER A: Central Mutual Insurance Co. INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:		NAIC #
INSURED Popovich Holdings 393 W Nepessing St Lapeer, MI 48446 Lapeer MI 48446-2105				

COVERAGES

CERTIFICATE NUMBER: CL2331705735

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR AI, WOS, PNC GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y		CLP 8682352	03/21/2023	03/21/2024	EACH OCCURRENCE \$ 1,000,000
	DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000						
	MED EXP (Any one person) \$ 5,000						
	PERSONAL & ADV INJURY \$ 1,000,000						
A	<input type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			CLP 8682352	03/21/2023	03/21/2024	GENERAL AGGREGATE \$ 2,000,000
	PRODUCTS - COMP/OP AGG \$ 2,000,000						
	Liquor Liability \$ 1,000,000						
	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000						
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB DED RETENTION \$						BODILY INJURY (Per person) \$
	BODILY INJURY (Per accident) \$						
	PROPERTY DAMAGE (Per accident) \$						
	Hired/borrowed \$						
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N Y	N/A	WC 8688075	06/22/2022	06/22/2023	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER
	E.L. EACH ACCIDENT \$ 100000						
	E.L. DISEASE - EA EMPLOYEE \$ 100000						
	E.L. DISEASE - POLICY LIMIT \$ 500000						

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Bike Night- Every Friday from June 2nd to Sept 8th except for Aug 18th
City of Lapeer is listed as additional insured as respects to general liability as required by written contract.

CERTIFICATE HOLDER

CANCELLATION

City of Lapeer 576 Liberty Park Lapeer MI 48446	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
-----------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

© 1988-2015 ACORD CORPORATION. All rights reserved.



**AGENDA
CITY OF LAPEER
CITY COMMISSION
576 LIBERTY PARK, LAPEER, MI 48446
JANUARY 16, 2024**

6:30 P.M. CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF JANUARY 16, 2024, AGENDA

A. MINUTES:

1. Minutes of the Regular meeting held December 18, 2023.

B. PUBLIC COMMENTS:

1. Lapeer County Commissioner - Brad Haggadone.

C. CONSENT AGENDA:

1. 2024 Farmland Lease Agreement – T. Jostock.
2. Special Event: Friday Night Bikes – June 7, 2024 through Sept. 20, 2024, Nepessing Street.

SUGGESTED MOTION:

Approve the Consent Agenda for January 16, 2024.

D. BILL LISTING FOR JANUARY 16, 2024.

SUGGESTED MOTION:

Approve the Bill Listing for January 16, 2024, in the amount of \$2,749,696.07.

E. PROCLAMATIONS, RECOGNITIONS AND RESOLUTIONS:

F. PUBLIC HEARINGS:

G. ADMINISTRATIVE REPORTS:

1. Ordinance Amendment – Chapter 15 Elections.

SUGGESTED MOTION:

Adopt the ordinance amendment to Chapter 15 (Elections) of the General Ordinances of the City of Lapeer.

2. Ordinance Amendment – Chapter 8 Property Maintenance Code.

SUGGESTED MOTION:

Introduce the proposed ordinance amendment to Chapter 8 (Property Maintenance Code) of the General Ordinances of the City of Lapeer.

3. Contract - Community Center Hot Water Boilers Replacement.

SUGGESTED MOTION: ON A ROLL CALL VOTE.

To approve of the agreement between the City of Lapeer and Macomb Mechanical to replace the Hot Water Boilers at the Lapeer Community Center not to exceed \$57,641.

4. Purchase – Fire Department - Heavy Rescue Vehicle.

SUGGESTED MOTION: ON A ROLL CALL VOTE.

To approve the agreement of sale with Payette Sales & Service, Inc. for the purchase of a new KME heavy rescue vehicle and approve the budget amendment as presented, for a price of \$1,186,021.00.

5. Lapeer Main Street DDA Wayfinding Signs.

SUGGESTED MOTION:

To support the Lapeer Main Street DDA applying for a Vibrancy Grant funded through the Michigan Economic Development Corporation for designing and installing wayfinding signs on City of Lapeer property.

6. Design Engineering Services – Pine Street.

SUGGESTED MOTION: ON A ROLL CALL VOTE.

Approve the Rowe contract for design engineer services for bidding documents for Pine Street including new water main from Oregon Street to Law, new pavement, curb and gutter from Oregon Street to Park Street and milling and resurfacing from Park Street to Nepessing Street, for a cost not to exceed \$54,000 and authorize the Director of Public Works to sign all necessary documents.

H. CITY MANAGER’S REPORT:

1. Marihuana Moratorium Resolution.
2. Discussion regarding adding an Invocation to City Commission Agenda.
3. Discussion on ordinance introduction procedure.
4. Various matters.

I. CITY ATTORNEY’S REPORT:

1. Closed Session – MCL 15.268(h).

SUGGESTED MOTION: ON A ROLL CALL VOTE.

To enter into a closed session at the conclusion of the regular meeting to discuss a written legal opinion from the City Attorney, which is exempt from disclosure as provided under Section 8 of the Open Meetings Act.

J. UNFINISHED BUSINESS:

1. Appointments to Boards and Commissions.
 - a. Resignation – B. Pattison – Board of Review.
 - b. Reappointment – C. Fischhaber – Center for the Arts of Greater Lapeer.

K. DEPARTMENTAL COMMUNICATIONS:

1. Monthly Departmental Reports.

L. PUBLIC COMMENTS:

M. CLOSING COMMENTS:

1. Commissioners.
2. City Manager.
3. Mayor.

N. REMINDER OF MEETINGS:

Next City Commission Meeting: **MONDAY, FEBRUARY 5, 2024, Regular**

O. REMINDER OF PUBLIC HEARINGS:

ADJOURNMENT

Notice:

Persons with disabilities needing accommodations for effective participation through electronic means in this meeting should contact the City Clerk at (810) 664-5231 or by email at clerk@ci.lapeer.mi.us at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.



ITEM D-1

To: Mayor and City Commission
From: Kelly Hanna, Director of Financial Services
Date: January 10, 2024
RE: Bill Listing – December 14, 2023, through January 10, 2024

STAFF RECOMMENDATION

Approve the bill listing as presented.

CURRENT OR NEW INFORMATION

I, Kelly Hanna, Director of Financial Services, have reviewed the bills for December 14, 2023, through January 10, 2024, in the total amount of **\$2,749,696.07** and find them to be proper charges.

AGENDA ITEM REVIEW

Meeting Date:	January 16, 2024	Date Reviewed:	January 10, 2024
Consent:			
Administrative:	X	Reviewed By:	R. Sanchez, City Clerk
Public Hearing:			

CHECK REGISTER FOR CITY OF LAPEER
CHECK DATE FROM 12/14/2023 - 01/10/2024

Check Date	Check	Vendor Name	Amount
01/04/2024	597327	LAPEER COMMUNITY SCHOOLS	618,379.63
01/04/2024	597326	LAPEER CO TREASURER	405,416.96
12/21/2023	597255	LAPEER COMMUNITY SCHOOLS	388,874.02
01/04/2024	597325	LAPEER CO INTERMEDIATE SCHOOL	230,669.20
01/04/2024	1837(A)	GREAT LAKES WATER AUTHORITY	142,258.51
12/21/2023	1818(A)	SPICER GROUP	113,757.50
12/21/2023	597254	LAPEER CO TREASURER	103,347.56
01/04/2024	597332	MILNES FORD INC	98,380.00
12/21/2023	597253	LAPEER CO INTERMEDIATE SCHOOL	91,418.13
01/04/2024	597353	LAPEER DISTRICT LIBRARY	71,557.51
01/04/2024	1851(E)	BLUE CROSS & BLUE SHIELD OF MI	68,246.39
12/21/2023	1826(E)	DTE ENERGY	67,510.92
12/27/2023	1830(E)	U.S. BANK	36,683.04
12/21/2023	597256	LAPEER DISTRICT LIBRARY	28,240.38
12/21/2023	597237	CITY OF LAPEER	22,274.95
12/21/2023	1815(A)	ROWE INC	21,866.25
01/04/2024	597315	GREATER LAPEER TRANS AUTH	19,991.82
12/21/2023	597267	OLMSTEDS	15,500.00
01/04/2024	597333	MLR ENGINEERING	10,100.00
01/04/2024	597309	DOWNTOWN DEVELOPMENT AUTHORITY	9,716.59
12/21/2023	597280	TETRA TECH, INC.	8,393.97
12/21/2023	597249	GREATER LAPEER TRANS AUTH	7,889.28
01/04/2024	597341	STATE OF MICHIGAN	7,592.45
12/21/2023	597272	RESERVE ACCOUNT	7,000.00
12/21/2023	1823(A)	WEX BANK	6,800.15
01/04/2024	1831(A)	ABM COMMERCIAL CLEANING, LLC	6,060.00
12/21/2023	597277	STATE OF MICHIGAN	5,500.00
01/04/2024	1848(A)	SO*MX LAWN & SNOW REMOVAL	5,334.38
12/21/2023	597233	CAMPBELL, BYRON JOHN & RHONDA	5,250.00
12/21/2023	1822(A)	VC3, INC.	5,079.33
12/21/2023	597289	WERTH, DENNIS DBA	4,788.00
12/21/2023	1825(E)	CITY OF LAPEER	4,670.94
12/21/2023	1801(A)	FLETCHER FEALKO SHOUDY & FRANCIS PC	4,580.00
12/21/2023	1821(A)	TIFA 3	3,824.45
12/21/2023	597241	DOWNTOWN DEVELOPMENT AUTHORITY	3,499.50
01/04/2024	597346	T. P. ISRAEL CO INC	3,330.00
01/04/2024	597343	STATE OF MICHIGAN	3,292.00
12/21/2023	1805(A)	J G PAINTING & REMODELING LLC	3,250.00
01/04/2024	597304	CORELOGIC CENTRALIZED REFUNDS	3,219.93
01/04/2024	597337	PRECISION CONCRETE INC	3,205.00
12/21/2023	597243	ETNA SUPPLY	2,665.00
12/21/2023	597250	JACK DOHENY SUPPLIES INC	2,546.25

01/04/2024	1834(A)	DEE CRAMER	2,466.44
12/21/2023	1800(A)	ABM COMMERCIAL CLEANING, LLC	2,360.00
01/04/2024	597342	STATE OF MICHIGAN	2,140.30
01/04/2024	597318	INNOVATIVE SOFTWARE SERVICES	2,111.14
01/04/2024	1839(A)	MAUK, JODI	2,100.00
01/04/2024	1847(A)	SMITH, SHANNON	2,100.00
12/21/2023	1804(A)	HYDRO CORP	1,989.50
01/04/2024	1838(A)	HYDRO CORP	1,989.50
01/04/2024	597338	PRINTING SYSTEMS	1,887.70
01/04/2024	597335	NU-TECH GRAPHICS	1,870.00
12/21/2023	1808(A)	MAUK, JODI	1,750.00
12/21/2023	1817(A)	SMITH, SHANNON	1,750.00
12/18/2023	1799(A)	PSI	1,739.72
12/21/2023	597258	MARCO TECHNOLOGIES, LLC	1,653.27
12/21/2023	1824(A)	WSP USA ENVIR. & INFRASTRUCTURE INC	1,616.00
01/04/2024	597352	VILLAGE PRINTING	1,532.00
12/21/2023	1829(E)	WINDSTREAM	1,508.75
12/21/2023	1803(A)	HAVILAND PRODUCTS COMPANY	1,470.00
12/21/2023	1814(A)	RIGHT TOUCH LANDSCAPING INC	1,450.00
01/04/2024	1832(A)	ADRIAN & BLISSFIELD RAIL ROAD CO.	1,427.00
12/21/2023	1819(A)	STEPPIN' OUT	1,414.60
01/04/2024	1852(E)	METROPOLITAN LIFE INSURANCE COMPANY	1,340.64
12/21/2023	597231	BAKER, JAMES M	1,338.52
12/21/2023	1810(A)	NORTH CENTRAL LABS	1,334.47
01/04/2024	597293	ACTION MUNICIPAL SUPPLY, LLC	1,292.90
01/04/2024	597331	MGS ELECTRIC INC.	1,200.00
01/04/2024	1850(A)	VC3, INC.	1,198.00
01/05/2024	597355	ZACHARY & COURTNEY HAMPTON	1,174.60
12/21/2023	597279	T. P. ISRAEL CO INC	1,110.00
01/04/2024	597297	BS & A SOFTWARE	1,105.00
01/04/2024	597351	VERIZON WIRELESS	1,029.88
12/21/2023	597285	VIEW NEWSPAPERS	1,013.10
12/21/2023	1820(A)	TAYLOR, SARAH	971.16
01/04/2024	1849(A)	TAYLOR, SARAH	960.58
12/21/2023	597262	MGS ELECTRIC INC.	890.00
12/21/2023	597234	CARQUEST OF LAPEER	873.75
12/21/2023	597283	TOWN & COUNTRY POOLS, INC	832.50
12/21/2023	597259	MATTHEWS, JEREMIAH	816.43
01/04/2024	1833(A)	AERO FILTER INC	809.56
12/21/2023	597251	JAY'S SEPTIC	730.00
12/21/2023	1806(A)	JOHNSON CONTROLS SEC. SOLUTIONS	717.75
12/21/2023	597239	DENISE BUCKLEY, LLC	700.00
01/04/2024	597311	FOSTER OIL CO	657.33
01/04/2024	597305	COUSINEAU, DANIEL J M	630.00
01/04/2024	1835(A)	EUROFINS ENVIRONMENT TESTING	595.00
01/04/2024	597323	KENT COMMUNICATIONS INC.	583.47
01/04/2024	597344	STATE OF MICHIGAN	513.00

12/21/2023	597244	FOSTER OIL CO	510.65
01/04/2024	1840(A)	MAURER'S TEXTILE RENTAL SERVICES	509.19
12/21/2023	597282	THE WILKINSON CORP.	500.00
12/21/2023	597286	VILLAGE PRINTING	494.00
12/21/2023	597235	CARRIER AND GABLE INC	490.11
01/04/2024	1841(A)	MEI TOTAL ELEVATOR SOLUTIONS	477.06
01/04/2024	597299	BUSSURE, JEFFREY E	476.00
01/04/2024	1846(A)	RICK RHEIN DISPOSAL	472.00
12/21/2023	597271	PRINTING SYSTEMS	471.39
12/21/2023	1809(A)	MAURER'S TEXTILE RENTAL SERVICES	437.19
01/04/2024	597336	PITNEY BOWES GLOBAL FINANCIAL	432.24
12/21/2023	597287	VINCENT, DANIEL	377.69
01/04/2024	597321	JONES, CARMELA	375.14
12/21/2023	597247	GRAINGER	311.74
01/04/2024	597348	U.S. POSTMASTER	310.00
12/21/2023	1811(A)	NYE UNIFORM CO	305.01
12/21/2023	597276	SNAP-ON INDUSTRIAL	302.30
12/21/2023	597269	ORCHARD DEVELOPMENT AND CONSTRUCTIO	300.00
01/04/2024	597301	CITY BUILDERS OF DAVISON, LLC	300.00
12/21/2023	597248	GREAT LAKES CIVIL SERVICE	289.87
01/05/2024	597354	CITY OF LAPEER	270.40
12/21/2023	1807(A)	LAPEER AREA CHAMBER OF COMMERC	250.00
01/04/2024	597322	KARMA ENVIRONMENTAL SOLUTIONS LLC	250.00
01/04/2024	597340	SHEETS, LYNN	229.10
01/03/2024	597291	POSTMASTER	223.18
12/21/2023	597260	MAYER, TIMOTHY	201.61
12/21/2023	597281	THE ROOF DEPOT	200.00
01/04/2024	597308	DIRECT BUILDING CO	200.00
01/04/2024	597313	GOYETTE MECHANICAL	200.00
01/04/2024	597317	HOLLAND HEATING & COOLING, INC	200.00
01/04/2024	597334	N & R CONSTRUCTION	200.00
12/21/2023	597265	MOTOROLA	150.00
01/04/2024	597319	JAY'S SEPTIC	150.00
01/04/2024	1845(A)	PELEMAN CORPORATE LLC	145.06
01/04/2024	597314	GRAINGER	142.09
01/04/2024	1842(A)	NYE UNIFORM CO	141.52
12/21/2023	597238	DELYNN'S DESIGNS, INC	135.00
12/21/2023	597236	CDW LLC	134.68
01/04/2024	597307	DELYNN'S DESIGNS, INC	131.00
12/21/2023	1827(E)	INVOICE CLOUD	130.00
12/21/2023	597240	DORNER, LAURA	120.88
01/04/2024	1844(A)	PARAGON LABORATORIES, INC.	118.00
01/04/2024	1836(A)	FASTENAL COMPANY	117.32
12/21/2023	597270	PETERSON MCGREGOR	117.00
12/21/2023	1816(A)	SHORELINE INVESTMENT SERV. INC.	108.95
01/04/2024	597350	USA BLUE BOOK	104.46
12/21/2023	597268	OLSON, KATHLEEN	101.68

12/21/2023	597245	FOUNDATION RESTORATION	100.00
12/21/2023	597257	MALMROSE, CATHY	100.00
12/21/2023	597264	MICHIGAN HEATING COOLING & PLUMBING	100.00
12/21/2023	597266	NORTHERN SIGN CO	100.00
12/21/2023	597273	ROBERT E DICE BUILDER	100.00
01/04/2024	597298	BUD'S HEATING & COOLING	100.00
12/21/2023	597275	SHIRLEY'S DRY CLEAN. & ALTERATIONS	99.80
12/21/2023	597290	WEST GENESEE APARTMENTS	99.19
12/21/2023	597252	LAPEER CO DRAIN COMMISSION	98.86
12/21/2023	597246	GLISMAN, LINDA	94.09
01/04/2024	597294	ARNOLD'S AUTO WASH	93.00
12/21/2023	1812(A)	PREMIER OCCUPATIONAL HEALTH	88.00
01/04/2024	1843(A)	ON DUTY GEAR, LLC	85.99
01/04/2024	597296	BEAUDETTE, GREGORY L	85.23
12/21/2023	597263	MI STATE FIREMEN'S ASSOC	83.64
12/21/2023	1802(A)	FLINT WELDING SUPPLY CO	81.25
01/04/2024	597292	71A DISTRICT COURT	80.00
12/21/2023	597232	BASIC BENEFITS LLC	75.00
12/21/2023	597242	ERBER, TIMOTHY	75.00
12/21/2023	597274	ROBINSON, GAGE	50.00
12/21/2023	597288	VOLANTE FITNESS LLC	50.00
01/04/2024	597302	CONRAD, TIM	50.00
01/04/2024	597329	LINCOLN, SHELLEY	45.85
12/21/2023	1813(A)	PREMIER SAFETY	43.82
01/04/2024	597345	STIMSON, MARY	38.00
01/04/2024	597339	RUMBLE, DAVID	36.39
01/04/2024	597324	LAPEER CO DRAIN COMMISSION	34.88
01/04/2024	597300	CF LAPEER	33.48
01/04/2024	597330	LUCIA, PETE	33.02
01/04/2024	597295	BARCZEWSKI, RONALD	30.77
12/21/2023	597261	MERRIMAN, CATHY	27.00
01/04/2024	597310	DUNAWAY, AUSTIN	23.48
01/04/2024	597303	CONSUMERS ENERGY	22.28
01/04/2024	597320	JC PROPERTIES	20.00
01/04/2024	597347	TINDALL, MARJORY	16.94
01/04/2024	597312	GOODWIN, KERRY	16.81
12/21/2023	597278	STATE OF MICHIGAN	16.00
12/21/2023	597284	UPS	11.46
01/04/2024	597306	DELANO, ADAM	10.16
01/04/2024	597316	HILL, TRUDY J	9.62
12/21/2023	597230	ARNOLD'S AUTO WASH	9.00
01/04/2024	597349	UPS	8.49
12/21/2023	1828(E)	STATE OF MICHIGAN	2.51
01/04/2024	597328	LAPEER DISTRICT LIBRARY	0.00
TOTAL			<u><u>\$2,749,696.07</u></u>

V



ITEM G-1

To: Mayor and City Commissioners
From: Mike Womack, City Manager
Date: December 13, 2023
RE: Ordinance Amendment to Chapter 15

STAFF RECOMMENDATION

To adopt an ordinance amendment to Chapter 15 Elections, §15-1 Election Commission.

CURRENT OR NEW INFORMATION

With the passage of Proposal 2022-2, there are a significant number of changes to the way communities conduct elections in the State of Michigan. Beginning with the Presidential Primary, which is scheduled for February 27, 2024, voters now have the option of voting in person at an early voting site for nine consecutive days beginning on the second Saturday before the election. Voters still have the option to vote by absentee ballot or at their polling location on election day.

Additionally, Act No. 88 Public Acts of 2023 increased precinct size. Prior to this act each voting precinct was to have no more than 2,999 registered voters per precinct; however, the number of registered voters has increased to 4,999 per precinct.

Precinct boundaries are governed under Michigan Election Law, MCL 168-654.66, and can only be approved by the local Election Commission. The City of Lapeer Election Commission met on November 27, 2023, and adopted Resolution #2023-01 Approving Changes in Boundaries for Voting Precincts, which approved the previous #1 and #2 Precincts to be combined to become the new Precinct #1, and the previous Precincts #3 and #4 to be combined to become the new Precinct #2.

Both polling locations will remain the same, Precinct #1 is at Trinity United Methodist Church, 1310 N. Main Street, and Precinct #2 is at Calvary Bible Church, 923 S Main Street.

Consolidation of these precincts will ultimately be a cost savings for the city. For example, we will not need as many election workers, there will be less equipment needed and less maintenance costs.

Currently, Chapter 15 Elections, Article I Precincts states "§ 15-1 Territory included in each precinct. Hereafter, there shall be four election Precincts in the City of Lapeer", and details the boundaries for the four precincts. Amending this ordinance provides the Election Commission the ability to make necessary changes to the boundaries as needed going forward, without having to amend the ordinance.

BACKGROUND OR PREVIOUSLY SUBMITTED INFORMATION

The City of Lapeer has had four voting precincts since 1996.

AGENDA ITEM REVIEW

Meeting Date:	January 16, 2023	Date Reviewed:	December 14, 2023
Consent:		Reviewed By:	R. Sanchez, City Clerk
Administrative:	X		
Public Hearing:			

CITY OF LAPEER
LAPEER COUNTY, MICHIGAN

Ordinance #: 2023-07

An ordinance to amend City of Lapeer elections ordinance by amending § 15-1 Territory included in each precinct.

THE CITY OF LAPEER, LAPEER COUNTY, MICHIGAN ORDAINS:

ARTICLE I.

That Ordinance § 15-1 Territory included in each precinct is amended to read in its entirety as follows:

§ 15-1 Election Commission

The Election Commission shall consist of the City Clerk, the City Attorney, and the City Assessor. The Election Commission shall appoint the Board of Election Inspectors of each precinct and shall have charge of all activities and duties required of it by the City Charter, State law or other law or regulation relating to the conduct of elections in the City, including the setting of precinct boundaries.

ARTICLE II. SEVERABILITY

This ordinance and its various articles, paragraphs and clauses thereof are hereby declared to be severable. If any article, paragraph or clause is adjudged unconstitutional or invalid, the remainder of this amendatory ordinance shall not be affected thereby.

ARTICLE III. CONFLICT

All ordinances and provisions of ordinances of the City of Lapeer in conflict herewith are hereby repealed.

ARTICLE IV. ADOPTION

This amendatory ordinance shall be published as required by law and shall take effect after publication.

CERTIFICATION

The foregoing ordinance is hereby certified to be the authentic record of the ordinance which was duly adopted by the City Commission of the City of Lapeer on the [REDACTED] 2024, and published on the [REDACTED], 2024.

YEAS:

NAYS:

ABSENT:

STATE OF MICHIGAN)) SS
COUNTY OF LAPEER)

I, the undersigned, the fully qualified and acting Clerk of the City of Lapeer, Lapeer County, Michigan, do hereby certify that the foregoing is a true and complete Copy of an ordinance adopted at a regular meeting of the City Commission of the City of Lapeer, Michigan, held on the [REDACTED], 2024, the original of said meeting was given to and in compliance with Act 267, Public Acts of Michigan, 1976.

I further certify that on the [REDACTED], 2024, I caused a notice of such adoption to be published in the County Press, a newspaper circulated in the City of Lapeer, and that said Ordinance and the record of publication was duly recorded in the Municipal Code of the City of Lapeer and is available for public use and inspection at the offices of the City of Lapeer Clerk.

IN WITNESS WHEREOF, I have hereunto fixed my official signature on this [REDACTED], 2024.

Romana Sanchez, City Clerk
City of Lapeer

Chapter 15

ELECTIONS

ARTICLE I

Precincts

**§ 15-1. Territory included in each
precinct.**

[HISTORY: Adopted by the City Commission of the City of Lapeer as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Precincts

[Adopted as Ch. 2, Sec. 2.01, of the 1978 General Ordinances; amended 2-28-1996]

§ 15-1. Territory included in each precinct.

Hereafter there shall be four election precincts in the City of Lapeer.

- A. Precinct Number One shall include all territory lying north of Genesee Street and west of Lincoln Street to end of City limits.
- B. Precinct Number Two shall include all territory lying east of Lincoln Street; north of Genesee Street; west of Fox Street extended from Genesee Street to Biddle Street; west of Biddle Street to Cedar Street; west of Cedar Street to Second Street; south to Second Street to Main Street; and west of Main Street to end of City limits.
- C. Precinct Number Three shall include all territory lying east of Main Street north of Second Street; and all territory east of Cedar Street extended to Biddle Street; east of Biddle Street to Fox Street; east of Fox Street to Genesee Street; north of Genesee Street to Saginaw Street; and east of Saginaw Street south of Genesee Street to end of City limits.
- D. Precinct Number Four shall include all territory lying south of Genesee Street and west of Saginaw Street to end of City limits.



ITEM G-2

To: Mayor and City Commissioners
From: Mike Womack, City Manager
Date: January 5, 2024
RE: Ordinance Amendment to Chapter 8

STAFF RECOMMENDATION

To introduce an ordinance amendment to Chapter 8, Article VII Property Maintenance Code

CURRENT OR NEW INFORMATION

The current ordinance appears to have been adopted at the same time as the overall code, Chapter 1, Article II indicates that the current code was adopted on or about December 16, 2019.

As part of my desire to address blight in the City, I have been working with the Police Department, Building Official and Code Enforcement to ensure that we both have the appropriate codes and policies in place to address the prevalent and most problematic issues and also an effective and appropriate process to seek blight elimination in a customer friendly way that seeks compliance with the ordinances while avoiding enforcement actions whenever possible.

As part of that goal of addressing blight, I am asking the Commission to update the adoption of the International Property Maintenance Code to the 2021 edition, with the necessary and appropriate insertions.

BACKGROUND OR PREVIOUSLY SUBMITTED INFORMATION

The City of Lapeer has adopted previously versions of this code as law for a long time, this code is the gold standard for property maintenance requirements, this is simply an update to those previous editions.

AGENDA ITEM REVIEW

Meeting Date:	January 16, 2024	Date Reviewed:	January 8, 2024
Consent:			
Administrative:	X	Reviewed By:	R. Sanchez, City Clerk
Public Hearing:			

CITY OF LAPEER
LAPEER COUNTY, MICHIGAN

Ordinance #: 2024-01

An ordinance to amend City of Lapeer elections ordinance by amending Chapter 8, Article VII Property Maintenance Code

THE CITY OF LAPEER, LAPEER COUNTY, MICHIGAN ORDAINS:

ARTICLE I.

That Ordinance § 8-44 Code Adopted is amended to read in its entirety as follows:

§ 8-44 Code adopted.

The International Property Maintenance Code® (IPMC®) establishes minimum requirements for the maintenance of existing buildings through model code regulations that contain clear and specific property maintenance and property improvement provisions.

In accordance with the provisions of the Act, there is hereby adopted by reference the 2021 Edition of the International Property Maintenance Code, with the following insertions:

Section 101.1 Insert "City of Lapeer"

Section 103.1 Insert "Property Maintenance Department"

Section 302.4 Insert "eight (8) inches"

Section 304.14 Insert April First (1st) to November First (1st)

Section 602.3 Insert January First (1st) to December Thirty-First (31st)

Section 602.4 Insert January First (1st) to December Thirty-First (31st)

ARTICLE II. SEVERABILITY

This ordinance and its various articles, paragraphs and clauses thereof are hereby declared to be severable. If any article, paragraph or clause is adjudged unconstitutional or invalid, the remainder of this amendatory ordinance shall not be affected thereby.

ARTICLE III. CONFLICT

All ordinances and provisions of ordinances of the City of Lapeer in conflict herewith are hereby repealed.

ARTICLE IV. ADOPTION

This amendatory ordinance shall be published as required by law and shall take effect after publication.

CERTIFICATION

The foregoing ordinance is hereby certified to be the authentic record of the ordinance which was duly adopted by the City Commission of the City of Lapeer on the [REDACTED] 2024 and published on the [REDACTED], 2024.

YEAS:

NAYS:

ABSENT:

STATE OF MICHIGAN)) SS
COUNTY OF LAPEER)

I, the undersigned, the fully qualified and acting Clerk of the City of Lapeer, Lapeer County, Michigan, do hereby certify that the foregoing is a true and complete Copy of an ordinance adopted at a regular meeting of the City Commission of the City of Lapeer, Michigan, held on the [REDACTED], 2024, the original of said meeting was given to and in compliance with Act 267, Public Acts of Michigan, 1976.

I further certify that on the [REDACTED], 2024, I caused a notice of such adoption to be published in the County Press, a newspaper circulated in the City of Lapeer, and that said Ordinance and the record of publication was duly recorded in the Municipal Code of the City of Lapeer and is available for public use and inspection at the offices of the City of Lapeer Clerk.

IN WITNESS WHEREOF, I have hereunto fixed my official signature on this [REDACTED], 2024.

Romana Sanchez, City Clerk
City of Lapeer

IPMC[®]

INTERNATIONAL
PROPERTY MAINTENANCE
CODE[®]

A Member of the International Code Family[®]

2021



IPMC[®]

INTERNATIONAL **PROPERTY MAINTENANCE** CODE[®]

A Member of the International Code Family[®]

2021



2021 International Property Maintenance Code®

Date of First Publication: September 30, 2020

First Printing: September 2020

ISBN: 978-1-60983-971-0 (soft-cover edition)

COPYRIGHT © 2020
by
INTERNATIONAL CODE COUNCIL, INC.

ALL RIGHTS RESERVED. This 2021 *International Property Maintenance Code*® is a copyrighted work owned by the International Code Council, Inc. Without advance written permission from the copyright owner, no part of this book may be reproduced, distributed or transmitted in any form or by any means, including, without limitation, electronic, optical or mechanical means (by way of example, and not limitation, photocopying or recording by or in an information storage retrieval system). For information on use rights and permissions, please contact: Publications, 4051 Flossmoor Road, Country Club Hills, IL 60478. Phone 1-888-ICC-SAFE (422-7233).

Trademarks: “International Code Council,” the “International Code Council” logo, “ICC,” the “ICC” logo, “International Property Maintenance Code,” “IPMC” and other names and trademarks appearing in this book are trademarks of the International Code Council, Inc., and/or its licensors (as applicable), and may not be used without permission.

PREFACE

Introduction

The *International Property Maintenance Code*® (IPMC®) establishes minimum requirements for the maintenance of existing buildings through model code regulations that contain clear and specific property maintenance and property improvement provisions. This 2021 edition is fully compatible with all of the International Codes® (I-Codes®) published by the International Code Council® (ICC®), including the *International Building Code*® (IBC®), *International Energy Conservation Code*® (IECC®), *International Existing Building Code*® (IEBC®), *International Fire Code*® (IFC®), *International Fuel Gas Code*® (IFGC®), *International Green Construction Code*® (IgCC®), *International Mechanical Code*® (IMC®), *International Plumbing Code*® (IPC®), *International Private Sewage Disposal Code*® (IPSDC®), *International Residential Code*® (IRC®), *International Swimming Pool and Spa Code*® (ISPSC®), *International Wildland-Urban Interface Code*® (IWUIC®), *International Zoning Code*® (IZC®) and *International Code Council Performance Code*® (ICCP®).

The I-Codes, including the IPMC, are used in a variety of ways in both the public and private sectors. Most industry professionals are familiar with the I-Codes as the basis of laws and regulations in communities across the US and in other countries. However, the impact of the codes extends well beyond the regulatory arena, as they are used in a variety of nonregulatory settings, including:

- Voluntary compliance programs such as those promoting sustainability, energy efficiency and disaster resistance.
- The insurance industry, to estimate and manage risk, and as a tool in underwriting and rate decisions.
- Certification and credentialing of individuals involved in the fields of building design, construction and safety.
- Certification of building and construction-related products.
- US federal agencies, to guide construction in an array of government-owned properties.
- Facilities management.
- “Best practices” benchmarks for designers and builders, including those who are engaged in projects in jurisdictions that do not have a formal regulatory system or a governmental enforcement mechanism.
- College, university and professional school textbooks and curricula.
- Reference works related to building design and construction.

In addition to the codes themselves, the code development process brings together building professionals on a regular basis. It provides an international forum for discussion and deliberation about building design, construction methods, safety, performance requirements, technological advances and innovative products.

Development

This 2021 edition presents the code as originally issued, with changes reflected in the 2003 through 2018 editions and with further changes developed through the ICC Code Development Process through 2019. A new edition of the code is promulgated every 3 years.

This code is intended to establish provisions that adequately protect public health, safety and welfare and that neither unnecessarily increase construction costs nor give preferential treatment to particular types or classes of materials, products or methods of construction.

Maintenance

The *International Property Maintenance Code* is kept up to date through the review of proposed changes submitted by code enforcement officials, industry representatives, design professionals and other interested parties. Proposed changes are carefully considered through an open code development process in which all interested and affected parties may participate.

The ICC Code Development Process reflects principles of openness, transparency, balance, due process and consensus, the principles embodied in OMB Circular A-119, which governs the federal government's use of private-sector standards. The ICC process is open to anyone; there is no cost to participate, and people can participate without travel cost through the ICC's cloud-based app, cdpAccess®. A broad cross section of interests are represented in the ICC Code Development Process. The codes, which are updated regularly, include safeguards that allow for emergency action when required for health and safety reasons.

In order to ensure that organizations with a direct and material interest in the codes have a voice in the process, the ICC has developed partnerships with key industry segments that support the ICC's important public safety mission. Some code development committee members were nominated by the following industry partners and approved by the ICC Board:

- American Institute of Architects (AIA)
- National Association of Home Builders (NAHB)

The code development committees evaluate and make recommendations regarding proposed changes to the codes. Their recommendations are then subject to public comment and council-wide votes. The ICC's governmental members—public safety officials who have no financial or business interest in the outcome—cast the final votes on proposed changes.

The contents of this work are subject to change through the code development cycles and by any governmental entity that enacts the code into law. For more information regarding the code development process, contact the Codes and Standards Development Department of the ICC.

While the I-Code development procedure is thorough and comprehensive, the ICC, its members and those participating in the development of the codes disclaim any liability resulting from the publication or use of the I-Codes, or from compliance or noncompliance with their provisions. The ICC does not have the power or authority to police or enforce compliance with the contents of this code.

Code Development Committee Responsibilities (Letter Designations in Front of Section Numbers)

In each code development cycle, proposed changes to this code are considered at the Code Development Hearings by the International Property Maintenance/Zoning Code Development Committee, whose action constitutes a recommendation to the voting membership for final action on the proposed changes. Proposed changes to a code section having a number beginning with a letter in brackets are considered by a different code development committee. For example, proposed changes to code sections that have the letter [F] in front of them (e.g., [F] 704.1) are considered by the International Fire Code Development Committee at the Committee Action Hearing.

The content of sections in this code that begin with a letter designation is maintained by another code development committee in accordance with the following:

- [A] = Administrative Code Development Committee;
- [F] = International Fire Code Development Committee;
- [P] = International Plumbing Code Development Committee;
- [BE] = IBC—Egress Code Development Committee; and
- [BG] = IBC—General Code Development Committee.

For the development of the 2024 edition of the I-Codes, there will be two groups of code development committees and they will meet in separate years, as shown in the following Code Development Hearings Table.

Code change proposals submitted for code sections that have a letter designation in front of them will be heard by the respective committee responsible for such code sections. Because different committees hold Committee Action Hearings in different years, proposals for the IPMC will be heard by committees in both the 2021 (Group A) and the 2022 (Group B) code development cycles.

For instance, every section of Chapter 1 of this code is designated as the responsibility of the Administrative Code Development Committee, which is part of the Group B portion of the hearings. This committee will hold its Committee Action Hearings in 2022 to consider code change proposals for Chapter 1 of all I-Codes except the IECC, IRC and IgCC. Therefore, any proposals received for Chapter 1 of this code will be assigned to the Administrative Code Development Committee for consideration in 2022.

It is very important that anyone submitting code change proposals understands which code development committee is responsible for the section of the code that is the subject of the code change proposal. For further information on the Code Development Committee responsibilities, please visit the ICC website at www.iccsafe.org/current-code-development-cycle.

CODE DEVELOPMENT HEARINGS

Group A Codes (Heard in 2021, Code Change Proposals Deadline: January 11, 2021)	Group B Codes (Heard in 2022, Code Change Proposals Deadline: January 10, 2022)
International Building Code – Egress (Chapters 10, 11, Appendix E) – Fire Safety (Chapters 7, 8, 9, 14, 26) – General (Chapters 2–6, 12, 27–33, Appendices A, B, C, D, K, N)	Administrative Provisions (Chapter 1 of all codes except IECC, IRC and IgCC; IBC Appendix O; the appendices titled “Board of Appeals” for all codes except IECC, IRC, IgCC, ICCPC and IZC; administrative updates to currently referenced standards; and designated definitions)
International Fire Code	International Building Code – Structural (Chapters 15–25, Appendices F, G, H, I, J, L, M)
International Fuel Gas Code	International Existing Building Code
International Mechanical Code	International Energy Conservation Code—Commercial
International Plumbing Code	International Energy Conservation Code—Residential – IECC—Residential – IRC—Energy (Chapter 11)
International Property Maintenance Code	International Green Construction Code (Chapter 1)
International Private Sewage Disposal Code	International Residential Code – IRC—Building (Chapters 1–10; Appendices AE, AF, AH, AJ, AK, AL, AM, AO, AQ, AR, AS, AT, AU, AV, AW)
International Residential Code – IRC—Mechanical (Chapters 12–23) – IRC—Plumbing (Chapters 25–33, Appendices AG, AI, AN, AP)	
International Swimming Pool and Spa Code	
International Wildland-Urban Interface Code	
International Zoning Code	

Note: Proposed changes to the ICCPC will be heard by the code development committee noted in brackets [] in the text of the ICCPC.

Marginal Markings

Solid vertical lines in the margins within the body of the code indicate a technical change from the requirements of the 2018 edition. Deletion indicators in the form of an arrow (➡) are provided in the margin where an entire section, paragraph, exception or table has been deleted or an item in a list of items or a row of a table has been deleted.

A single asterisk [*] placed in the margin indicates that text or a table has been relocated within the code. A double asterisk [**] placed in the margin indicates that the text or table immediately following it has been relocated there from elsewhere in the code. The following table indicates such relocations in the 2021 edition of the IPMC.

RELOCATIONS

2021 LOCATION	2018 LOCATION
104.1	103.5
105	104
105.7-105.7.1	103.4-103.4.1
106	105
107.2	111.1
108.1	111.2
109	106
110	112
111	108
111.4-111.6	107.1-107.4, 107.6
112	109
113	110
B101.2.2	111.8
B101.3	111.2
B101.3.2	111.2.1
B101.3.4	111.2.2
B101.3.5	111.2.4
B101.3.6	111.2.3
B101.3.7	111.2.5
B101.4	111.4.1
B101.5	111.3
B101.5.3	111.5
B101.7	111.6
B101.7.1	111.6.1
B101.8	111.7

Coordination of the International Codes

The coordination of technical provisions is one of the strengths of the ICC family of model codes. The codes can be used as a complete set of complementary documents, which will provide users with full integration and coordination of technical provisions. Individual codes can also be used in subsets or as stand-alone documents. To make sure that each individual code is as complete as possible, some technical provisions that are relevant to more than one subject area are duplicated in some of the model codes. This allows users maximum flexibility in their application of the I-Codes.

Italicized Terms

Terms italicized in code text, other than document titles, are defined in Chapter 2. The terms selected to be italicized have definitions that the user should read carefully to better understand the code. Where italicized, the Chapter 2 definition applies. If not italicized, common-use definitions apply.

Adoption

The ICC maintains a copyright in all of its codes and standards. Maintaining copyright allows the ICC to fund its mission through sales of books, in both print and electronic formats. The ICC welcomes adoption of its codes by jurisdictions that recognize and acknowledge the ICC's copyright in the code, and further acknowledge the substantial shared value of the public/private partnership for code development between jurisdictions and the ICC.

The ICC also recognizes the need for jurisdictions to make laws available to the public. All I-Codes and I-Standards, along with the laws of many jurisdictions, are available for free in a nondownloadable form on the ICC's website. Jurisdictions should contact the ICC at adoptions@iccsafe.org to learn how to adopt and distribute laws based on the IPMC in a manner that provides necessary access, while maintaining the ICC's copyright.

To facilitate adoption, several sections of this code contain blanks for fill-in information that needs to be supplied by the adopting jurisdiction as part of the adoption legislation. For this code, please see:

Section 101.1. Insert: **[NAME OF JURISDICTION]**

Section 103.1. Insert: **[NAME OF DEPARTMENT]**

Section 302.4. Insert: **[HEIGHT IN INCHES]**

Section 304.14. Insert: **[DATES IN TWO LOCATIONS]**

Section 602.3. Insert: **[DATES IN TWO LOCATIONS]**

Section 602.4. Insert: **[DATES IN TWO LOCATIONS]**

Effective Use of the International Property Maintenance Code

The IPMC is a model code that regulates the minimum maintenance requirements for existing buildings.

The IPMC is a maintenance document intended to establish minimum maintenance standards for basic equipment, light, ventilation, heating, sanitation and fire safety. Responsibility is fixed among owners, operators and occupants for code compliance. The IPMC provides for the regulation and safe use of existing structures in the interest of the social and economic welfare of the community.

ARRANGEMENT AND FORMAT OF THE 2021 IPMC

Before applying the requirements of the IPMC, it is beneficial to understand its arrangement and format. The IPMC, like other codes published by ICC, is arranged and organized to follow sequential steps that generally occur during a plan review or inspection. Below is a chapter-by-chapter synopsis of the scope and intent of the provisions of the IPMC. The following table shows how the IPMC is divided. The ensuing chapter-by-chapter synopsis details the scope and intent of the provisions of the IPMC.

Chapter Topics	
Chapter	Subjects
1	Scope and Administration
2	Definitions
3	General Requirements
4	Light, Ventilation and Occupancy Limitations
5	Plumbing Facilities and Fixture Requirements
6	Mechanical and Electrical Requirements
7	Fire Safety Requirements
8	Referenced Standards
Appendix A	Boarding Standard
Appendix B	Board of Appeals

Chapter 1 Scope and Administration

Chapter 1 contains provisions for the application, enforcement and administration of subsequent requirements of the code. In addition to establishing the scope of the code, Chapter 1 identifies which buildings and structures come under its purview. Chapter 1 is largely concerned with maintaining “due process of law” in enforcing the property maintenance criteria contained in the body of the code. Only through careful observation of the administrative provisions can the building official reasonably expect to demonstrate that “equal protection under the law” has been provided.

Chapter 2 Definitions

All terms that are defined in the code are listed alphabetically in Chapter 2. While a defined term may be used in one chapter or another, the meaning provided in Chapter 2 is applicable throughout the code.

Where understanding of a term’s definition is especially key to or necessary for understanding of a particular code provision, the term is shown in *italics*. This is true only for those terms that have a meaning that is unique to the code. In other words, the generally understood meaning of a term or phrase might not be sufficient or consistent with the meaning prescribed by the code; therefore, it is essential that the code-defined meaning be known.

Guidance is provided regarding tense, gender and plurality of defined terms as well as guidance regarding terms not defined in this code.

Chapter 3 General Requirements

Chapter 3, “General Requirements,” is broad in scope. It includes a variety of requirements for the exterior property areas as well as the interior and exterior elements of the structure. This chapter provides requirements that are intended to maintain a minimum level of safety and sanitation for both

the general public and the occupants of a structure, and to maintain a building's structural and weather-resistance performance. Chapter 3 provides specific criteria for regulating the installation and maintenance of specific building components; maintenance requirements for vacant structures and land; requirements regulating the safety, sanitation and appearance of the interior and exterior of structures and all exterior property areas; accessory structures; vehicle storage regulations and establishes who is responsible for complying with the chapter's provisions. This chapter also contains the requirements for swimming pools, spas and hot tubs and the requirements for protective barriers and gates in these barriers. Chapter 3 establishes the responsible parties for exterminating insects and rodents, and maintaining sanitary conditions in all types of occupancies.

Chapter 4 Light, Ventilation and Occupancy Limitations

The purposes of Chapter 4 are to set forth these requirements in the code and to establish the minimum environment for occupiable and habitable buildings, by establishing the minimum criteria for light and ventilation and identifying occupancy limitations including minimum room width and area, minimum ceiling height and restrictions to prevent overcrowding. This chapter also provides for alternative arrangements of windows and other devices to comply with the requirements for light and ventilation and prohibits certain room arrangements and occupancy uses.

Chapter 5 Plumbing Facilities and Fixture Requirements

Chapter 5 establishes the minimum criteria for the installation, maintenance and location of plumbing systems and facilities, including the water supply system, water heating appliances, sewage disposal system and related plumbing fixtures.

Sanitary and clean conditions in occupied buildings are dependent upon certain basic plumbing principles, including providing potable water to a building, providing the basic fixtures to effectively utilize that water and properly removing waste from the building. Chapter 5 establishes the minimum criteria to verify that these principles are maintained throughout the life of a building.

Chapter 6 Mechanical and Electrical Requirements

The purpose of Chapter 6 is to establish minimum performance requirements for heating, electrical and mechanical facilities and to establish minimum standards for the safety of these facilities.

This chapter establishes minimum criteria for the installation and maintenance of the following: heating and air-conditioning equipment, appliances and their supporting systems; water heating equipment, appliances and systems; cooking equipment and appliances; ventilation and exhaust equipment; gas and liquid fuel distribution piping and components; fireplaces and solid fuel-burning appliances; chimneys and vents; electrical services; lighting fixtures; electrical receptacle outlets; electrical distribution system equipment, devices and wiring; and elevators, escalators and dumbwaiters.

Chapter 7 Fire Safety Requirements

The purpose of Chapter 7 is to address those fire hazards that arise as the result of a building's occupancy. It also provides minimum requirements for fire safety issues that are most likely to arise in older buildings.

This chapter contains requirements for means of egress in existing buildings, including path of travel, required egress width, means of egress doors and emergency escape openings.

Chapter 8 Referenced Standards

The code contains numerous references to standards that are used to regulate materials and methods of construction. Chapter 8 contains a comprehensive list of all standards that are referenced in the code. The standards are part of the code to the extent of the reference to the standard. Compliance with the referenced standard is necessary for compliance with this code. By providing specifically adopted standards, the construction and installation requirements necessary for compliance with the code can be readily determined. The basis for code compliance is, therefore, established and available on an equal basis to the code official, contractor, designer and owner.

Chapter 8 is organized in a manner that makes it easy to locate specific standards. It lists all of the referenced standards, alphabetically, by acronym of the promulgating agency of the standard. Each agency's standards are then listed in either alphabetical or numeric order based upon the standard identification. The list also contains the title of the standard; the edition (date) of the standard referenced; any addenda included as part of the ICC adoption; and the section or sections of this code that reference the standard.

Appendix A Boarding Standard

The provisions in Appendix A are not mandatory unless specifically referenced in the adopting ordinance. This appendix provides minimum specifications for boarding a structure. This can be utilized by a jurisdiction as a set of minimum requirements in order to result in consistent boarding quality.

Appendix B Board of Appeals

The provisions contained in Appendix B are not mandatory unless specifically referenced in the adopting ordinance. This appendix provides criteria for Board of Appeals members and procedures by which the Board of Appeals should conduct its business.

TABLE OF CONTENTS

CHAPTER 1 SCOPE AND ADMINISTRATION . . 1-1	CHAPTER 4 LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS 4-1
PART 1—SCOPE AND APPLICATION. 1-1	Section
Section	401 General. 4-1
101 Scope and General Requirements. 1-1	402 Light. 4-1
102 Applicability. 1-1	403 Ventilation 4-1
	404 Occupancy Limitations 4-2
PART 2—ADMINISTRATION AND ENFORCEMENT. 1-2	CHAPTER 5 PLUMBING FACILITIES AND FIXTURE REQUIREMENTS 5-1
Section	Section
103 Code Compliance Agency 1-2	501 General. 5-1
104 Fees. 1-2	502 Required Facilities 5-1
105 Duties and Powers of the Code Official. 1-2	503 Toilet Rooms 5-1
106 Approval. 1-3	504 Plumbing Systems and Fixtures. 5-1
107 Means of Appeal 1-3	505 Water System. 5-2
108 Board of Appeals 1-3	506 Sanitary Drainage System 5-2
109 Violations 1-4	507 Storm Drainage 5-2
110 Stop Work Order 1-4	
111 Unsafe Structures and Equipment 1-4	CHAPTER 6 MECHANICAL AND ELECTRICAL REQUIREMENTS. 6-1
112 Emergency Measures 1-6	Section
113 Demolition 1-7	601 General. 6-1
CHAPTER 2 DEFINITIONS 2-1	602 Heating Facilities 6-1
Section	603 Mechanical Equipment 6-1
201 General 2-1	604 Electrical Facilities. 6-2
202 General Definitions 2-1	605 Electrical Equipment 6-2
CHAPTER 3 GENERAL REQUIREMENTS. 3-1	606 Elevators, Escalators and Dumbwaiters. 6-3
Section	607 Duct Systems 6-3
301 General 3-1	CHAPTER 7 FIRE SAFETY REQUIREMENTS . . . 7-1
302 Exterior Property Areas 3-1	Section
303 Swimming Pools, Spas and Hot Tubs 3-2	701 General. 7-1
304 Exterior Structure 3-2	702 Means of Egress. 7-1
305 Interior Structure 3-4	703 Fire-resistance Ratings. 7-1
306 Component Serviceability 3-4	704 Fire Protection Systems 7-2
307 Handrails and Guardrails 3-5	705 Carbon Monoxide Alarms and Detection 7-5
308 Rubbish and Garbage 3-5	CHAPTER 8 REFERENCED STANDARDS. 8-1
309 Pest Elimination 3-6	

TABLE OF CONTENTS

APPENDIX A BOARDING STANDARDA-1

Section

A101 GeneralA-1

A102 MaterialsA-1

A103 Installation.....A-1

A104 Referenced StandardA-1

APPENDIX B BOARD OF APPEALS.....B-1

Section

B101 GeneralB-1

INDEX.....INDEX-1

CHAPTER 1

SCOPE AND ADMINISTRATION

User note:

About this chapter: Chapter 1 establishes the limits of applicability of the code and describes how the code is to be applied and enforced. Chapter 1 is in two parts: Part 1—Scope and Application (Sections 101 and 102) and Part 2—Administration and Enforcement (Sections 103 – 110). Section 101 identifies which buildings and structures come under its purview and references other I-Codes as applicable.

This code is intended to be adopted as a legally enforceable document and it cannot be effective without adequate provisions for its administration and enforcement. The provisions of Chapter 1 establish the authority and duties of the code official appointed by the authority having jurisdiction and also establish the rights and privileges of the property owner and building occupants.

This Chapter was extensively reorganized for the 2021 edition. For clarity, the relocation marginal markings have not been included. For complete information, see the relocations table in the Preface information of this code.

PART 1 — SCOPE AND APPLICATION

SECTION 101 SCOPE AND GENERAL REQUIREMENTS

[A] 101.1 Title. These regulations shall be known as the *International Property Maintenance Code* of [NAME OF JURISDICTION], hereinafter referred to as “this code.”

[A] 101.2 Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing *premises* and constitute minimum requirements and standards for *premises*, structures, equipment and facilities for light, *ventilation*, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of *owners*, an *owner’s* authorized agent, *operators* and *occupants*; the *occupancy* of existing structures and *premises*, and for administration, enforcement and penalties.

[A] 101.3 Purpose. The purpose of this code is to establish minimum requirements to provide a reasonable level of health, safety, property protection and general welfare insofar as they are affected by the continued *occupancy* and maintenance of structures and *premises*. Existing structures and *premises* that do not comply with these provisions shall be altered or repaired to provide a reasonable minimum level of health, safety and general welfare as required herein.

[A] 101.4 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 102 APPLICABILITY

[A] 102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case,

different sections of this code specify different requirements, the most restrictive shall govern.

102.2 Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the *structure* or *premises* was constructed, altered or repaired shall be maintained in good working order. An *owner*, *owner’s* authorized agent, *operator* or *occupant* shall not cause any service, facility, equipment or utility that is required under this section to be removed from, shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the *owner* or the *owner’s* authorized agent shall be responsible for the maintenance of buildings, structures and *premises*.

[A] 102.3 Application of other codes. Repairs, additions or alterations to a *structure*, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of the *International Building Code*, *International Existing Building Code*, *International Energy Conservation Code*, *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, *International Residential Code*, *International Plumbing Code* and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the *International Zoning Code*.

[A] 102.4 Existing remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any *structure* that is dangerous, unsafe and insanitary.

[A] 102.5 Workmanship. Repairs, maintenance work, alterations or installations that are caused directly or indirectly by the enforcement of this code shall be executed and installed in a *workmanlike* manner and installed in accordance with the manufacturer’s instructions.

102.6 Structural analysis. Where structural analysis is used to determine if an unsafe structural condition exists, the analysis shall be permitted to use nominal strengths, nominal

SCOPE AND ADMINISTRATION

loads, load effects, required strengths and limit states in accordance with the requirements under which the *structure* was constructed or in accordance with any subsequent requirement.

[A] 102.7 Historic buildings. The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings where such buildings or structures are judged by the *code official* to be safe and in the public interest of health, safety and welfare.

[A] 102.8 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.8.1 and 102.8.2.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

[A] 102.8.1 Conflicts. Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

[A] 102.8.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

[A] 102.9 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, *structure* or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the *code official*.

[A] 102.10 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

[A] 102.11 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

PART 2 — ADMINISTRATION AND ENFORCEMENT

SECTION 103 CODE COMPLIANCE AGENCY

[A] 103.1 Creation of agency. The [INSERT NAME OF DEPARTMENT] is hereby created and the official in charge thereof shall be known as the code official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

[A] 103.2 Appointment. The *code official* shall be appointed by the chief appointing authority of the jurisdiction.

[A] 103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of

the appointing authority, the *code official* shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees. Such employees shall have powers as delegated by the *code official*.

SECTION 104 FEES

[A] 104.1 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as established by the applicable governing authority.

104.2 Refunds. The *code official* is authorized to establish a refund policy.

SECTION 105 DUTIES AND POWERS OF THE CODE OFFICIAL

[A] 105.1 General. The *code official* is hereby authorized and directed to enforce the provisions of this code. The *code official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

[A] 105.2 Inspections. The *code official* shall make all of the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such *approved* agency or by the responsible individual. The *code official* is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the appointing authority.

[A] 105.3 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the *code official* has reasonable cause to believe that there exists in a *structure* or upon a *premises* a condition in violation of this code, the *code official* is authorized to enter the *structure* or *premises* at reasonable times to inspect or perform the duties imposed by this code, provided that if such *structure* or *premises* is occupied the *code official* shall present credentials to the *occupant* and request entry. If such *structure* or *premises* is unoccupied, the *code official* shall first make a reasonable effort to locate the *owner*, *owner's* authorized agent or other person having charge or control of the *structure* or *premises* and request entry. If entry is refused, the *code official* shall have recourse to the remedies provided by law to secure entry.

[A] 105.4 Identification. The *code official* shall carry proper identification when inspecting *structures* or *premises* in the performance of duties under this code.

[A] 105.5 Notices and orders. The *code official* shall issue all necessary notices or orders to ensure compliance with this code.

[A] **105.6 Department records.** The *code official* shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

[A] **105.7 Liability.** The *code official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

[A] **105.7.1 Legal defense.** Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The *code official* or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

SECTION 106 APPROVAL

[A] **106.1 Modifications.** Whenever there are practical difficulties involved in carrying out the provisions of this code, the *code official* shall have the authority to grant modifications for individual cases upon application of the *owner* or *owner's* authorized agent, provided that the *code official* shall first find that special individual reason makes the strict letter of this code impractical, the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

[A] **106.2 Alternative materials, design and methods of construction and equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material, design or method of construction shall be *approved* where the *code official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not *approved*, the *code official* shall respond in writing, stating the reasons why the alternative was not *approved*.

[A] **106.3 Required testing.** Whenever there is insufficient evidence of compliance with the provisions of this code or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims

for alternative materials or methods, the *code official* shall have the authority to require tests to be made as evidence of compliance without expense to the jurisdiction.

[A] **106.3.1 Test methods.** Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *code official* shall be permitted to approve appropriate testing procedures performed by an *approved* agency.

[A] **106.3.2 Test reports.** Reports of tests shall be retained by the *code official* for the period required for retention of public records.

[A] **106.4 Used material and equipment.** Materials that are reused shall comply with the requirements of this code for new materials. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested where necessary, placed in good and proper working condition and *approved* by the *code official*.

[A] **106.5 Approved materials and equipment.** Materials, equipment and devices *approved* by the *code official* shall be constructed and installed in accordance with such approval.

[A] **106.6 Research reports.** Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

SECTION 107 MEANS OF APPEAL

107.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the *code official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the *code official*.

[A] **107.2 Limitations of authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent or better form of construction is proposed. The board shall not have authority to waive requirements of this code or interpret the administration of this code.

107.3 Qualifications. The board of appeals shall consist of members who are qualified by experience and training and are not employees of the jurisdiction.

107.4 Administration. The *code official* shall take immediate action in accordance with the decision of the board.

SECTION 108 BOARD OF APPEALS

[A] **108.1 Membership of board.** The board of appeals shall consist of not less than three members who are qualified by

SCOPE AND ADMINISTRATION

experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The *code official* shall be an ex-officio member but shall not vote on any matter before the board. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.

SECTION 109 VIOLATIONS

[A] 109.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

[A] 109.2 Notice of violation. The *code official* shall serve a notice of violation or order in accordance with Section 111.4.

[A] 109.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 111.4 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the *code official* shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful *occupancy* of the *structure* in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such *premises* shall be charged against the real estate upon which the *structure* is located and shall be a lien upon such real estate.

[A] 109.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

[A] 109.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal *occupancy* of a building, *structure* or *premises*, or to stop an illegal act, conduct, business or utilization of the building, *structure* or *premises*.

SECTION 110 STOP WORK ORDER

[A] 110.1 Authority. Where the *code official* finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the *code official* is authorized to issue a stop work order.

[A] 110.2 Issuance. The stop work order shall be in writing and shall be given to the *owner* of the property, to the *owner's* authorized agent, or to the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the

reason for the order and the conditions under which the cited work is authorized to resume.

[A] 110.3 Emergencies. Where an emergency exists, the *code official* shall not be required to give a written notice prior to stopping the work.

[A] 110.4 Failure to comply. Any person who shall continue any 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 subject to fines established by the authority having jurisdiction.

SECTION 111 UNSAFE STRUCTURES AND EQUIPMENT

111.1 Unsafe conditions. When a *structure* or equipment is found by the *code official* to be unsafe, or when a *structure* is found unfit for human *occupancy*, or is found unlawful, such *structure* shall be *condemned* pursuant to the provisions of this code.

111.1.1 Unsafe structures. An unsafe *structure* is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the *structure* by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such *structure* contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

111.1.2 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the *premises* or within the *structure* that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or *occupants* of the *premises* or *structure*.

111.1.3 Structure unfit for human occupancy. A *structure* is unfit for human *occupancy* whenever the *code official* finds that such *structure* is unsafe, unlawful or, because of the degree to which the *structure* is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the *structure* constitutes a hazard to the *occupants* of the *structure* or to the public.

111.1.4 Unlawful structure. An unlawful *structure* is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

111.1.5 Dangerous structure or premises. For the purpose of this code, any *structure* or *premises* that has any or all of the conditions or defects described as follows shall be considered to be dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the jurisdiction

as related to the requirements for existing buildings.

2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, *structure* or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration*, *neglect*, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become *detached* or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so *anchored*, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or *structure*, or part of the building or *structure*, because of dilapidation, *deterioration*, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or *structure* is likely to fail or give way.
6. The building or *structure*, or any portion thereof, is clearly unsafe for its use and *occupancy*.
7. The building or *structure* is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or *structure* to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or *structure* for committing a nuisance or an unlawful act.
8. Any building or *structure* has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or *structure* provided by the *approved* building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
9. A building or *structure*, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, *ventilation*, mechanical or plumbing system, or otherwise, is determined by the *code official* to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
10. Any building or *structure*, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing

system or other cause, is determined by the *code official* to be a threat to life or health.

11. Any portion of a building remains on a site after the demolition or destruction of the building or *structure* or whenever any building or *structure* is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

111.2 Closing of vacant structures. If the *structure* is vacant and unfit for human habitation and *occupancy*, and is not in danger of structural collapse, the *code official* is authorized to post a placard of condemnation on the *premises* and order the *structure* closed up so as not to be an attractive nuisance. Upon failure of the *owner* or *owner's* authorized agent to close up the *premises* within the time specified in the order, the *code official* shall cause the *premises* to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the *structure* is located and shall be a lien upon such real estate and shall be collected by any other legal resource.

111.2.1 Authority to disconnect service utilities. The *code official* shall have the authority to authorize disconnection of utility service to the building, *structure* or system regulated by this code and the referenced codes and standards set forth in Section 102.8 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval. The *code official* shall notify the serving utility and, whenever possible, the *owner* or *owner's* authorized agent and *occupant* of the building, *structure* or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the *owner*, *owner's* authorized agent or *occupant* of the building *structure* or service system shall be notified in writing as soon as practical thereafter.

111.3 Record. The *code official* shall cause a report to be filed on an unsafe condition. The report shall state the *occupancy* of the *structure* and the nature of the unsafe condition.

111.4 Notice. Whenever the *code official* determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 111.4.1 and 111.4.2 to the owner or the owner's authorized agent, for the violation as specified in this code. Notices for condemnation procedures shall comply with this section.

111.4.1 Form. Such notice shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *dwelling unit* or *structure* into compliance with the provisions of this code.

SCOPE AND ADMINISTRATION

5. Inform the property *owner* or *owner's* authorized agent of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 109.3.

111.4.2 Method of service. Such notice shall be deemed to be properly served where a copy thereof is served in accordance with one of the following methods:

1. A copy is delivered personally.
2. A copy is sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested.
3. A copy is delivered in any other manner as prescribed by local law.

If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

111.5 Unauthorized tampering. Signs, tags or seals posted or affixed by the *code official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *code official*.

111.6 Transfer of ownership. It shall be unlawful for the *owner* of any *dwelling unit* or *structure* who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such *dwelling unit* or *structure* to another until the provisions of the compliance order or notice of violation have been complied with, or until such *owner* or the *owner's* authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the *code official* and shall furnish to the *code official* a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

111.7 Placarding. Upon failure of the *owner*, *owner's* authorized agent or person responsible to comply with the notice provisions within the time given, the *code official* shall post on the *premises* or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the *premises*, operating the equipment or removing the placard. Such notice shall be posted in a conspicuous place in or about the structure affected by such notice. If the notice pertains to equipment, it shall be placed on the condemned equipment.

111.7.1 Placard removal. The *code official* shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the *code official* shall be subject to the penalties provided by this code.

111.8 Prohibited occupancy. Any occupied *structure* condemned and placarded by the *code official* shall be vacated as ordered by the *code official*. Any person who shall occupy a placarded *premises* or shall operate placarded equipment, and any *owner* or *owner's* authorized agent who shall let anyone occupy a placarded *premises* or operate placarded equipment shall be liable for the penalties provided by this code.

111.9 Restoration or abatement. The structure or equipment determined to be unsafe by the *code official* is permitted to be restored to a safe condition. The *owner*, *owner's* authorized agent, *operator* or *occupant* of a structure, *premises* or equipment deemed unsafe by the *code official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action. To the extent that repairs, alterations, or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions, or change of occupancy shall comply with the requirements of the *International Existing Building Code*.

SECTION 112 EMERGENCY MEASURES

112.1 Imminent danger. When, in the opinion of the *code official*, there is *imminent danger* of failure or collapse of a building or *structure* that endangers life, or when any *structure* or part of a *structure* has fallen and life is endangered by the occupation of the *structure*, or when there is actual or potential danger to the building *occupants* or those in the proximity of any *structure* because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the *code official* is hereby authorized and empowered to order and require the *occupants* to vacate the *premises* forthwith. The *code official* shall cause to be posted at each entrance to such *structure* a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such *structure* except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

112.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the *code official*, there is *imminent danger* due to an unsafe condition, the *code official* shall order the necessary work to be done, including the boarding up of openings, to render such *structure* temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the *code official* deems necessary to meet such emergency.

112.3 Closing streets. When necessary for public safety, the *code official* shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, *public ways* and places adjacent to unsafe structures, and prohibit the same from being utilized.

112.4 Emergency repairs. For the purposes of this section, the *code official* shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

112.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the *owner* of the *premises* or *owner's* authorized agent where the unsafe *structure* is or was located for the recovery of such costs.

112.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

SECTION 113 DEMOLITION

113.1 General. The *code official* shall order the *owner* or *owner's* authorized agent of any *premises* upon which is located any *structure*, which in the *code official's* or *owner's* authorized agent judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or *occupancy*, and such that it is unreasonable to repair the *structure*, to demolish and remove such *structure*; or if such *structure* is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the *owner's* option; or where there has been a cessation of normal construction of any *structure* for a period of more than two years, the *code official* shall order the *owner* or *owner's* authorized agent to demolish and remove such *structure*, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless *approved* by the building official.

113.2 Notices and orders. Notices and orders shall comply with Section 111.4.

113.3 Failure to comply. If the *owner* of a *premises* or *owner's* authorized agent fails to comply with a demolition order within the time prescribed, the *code official* shall cause the *structure* to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the *structure* is located and shall be a lien upon such real estate.

113.4 Salvage materials. Where any *structure* has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

CHAPTER 2

DEFINITIONS

User note:

About this chapter: Codes, by their very nature, are technical documents. Every word, term and punctuation mark can add to or change the meaning of a technical requirement. It is necessary to maintain a consensus on the specific meaning of each term contained in the code. Chapter 2 performs this function by stating clearly what specific terms mean for the purpose of the code.

SECTION 201 GENERAL

201.1 Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the *International Building Code*, *International Existing Building Code*, *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, *International Plumbing Code*, *International Residential Code*, *International Zoning Code* or *NFPA 70*, such terms shall have the meanings ascribed to them as stated in those codes.

Exception: When used within this code, the terms unsafe and dangerous shall have only the meanings ascribed to them in this code and shall not have the meanings ascribed to them by the *International Existing Building Code*.

201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

201.5 Parts. Whenever the words “dwelling unit,” “dwelling,” “premises,” “building,” “rooming house,” “rooming unit,” “housekeeping unit” or “story” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”

SECTION 202 GENERAL DEFINITIONS

ANCHORED. Secured in a manner that provides positive connection.

[A] APPROVED. Acceptable to the *code official*.

BASEMENT. That portion of a building that is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or *sleeping unit*.

[A] CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

CONDEMN. To adjudge unfit for *occupancy*.

COST OF SUCH DEMOLITION OR EMERGENCY REPAIRS. The costs shall include the actual costs of the demolition or repair of the *structure* less revenues obtained if salvage was conducted prior to demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by a *code official*, the governing body or board of appeals.

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

[A] DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

[Z] EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee *owner(s)* of the property. The *easement* shall be permitted to be for use under, on or above said lot or lots.

EMERGENCY ESCAPE AND RESCUE OPENING. An operable exterior window, door or other similar device that provides for a means of escape and access for rescue in the event of an emergency.

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the *structure*.

EXTERIOR PROPERTY. The open space on the *premises* and on adjoining property under the control of *owners* or *operators* of such *premises*.

DEFINITIONS

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

[BE] GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

[BG] HABITABLE SPACE. Space in a *structure* for living, sleeping, eating or cooking. *Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas* are not considered *habitable spaces*.

[A] HISTORIC BUILDING. Any building or *structure* that is one or more of the following:

1. Listed or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places.
2. Designated as historic under an applicable state or local law.
3. Certified as a contributing resource within a National Register or state or locally designated historic district.

HOUSEKEEPING UNIT. A room or group of rooms forming a single *habitable space* equipped and intended to be used for living, sleeping, cooking and eating that does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition that could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a *structure* or *premises* of insects, rodents, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle that cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

[A] LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, *approved* agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

LET FOR OCCUPANCY or LET. To permit, provide or offer possession or *occupancy* of a dwelling, *dwelling unit, rooming unit, building, premise* or *structure* by a person who is or is not the legal *owner* of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

NEGLECT. The lack of proper maintenance for a building or *structure*.

[A] OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed *ventilation* and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a *structure* or *premises* that is let or offered for *occupancy*.

[A] OWNER. Any person, agent, *operator*, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

[A] PERSON. An individual, corporation, partnership or any other group acting as a unit.

PEST ELIMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other *approved pest elimination* methods.

[A] PREMISES. A lot, plot or parcel of land, *easement* or *public way*, including any structures thereon.

[A] PUBLIC WAY. Any street, alley or other parcel of land that: is open to the outside air; leads to a street; has been deeded, dedicated or otherwise permanently appropriated to the public for public use; and has a clear width and height of not less than 10 feet (3048 mm).

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

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

[A] SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a *dwelling unit* are not *sleeping units*.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

[A] STRUCTURE. That which is built or constructed.

DEFINITIONS

TENANT. A person, corporation, partnership or group, whether or not the legal *owner* of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

ULTIMATE DEFORMATION. The deformation at which failure occurs and that shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

[M] VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

[Z] YARD. An open space on the same lot with a *structure*.

CHAPTER 3

GENERAL REQUIREMENTS

User note:

About this chapter: Chapter 3 is broad in scope and includes a variety of requirements for the maintenance of exterior property areas, as well as the interior and exterior elements of the structure, that are intended to maintain a minimum level of safety and sanitation for both the general public and the occupants of a structure, and to maintain a building's structural and weather-resistance performance. Specifically, Chapter 3 contains criteria for the maintenance of building components; vacant structures and land; the safety, sanitation and appearance of the interior and exterior of structures and all exterior property areas; accessory structures; extermination of insects and rodents; access barriers to swimming pools, spas and hot tubs; vehicle storage and owner/occupant responsibilities.

SECTION 301 GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and *exterior property*.

301.2 Responsibility. The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as *owner-occupant* or permit another person to occupy *premises* that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter. *Occupants* of a *dwelling unit*, *rooming unit* or *housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit*, *rooming unit*, *housekeeping unit* or *premises* they occupy and control.

301.3 Vacant structures and land. Vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302 EXTERIOR PROPERTY AREAS

302.1 Sanitation. *Exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep that part of the *exterior property* that such *occupant* occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage. *Premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any *structure* located thereon.

Exception: *Approved* retention areas and reservoirs.

302.3 Sidewalks and driveways. Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4 Weeds. *Premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of [JURISDICTION TO INSERT HEIGHT IN INCHES]. Noxious

weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 108.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

302.5 Rodent harborage. Structures and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents are found, they shall be promptly exterminated by *approved* processes that will not be injurious to human health. After *pest elimination*, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly on abutting or adjacent public or private property or that of another *tenant*.

302.7 Accessory structures. Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles. Except as provided for in other regulations, inoperative or unlicensed motor vehicles shall not be parked, kept or stored on any *premises*, and vehicles shall not at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an *approved* spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a *structure* or similarly enclosed area designed and *approved* for such purposes.

302.9 Defacement of property. A person shall not willfully or wantonly damage, mutilate or deface any exterior surface

GENERAL REQUIREMENTS

of any *structure* or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the *owner* to restore said surface to an *approved* state of maintenance and repair.

SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. An existing pool enclosure shall not be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F1346 shall be exempt from the provisions of this section.

SECTION 304 EXTERIOR STRUCTURE

304.1 General. The exterior of a *structure* shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.
3. Structures or components thereof that have reached their limit state.
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight.
5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects.

6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.
7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects.
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*, or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

304.2 Protective treatment. Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treat-

ment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

[F] 304.3 Premises identification. Buildings shall have *approved* address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be not less than 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

304.4 Structural members. Structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.

304.5 Foundation walls. Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent *deterioration*.

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the *structure*. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.8 Decorative features. Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper *anchorage* and in a safe condition.

304.9 Overhang extensions. Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper *anchorage* and capable of supporting the imposed loads.

304.11 Chimneys and towers. Chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed

surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards. Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing. Glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.14 Insect screens. During the period from [DATE] to [DATE], every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

304.15 Doors. Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to *dwelling units* and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Basement hatchways. Every *basement* hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.17 Guards for basement windows. Every *basement* window that is openable shall be supplied with rodent shields, storm windows or other *approved* protection against the entry of rodents.

304.18 Building security. Doors, windows or hatchways for *dwelling units*, room units or *housekeeping units* shall be provided with devices designed to provide security for the *occupants* and property within.

304.18.1 Doors. Doors providing access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

GENERAL REQUIREMENTS

304.18.2 Windows. Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a *dwelling unit, rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a window sash locking device.

304.18.3 Basement hatchways. *Basement* hatchways that provide access to a *dwelling unit, rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

304.19 Gates. Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

SECTION 305 INTERIOR STRUCTURE

305.1 General. The interior of a *structure* and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. *Occupants* shall keep that part of the *structure* that they occupy or control in a clean and sanitary condition. Every *owner* of a *structure* containing a *rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units* or two or more nonresidential *occupancies*, shall maintain, in a clean and sanitary condition, the shared or public areas of the *structure* and *exterior property*.

305.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.
3. Structures or components thereof that have reached their limit state.
4. Structural members are incapable of supporting nominal loads and load effects.
5. Stairs, landings, balconies and all similar walking surfaces, including *guards* and handrails, are not structurally sound, not properly *anchored* or are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

305.2 Structural members. Structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

305.3 Interior surfaces. Interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.4 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

305.5 Handrails and guards. Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

305.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

SECTION 306 COMPONENT SERVICEABILITY

306.1 General. The components of a *structure* and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

306.1.1 Unsafe conditions. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:
 - 1.1. Collapse of footing or foundation system.
 - 1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion.
 - 1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil.
 - 1.4. Inadequate soil as determined by a geotechnical investigation.
 - 1.5. Where the allowable bearing capacity of the soil is in doubt.

GENERAL REQUIREMENTS

- 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
2. Concrete that has been subjected to any of the following conditions:
 - 2.1. *Deterioration.*
 - 2.2. *Ultimate deformation.*
 - 2.3. Fractures.
 - 2.4. Fissures.
 - 2.5. Spalling.
 - 2.6. Exposed reinforcement.
 - 2.7. *Detached*, dislodged or failing connections.
3. Aluminum that has been subjected to any of the following conditions:
 - 3.1. *Deterioration.*
 - 3.2. Corrosion.
 - 3.3. Elastic deformation.
 - 3.4. *Ultimate deformation.*
 - 3.5. Stress or strain cracks.
 - 3.6. Joint fatigue.
 - 3.7. *Detached*, dislodged or failing connections.
4. Masonry that has been subjected to any of the following conditions:
 - 4.1. *Deterioration.*
 - 4.2. *Ultimate deformation.*
 - 4.3. Fractures in masonry or mortar joints.
 - 4.4. Fissures in masonry or mortar joints.
 - 4.5. Spalling.
 - 4.6. Exposed reinforcement.
 - 4.7. *Detached*, dislodged or failing connections.
5. Steel that has been subjected to any of the following conditions:
 - 5.1. *Deterioration.*
 - 5.2. Elastic deformation.
 - 5.3. *Ultimate deformation.*
 - 5.4. Metal fatigue.
 - 5.5. *Detached*, dislodged or failing connections.
6. Wood that has been subjected to any of the following conditions:
 - 6.1. Ultimate deformation.
 - 6.2. Deterioration.
 - 6.3. Damage from insects, rodents and other vermin.
 - 6.4. Fire damage beyond charring.
 - 6.5. Significant splits and checks.
 - 6.6. Horizontal shear cracks.
 - 6.7. Vertical shear cracks.
 - 6.8. Inadequate support.
 - 6.9. *Detached*, dislodged or failing connections.

- 6.10. Excessive cutting and notching.

Exceptions:

1. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

SECTION 307 HANDRAILS AND GUARDRAILS

307.1 General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches (762 mm) above the floor or grade below shall have *guards*. Handrails shall be not less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. *Guards* shall be not less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: *Guards* shall not be required where exempted by the adopted building code.

SECTION 308 RUBBISH AND GARBAGE

308.1 Accumulation of rubbish or garbage. *Exterior property* and *premises*, and the interior of every *structure*, shall be free from any accumulation of *rubbish* or garbage.

308.2 Disposal of rubbish. Every *occupant* of a *structure* shall dispose of all *rubbish* in a clean and sanitary manner by placing such *rubbish* in *approved* containers.

308.2.1 Rubbish storage facilities. The *owner* of every occupied *premises* shall supply *approved* covered containers for *rubbish*, and the *owner* of the *premises* shall be responsible for the removal of *rubbish*.

308.2.2 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on *premises* without first removing the doors.

308.3 Disposal of garbage. Every *occupant* of a *structure* shall dispose of garbage in a clean and sanitary manner by placing such garbage in an *approved* garbage disposal facility or *approved* garbage containers.

308.3.1 Garbage facilities. The *owner* of every dwelling shall supply one of the following: an *approved* mechanical food waste grinder in each *dwelling unit*; an *approved* incinerator unit in the *structure* available to the *occupants* in each *dwelling unit*; or an *approved* leakproof, covered, outside garbage container.

308.3.2 Containers. The *operator* of every establishment producing garbage shall provide, and at all times cause to be utilized, *approved* leakproof containers provided with close-fitting covers for the storage of such materials until removed from the *premises* for disposal.

GENERAL REQUIREMENTS

SECTION 309 PEST ELIMINATION

309.1 Infestation. Structures shall be kept free from insect and rodent *infestation*. Structures in which insects or rodents are found shall be promptly exterminated by *approved* processes that will not be injurious to human health. After *pest elimination*, proper precautions shall be taken to prevent reinfestation.

309.2 Owner. The *owner* of any *structure* shall be responsible for *pest elimination* within the *structure* prior to renting or leasing the *structure*.

309.3 Single occupant. The *occupant* of a one-family dwelling or of a single-tenant nonresidential *structure* shall be responsible for *pest elimination* on the *premises*.

309.4 Multiple occupancy. The *owner* of a *structure* containing two or more *dwelling units*, a multiple *occupancy*, a *rooming house* or a nonresidential *structure* shall be responsible for *pest elimination* in the public or shared areas of the *structure* and *exterior property*. If *infestation* is caused by failure of an *occupant* to prevent such *infestation* in the area occupied, the *occupant* and *owner* shall be responsible for *pest elimination*.

309.5 Occupant. The *occupant* of any *structure* shall be responsible for the continued rodent and pest-free condition of the *structure*.

Exception: Where the *infestations* are caused by defects in the *structure*, the *owner* shall be responsible for *pest elimination*.

CHAPTER 4

LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

User note:

About this chapter: Chapter 4 sets forth requirements to establish the minimum environment for occupiable and habitable buildings by establishing the minimum criteria for light and ventilation and identifying occupancy limitations including minimum room width and area, minimum ceiling height and restrictions to prevent overcrowding.

SECTION 401 GENERAL

401.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for light, *ventilation* and space for occupying a *structure*.

401.2 Responsibility. The *owner* of the *structure* shall provide and maintain light, *ventilation* and space conditions in compliance with these requirements. A person shall not occupy as *owner-occupant*, or permit another person to occupy, any *premises* that do not comply with the requirements of this chapter.

401.3 Alternative devices. In lieu of the means for natural light and *ventilation* herein prescribed, artificial light or mechanical *ventilation* complying with the *International Building Code* shall be permitted.

SECTION 402 LIGHT

402.1 Habitable spaces. Every *habitable space* shall have not less than one window of *approved* size facing directly to the outdoors or to a court. The minimum total glazed area for every *habitable space* shall be 8 percent of the floor area of such room. Wherever walls or other portions of a *structure* face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be not less than 8 percent of the floor area of the interior room or space, or not less than 25 square feet (2.33 m²), whichever is greater. The exterior glazing area shall be based on the total floor area being served.

402.2 Common halls and stairways. Every common hall and stairway in residential *occupancies*, other than in one- and two-family dwellings, shall be lighted at all times with not less than a 60-watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, interior and exterior means of egress, stairways shall be illuminated at all times the building space served by

the means of egress is occupied with not less than 1 footcandle (11 lux) at floors, landings and treads.

402.3 Other spaces. Other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe *occupancy* of the space and utilization of the appliances, equipment and fixtures.

SECTION 403 VENTILATION

403.1 Habitable spaces. Every *habitable space* shall have not less than one openable window. The total openable area of the window in every room shall be equal to not less than 45 percent of the minimum glazed area required in Section 402.1.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be not less than 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The *ventilation* openings to the outdoors shall be based on a total floor area being ventilated.

403.2 Bathrooms and toilet rooms. Every *bathroom* and *toilet room* shall comply with the *ventilation* requirements for *habitable spaces* as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical *ventilation* system. Air exhausted by a mechanical *ventilation* system from a *bathroom* or *toilet room* shall discharge to the outdoors and shall not be recirculated.

403.3 Cooking facilities. Unless *approved* through the certificate of *occupancy*, cooking shall not be permitted in any *rooming unit* or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the *rooming unit* or dormitory unit.

Exceptions:

1. Where specifically *approved* in writing by the *code official*.
2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

403.4 Process ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust *ventilation* system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

403.5 Clothes dryer exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the *structure* in accordance with the manufacturer’s instructions.

Exception: Listed and *labeled* condensing (ductless) clothes dryers.

SECTION 404
OCCUPANCY LIMITATIONS

404.1 Privacy. *Dwelling units*, hotel units, *housekeeping units*, *rooming units* and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

404.2 Minimum room widths. A habitable room, other than a kitchen, shall be not less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a minimum clear passage-way of 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

404.3 Minimum ceiling heights. *Habitable spaces*, hall-ways, corridors, laundry areas, *bathrooms*, *toilet rooms* and habitable *basement* areas shall have a minimum clear ceiling height of 7 feet (2134 mm).

Exceptions:

- 1. In one- and two-family dwellings, beams or gird-ers spaced not less than 4 feet (1219 mm) on center and projecting not greater than 6 inches (152 mm) below the required ceiling height.
- 2. *Basement* rooms in one- and two-family dwellings occupied exclusively for laundry, study or recre-ation purposes, having a minimum ceiling height of 6 feet 8 inches (2033 mm) with a minimum clear height of 6 feet 4 inches (1932 mm) under beams, girders, ducts and similar obstructions.
- 3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a minimum clear ceil-ing height of 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a minimum clear ceiling height of 5 feet (1524 mm) shall be included.

404.4 Bedroom and living room requirements. Every *bedroom* and living room shall comply with the require-ments of Sections 404.4.1 through 404.4.5.

404.4.1 Room area. Every living room shall contain not less than 120 square feet (11.2 m²) and every bedroom shall contain not less than 70 square feet (6.5 m²) and every bedroom occupied by more than one person shall contain not less than 50 square feet (4.6 m²) of floor area for each *occupant* thereof.

404.4.2 Access from bedrooms. *Bedrooms* shall not constitute the only means of access to other *bedrooms* or *habitable spaces* and shall not serve as the only means of egress from other *habitable spaces*.

Exception: Units that contain fewer than two *bedrooms*.

404.4.3 Water closet accessibility. Every *bedroom* shall have access to not less than one water closet and one lava-tory without passing through another *bedroom*. Every *bedroom* in a *dwelling unit* shall have access to not less than one water closet and lavatory located in the same story as the *bedroom* or an adjacent story.

404.4.4 Prohibited occupancy. Kitchens and nonhabit-able spaces shall not be used for sleeping purposes.

404.4.5 Other requirements. *Bedrooms* shall comply with the applicable provisions of this code including, but not limited to, the light, *ventilation*, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities require-ments of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

404.5 Overcrowding. *Dwelling units* shall not be occupied by more *occupants* than permitted by the minimum area requirements of Table 404.5.

TABLE 404.5
MINIMUM AREA REQUIREMENTS

SPACE	MINIMUM AREA IN SQUARE FEET		
	1-2 occupants	3-5 occupants	6 or more occupants
Living room ^{a, b}	120	120	150
Dining room ^{a, b}	No requirement	80	100
Bedrooms	Shall comply with Section 404.4.1		

- For SI: 1 square foot = 0.0929 m².
- a. See Section 404.5.2 for combined living room/dining room spaces.
 - b. See Section 404.5.1 for limitations on determining the minimum occu-pancy area for sleeping purposes.

404.5.1 Sleeping area. The minimum occupancy area required by Table 404.5 shall not be included as a sleep-ing area in determining the minimum occupancy area for sleeping purposes. Sleeping areas shall comply with Section 404.4.

404.5.2 Combined spaces. Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to func-tion as a combination living room/dining room.

404.6 Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

- 1. A unit occupied by not more than one *occupant* shall have a minimum clear floor area of 120 square feet (11.2 m²). A unit occupied by not more than two *occupants* shall have a minimum clear floor area of 220 square feet (20.4 m²). A unit occupied by three *occupants* shall have a minimum clear floor area of 320 square feet (29.7 m²). These required areas shall be exclusive of the areas required by Items 2 and 3.
- 2. The unit shall be provided with a kitchen sink, cook-ing appliance and refrigeration facilities, each having a minimum clear working space of 30 inches

(762 mm) in front. Light and *ventilation* conforming to this code shall be provided.

3. The unit shall be provided with a separate *bathroom* containing a water closet, lavatory and bathtub or shower.
4. The maximum number of *occupants* shall be three.

404.7 Food preparation. Spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

CHAPTER 5

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

User note:

About this chapter: Chapter 5 establishes minimum sanitary and clean conditions in occupied buildings by containing requirements for the installation, maintenance and location of plumbing systems and facilities, including the water supply system, water heating appliances, sewage disposal systems and related plumbing fixtures. Chapter 5 includes requirements for providing potable water to a building and the basic fixtures to effectively utilize and dispose of that water.

SECTION 501 GENERAL

501.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 Responsibility. The *owner* of the *structure* shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any *structure* or *premises* that does not comply with the requirements of this chapter.

SECTION 502 REQUIRED FACILITIES

[P] 502.1 Dwelling units. Every *dwelling unit* shall contain its own bathtub or shower, lavatory, water closet and kitchen sink that shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

[P] 502.2 Rooming houses. Not less than one water closet, lavatory and bathtub or shower shall be supplied for each four *rooming units*.

[P] 502.3 Hotels. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each 10 *occupants*.

[P] 502.4 Employees' facilities. Not less than one water closet, one lavatory and one drinking facility shall be available to employees.

[P] 502.4.1 Drinking facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in *toilet rooms* or *bathrooms*.

[P] 502.5 Public toilet facilities. Public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with the *International Plumbing Code*. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during *occupancy* of the *premises*.

SECTION 503 TOILET ROOMS

[P] 503.1 Privacy. *Toilet rooms* and *bathrooms* shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared *bathrooms* and *toilet rooms* in a multiple dwelling.

[P] 503.2 Location. *Toilet rooms* and *bathrooms* serving hotel units, *rooming units* or dormitory units or *housekeeping units*, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

[P] 503.3 Location of employee toilet facilities. Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

[P] 503.4 Floor surface. In other than *dwelling units*, every *toilet room* floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

SECTION 504 PLUMBING SYSTEMS AND FIXTURES

[P] 504.1 General. Plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. Plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

[P] 504.2 Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

[P] 504.3 Plumbing system hazards. Where it is found that a plumbing system in a *structure* constitutes a hazard to the *occupants* or the *structure* by reason of inadequate service,

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

inadequate venting, cross connection, backsiphonage, improper installation, *deterioration* or damage or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

SECTION 505 WATER SYSTEM

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an *approved* private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the *International Plumbing Code*.

[P] 505.2 Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an *approved* atmospheric-type vacuum breaker or an *approved* permanently attached hose connection vacuum breaker.

[P] 505.3 Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

[P] 505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature not less than 110°F (43°C). A gas-burning water heater shall not be located in any *bathroom, toilet room, bedroom* or other occupied room normally kept closed, unless adequate combustion air is provided. An *approved* combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

[P] 505.5 Nonpotable water reuse systems. Nonpotable water reuse systems and rainwater collection and conveyance systems shall be maintained in a safe and sanitary condition. Where such systems are not properly maintained, the systems shall be repaired to provide for safe and sanitary conditions, or the system shall be abandoned in accordance with Section 505.5.1.

[P] 505.5.1 Abandonment of systems. Where a nonpotable water reuse system or a rainwater collection and distribution system is not maintained or the *owner* ceases use of the system, the system shall be abandoned in accordance with Section 1301.10 of the *International Plumbing Code*.

SECTION 506 SANITARY DRAINAGE SYSTEM

[P] 506.1 General. Plumbing fixtures shall be properly connected to either a public sewer system or to an *approved* private sewage disposal system.

[P] 506.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

[P] 506.3 Grease interceptors. Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. Records of maintenance, cleaning and repairs shall be available for inspection by the *code official*.

SECTION 507 STORM DRAINAGE

[P] 507.1 General. Drainage of roofs and paved areas, *yards* and courts, and other open areas on the *premises* shall not be discharged in a manner that creates a public nuisance.

CHAPTER 6

MECHANICAL AND ELECTRICAL REQUIREMENTS

User note:

About this chapter: Chapter 6 establishes minimum performance requirements for heating, electrical and mechanical facilities serving existing structures, such as heating and air-conditioning equipment, appliances and their supporting systems; water heating equipment, appliances and systems; cooking equipment and appliances; ventilation and exhaust equipment; gas and liquid fuel distribution piping and components; fireplaces and solid fuel-burning appliances; chimneys and vents; electrical services; lighting fixtures; electrical receptacle outlets; electrical distribution system equipment, devices and wiring; and elevators, escalators and dumbwaiters.

SECTION 601 GENERAL

601.1 Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility. The *owner* of the *structure* shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any *premises* that does not comply with the requirements of this chapter.

SECTION 602 HEATING FACILITIES

602.1 Facilities required. Heating facilities shall be provided in structures as required by this section.

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms* based on the winter outdoor design temperature for the locality indicated in Appendix D of the *International Plumbing Code*. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating. The installation of one or more portable space heaters shall not be used to achieve compliance with this section.

Exception: In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

602.3 Heat supply. Every *owner* and *operator* of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from [DATE] to [DATE] to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter

outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.

2. In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from [DATE] to [DATE] to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

602.5 Room temperature measurement. The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

SECTION 603 MECHANICAL EQUIPMENT

603.1 Mechanical equipment and appliances. Mechanical equipment, appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

603.2 Removal of combustion products. Fuel-burning equipment and appliances shall be connected to an *approved* chimney or vent.

Exception: Fuel-burning equipment and appliances that are *labeled* for unvented operation.

603.3 Clearances. Required clearances to combustible materials shall be maintained.

603.4 Safety controls. Safety controls for fuel-burning equipment shall be maintained in effective operation.

603.5 Combustion air. A supply of air for complete combustion of the fuel and for *ventilation* of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

MECHANICAL AND ELECTRICAL REQUIREMENTS

603.6 Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless *labeled* for such purpose and the installation is specifically *approved*.

SECTION 604 ELECTRICAL FACILITIES

604.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. *Dwelling units* shall be served by a three-wire, 120/240 volt, single-phase electrical service having a minimum rating of 60 amperes.

604.3 Electrical system hazards. Where it is found that the electrical system in a *structure* constitutes a hazard to the *occupants* or the *structure* by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, *deterioration* or damage, or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

604.3.1 Abatement of electrical hazards associated with water exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

604.3.1.1 Electrical equipment. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the *International Building Code*.

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated not more than 600 volts or less.
2. Busway, rated not more than 600 volts.
3. Panelboards, rated not more than 600 volts.
4. Switchboards, rated not more than 600 volts.
5. Fire pump controllers, rated not more than 600 volts.
6. Manual and magnetic motor controllers.
7. Motor control centers.
8. Alternating current high-voltage circuit breakers.
9. Low-voltage power circuit breakers.
10. Protective relays, meters and current transformers.
11. Low- and medium-voltage switchgear.
12. Liquid-filled transformers.
13. Cast-resin transformers.
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water.
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water.
16. Luminaires that are listed as submersible.
17. Motors.
18. Electronic control, signaling and communication equipment.

604.3.2 Abatement of electrical hazards associated with fire exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

604.3.2.1 Electrical equipment. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the *International Building Code*.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

SECTION 605 ELECTRICAL EQUIPMENT

605.1 Installation. Electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and *approved* manner.

605.2 Receptacles. Every *habitable space* in a dwelling shall contain not less than two separate and remote receptacle outlets. Every laundry area shall contain not less than one grounding-type receptacle or a receptacle with a ground fault circuit interrupter. Every *bathroom* shall contain not less than one receptacle. Any new *bathroom* receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

605.3 Luminaires. Every public hall, interior stairway, *toilet room*, kitchen, *bathroom*, laundry room, boiler room and furnace room shall contain not less than one electric luminaire. Pool and spa luminaires over 15 V shall have ground fault circuit interrupter protection.

605.4 Wiring. Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

SECTION 606 ELEVATORS, ESCALATORS AND DUMBWAITERS

606.1 General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building *operator* or be posted in a publicly conspicuous location *approved* by the *code official*. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

606.2 Elevators. In buildings equipped with passenger elevators, not less than one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

SECTION 607 DUCT SYSTEMS

607.1 General. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

CHAPTER 7

FIRE SAFETY REQUIREMENTS

User note:

About this chapter: Chapter 7 establishes fire safety requirements for existing structures by providing requirements for means of egress, including path of travel, required egress width, means of egress doors and emergency escape openings, and for the maintenance of fire-resistance-rated assemblies, fire protection systems, and carbon monoxide alarm and detection systems.

SECTION 701 GENERAL

701.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior *premises*, including fire safety facilities and equipment to be provided.

701.2 Responsibility. The *owner* of the *premises* shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any *premises* that do not comply with the requirements of this chapter.

SECTION 702 MEANS OF EGRESS

[BE] 702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or *structure* to the *public way*. Means of egress shall comply with the *International Fire Code*.

[BE] 702.2 Aisles. The required width of aisles in accordance with the *International Fire Code* shall be unobstructed.

[BE] 702.3 Locked doors. Means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the *International Building Code*.

[BE] 702.4 Emergency escape and rescue openings. Required emergency escape and rescue openings shall be maintained in accordance with the code in effect at the time of construction, and both of the following:

1. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools.
2. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided that the minimum net clear opening size complies with the code that was in effect at the time of construction and the unit is equipped with smoke alarms installed in accordance with Section 907.2.10 of the *International Building Code*. Such devices shall be releasable or removable from the inside without the use of a key, tool or force greater

than that which is required for normal operation of the escape and rescue opening.

SECTION 703 FIRE-RESISTANCE RATINGS

[BF] 703.1 Fire-resistance-rated assemblies. The provisions of this chapter shall govern maintenance of the materials, systems and assemblies used for structural fire resistance and fire-resistance-rated construction separation of adjacent spaces to safeguard against the spread of fire and smoke within a building and the spread of fire to or from buildings.

[BF] 703.2 Unsafe conditions. Where any components are not maintained and do not function as intended or do not have the fire resistance required by the code under which the building was constructed or altered, such components or portions thereof shall be deemed unsafe conditions in accordance with Section 114.1.1 of the *International Fire Code*. Components or portions thereof determined to be unsafe shall be repaired or replaced to conform to that code under which the building was constructed or altered. Where the condition of components is such that any building, *structure* or portion thereof presents an *imminent danger* to the *occupants* of the building, *structure* or portion thereof, the fire code official shall act in accordance with Section 114.2 of the *International Fire Code*.

[BF] 703.3 Maintenance. The required fire-resistance rating of fire-resistance-rated construction, including walls, firestops, shaft enclosures, partitions, smoke barriers, floors, fire-resistive coatings and sprayed fire-resistant materials applied to structural members and joint systems, shall be maintained. Such elements shall be visually inspected annually by the *owner* and repaired, restored or replaced where damaged, altered, breached or penetrated. Records of inspections and repairs shall be maintained. Where concealed, such elements shall not be required to be visually inspected by the *owner* unless the concealed space is accessible by the removal or movement of a panel, access door, ceiling tile or entry to the space. Openings made therein for the passage of pipes, electrical conduit, wires, ducts, air transfer and any other reason shall be protected with *approved* methods capable of resisting the passage of smoke and fire. Openings through fire-resistance-rated assemblies shall be protected by self- or automatic-closing doors of *approved* construction meeting the fire protection requirements for the assembly.

FIRE SAFETY REQUIREMENTS

[BF] 703.3.1 Fire blocking and draft stopping. Required fire blocking and draft stopping in combustible concealed spaces shall be maintained to provide continuity and integrity of the construction.

[BF] 703.3.2 Smoke barriers and smoke partitions. Required smoke barriers and smoke partitions shall be maintained to prevent the passage of smoke. Openings protected with *approved* smoke barrier doors or smoke dampers shall be maintained in accordance with NFPA 105.

[BF] 703.3.3 Fire walls, fire barriers, and fire partitions. Required fire walls, fire barriers and fire partitions shall be maintained to prevent the passage of fire. Openings protected with *approved* doors or fire dampers shall be maintained in accordance with NFPA 80.

[BF] 703.4 Opening protectives. Opening protectives shall be maintained in an operative condition in accordance with NFPA 80. The application of field-applied labels associated with the maintenance of opening protectives shall follow the requirements of the *approved* third-party certification organization accredited for listing the opening protective. Fire doors and smoke barrier doors shall not be blocked or obstructed, or otherwise made inoperable. Fusible links shall be replaced whenever fused or damaged. Fire door assemblies shall not be modified.

[BF] 703.4.1 Signs. Where required by the *code official*, a sign shall be permanently displayed on or near each fire door in letters not less than 1 inch (25 mm) high to read as follows:

1. For doors designed to be kept normally open: FIRE DOOR – DO NOT BLOCK.
2. For doors designed to be kept normally closed: FIRE DOOR – KEEP CLOSED.

[BF] 703.4.2 Hold-open devices and closers. Hold-open devices and automatic door closers shall be maintained. During the period that such a device is out of service for repairs, the door it operates shall remain in the closed position.

[BF] 703.4.3 Door operation. Swinging fire doors shall close from the full-open position and latch automatically. The door closer shall exert enough force to close and latch the door from any partially open position.

[BF] 703.5 Ceilings. The hanging and displaying of salable goods and other decorative materials from acoustical ceiling systems that are part of a fire-resistance-rated horizontal assembly shall be prohibited.

[BF] 703.6 Testing. Horizontal and vertical sliding and rolling fire doors shall be inspected and tested annually to confirm operation and full closure. Records of inspections and testing shall be maintained.

[BF] 703.7 Vertical shafts. Interior vertical shafts, including stairways, elevator hoistways and service and utility shafts, which connect two or more stories of a building shall be enclosed or protected as required in Chapter 11 of the *International Fire Code*. New floor openings in existing buildings shall comply with the *International Building Code*.

[BF] 703.8 Opening protective closers. Where openings are required to be protected, opening protectives shall be maintained self-closing or automatic-closing by smoke detection. Existing fusible-link-type automatic door-closing devices shall be replaced if the fusible link rating exceeds 135°F (57°C).

SECTION 704 FIRE PROTECTION SYSTEMS

[F] 704.1 Inspection, testing and maintenance. Fire protection and life safety systems shall be maintained in accordance with the *International Fire Code* in an operative condition at all times, and shall be replaced or repaired where defective.

[F] 704.1.1 Fire protection and life safety systems. Fire protection and life safety systems shall be installed, repaired, operated and maintained in accordance with this code the *International Fire Code* and the *International Building Code*.

[F] 704.1.2 Required fire protection and life safety systems. Fire protection and life safety systems required by this code, the *International Fire Code* or the *International Building Code* shall be installed, repaired, operated, tested and maintained in accordance with this code. A fire protection and life safety system for which a design option, exception or reduction to the provisions of this code, the *International Fire Code* or the *International Building Code* has been granted shall be considered to be a required system.

[F] 704.1.3 Fire protection systems. Fire protection systems shall be inspected, maintained and tested in accordance with the following *International Fire Code* requirements.

1. Automatic sprinkler systems, see Section 903.5.
2. Automatic fire-extinguishing systems protecting commercial cooking systems, see Section 904.13.5.
3. Automatic water mist extinguishing systems, see Section 904.11.
4. Carbon dioxide extinguishing systems, see Section 904.8.
5. Carbon monoxide alarms and carbon monoxide detection systems, see Section 915.6.
6. Clean-agent extinguishing systems, see Section 904.10.
7. Dry-chemical extinguishing systems, see Section 904.6.
8. Fire alarm and fire detection systems, see Section 907.8.
9. Fire department connections, see Sections 912.4 and 912.7.
10. Fire pumps, see Section 913.5.
11. Foam extinguishing systems, see Section 904.7.
12. Halon extinguishing systems, see Section 904.9.

13. Single- and multiple-station smoke alarms, see Section 907.10.
14. Smoke and heat vents and mechanical smoke removal systems, see Section 910.5.
15. Smoke control systems, see Section 909.22.
16. Wet-chemical extinguishing systems, see Section 904.5.

[F] 704.2 Standards. Fire protection systems shall be inspected, tested and maintained in accordance with the referenced standards listed in Table 704.2 and as required in this section.

**TABLE 704.2
FIRE PROTECTION SYSTEM MAINTENANCE STANDARDS**

SYSTEM	STANDARD
Portable fire extinguishers	NFPA 10
Carbon dioxide fire-extinguishing system	NFPA 12
Halon 1301 fire-extinguishing systems	NFPA 12A
Dry-chemical extinguishing systems	NFPA 17
Wet-chemical extinguishing systems	NFPA 17A
Water-based fire protection systems	NFPA 25
Fire alarm systems	NFPA 72
Smoke and heat vents	NFPA 204
Water-mist systems	NFPA 750
Clean-agent extinguishing systems	NFPA 2001

[F] 704.2.1 Records. Records shall be maintained of all system inspections, tests and maintenance required by the referenced standards.

[F] 704.2.2 Records information. Initial records shall include the: name of the installation contractor; type of components installed; manufacturer of the components; location and number of components installed per floor; and manufacturers' operation and maintenance instruction manuals. Such records shall be maintained for the life of the installation.

[F] 704.3 Systems out of service. Where a required fire protection system is out of service, the fire department and the fire *code official* shall be notified immediately and, where required by the fire *code official*, either the building shall be evacuated or an *approved* fire watch shall be provided for all *occupants* left unprotected by the shutdown until the fire protection system has been returned to service. Where utilized, fire watches shall be provided with not less than one *approved* means for notification of the fire department and shall not have duties beyond performing constant patrols of the protected *premises* and keeping watch for fires. Actions shall be taken in accordance with Section 901 of the *International Fire Code* to bring the systems back in service.

Exception: Facilities with an approved notification and impairment management program. The notification and impairment program for water-based fire protection systems shall comply with NFPA 25.

[F] 704.3.1 Emergency impairments. Where unplanned impairments of fire protection systems occur, appropriate emergency action shall be taken to minimize potential

injury and damage. The impairment coordinator shall implement the steps outlined in Section 901.7.4 of the *International Fire Code*.

[F] 704.4 Removal of or tampering with equipment. It shall be unlawful for any person to remove, tamper with or otherwise disturb any fire protection or life safety system required by this code except for the purposes of extinguishing fire, training, recharging or making necessary repairs.

[F] 704.4.1 Removal of or tampering with appurtenances. Locks, gates, doors, barricades, chains, enclosures, signs, tags and seals that have been installed by or at the direction of the fire *code official* shall not be removed, unlocked, destroyed or tampered with in any manner.

[F] 704.4.2 Removal of existing occupant-use hose lines. The fire *code official* is authorized to permit the removal of existing *occupant-use* hose lines where all of the following apply:

1. The installation is not required by the *International Fire Code* or the *International Building Code*.
2. The hose line would not be utilized by trained personnel or the fire department.
3. The remaining outlets are compatible with local fire department fittings.

[F] 704.4.3 Termination of monitoring service. For fire alarm systems required to be monitored by the *International Fire Code*, notice shall be made to the fire *code official* whenever alarm monitoring services are terminated. Notice shall be made in writing by the provider of the monitoring service being terminated.

[F] 704.5 Fire department connection. Where the fire department connection is not visible to approaching fire apparatus, the fire department connection shall be indicated by an *approved* sign mounted on the street front or on the side of the building. Such sign shall have the letters "FDC" not less than 6 inches (152 mm) high and words in letters not less than 2 inches (51 mm) high or an arrow to indicate the location. Such signs shall be subject to the approval of the fire *code official*.

[F] 704.5.1 Fire department connection access. Ready access to fire department connections shall be maintained at all times and without obstruction by fences, bushes, trees, walls or any other fixed or movable object. Access to fire department connections shall be *approved* by the fire chief.

Exception: Fences, where provided with an access gate equipped with a sign complying with the legend requirements of Section 912.5 of the *International Fire Code* and a means of emergency operation. The gate and the means of emergency operation shall be *approved* by the fire chief and maintained operational at all times.

[F] 704.5.2 Clear space around connections. A working space of not less than 36 inches (914 mm) in width, 36 inches (914 mm) in depth and 78 inches (1981 mm) in

FIRE SAFETY REQUIREMENTS

height shall be provided and maintained in front of and to the sides of wall-mounted fire department connections and around the circumference of free-standing fire department connections.

[F] 704.6 Single- and multiple-station smoke alarms. Single- and multiple-station smoke alarms shall be installed in existing Group I-1 and R *occupancies* in accordance with Sections 704.6.1 through 704.6.3.

[F] 704.6.1 Where required. Existing Group I-1 and R *occupancies* shall be provided with single-station smoke alarms in accordance with Sections 704.6.1.1 through 704.6.1.4. Interconnection and power sources shall be in accordance with Sections 704.6.2 and 704.6.3.

Exceptions:

1. Where the code that was in effect at the time of construction required smoke alarms and smoke alarms complying with those requirements are already provided.
2. Where smoke alarms have been installed in occupancies and dwellings that were not required to have them at the time of construction, additional smoke alarms shall not be required provided that the existing smoke alarms comply with requirements that were in effect at the time of installation.
3. Where smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms.

[F] 704.6.1.1 Group R-1. Single- or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1:

1. In sleeping areas.
2. In every room in the path of the means of egress from the sleeping area to the door leading from the *sleeping unit*.
3. In each story within the *sleeping unit*, including *basements*. For *sleeping units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

[F] 704.6.1.2 Groups R-2, R-3, R-4 and I-1. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of *occupant load* at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a *dwelling unit*, including *basements* but not including crawl spaces and uninhabitable attics. In *dwellings* or *dwelling units* with split levels and without an interven-

ing door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

[F] 704.6.1.3 Installation near cooking appliances. Smoke alarms shall not be installed in the following locations unless this would prevent placement of a smoke alarm in a location required by Section 704.6.1.1 or 704.6.1.2.

1. Ionization smoke alarms shall not be installed less than 20 feet (6096 mm) horizontally from a permanently installed cooking appliance.
2. Ionization smoke alarms with an alarm-silencing switch shall not be installed less than 10 feet (3048 mm) horizontally from a permanently installed cooking appliance.
3. Photoelectric smoke alarms shall not be installed less than 6 feet (1829 mm) horizontally from a permanently installed cooking appliance.

[F] 704.6.1.4 Installation near bathrooms. Smoke alarms shall be installed not less than 3 feet (914 mm) horizontally from the door or opening of a *bathroom* that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by Section 704.6.1.1 or 704.6.1.2.

[F] 704.6.2 Interconnection. Where more than one smoke alarm is required to be installed within an individual *dwelling* or *sleeping unit*, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings that are not undergoing *alterations*, repairs or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where *alterations* or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or *basement* available that could provide access for interconnection without the removal of interior finishes.

[F] 704.6.3 Power source. Single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system. Smoke alarms shall emit a

FIRE SAFETY REQUIREMENTS

signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

become inoperable or begin producing end-of-life signals shall be replaced.

Exceptions:

1. Smoke alarms are permitted to be solely battery operated in existing buildings where construction is not taking place.
2. Smoke alarms are permitted to be solely battery operated in buildings that are not served from a commercial power source.
3. Smoke alarms are permitted to be solely battery operated in existing areas of buildings undergoing *alterations* or repairs that do not result in the removal of interior walls or ceiling finishes exposing the structure, unless there is an attic, crawl space or *basement* available that could provide access for building wiring without the removal of interior finishes.

[F] 704.6.4 Smoke detection system. Smoke detectors listed in accordance with UL 268 and provided as part of the building's fire alarm system shall be an acceptable alternative to single- and multiple-station smoke alarms and shall comply with the following:

1. The fire alarm system shall comply with all applicable requirements in Section 907 of the *International Fire Code*.
2. Activation of a smoke detector in a dwelling or sleeping unit shall initiate alarm notification in the *dwelling* or *sleeping unit* in accordance with Section 907.5.2 of the *International Fire Code*.
3. Activation of a smoke detector in a *dwelling* or *sleeping unit* shall not activate alarm notification appliances outside of the *dwelling* or *sleeping unit*, provided that a supervisory signal is generated and monitored in accordance with Section 907.6.6 of the *International Fire Code*.

[F] 704.7 Single- and multiple-station smoke alarms. Single- and multiple-station smoke alarms shall be tested and maintained in accordance with the manufacturer's instructions. Smoke alarms that do not function shall be replaced. Smoke alarms installed in one- and two-family dwellings shall be replaced not more than 10 years from the date of manufacture marked on the unit, or shall be replaced if the date of manufacture cannot be determined.

SECTION 705 CARBON MONOXIDE ALARMS AND DETECTION

[F] 705.1 General. Carbon monoxide alarms shall be installed in dwellings in accordance with Section 1103.9 of the *International Fire Code*, except that alarms in dwellings covered by the *International Residential Code* shall be installed in accordance with Section R315 of that code.

[F] 705.2 Carbon monoxide alarms and detectors. Carbon monoxide alarms and carbon monoxide detection systems shall be maintained in accordance with NFPA 720. Carbon monoxide alarms and carbon monoxide detectors that

CHAPTER 8

REFERENCED STANDARDS

User note:

About this chapter: This code contains numerous references to standards promulgated by other organizations that are used to provide requirements for materials and methods of construction. Chapter 8 contains a comprehensive list of all standards that are referenced in this code. These standards, in essence, are part of this code to the extent of the reference to the standard.

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 102.8.

ASME

American Society of Mechanical Engineers
Two Park Avenue
New York, NY 10016-5990

ASME A17.1—2019/CSA B44—19: Safety Code for Elevators and Escalators
606.1

ASTM

ASTM International
100 Barr Harbor Drive, P.O. Box C700
West Conshohocken, PA 19428-2959

F1346—91 (2018): Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs
303.2

ICC

International Code Council
500 New Jersey Avenue, NW 6th Floor
Washington, DC 20001

IBC—21: International Building Code®
102.3, 201.3, 304.1.1, 305.1.1, 306.1.1, 403.1, 604.3.1.1, 604.3.2.1, 702.3, 704.4.2

IEBC—21: International Existing Building Code®
102.3, 201.3, 304.1.1, 305.1.1, 306.1.1

IECC—21: International Energy Conservation Code®
102.3

IFC—21: International Fire Code®
102.3, 201.3, 604.3.1.1, 702.1, 702.2, 704.1, 704.1.2, 704.1.3, 704.3, 704.3.1, 704.4.2, 704.4.3, 704.5.1, 704.6.4, 705.1

IFGC—21: International Fuel Gas Code®
102.3, 201.3

IMC—21: International Mechanical Code®
102.3, 201.3

IPC—21: International Plumbing Code®
102.3, 201.3, 502.5, 505.1, 505.5.1, 602.2, 602.3

IRC—21: International Residential Code®
102.3, 201.3

IZC—21: International Zoning Code®
102.3, 201.3

REFERENCED STANDARDS

NFPA

National Fire Protection Association
1 Batterymarch Park
Quincy, MA 02169-7471

- 10—21: Standard for Portable Fire Extinguishers
Table 704.2
- 12—18: Standard on Carbon Dioxide Extinguishing Systems
Table 704.2
- 12A—18: Standard on Halon 1301 Fire Extinguishing Systems
Table 704.2
- 17—20: Standard for Dry Chemical Extinguishing Systems
Table 704.2
- 17A—20: Standard for Wet Chemical Extinguishing Systems
Table 704.2
- 25—20: Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems
Table 704.2
- 70—20: National Electrical Code
102.3, 201.3, 604.2
- 72—19: National Fire Alarm and Signaling Code
Table 704.2
- 80—19: Standard for Fire Doors and Other Opening Protectives
703.3.3, 703.4
- 105—19: Standard for Smoke Door Assemblies and Other Opening Protectives
703.3.2
- 204—18: Standard for Smoke and Heat Venting
Table 704.2
- 720—15: Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment
705.2
- 750—19: Standard on Water Mist Fire Protection Systems
Table 704.2
- 2001—18: Standard on Clean Agent Fire Extinguishing Systems
Table 704.2

UL

Underwriters Laboratories, LLC
333 Pfingsten Road
Northbrook, IL 60062

- 268—2016: Smoke Detectors for Fire Alarm Systems—with revisions through July 2016
704.6.4

APPENDIX A

BOARDING STANDARD

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

User note:

About this appendix: Appendix A provides minimum specifications for boarding a structure. This can be utilized by a jurisdiction as a set of minimum requirements in order to result in consistent boarding quality. These requirements also provide a reasonable means to eliminate having to approve numerous methods or materials for the boarding and securing of a structure. It is important to note that the provisions of Appendix A are not mandatory unless specifically referenced in the adopting ordinance of the authority having jurisdiction.

A101

GENERAL

A101.1 General. Windows and doors shall be boarded in an *approved* manner to prevent entry by unauthorized persons and shall be painted to correspond to the color of the existing *structure*.

A102

MATERIALS

A102.1 Boarding sheet material. Boarding sheet material shall be minimum 1/2-inch-thick (12.7 mm) wood structural panels complying with the *International Building Code*.

A102.2 Boarding framing material. Boarding framing material shall be minimum nominal 2-inch by 4-inch (51 mm by 102 mm) solid sawn lumber complying with the *International Building Code*.

A102.3 Boarding fasteners. Boarding fasteners shall be minimum 3/8-inch-diameter (9.5 mm) carriage bolts of such a length as required to penetrate the assembly and as required to adequately attach the washers and nuts. Washers and nuts shall comply with the *International Building Code*.

A103

INSTALLATION

A103.1 Boarding installation. The boarding installation shall be in accordance with Figures A103.1(1) and A103.1(2) and Sections A103.2 through A103.5.

A103.2 Boarding sheet material. The boarding sheet material shall be cut to fit the door or window opening neatly or shall be cut to provide an equal overlap at the perimeter of the door or window.

A103.3 Windows. The window shall be opened to allow the carriage bolt to pass through or the window sash shall be removed and stored. The 2-inch by 4-inch (51 mm by 102 mm) strong back framing material shall be cut minimum 2 inches (51 mm) wider than the window opening and shall be placed on the inside of the window opening 6 inches (152 mm) minimum above the bottom and below the top of the window opening. The framing and boarding shall be predrilled. The assembly shall be aligned and the bolts, washers and nuts shall be installed and secured.

A103.4 Door walls. The door opening shall be framed with minimum 2-inch by 4-inch (51 mm by 102 mm) framing material secured at the entire perimeter and vertical members at a maximum of 24 inches (610 mm) on center. Blocking shall also be secured at a maximum of 48 inches (1219 mm) on center vertically. Boarding sheet material shall be secured with screws and nails alternating every 6 inches (152 mm) on center.

A103.5 Doors. Doors shall be secured by the same method as for windows or door openings. One door to the *structure* shall be available for authorized entry and shall be secured and locked in an *approved* manner.

A104

REFERENCED STANDARD

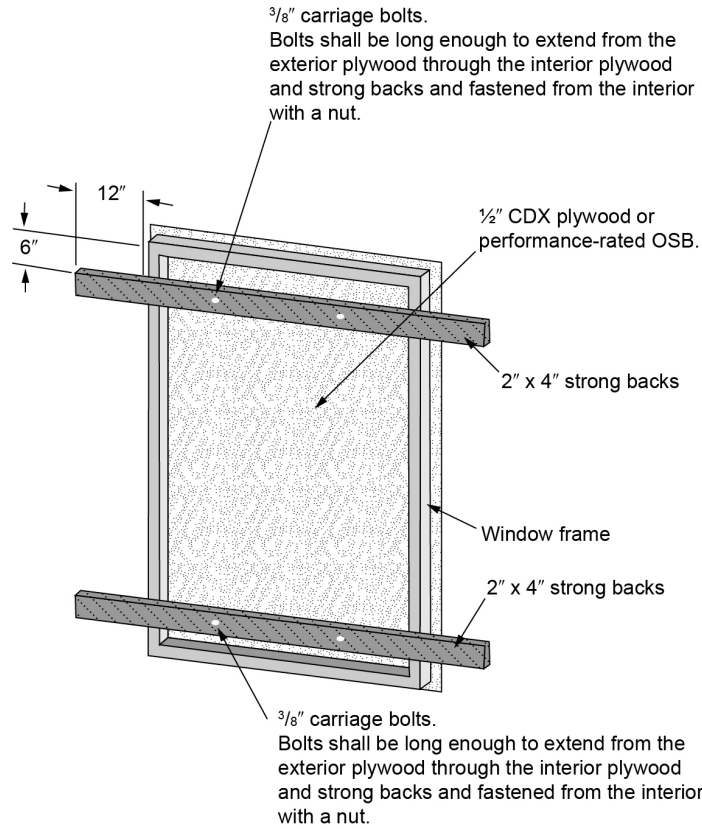
A104.1 Referenced standards. Table A104.1 lists the standard that is referenced in various sections of this appendix. The standard is listed herein by the standard identification, the effective date and title and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 102.8.

TABLE A104.1

REFERENCED STANDARD

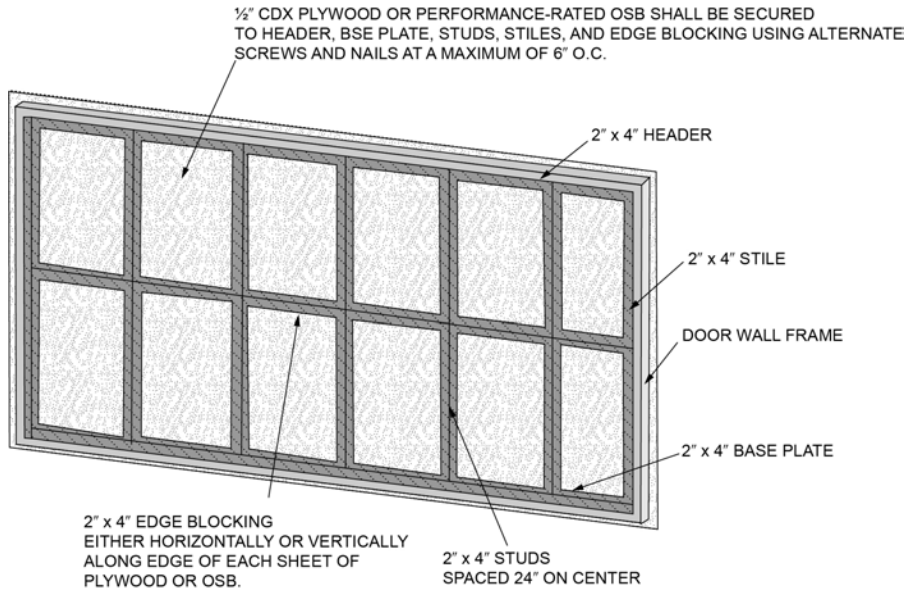
STANDARD ACRONYM	STANDARD NAME	SECTIONS HEREIN REFERENCED
IBC—21	International Building Code	A102.1, A102.2, A102.3

APPENDIX A BOARDING STANDARD



For SI: 1 inch = 25.4 mm.

FIGURE A103.1(1)
BOARDING OF DOOR OR WINDOW



For SI: 1 inch = 25.4 mm.

FIGURE A103.1(2)
BOARDING OF DOOR WALL

APPENDIX B

BOARD OF APPEALS

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

User note:

About this appendix: Appendix B provides criteria for Board of Appeals members. Also provided are procedures by which the Board of Appeals should conduct its business.

Code development reminder: Code change proposals to this appendix will be considered by the Administrative Code Development Committee during the 2022 (Group B) Code Development Cycle.

SECTION B101 GENERAL

B101.1 Scope. A board of appeals shall be established within the jurisdiction for the purpose of hearing applications for modification of the requirements of this code pursuant to the provisions of Section 107 (Means of Appeals). The board shall be established and operated in accordance with this section, and shall be authorized to hear evidence from appellants and the code official pertaining to the application and intent of this code for the purpose of issuing orders pursuant to these provisions.

B101.2 Application for appeal. Any person shall have the right to appeal a decision of the *code official* to the board. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the *code official* within 20 days after the notice was served.

B101.2.1 Limitation of authority. The board shall not have authority to waive requirements of this code or interpret the administration of this code.

B101.2.2 Stays of enforcement. Appeals of notice and orders, other than *Imminent Danger* notices, shall stay the enforcement of the notice and order until the appeal is heard by the board.

B101.3 Membership of the board. The board shall consist of five voting members appointed by the chief appointing authority of the jurisdiction. Each member shall serve for [INSERT NUMBER OF YEARS] years or until a successor has been appointed. The board member's terms shall be staggered at intervals, so as to provide continuity. The *code official* shall be an ex officio member of said board but shall not vote on any matter before the board.

B101.3.1 Qualifications. The board shall consist of five individuals, who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

B101.3.2 Alternate members. The chief appointing authority is authorized to appoint two alternate members who shall be called by the board chairperson to hear appeals during the absence or disqualification of a

member. Alternate members shall possess the qualifications required for board membership, and shall be appointed for the same term or until a successor has been appointed.

B101.3.3 Vacancies. Vacancies shall be filled for an unexpired term in the same manner in which original appointments are required to be made.

B101.3.4 Chairperson. The board shall annually select one of its members to serve as chairperson.

B101.3.5 Secretary. The chief appointing authority shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings which shall set forth the reasons for the board's decision, the vote of each member, the absence of a member and any failure of a member to vote.

B101.3.6 Conflict of interest. A member with any personal, professional or financial interest in a matter before the board shall declare such interest and refrain from participating in discussions, deliberations and voting on such matters.

B101.3.7 Compensation of members. Compensation of members shall be determined by law.

B101.3.8 Removal from the board. A member shall be removed from the board prior to the end of their terms only for cause. Any member with continued absence from regular meeting of the board may be removed at the discretion of the chief appointing authority.

B101.4 Rules and procedures. The board shall establish policies and procedures necessary to carry out its duties consistent with the provisions of this code and applicable state law. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be presented.

B101.5 Notice of meeting. The board shall meet upon notice from the chairperson, within 10 days of the filing of an appeal or at stated periodic intervals.

B101.5.1 Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the *code official* and any person whose interests are affected shall be given an opportunity to be heard.

APPENDIX B BOARD OF APPEALS

B101.5.2 Quorum. Three members of the board shall constitute a quorum.

B101.5.3 Postponed hearing. When five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

B101.6 Legal counsel. The jurisdiction shall furnish legal counsel to the board to provide members with general legal advice concerning matters before them for consideration. Members shall be represented by legal counsel at the jurisdiction's expense in all matters arising from service within the scope of their duties.

B101.7 Board decision. The board shall only modify or reverse the decision of the *code official* by a concurring vote of three or more members.

B101.7.1 Resolution. The decision of the board shall be by resolution. Every decision shall be promptly filed in writing in the office of the *code official* within three days and shall be open to the public for inspection. A certified copy shall be furnished to the appellant or the appellant's representative and to the *code official*.

B101.7.2 Administration. The *code official* shall take immediate action in accordance with the decision of the board.

B101.8 Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

INDEX

A

ACCESS

Emergency egress	702
From bedrooms	404.4.2
Plumbing fixtures, access for cleaning	504.2
To public way	702.1
Toilet room as passageway	503.1
Water closet	404.4.3

ADJACENT

Privacy (hotel units, rooming units)	404.1
--------------------------------------------	-------

ADMINISTRATION

Scope	101.2
-------------	-------

AIR

Combustion air	603.5
----------------------	-------

AISLES

Minimum width	702.2
---------------------	-------

ALTERATION

Applicability of other codes	102.3
Inspection	105.2
Prosecution	109.3
Unlawful acts	109.1

ANCHOR

Anchored, definition	202
Architectural trim	304.8
Signs, marquees and awnings	304.9
Unsafe conditions	304.1.1

APPEAL

Application	107.2
Board of appeals	108.1
Hearing, emergency orders	112.6
Membership	108.1
Notice of appeal	107.2
Records	105.6
Right to appeal	107.2

APPLIANCE

Cooking	403.3, 602.2
Mechanical	603.1

APPLICABILITY

Application of references	102.10
General	102.1
Other laws	102.11
Referenced codes and standards	102.8

APPROVAL

Alternatives	106.2
Authority	105.1, 106.2

Modifications	106.1
Research reports	106.6
Used material and equipment	106.4

APPROVED

Alternative materials, methods and equipment	106.2
Definition	202
Energy conservation devices	603.6
Garbage storage facilities	308.3.1
Modifications	106.1
Used materials and equipment	106.4

ARTIFICIAL

Lighting of habitable rooms	401.3
Lighting of other spaces	402.3

AUTOMOBILE

Motor vehicles	302.8
----------------------	-------

AWNING

Signs, marquees and awnings	304.9
-----------------------------------	-------

B

BALCONY

Handrails and guardrails	304.12
--------------------------------	--------

BASEMENT

Definition	202
Hatchways	304.16
Windows	304.17

BATHROOM

Common bathrooms	502.3, 503.1
Hotels	502.3
Lighting	605.3
Locks	503.1
Outlets required	605.2
Privacy	503.1
Ventilation	403.2

BATHTUB

Dwelling units	502.1
Rooming houses	502.2
Sewage system	506.1
Water system	505.1
Water-heating facilities	505.4

BOARDING

Boarding standard	Appendix A
-------------------------	------------

BOILER

Unsafe equipment	111.1.2
------------------------	---------

INDEX

C

CAPACITY

Heating facilities 602.2, 602.3, 602.4

CARBON MONOXIDE ALARMS AND DETECTION

Installation 705.1

Maintenance 705.2

CEILING

Basement rooms 404.3

Fire-resistance ratings 703.1

Interior surfaces 305.3

Minimum height 404.3

Sleeping rooms 404.3

CHANGE, MODIFY

Application of other codes 102.3

CHIMNEY

Exterior structure 304.11

Flue 603.2, 603.3

CLEANING

Access for cleaning 504.2

Disposal of garbage 308.3

Disposal of rubbish 308.2

Interior and exterior sanitation 308.1

Interior surfaces 305.3

Plumbing facilities, maintained 504.1

Required plumbing facilities 502

Responsibility of persons 305.1

Trash containers 308.3.2

Vacant structures and land 301.3

CLEARANCE

Heating facilities 603.3

Plumbing fixtures 504.2

CLOSING

Streets 112.3

Vacant structures 111.2

CLOTHES DRYER

Exhaust 403.5

CODE OFFICIAL

Condemnation 111.1

Demolition 113

Duties 105

Emergency order 112

Enforcement authority 105.1

Failure to comply with demolition order 113.3

Identification 105.3

Inspections 105.2

Liability, relief of personal 105.7

Membership of board of appeals 108.1

Notice of violation 105.5, 107

Official records 105.6

Personal liability 105.7

Placarding 111.7

Prosecution 109.3

Removal of placard 111.7.1

Right of entry 105.3

Transfer of ownership 111.6

Vacant structures 111.2

Voting of appeals board 108.1

COMBUSTION

Combustion air 603.5

COMPONENT SERVICEABILITY

Unsafe conditions 306.1.1

CONDEMNATION

Closing of vacant structures 111.2

Failure to comply 113.3

General 111.1

Notices and orders 111.2, 111.3

Placarding 111.7

Removal of placard 111.7.1

CONFLICT

Conflict of interest 109.1.3

Violations 109.1

CONNECTION

Sewage system 506.1

Water heating 505.4

Water system 505.1

CONSTRUCTION

Existing structures 101.2

CONTAINER

Garbage 308.3.2

Rubbish storage 308.2.1

CONTINUOUS

Unobstructed egress 702.1

CONTROL

Rodent control 302.5, 304.5

Safety controls 603.4

Weed 302.4

COOLING

Cooling towers 304.11

CORRIDOR

Accumulation of rubbish 308.1

Light 402.2

Lighting fixtures 605.3

Obstructions 702.1, 702.2

Ratings maintained 703

COST OF SUCH DEMOLITION OR EMERGENCY REPAIRS

202

D**DAMP, DAMPNESS**

- Roofs304.7
- Window, door frames304.13

DANGEROUS, HAZARDOUS

- Condemnation111.1
- Demolition..... 113
- Electrical hazards604.3, 604.3.1
- Existing remedies102.4
- Imminent danger..... 202
- Unsafe equipment..... 111.1.2
- Unsafe structures or premises 111.1.5

DECKS

- Handrails and guardrails.....304.12
- Maintenance..... 304.2, 304.10

DEMOLITION

- Existing remedies102.4
- Failure to comply113.3
- General..... 113
- Order.....113.2
- Salvage materials.....113.4

DETACHED 111.1.5, 202, 306.1.1**DETECTORS**

- Smoke..... 704

DETERIORATION

- Components of systems 306.1.1
- Definition..... 202
- Exterior structure 304.1.1
- Exterior walls304.6

DIRECT

- Egress.....702.1

DISPOSAL

- Disposal of garbage308.3
- Disposal of rubbish.....308.2

DOOR

- Exit doors702.3
- Fire703.2
- Hardware304.15
- Insect screens.....304.14
- Interior surfaces305.3
- Locks 304.15, 702.3
- Maintenance..... 304.13, 304.15
- Weather tight304.13
- Window and door frames304.13

DORMITORY (ROOMING HOUSE, HOTEL, MOTEL)

- Locked doors702.3
- Privacy 503.1, 503.2

DRAFT STOPPING

- Maintenance..... 703.3.1

DRAIN, DRAINAGE

- Basement hatchways304.16

- Plumbing connections506
- Storm drainage507

DUCT

- Duct systems.....607
- Exhaust duct 304.9

DUST

- Process ventilation 403.4

DWELLING

- Cleanliness305.1, 308.1
- Definition202
- Electrical 604.1
- Heating facilities602
- Required facilities502

E**EGRESS**

- Aisles..... 702.2
- Emergency escape 702.4
- General 702.1
- Lighting 402.2
- Locked doors..... 702.3
- Obstructions prohibited 702.1
- Stairs, porches and railings 304.10, 305.4, 305.5, 307.1

ELECTRIC, ELECTRICAL EQUIPMENT

- Abatement of hazards, fire exposure.....604.3.2
- Abatement of hazards, water exposure.....604.3.1
- Condemnation 111.1
- Electrical equipment 604.3.1.1
- Facilities required 604.1
- Hazards 604.3
- Installation 605.1
- Lighting fixtures 605.3
- Receptacles.....604.3, 605.2
- Responsibility 601.2
- Service..... 604.2

ELEVATOR, ESCALATORS, DUMBWAITERS

- Condemnation 111.1
- General 606.1
- Maintenance606.1, 606.2

EMERGENCY

- Emergency escape openings 702.4
- Emergency measures112
- Emergency orders 112.1

ENFORCEMENT

- Duties and powers.....105
- Scope 101.2

EQUIPMENT

- Alternative 106.2
- Combustion air 603.5

INDEX

Condemnation	111.1.2, 111.3
Electrical installation	605.1
Emergency order	112.1
Energy conservation devices	603.6
Installation	603.1
Interior structure	305.1
Placarding	111.7, 111.8
Prohibited use	111.8
Responsibility	601.2
Safety controls	603.4
Scope	101.2
Scope, mechanical and electrical	601.1
Support, definition	202
Unsafe	111.1.2
Used	106.4
EXHAUST	
Clothes dryer	403.5
Exhaust ducts	304.9
Process ventilation	403.4
EXISTING	
Remedies	102.4
Scope	101.2
Structural members	304.1.1, 304.4
Structures	101.3
EXTERIOR	
Decorative features	304.8
Exterior structure	304
Exterior walls	304.6
Painting	304.2, 304.6
Rodent harborage	302.5, 304.5
Sanitation	304.1
Scope	301.1
Stair	304.10
Street numbers	304.3
Unsafe conditions	304.1.1
Weather tight	304.13

F

FAN	
Exhaust vents	302.6
FEES, EXPENSES, COST	
Closing vacant structures	111.2
Demolition	113.1, 113.3, 113.4
Extermination	309.2, 309.3, 309.4, 309.5
General	104.1
Relief from personal liability	105.7
FENCE	
Accessory	302.7
Maintenance	304.2

FIRE

Blocking Maintenance	703.3.1
--------------------------------	---------

FIRE DEPARTMENT

Connection access	704.5.1, 704.5.2
Connections	704.5

FIRE PROTECTION SYSTEMS

Emergency impairments	704.3.1
Equipment	704.4, 704.4.1, 704.4.2
Inspection	704.1, 704.1.3, 704.2
Installation	704.1.1
Maintenance	704.1, 704.1.3, 704.2
Out of service	704.3
Records of maintenance	704.2.1
Required systems	704.1.2, 704.2.2
Smoke alarms	704.6
Smoke detections systems	704.6.4
Termination of service	704.4.3
Testing	704.1, 704.1.3, 704.2

FIRE-RESISTANCE RATINGS

Ceilings	703.5
Draft stopping	703.3.1
Fire barriers	703.3.3
Fire blocking	703.3.1
Fire partitions	703.3.3
Fire walls	703.3.3
Maintenance	703.3
Opening protective	703.4
Shafts	703.7
Smoke barriers	703.3.2
Smoke partitions	703.3.2
Unsafe conditions	703.2

FLAMMABLE LIQUID

Containers	111.1.2
----------------------	---------

FLOOR, FLOORING

Area for sleeping purposes	404.4.1
Fire-resistance ratings	703.1
Interior surfaces	305.1, 305.3
Space requirements	404.4.1, 404.6

FOOD PREPARATION

Cooking equipment	403.3
Sanitary condition	305.1, 404.7
Ventilation	403.4

FOUNDATION

Condemnation	111.1.1
Foundation walls	304.5
Unsafe conditions	304.1.1, 305.1.1

FRAME

Window and door frames	304.13
----------------------------------	--------

G

GARBAGE 308

GAS

 Energy conservation devices 603.6

 Exhaust vents 302.6

GLAZING

 Materials 304.13.1

GRADE

 Drainage 302.2, 507

GUARD

 Anchorage and maintenance 304.12

 Basement windows 304.18.2

 Definition 202

H

HABITABLE

 Definition 202

 Light 402

 Minimum ceiling height 404.3

 Minimum room width 404.2

 Required plumbing facilities 502

 Residential heating facilities 602.2, 602.3

 Space requirements 404.4.1

 Ventilation 403

HABITABLE SPACE 402.1, 403.1, 404.4.2, 605.2

HANDRAILS AND GUARDRAILS

 Handrails 304.12, 305.5, 307.1

 Stairs and porches 304.10

HARDWARE

 Door hardware 304.15, 702.3

 Openable windows 304.13.2

HEAT, HEATING

 Energy conservation devices 603.6

 Fireplaces 603.1

 Heating 603.1

 Mechanical equipment 603.1

 Required capabilities 602

 Residential heating 602.2, 602.3

 Supply 602.3

 Water heating facilities 505.4

 Water system 505

HEIGHT

 Minimum ceiling height 404.3

HISTORIC BUILDING

HOTELS, ROOMING HOUSES AND DORMITORY UNITS, MOTELS

 Definition 202

 Locked doors 702.3

 Required facilities 502

 Toilet rooms 503

HOUSEKEEPING UNIT

 Definition 202

I

IDENTIFICATION

 Code official 105.4

IMMINENT DANGER 107.5, 112.1, 703.2, B101.2.2

INFESTATION

 Condemnation 111.1.3

 Definition 202

 Insect and rodent 302.5, 304.14, 309.1

INSECTS

 Infestation 309.1

 Insect screens 304.14

 Pest elimination 309

INSPECTIONS

 General 105.2

 Right of entry 105.3

INSPECTOR

 Identification 105.4

 Inspections 105.2

 Records 105.6

INTENT

 Code 101.3

INTERIOR

 Interior structure 305

 Interior surfaces 305.3

 Means of egress 702

 Sanitation 305.1

 Unsafe conditions 305.1.1

J

JURISDICTION

 Title 101.1

K

KITCHEN

 Electrical outlets required 605.2

 Minimum width 404.2

 Prohibited use 404.4.4

 Room lighting 605.3

 Water heating facilities 505.4

L

LANDING

 Handrails and guards 304.12, 305.5, 306.1

 Maintenance 304.10, 305.4

INDEX

LAUNDRY

- Room lighting 605.3
- Water-heating facilities 505.4

LAVATORY

- Hotels 502.3
- Required facilities 502
- Rooming houses 502.2
- Sanitary drainage system 506
- Water system 505
- Water-heating facilities 505.4

LEASE (SELL, RENT)

- Heat supplied 602.3
- Salvage materials 113.4
- Transfer of ownership 111.6

LIEN

- Closing of vacant structures 111.2
- Demolition 113.3
- Failure to comply 113.3

LIGHT, LIGHTING

- Common halls and stairways 402.2, 605.3
- General 402
- Habitable rooms 402.1
- Kitchen 605.3
- Laundry rooms 605.3
- Luminaires 605.3
- Other spaces 402.3
- Responsibility 401.2
- Scope 101.2
- Toilet rooms 605.3

LIVING ROOM

- Room area 404.4.1

LOAD, LOADING

- Elevators, escalators and dumbwaiters 606.1
- Handrails and guardrails 304.12, 305.5
- Live load 304.4, 305.2
- Stairs and porches 304.10, 305.2
- Structural members 304.4, 305.2

M**MAINTENANCE**

- Required 102.2

MATERIAL

- Alternative 106.2
- Salvage 113.4
- Used 106.4

- MEANS OF EGRESS** 111.1.5, 304.15, 402.2,
702.1, 702.3, 704.6.1.1

MECHANICAL

- Installation 603.1
- Responsibility 601.2

- Scope 601.1
- Ventilation, general 403
- Ventilation, toilet rooms 403.2

MINIMUM

- Ceiling height 404.3
- Room area 404.4.1
- Room width 404.2

MODIFICATION

- Approval 106.1

MOTOR VEHICLES

- Inoperative 302.8
- Painting 302.8

N**NATURAL**

- Lighting 401.3, 402
- Ventilation 401.3, 403

NOTICES AND ORDERS

- Appeal 107.2
- Form 111.4.1
- Method of service 111.4.2
- Orders 107
- Owner, responsible person 111.4
- Penalties 107.5
- Placarding of structure 111.7
- Transfer of ownership 111.6
- Unauthorized tampering 111.5
- Vacating structure 111.2

NOXIOUS

- Process ventilation 403.4
- Weeds 302.4

NUISANCE

- Closing of vacant structures 111.2

O**OBSTRUCTION**

- Light 402.1
- Right of entry 105.3

OCCUPANT**OPENABLE**

- Locked doors 702.3
- Windows 304.13.2, 403.1

OPENING PROTECTIVES

- Closers 703.8
- Door operation 703.4.3
- Hold-open devices 703.4.2
- Maintenance 703.4
- Signs 703.4.1
- Testing 703.6

OPERATOR

Definition 202

ORDINANCE, RULE

Applicability 102

Application for appeal 107.2

OUTLET

Electrical 605.2

OWNER

Closing of vacant structures 111.2

Definition 202

Demolition 113

Failure to comply 113.3

Insect and rat control 302.5, 309.2, 309.4

Notice 111.4, 111.3

Pest elimination 309.2

Placarding of structure 111.7

Responsibility 301.2

Responsibility, fire safety 701.2

Responsibility, light, ventilation 401.2

Responsibility, mechanical and electrical 601.2

Responsibility, plumbing facilities 501.2

Right of entry 105.3

Rubbish storage 308.2.1

Scope 101.2

Transfer of ownership 111.6

P**PASSAGEWAY**

Common hall and stairway 402.2

Interior surfaces 305.3

Toilet rooms, direct access 503.1

PENALTY

Notices and orders 107.5

Placarding of structure 111.7

Prohibited occupancy 111.8

Removal of placard 111.7.1

Scope 101.2

Violations 109.4

PEST ELIMINATION

Condemnation 111.1

Definition 202

Insect and rodent control 302.5, 304.5,
304.14, 309.1

Pest elimination 309.1

Responsibility of owner 301.2, 309.2

Responsibility of tenant-occupant 309.3, 309.4,
309.5**PLACARD, POST**

Closing 111.2

Condemnation 111.1

Demolition 113

Emergency, notice 112.1

Notice to owner 111.4, 111.3

Placarding of structure 111.7

Prohibited use 111.8

Removal 111.7.1

PLUMBING

Clean and sanitary 504.1

Clearance 504.2

Connections 505.1

Contamination 505.2

Employee's facilities 503.3

Fixtures 504.1

Required facilities 502

Responsibility 501.2

Sanitary drainage system 506

Scope 501.1

Storm drainage 507

Supply 505.3

Water heating facilities 505.4

PORCH

Handrails 304.12

Structurally sound 304.10

PORTABLE (TEMPORARY)

Cooking equipment 603.1

PRESSURE

Water supply 505.3

PRIVATE, PRIVACY

Bathtub or shower 503.1

Occupancy limitations 404.1

Required plumbing facilities 502

Sewage system 506.1

Water closet and lavatory 503.1

Water system 505.1

PROPERTY, PREMISES

Cleanliness 304.1, 308.1

Condemnation 111

Definition 202

Demolition 113

Emergency measures 112

Exterior areas 302

Failure to comply 113.3

Grading and drainage 302.2

Pest elimination, multiple occupancy 302.5, 309.4

Pest elimination, single occupancy 302.5, 309.3

Responsibility 301.2

Scope 301.1

Storm drainage 507

Vacant structures and land 301.3

PROTECTION

Basement windows 304.17

INDEX

Fire protection systems	704
Signs, marquees and awnings	304.9
PUBLIC	
Cleanliness	304.1, 305.1
Egress	702.1
Hallway	502.3
Sewage system	506.1
Toilet facilities	502.5, 503
Vacant structures and land	301.3
Water system	505
PUBLIC WAY	
Definition	202

R

RAIN (PREVENTION OF ENTRY INTO BUILDING EXTERIOR ENVELOPE)	
Basement hatchways	304.16
Exterior walls	304.6
Grading and drainage	302.2
Roofs	304.7
Window and door frames	304.13
RECORD	
Official records	105.6
REPAIR	
Application of other codes	102.3
Chimneys	304.11
Demolition	113.1
Exterior surfaces	304.1
Intent	101.3
Maintenance	102.2
Signs, marquees and awnings	304.9
Stairs and porches	304.10
Weather tight	304.13
Workmanship	102.5
REPORTS	
Test reports	106.3.2
RESIDENTIAL	
Pest elimination	309
Residential heating	602.2
Scope	101.2
RESPONSIBILITY	
Fire safety	701.2
Garbage disposal	308.3
General	301.2
Mechanical and electrical	601.2
Persons	301.1
Pest elimination	309
Placarding of structure	111.7

Plumbing facilities	501.2
Rubbish storage	308.2.1
Scope	101.2, 301.1
REVOKE, REMOVE	
Demolition	113
Existing remedies	102.4
Removal of placard	111.7.1
Rubbish removal	308.2.1
RIGHT OF ENTRY	
Duties and powers of code official	105.3
Inspections	105.2
RODENTS	
Basement hatchways	304.16
Condemnation	111
Foundations	304.5
Guards for basement windows	304.17
Harborage	302.5
Insect and rodent control	309.1
Pest elimination	302.5, 309
ROOF	
Exterior structure	304.1
Roofs	304.7
Storm drainage	507
ROOM	
Bedroom and living room	404.4
Cooking facilities	403.3
Direct access	503.2
Habitable	402.1
Heating facilities	602
Light	402
Minimum ceiling heights	404.3
Minimum width	404.2
Overcrowding	404.5
Prohibited use	404.4.4
Temperature	602.5
Toilet	503
Ventilation	403
RUBBISH	
Accumulation	308.1
Definition	202
Disposal	308.2
Garbage facilities	308.3.1
Rubbish storage	308.2.1
S	
SAFETY, SAFE	
Fire safety requirements	701, 702, 703, 704
Safety controls	603.4

SANITARY

Cleanliness	304.1, 305.1
Disposal of garbage	308.3
Disposal of rubbish	308.2
Exterior property areas	302.1
Exterior structure	304.1
Food preparation	404.7
Furnished by occupant	302.1
Grease interceptors	506.3
Interior surfaces	305.3
Plumbing fixtures	504.1
Required plumbing facilities	502
Scope	101.2

SCREENS

Insect screens	304.14
--------------------------	--------

SECURITY

Basement hatchways	304.18.3
Building	304.18
Doors	304.18.1
Vacant structures and land	301.3
Windows	304.18.2

SELF-CLOSING SCREEN DOORS

Insect screens	304.14
--------------------------	--------

SEPARATION

Fire-resistance ratings	703
Privacy	404.1
Separation of units	404.1

SERVICE

Electrical	604.2
Method	111.4.2
Notices and orders	111.4, 111.3
Service on occupant	111.3

SEWER

General	506.1
Maintenance	506.2

SHOWER

Bathtub or shower	502.1
Rooming houses	502.2
Water system	505
Water-heating facilities	505.4

SIGN

Fire door signs	703.4.1
Signs, marquees and awnings	304.9
Unauthorized tampering	111.5

SINGLE-FAMILY DWELLING

Extermination	309
-------------------------	-----

SINK

Kitchen sink	502.1
Sewage system	506
Water supply	505.3

SIZE

Efficiency unit	404.6
Habitable room, light	402
Habitable room, ventilation	403
Room area	404.4.1

SMOKE ALARMS

Group R-1	704.6.1.1
Groups R-2, R-3, R-4 and I-1	704.6.1.2
Installation near bathrooms	704.6.1.4
Installation near cooking appliances	704.6.1.3
Interconnection	704.6.2
Power source	704.6.3
Testing	704.7
Where required	704.6.1

SPACE

General, light	402
General, ventilation	403
Occupancy limitations	404
Privacy	404.1
Scope	401.1

STACK

Smoke	304.11
-----------------	--------

STAIRS

Common halls and stairways, light	402.2
Exit facilities	305.4
Exterior property areas	302.3
Handrails	304.12, 305.5
Lighting	605.3
Stairs and porches	304.10

STANDARD

Referenced	102.8
----------------------	-------

STOP WORK ORDER

Authority	110.1
Emergencies	110.3
Failure to comply	110.4
Issuance	110.2

STORAGE

Food preparation	404.7
Garbage storage facilities	308.3
Rubbish storage facilities	308.2.1
Sanitation	308.1

STRUCTURE

Accessory structures	302.7
Closing of vacant structures	111.2
Definition	202
Emergency measures	112
General, condemnation	113
General, exterior	304.1
General, interior structure	305.1
Placarding of structure	111.7

INDEX

Scope	301.1
Structural members	304.4, 305.2
Vacant structures and land	301.3

SUPPLY

Combustion air	603.5
Public water system	505.1
Water supply	505.3
Water system	505
Water-heating facilities	505.4

SURFACE

Exterior surfaces	304.2, 304.6
Interior surfaces	305.3

SWIMMING

Enclosure	303.2
Safety covers	303.2
Swimming pools	303.1

T**TEMPERATURE**

Nonresidential structures	602.4
Residential buildings	602.2
Water-heating facilities	505.4

TENANT

Scope	101.2
-------------	-------

TEST, TESTING

Agency	106.3.1
Methods	106.3.1
Reports	106.3.2
Required	106.3

TOXIC

Process ventilation	403.4
---------------------------	-------

TRASH

Rubbish and garbage	308
---------------------------	-----

U**UNOBSTRUCTED**

Access to public way	702.1
General, egress	702.1

UNSAFE STRUCTURES AND EQUIPMENT

Abatement methods	111.9
Dangerous structure or premises	111.1.5
Equipment	111.1.2
Existing remedies	102.4
General, condemnation	111, 113
General, demolition	113
Notices and orders	107, 111.3
Record	111.3
Structures	111.1.1

USE

Application of other codes	102.3
General, demolition	113

UTILITIES

Authority to disconnect	111.2.1
-------------------------------	---------

V**VACANT**

Abatement methods	111.9
Authority to disconnect service utilities	111.2.1
Closing of vacant structures	111.2
Emergency measure	112
Method of service	111.4.2, 111.3
Notice to owner or to person responsible	107, 111.3
Placarding of structure	111.7
Record	111.3
Vacant structures and land	301.3

VAPOR

Exhaust vents	302.6
---------------------	-------

VEHICLES

Inoperative	302.8
Painting	302.8

VENT

Exhaust vents	302.6
Flue	603.2
Plumbing hazard	504.3

VENTILATION

Clothes dryer exhaust	403.5
Combustion air	603.5
Definition	202
General, ventilation	403
Habitable rooms	403.1
Process ventilation	403.4
Recirculation	403.2, 403.4
Toilet rooms	403.2

VERMIN

Condemnation	111
Insect and rodent control	302.5, 309

VERTICAL SHAFTS

Required enclosure	703.7
--------------------------	-------

VIOLATION

Condemnation	111
Enforcement	109.2
General	109
Notice	107, 111.3
Placarding of structure	111.7
Prosecution	109.3
Separate offenses	109.4
Strict liability offense	109.3, 202
Transfer of ownership	111.6

W**WALK**

Sidewalks302.3

WALL

Accessory structures302.7
 Exterior surfaces 304.2, 304.6
 Exterior walls304.6
 Foundation walls304.5
 General, fire-resistance rating703.1
 Interior surfaces305.3
 Outlets required605.2
 Temperature measurement602.5

WASTE

Disposal of garbage308.3
 Disposal of rubbish308.2
 Garbage storage facilities 308.3.1

WATER

Basement hatchways304.16
 Connections506.1
 Contamination505.2
 General, sewage 506
 General, storm drainage 507
 General, water system 505
 Heating505.4
 Hotels502.3
 Kitchen sink502.1
 Nonpotable water reuse505.5, 505.5.1
 Required facilities 502
 Rooming houses502.2
 Supply505.3
 System 505
 Toilet rooms 503
 Water-heating facilities505.4

WEATHER, CLIMATE

Heating facilities 602

WEEDS

Noxious weeds302.4

WIDTH

Minimum room width404.2

WINDOW

Emergency escape702.4
 Glazing 304.13.1
 Guards for basement windows304.17
 Habitable rooms402.1
 Insect screens304.14
 Interior surface305.3
 Light 402
 Openable windows 304.13.2
 Toilet rooms403.2

Ventilation403
 Weather tight 304.13
 Window and door frames 304.13

WORKMANSHIP

General 102.5

Y

YARD 202, 507.1



Proctored Remote Online Testing Option (PRONTO™)

Convenient, Reliable, and Secure Certification Exams

Take the Test at Your Location

Take advantage of ICC PRONTO, an industry leading, secure online exam delivery service. PRONTO allows you to take ICC Certification exams at your convenience in the privacy of your own home, office or other secure location. Plus, you'll know your pass/fail status immediately upon completion.



With PRONTO, ICC's Proctored Remote Online Testing Option, take your ICC Certification exam from any location with high-speed internet access.



With online proctoring and exam security features you can be confident in the integrity of the testing process and exam results.



Plan your exam for the day and time most convenient for you. PRONTO is available 24/7.



Eliminate the waiting period and get your results in private immediately upon exam completion.



ICC was the first model code organization to offer secured online proctored exams—part of our commitment to offering the latest technology-based solutions to help building and code professionals succeed and advance. We continue to expand our catalog of PRONTO exam offerings.

Discover ICC PRONTO and the wealth of certification opportunities available to advance your career: www.iccsafe.org/MeetPRONTO

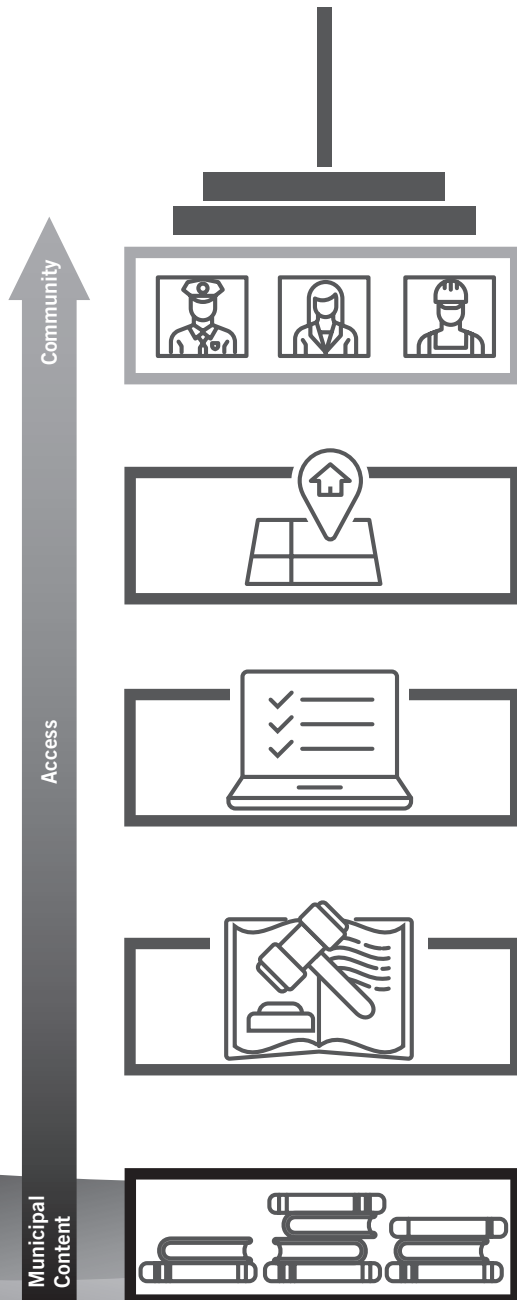


ASSESSMENT
center

pronto
ICC ONLINE EXAMS

Building Vibrant, Resilient Communities Together

Simplifying how local governments and their constituents find, access, and share information by innovating forward-thinking technologies and processes.



Visual Zoning Services

Supporting growth by making it easier for businesses, developers and residents to understand your community's zoning code requirements

Online Code Services

Boosting transparency and efficiency with flexible digital experiences for your municipal code and I-Codes with local amendments expertly incorporated

Codification Services

Ensuring that local laws are always accurate, well-organized and easily-accessible to your community

Connecting communities with
forward-thinking digital innovations

GeneralCode.com | 800.836.8834

**GENERAL
CODE**

A Member of the ICC Family of Solutions

20-18941

Ever wonder why contractors, architects and other building professionals rely on ICC plan reviews?

- **Experience** – Our I-Code experts have expertise in ALL the International Codes® (I-Codes®)
- **Detailed Report** – identifies code compliance and violations
- **Complimentary** re-review of reissued plans*

Additionally, ICC Plan Review Services has years of experience in code application, certified design experts on board, and International Code Council Certifications to ensure we deliver the industry's most comprehensive and reliable plan reviews.

Find Out More!

888-422-7233, x4337

www.iccsafe.org/PLR3



**Applies to "Complete Plan Review Services". Contact ICC Plan Review staff for details.*

20-18850



**ACCREDITATION
SUITE^{for} Building
Departments**

8

Free Programs to Help Building Departments Approve:

1. Special Inspection Agencies
2. Fabricators
3. Metal Building Manufacturers
4. Metal Building Assemblers
5. Testing Laboratories
6. Field Evaluation Bodies
7. Building Department Service Providers
8. Product Certification Agencies

Learn More about these
Valuable Resources!

1-866-427-4422
www.iasonline.org





ITEM G-3

To: Mike Womack, City Manager
From: Rodney Church, Director of Parks, Recreation & Cemetery
Date: January 8, 2024
RE: Macomb Mechanical agreement to replace Community Center Hot Water Boilers

STAFF RECOMMENDATION

To approve the agreement between the City of Lapeer and Macomb Mechanical to replace the Hot Water Boilers at the Lapeer Community Center.

CURRENT OR NEW INFORMATION

The Parks & Recreation department recently went through a sealed bid process to gather bids to replace the Hot Water Heater Boilers at the Lapeer Community Center. With the assistance from DiClemente Engineering six companies submitted bids for the project. The three lowest bidders were as follows:

1. Macomb Mechanical - \$57,641
2. Goyette Mechanical - \$95,900
3. Progressive Mechanical - \$132,272

After vetting the bids and companies it has been determined that Macomb Mechanical meets our requirements set forth in the bid packet and we would like to hire them to complete the project. The project was approved in the 23/24 Capital Improvement Program for a total cost of \$200,000. Total cost for the project is as follows:

- Engineering - \$27,600
- Project - \$57,641
- Total - \$85,241

Once the project is complete the department would like to use the remaining \$114,759 budgeted on other possible Community Center projects.

BACKGROUND OR PREVIOUSLY SUBMITTED INFORMATION

AGENDA ITEM REVIEW

Meeting Date:	January 16, 2024	Date Reviewed:	January 9, 2024
Consent:			
Administrative:	X	Reviewed By:	R. Sanchez, City Clerk
Public Hearing:			

**CITY OF LAPEER
COMMUNITY CENTER HOT WATER HEATER REPLACEMENT**

AGREEMENT

This agreement is dated as of the 2nd day of January in the year 2024, between the City of Lapeer, hereinafter called OWNER, and Macomb Mechanical, hereinafter called CONTRACTOR. OWNER and CONTRACTOR, in consideration of the mutual covenants set forth herein, agree as follows:

ARTICLE 1 – WORK

CONTRACTOR shall complete the work as specified and indicated in the Contract Documents, generally described as the Community Center Hot Water Heater Replacement Bid Packet.

ARTICLE 2 – CONTRACT TIME

Unless terminated as indicated in the Invitation to Bid section 1.14 A, the contract time shall start January 17, 2024 and end March 1, 2024.

ARTICLE 3 – CONTRACT PRICE

OWNER will pay CONTRACTOR for materials and performance of the work in accordance with bid proposal dated December 14, 2023.

ARTICLE 4 – PAYMENTS

OWNER will make one lump sum payment of \$57,641 once the work has been completed and approved by owner, net 30 days.

ARTICLE 5 – CONTRACT DOCUMENTS

The complete Contract between OWNER and CONTRACTOR consists of the following: 1) Invitation to Bid, 2) Bid Specifications, 3) Revised Specifications #22116, 4) Bid Drawings, 5) Pre-Bid Meeting, 6) Addendum 1, 7) Addendum 2, 8) Addendum 3, 9) Bid Form dated 12/14/23, 10) Macomb Mechanical Quote #RM005-23, and 11) 12/20/23 email time stamped 9:04 a.m. from Russell Moore to Chuck McKale and Rodney Church.

ARTICLE 6 – CONTRACTOR'S BREACH

Default and/or breach of any contract provisions by the contractor will be cause for immediate termination of the contract. In such instance, the City may also recover from the Contractor costs incurred by the City for completing all work should the contract be terminated.

ARTICLE 7 – SIGNATURES

IN WITNESS WHEREOF, the parties hereto have executed this contract in at least 2 counterparts, each of which shall be deemed an original, the day and year first above written.

WITNESS



REBECCA COBB LS

CONTRACTOR

BY 

(Signature)

TITLE VICE PRESIDENT

WITNESS

LS

OWNER

BY _____
(Signature)

TITLE _____



ITEM G-4

To: Mike Womack, City Manager
From: Mike Vogt, Fire Chief
Date: January 3, 2024
RE: Agreement for Purchase of Heavy Rescue (Department Vehicle 1-51)

STAFF RECOMMENDATION

Recommend approval of the agreement of sale with Payette Sales & Service, INC for the purchase of a new KME heavy rescue vehicle and the budget amendment as presented. Authorize the City Manager, Mayor, and Fire Chief to sign all necessary documents.

CURRENT OR NEW INFORMATION

The Capital Improvement Program introduced the replacement of our heavy rescue vehicle in 2019, initially scheduled for FY 24/25. Due to extended production times exacerbated by the COVID-19 pandemic we are requesting approval for an early purchase five months ahead of schedule.

Rationale for Early Purchase:

The pandemic has tripled fire apparatus production times, with manufacturers now quoting 28 to 48 months. Payette Sales & Service, LLC, secured a 28-month build time, crucial for avoiding a \$100,000 additional cost due to upcoming emission standards in 2027 and offering a \$97,000 pre-payment discount.

Production Time Challenges:

Extended production times pose a threat to replacing our current heavy rescue before its end of life. Manufacturers' cost increases of over 45 percent, occurring quarterly, necessitate swift action to avoid budgetary strain.

Committee Involvement:

A diverse committee, led by Chairperson Tim Brown, meticulously crafted an inclusive specification for a heavy rescue to meet our mission for 30 years. Their dedication and hundreds of hours invested deserve commendation. We express gratitude to Chairperson Tim Brown and the committee for their exceptional contributions.

Funding Support and Budget Review:

The net purchase price with required equipment is \$1,186,021. The TIFA and the LDFA have provided \$665,000 in funding and there are several other budget reductions of nearly \$120,000. The net result to the General fund is approximately \$402,000. The Fire and Rescue Department have proactively reviewed the current FY budget, strategically reducing expenditures in both Capital Improvement Projects and non-CIP machinery and equipment to facilitate this early purchase. As a result of these efforts, the general fund contribution is approximately 1/3 of the total purchase price.

Kelly Hanna, Director of Finance, is recommending use of general fund - fund balance for the remaining balance of \$402,000. The FY22/23 final general fund – fund balance was \$5,528,783, which was nearly \$900,000 more than the projected.

Heavy Rescue Truck with Equipment	\$ 1,283,021
Prepayment discount	(97,000)
Net due by 1/31/2024	\$ 1,186,021
LDFA Contribution	(300,000)
TIFA 3 Contribution	(365,000)
101-336-976.999 (Training room furniture)	(9,500)
403-690-974.000 (Housing land)	(100,000)
403-336-976.000 (Hose replacement)	(9,600)
Net General fund - fund balance	\$ 401,921

BACKGROUND AND SUPPORTING INFORMATION

When I assumed the role as Fire Chief, the challenge extended beyond maintaining the status quo at our department to enhancing our capabilities for better service. While our current heavy rescue meets mission requirements, critical factors necessitate considering an upgrade, urging us to act swiftly.

NFPA 1901 Compliance:

As per NFPA 1901 (the national standard for fire apparatus), apparatus should be retired after 25 years in service. Our 20-year-old heavy rescue approaches the end of its operational lifespan. With the extended production time of 28–30 months, our current apparatus would be around 23 years old at the time of delivery. The proposed heavy rescue aligns with the latest safety standards, exceeding the 25-year recommendation with structural and component upgrades.

NFPA 1901 underlines the importance of the latest safety features and operational capabilities in fire apparatus. The changes and upgrades to NFPA 1901 in the last decade have been substantial, especially in the realm of safety. Apparatus older than 15 years might lack many of the safety upgrades mandated by recent NFPA standards, putting our firefighters at potential risk.

Our proposed new apparatus incorporates critical enhancements in design, safety, and technology recommended by NFPA 1901. It addresses rollover stability, tire pressure indicators, extended seat belt length requirements, enhanced step and work surface lighting, and much more. Furthermore, the proposed heavy rescue includes a range of safety components that our current apparatus lacks, such as a Vehicle Data Recorder System, removable seat covers for decontamination, improved suspension and braking, storage for rehydration and electrolyte replacement, enhanced SCBA retention in crash scenarios, and an array of other safety features.

Financial Implications of Delay:

Production delays and market conditions, including over 45% cost increases, pose financial risks. Purchasing now, under current emission standards, avoids an additional \$100,000 due to changes in 2027. Prices are expected to continue rising, making an early purchase a strategic cost-saving move.

Warranty Information:

Our Chief Mechanic has diligently ensured a robust warranty package, including warranties on emission systems, frame assembly, body structure, engine, transmission, and axle, providing an added layer of protection for our investment.

Call Types and Statistics:

Our rescue apparatus is scheduled to respond to 14 out of 23 incident types, accounting for approximately 65% of all call types. This highlights the critical role this vehicle plays in our department, ensuring a swift and effective response to various emergencies.

Expanded Service Capability:

- Trailway Rescue: Addressing increasing dispatches for trail incidents, the new rescue provides dedicated storage space for rescue equipment.
- Mass Casualty Incidents: Thankfully, these types of incidents have not occurred; however, we would be negligent if we didn't forecast the possibility. For us to properly respond to assist not only is additional training required, but we will also need a vehicle that is capable of housing all our equipment.
- Ice Rescue Emergencies: Currently reliant on mutual aid, the new rescue allows us the capability to house needed equipment to add this service to our emergency response capability.

Improved Efficiency:

- Battery-Operated Extrication Tools: Enhancing safety and efficiency, cordless tools allow optimal positioning of the apparatus on emergency scenes.
- SCBA Filling in the Field: Enhanced operator safety and improved filling capability.
- Cancer Prevention and Firefighter Rehab: The new vehicle supports cancer prevention with removable seat covers and reduction of porous materials. Firefighter rehabilitation is improved with storage for hydration, providing a dedicated space for firefighter recovery on the scene.
- Storage Areas: Storage areas have been designed to allow firefighters to reach stored equipment safely and efficiently.

Long-Term Planning:

Our committee prioritized flexibility within the heavy rescue's configuration, foreseeing future needs. The robust frame, suspension, body, and engine configuration align with our goal of making this vehicle road worthy for over 25 years. This investment not only guarantees the highest level of safety and efficiency but also positions us strategically for the future.

Conclusion:

Investing in a new, state-of-the-art heavy rescue is a commitment to professional standards, showcasing our dedication to optimal service, and enhancing the department's overall image within the community. It ensures the highest level of safety, efficiency, and aligns with our commitment to providing the best service to our community. Your support for this critical and strategic investment is paramount, and we express our gratitude for your consideration.

AGENDA ITEM REVIEW

Meeting Date:	January 16, 2024	Date Reviewed:	January 9, 2024
Consent:			
Administrative:	X	Reviewed By:	D. Jansen, Deputy Clerk
Public Hearing:			

PAYETTE SALES & SERVICE, INC.

AGREEMENT OF SALE FOR FIRE APPARATUS

THIS AGREEMENT is made between PAYETTE SALES & SERVICE, INC. ("PSS"), of 27250 Kitty Hawk Suite B, Grosse Ile, Michigan 48138 ("Company") and:

_____, of
City of Lapeer
Legal Name of Buyer

576 Liberty Park Lapeer, Lapeer, Michigan 48446
Address City County State Zip

810-664-2902
"Buyer" Phone Number

BUYER INFORMATION (check one):

Municipal Corporation (XX) Non-Profit Corporation

Other (specify): _____

State of Incorporation: Michigan Date of Incorporation: 3/30/1869

1. ACCEPTANCE: Company agrees to sell and Buyer agrees to purchase the fire apparatus ("Apparatus") described in the Specifications incorporated as Exhibit A of this contract, as may be amended in writing, and the equipment listed herein, all in accordance with the terms and conditions set forth herein.

2. DELIVERY SCHEDULE: The Apparatus shall be ready for delivery F.O.B. Lapeer, MI. at approximately 28 months after receipt of contract and preconstruction letter subject to extension due to changes made by Buyer or in accordance with Sections 5 or 12 below.

3. PRICE: Buyer shall pay to Company as the Purchase Price for the Apparatus the sum of One Million One Hundred Eight Six Thousand Twenty One No/100 U.S. Dollars
(\$1,186,021.00)

This purchase price includes the following taxes:

NONE

Any applicable taxes not specifically noted above will be paid by the Buyer directly, or will be added to the Purchase Price and paid by Company. If Buyer claims exemption from any tax, Buyer agrees to promptly furnish the applicable exemption certificate(s) and to indemnify and save Company harmless from any such tax, interest or penalty, which may at any time be assessed against Company as a result of this transaction.

4. TERMS OF PAYMENT: Terms of payment shall be:

(A) Due upon signing..... \$1,186,021.00
Due upon completion/receipt of chassis... -0-
Due upon delivery..... -0-

(B) Check applicable method of payment for remaining balance due:

Cash/cash equivalent at time of delivery

Installment Sales Contract - Financing*

Lease-Purchase Agreement - Financing*

* Lender/Leasing Company: N/A

5. CONTINGENCIES: Company will not be liable for any delay, failure to make delivery, or other default due to strikes or labor unrest, war, riot, federal, state or local government action, fire, flood or other disaster or acts of God, accidents, breakdown of machinery, lack of or inability to obtain materials, parts or supplies, or any other causes or circumstances beyond the reasonable control of Company which prevent or hinder Company's manufacture and/or delivery of the Apparatus.

6. WARRANTY: Company provides a limited warranty on new Apparatus of its own manufacture in accordance with the warranty terms set forth in the Specifications.

EXCEPT TO THE EXTENT PROHIBITED BY LAW, COMPANY MAKES NO OTHER WARRANTY, EXPRESS OR IMPLIED, INCLUDING THE IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. THERE ARE NO WARRANTIES WHICH EXTEND BEYOND THE FACE HEREOF.

SEE SEPARATE WARRANTY STATEMENT(S) FOR COMPLETE INFORMATION.

7. DISCLAIMER OF CONSEQUENTIAL DAMAGES: COMPANY EXPRESSLY DISCLAIMS ANY LIABILITY FOR CONSEQUENTIAL OR INCIDENTAL DAMAGES WHICH MAY BE SUSTAINED BY BUYER, INCLUDING BUT NOT LIMITED TO THOSE ARISING FROM THE USE, INABILITY TO USE, MAINTENANCE OR REPAIR OF THE APPARATUS, WHETHER UNDER THEORIES OF BREACH OF EXPRESS OR IMPLIED WARRANTY, NEGLIGENCE, STRICT LIABILITY, OR OTHERWISE.

8. CANCELLATION: This contract is not subject to cancellation by Buyer, unless for material breach by Company, except upon payment to Company of reasonable cancellation charges, which shall take into account expenses already incurred and commitments made by Company and Company's anticipated profit.

9. ENTIRE AGREEMENT; AMENDMENTS: This contract, including its appendices, embodies the entire understanding between the parties relating to the subject matter contained herein and merges all prior discussions and agreements between them. No agent or representative of Company has authority to make any representations, statements, warranties or agreements not herein expressed. All modifications or amendments of this contract, including the appendices, and Change Orders, must be in writing signed by an authorized representative of each of the parties hereto.

10. SEVERABILITY: If any provision hereof shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision, and this contract shall be construed as if the invalid, illegal or unenforceable provision had never been contained in it, unless to do so clearly negates the overall intent or purpose of the parties in entering into this contract.

11. CHANGES IN COMMERCIAL SPECIFICATIONS: Specifications for all commercial components of the Apparatus, manufactured by companies other than KME, are subject to change without notice. Specifications for such components will be as available at the time of manufacture of the Apparatus. Company shall not be liable for any specification deviations from the original contract specifications on such components made by their original manufacturer.

12. CHANGES IN REGULATIONS/INDUSTRY STANDARDS: The Purchase Price is subject to adjustment for changes to the Apparatus necessitated by changes in applicable government regulations (such as FMVSS or emissions regulations), industry standards (such as NFPA standards), replacement of discontinued models or components from vendors, or freight charges. Buyer is responsible for any cost increases due to such changes beyond Company's control.

EXPLANATION OF CONTRACT AMOUNT

BASE BID PRICE: \$1,283,021.00

OPTIONS:

- **100% Pre payment discount with contract: (\$97,000.00)**

FINAL CONTRACT PRICE WITH OPTIONS: \$1,186,021.00

IN WITNESS WHEREOF, Buyer and Company have caused this Agreement to be executed by their duly authorized representatives this _____ day of January , 2023.

City of Lapeer
(Buyer's Legal Name)

By: _____
Signature

By: _____
Signature

Title: City Manger

Title: Mayor

By: _____
Signature

Title: Fire Chief

Sales Representative: Christopher J. Payette

Organization Name: Payette Sales And Service, Inc.

By: _____
Signature

Title: President

FEDERAL EXCISE TAX EXEMPTION CERTIFICATE

(For use by United States, Territories, District of Columbia, or Political subdivisions.)

Date: December 19, 2023

The undersigned hereby certifies that he is:

City Manager of City of Lapeer, Lapeer Michigan
(Title of Officer) (United States, States, Territory, District of Columbia or Political Subdivision)

and that he is authorized to execute this certificate and that the article or articles specified in the accompanying order or on the reverse side hereof are purchased from Payette Sales and Service, Inc., for the exclusive use of

City of Lapeer, Michigan
(United States, States, Territory, District of Columbia, or political subdivision.)

It is understood that the exemption from tax in the case of sales or articles under this exemption certificate to the United States, States, etc. is limited to the sale of articles purchased for their exclusive use; and it is agreed that, if articles purchased tax free under exemption certificates are used otherwise, or are sold to employees or others, such fact must be reported to the Federal Tax Office of the article or articles covered by this certificate. It is also understood that the fraudulent use of this certificate to secure exemption will subject the undersigned and all guilty parties to a fine of not more than \$10,000.00 or to imprisonment for not more than five years, or both, together with costs or prosecution.

City of Lapeer
(Name of Organization)

By _____ (Signature)

SALES OR USE TAX EXEMPTION CERTIFICATE

Name of Buyer: City of Lapeer

Address: 576 Liberty Park, Lapeer, MI. 48446
City State Zip

The above named business, holder of the following State permit number
Number: 38-6004630 State: Michigan
respectively certifies that all tangible property purchased from Kovatch Mobile
Equipment Corporation, Nesquehoning, Pennsylvania is exempt from Sales of Use Tax
for reasons(s) checked below:

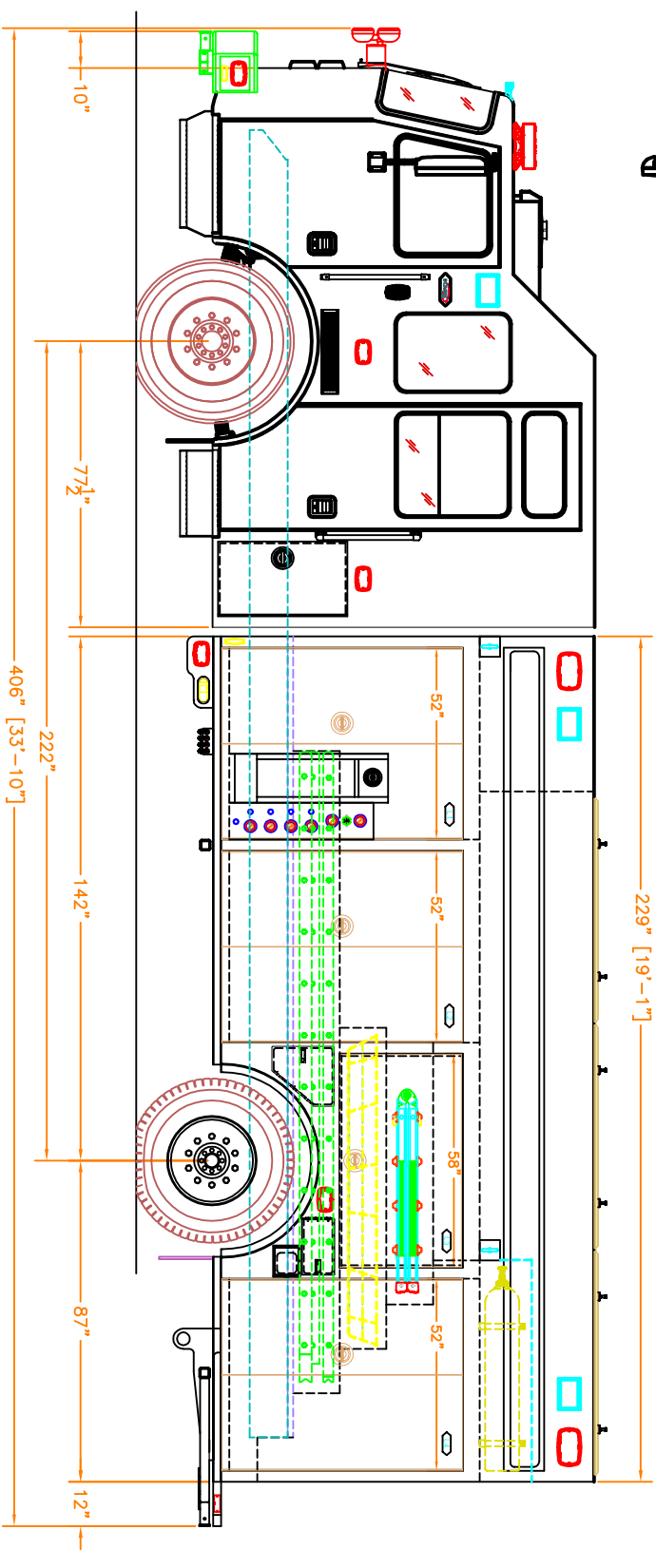
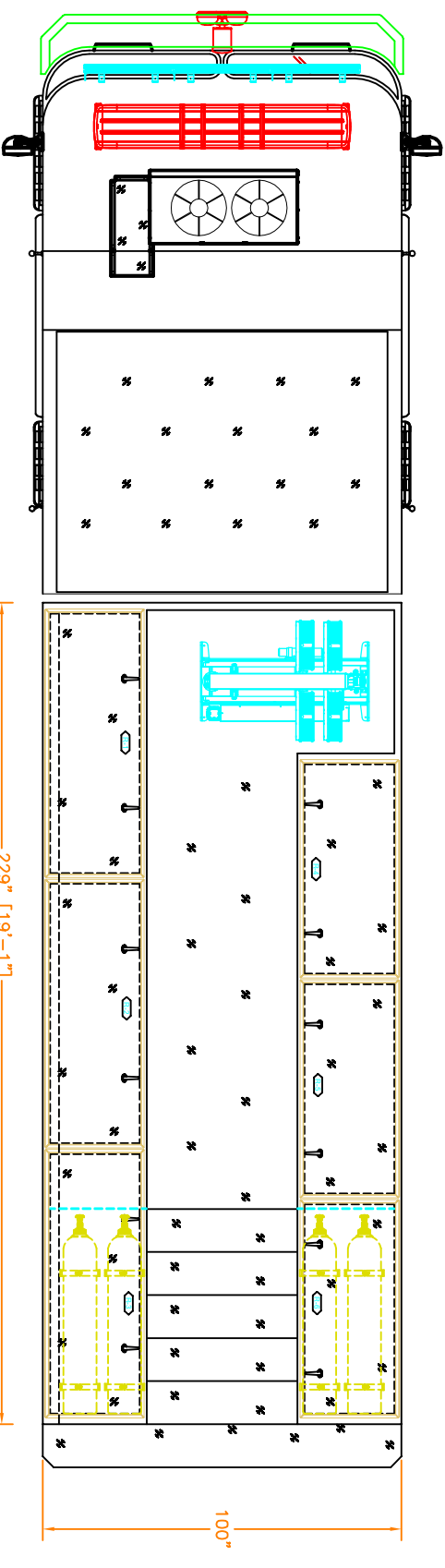
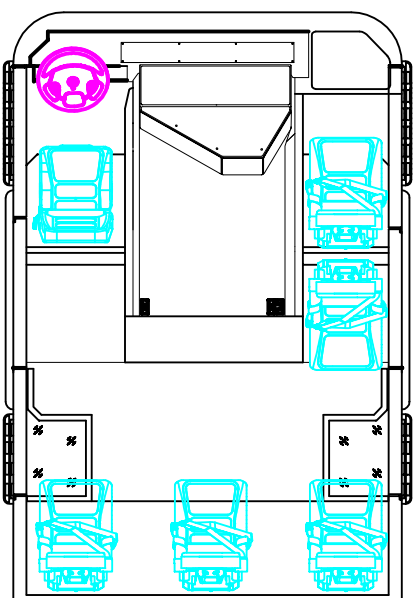
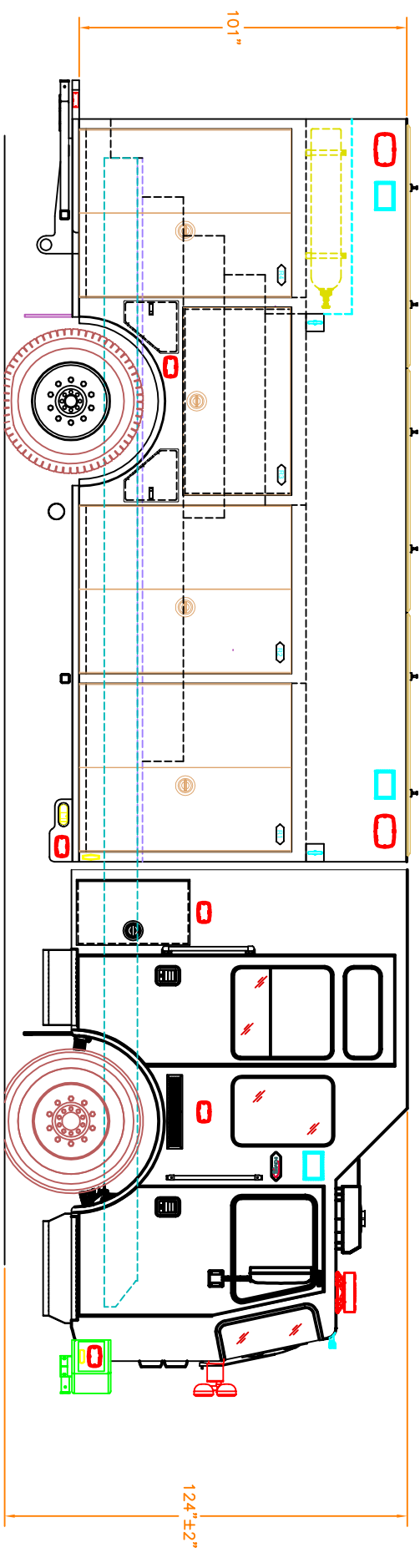
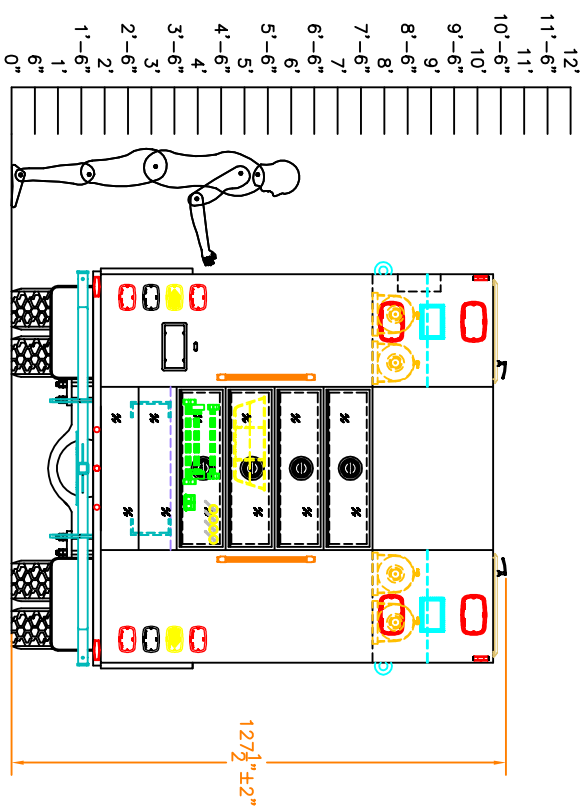
Resale as tangible personal property(☐) **Governmental Unit (XX)** or
Instrumentality Non or Charitable Unit (☐)

Other (Explain Fully)_____

Signature: _____ Title: City Manager

Date: _____

Federal Excise Tax and State Sales Tax will be added if the above form is not completed
and signed.



CAB.: 100" SEVERE SERVICE XLFD 22" RR
ENGINE & TRANS.: CUMMINS X12 455 HP/ALLISON 4000 EVS
AXLES: 22,000# FRONT/27,000# REAR
BODY TYPE: 4-COMPARTMENT WALK-AROUND RESCUE ALUMINUM

THIS DRAWING IS A GENERAL CONFIGURATION AND MAY NOT NECESSARILY REFLECT ALL CONTRACTUAL REQUIREMENTS. CONTRACT SPECIFICATIONS SHALL PREVAIL OVER DRAWING.

CUSTOMER APPROVAL:

NAME: _____

TITLE:

DATE:

			DIMENSIONS ARE APPROXIMATE & MAY VARY DUE TO BUILD ADJUSTMENTS
	SCALE	DWG SIZE	DRAWN BY J.BOROYTES DATE
	NONE	B	APPROVED BY 07NOV2023
CUSTOM RESCUE			
LAPEER, MI			
QUOTE #09221-3			
SYM	DATE	REVISION DESCRIPTION	APP'D
SALES ENGINEER : TBD			

CUSTOM RESCUE

LAPTEER, MI

QUOTE #09221-3



BUDGET AMENDMENT
REQUEST FORM

2023/2024

TO: CITY MANAGER

The following budget adjustments are requested. **All Budget adjustments must be whole dollars. Negative numbers should be in parenthesis ().**

ACCOUNT #		ACCOUNT NAME	AMOUNT OF ADJUST. (+/-)
101-931-584.233	Revenue	Contribution from TIFA 3	365,000.00
101-966-995.403	Expenditure	Transfer to Capital Improvement	776,500.00
101-336-976.999	Expenditure	Machinery & Equipment Non CIP	(9,500.00)
		Net General Fund	<u>402,000.00</u>
403-931-584.250	Revenue	Contribution from LDFA	300,000.00
403-964-699.101	Revenue	Transfer from General Fund	776,500.00
403-690-974.000	Expenditure	Land Improvement	(100,000.00)
403-336-976.000	Expenditure	Machinery & Equipment	(9,500.00)
		Net Capital improvement fund	<u>967,000.00</u>

Provide funds to pre-pay Heavy Rescue vehicle to be delivered during FY25/26

Mike Vogt, Fire Chief

Department Head Signature

TO: FINANCE DEPARTMENT

- ☐ The above indicated Budget Adjustments are approved by the City Manager.
- ☒ The above indicated Budget Adjustments were approved by the City Commission at their Commission meeting. Please make the appropriate entries to reflect the approved amount.

Date

City Manager's Signature



ITEM G-5

Memorandum

To: Mike Womack, City Manager, City Commission
From: James Alt, Executive Director – Lapeer Main Street DDA
Date: January, 9, 2023
RE: **Historic Downtown Lapeer Wayfinding Signs**

The Lapeer Main Street DDA's Placemaking Committee has been working on plans to install Wayfinding (Directional) Signs throughout the DDA district to help direct traffic and increase awareness of amenities within the downtown area.

In September of 2023 as part of the MSU-Extensions findings of their First Impression Tourism report, they concluded that an area of weakness for the downtown area was a lack of informational and directional signage.

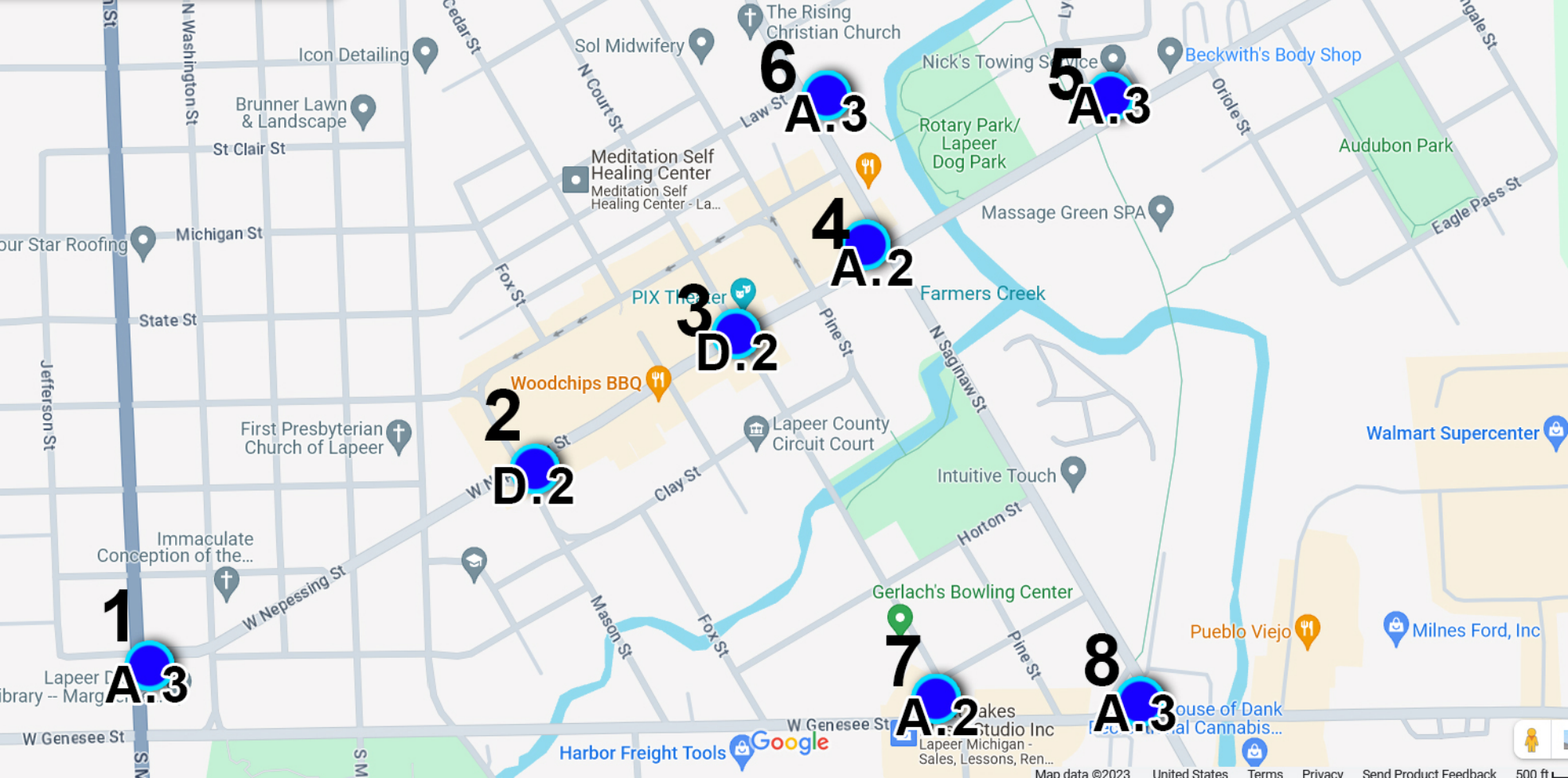
The DDA feels that the addition of Wayfinding signs would help draw awareness of shopping, dining, entertainment, and recreational options within the traditional downtown area of Lapeer. In addition, the signage could also identify parking areas and Municipal and County offices.

As the DDA continues to work on this project we hope that we can partner with The City of Lapeer to help identify the final locations/placement of signs and the final design of the signs including what information and locations are listed on the signs.

Because the cost of signs can be significant, the DDA would be dependent on receiving a Vibrancy Grant through the Michigan Economic Development Corporation (MEDC) to cover the majority of the costs involved. The DDA plans to spend up to \$30,000 on this project. This would include \$25,000 in grant funds from the MEDC Vibrancy Grant.

The Lapeer Main Street DDA is looking for a resolution of support from the City of Lapeer to apply for a Vibrancy Grant funded through the Michigan Economic Development Corporation in the amount of \$25,000 to help cover the cost of designing and installing wayfinding signs.

James Alt
Executive Director
Lapeer Main Street DDA



Historical
Business
District
→

SHOP & DINE
CITY HALL
PIX THEATRE
COURTS
VISITOR INFO



THE CITY OF
LAPEER

15B

SHOP & DINE

CITY HALL

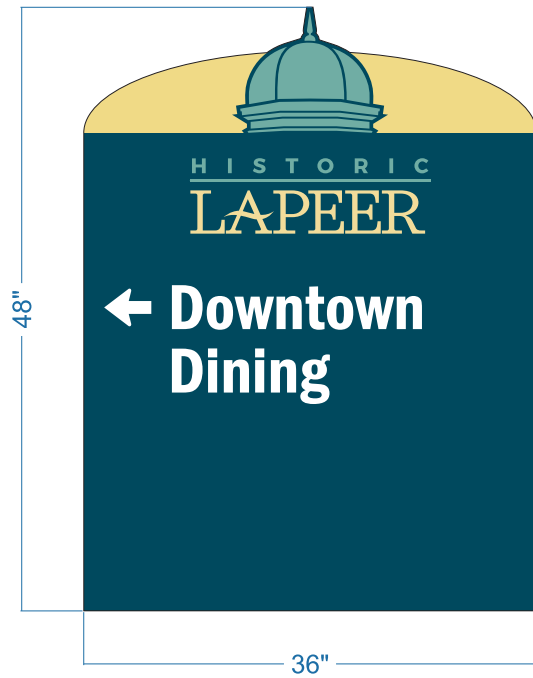
PIX THEATRE

COURTS

VISITOR INFO

Historical
Business
District

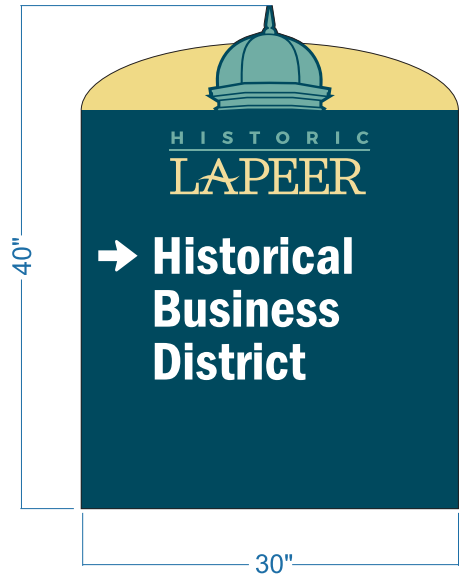




Sign Type A.1

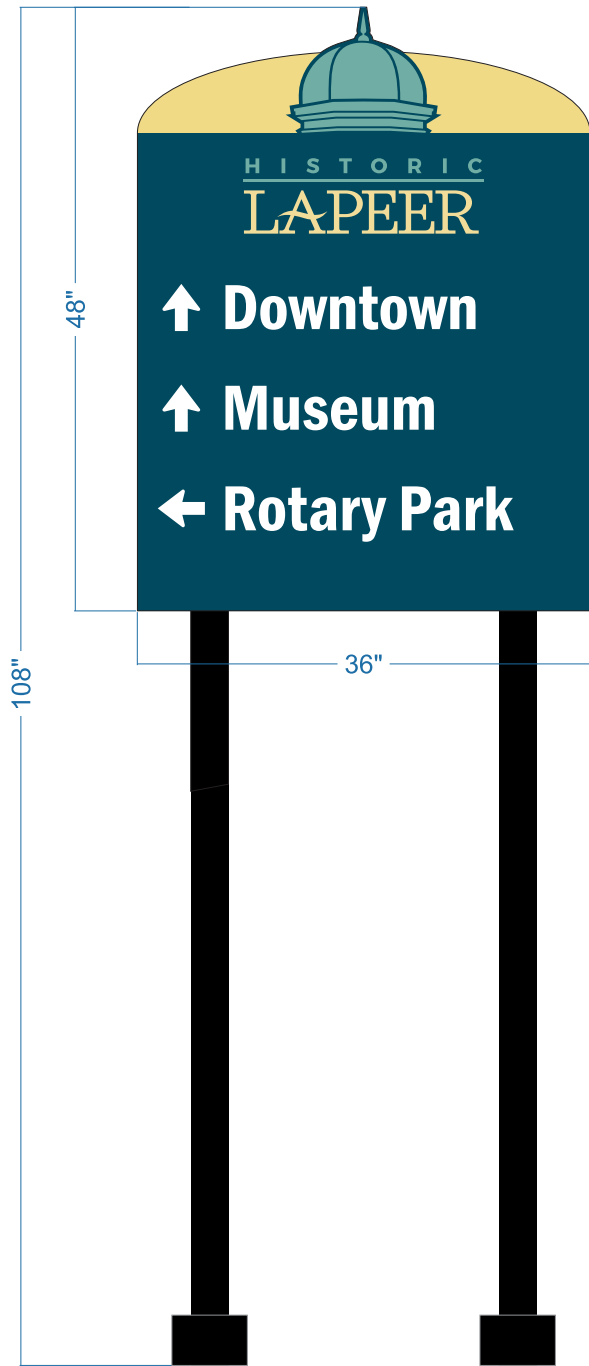
- Flat Panel w/ Printed & Reflective Vinyl Graphics
- Mounted To Existing Posts

** Example Signs Only, Actual Copy To Follow*



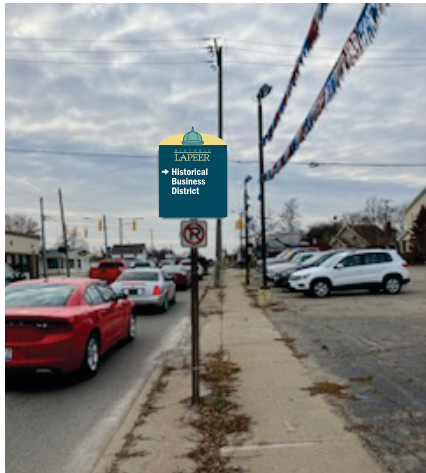
Sign Type A.2

- Flat Panel w/ Printed & Reflective Vinyl Graphics
- Mounted To Existing Posts

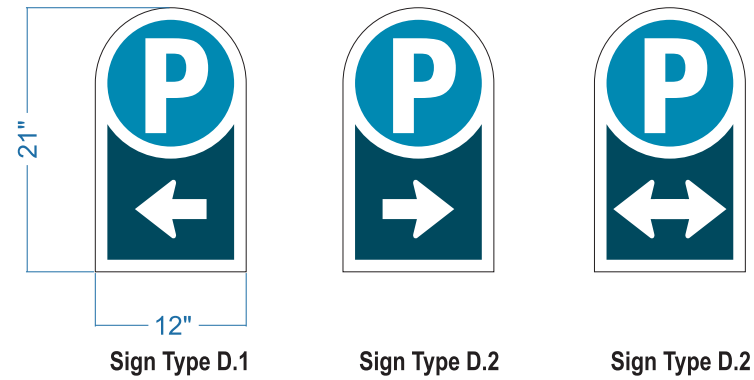


Sign Type A.3

- Flat Panel w/ Printed & Reflective Vinyl Graphics
- Mounted To New Sq. Alum. Posts w/ Decorative Base Covers

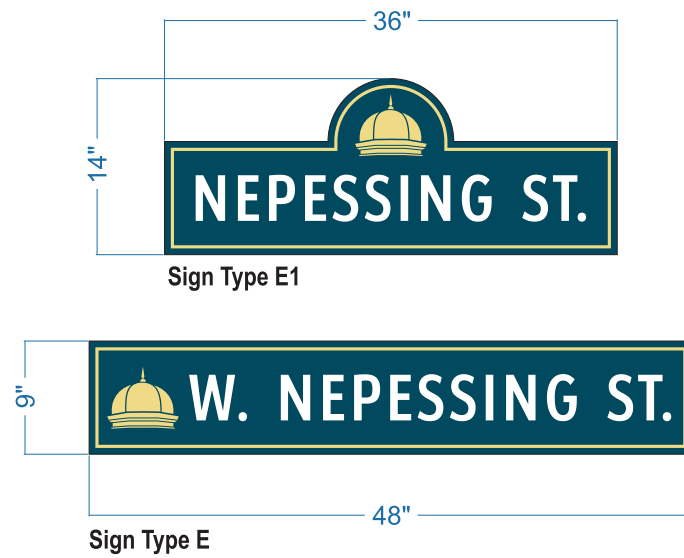


SIGN TYPE
Directional Sign
SCALE
3/4"-1'-0"
COLORS
NOTES
X
SALESPERSON
Nick Trifon
FILENAME
CityOfLapeer-23-Dir Sign
Customer / Address
City of Lapeer - Historic Lapeer Lapeer, MI
DRAWN BY / DATE
G.Alumbaugh 12-15-23
ORIGINAL ARTWORK, DESIGNS & LAYOUTS ARE THE SOLE PROPERTY OF SIGNS BY CRANNIE AND MAY NOT BE REPRODUCED, DISPLAYED, TRANSMITTED TO ANYONE, IN FULL OR IN PART WITHOUT THE WRITTEN CONSENT OF SIGNS BY CRANNIE. ©2022 Signs by Crannie
SIGNS BY... Crannie A FULL SERVICE SIGN COMPANY
4145 Market Place Flint, Michigan 48507 810-487-0000 www.SignsByCrannie.com



Sign Type D
- Flat Panel w/ Printed & Reflective Vinyl Graphics
- Mounted To Existing Posts

** Example Signs Only, Actual Copy To Follow*



Sign Type D
- Flat Panel w/ Printed & Reflective Vinyl Graphics
- Mounted To Existing Posts

** Example Signs Only, Actual Copy To Follow*



SIGN TYPE
Directional Sign
SCALE
3/4"-1'-0"
COLORS
NOTES
SALESPERSON
Nick Trifon
FILENAME
CityOfLapeer-23-Dir Sign
Customer / Address
City of Lapeer - Historic Lapeer Lapeer, MI
DRAWN BY / DATE
G.Alumbaugh 12-15-23
ORIGINAL ARTWORK, DESIGNS & LAYOUTS ARE THE SOLE PROPERTY OF SIGNS BY CRANNIE AND MAY NOT BE REPRODUCED, DISPLAYED, TRANSMITTED TO ANYONE, IN FULL OR IN PART WITHOUT THE WRITTEN CONSENT OF SIGNS BY CRANNIE. ©2022 Signs by Crannie
SIGNS BY... Crannie A FULL SERVICE SIGN COMPANY
4145 Market Place Flint, Michigan 48507 810-487-0000 www.SignsByCrannie.com



ITEM G-6

To: Mike Womack, City Manager
From: Jeff Graham, Director of Public Works
Date: January 10, 2024
RE: Pine Street Design Engineering

STAFF RECOMMENDATION

Approve the Rowe contract for design engineer services for bidding documents for Pine Street including new water main from Oregon Street to Law, new pavement, curb and gutter from Oregon Street to Park Street and milling and resurfacing from Park Street to Nepessing Street, for a cost not to exceed \$54,000 and authorize the Director of Public Works to sign all necessary documents.

CURRENT OR NEW INFORMATION

Design engineering is needed prior to construction of any project of this type. The project will consist of improvement to Pine St. which will include curb and gutter, sidewalks, watermain, storm sewer, and street overlay. Upon approval the City will be in a position to move forward with construction during the fiscal year 2024-2025.

BACKGROUND OR PREVIOUSLY SUBMITTED INFORMATION

The Pine Street project has been in the City's adopted Capital Improvement Plan for several years. See project #14350.

AGENDA ITEM REVIEW

Meeting Date:	January 16, 2024	Date Reviewed:	January 10, 2024
Consent:			
Administrative:	X	Reviewed By:	R. Sanchez, City Clerk
Public Hearing:			



December 22, 2023

Mr. Jeff Graham
Director of Public Works
City of Lapeer
217 Bentley Street
Lapeer, MI 48446

RE: Pine Street Water Main and Paving Project
Oregon Street to Nepessing Street
Design Engineering Services Proposal

Dear Mr. Graham:

Earlier this year, you asked ROWE to prepare a preliminary cost opinion for improvements on the above section of Pine Street, detailed as follows:

- Removing the existing curb and gutter and pulverizing the entire width of the existing asphalt pavement and aggregate base (Oregon Street to Park Street).
- Install new hot mix asphalt (HMA) pavement on a pulverized base with concrete curb and gutter matching the existing street width (25 feet wide).
- Install new water main and water services as needed within the right-of-way (to replace the existing 4-inch water main) from Oregon Street to Law Street.
- Sidewalk handicap ramps will be removed and replaced within the project area to meet current Americans with Disabilities Act (ADA) standards.
- Drive approaches will be removed and replaced between the new street and the existing sidewalk. Sidewalk sections within the work area will be removed and replaced to eliminate trip hazard where necessary.
- The extremely wide section north of Pine Street will be narrowed to provide for green space behind the curb and gutter. Further discussion with the city regarding this section will be necessary.
- The project will skip the Park Street intersection. Although work is needed in this area, further study of the Park Street traffic pattern is needed, and modifications to this area would be more appropriate as part of the future Park Street improvement project.
- For the block between Park Street and Nepessing Road, Pine Street will be milled and resurfaced. Minor concrete repairs will be made to address damaged curbs and sidewalks.
- Drainage will be considered throughout the design, implementing new storm sewer improvements wherever needed, but also keeping new storm work to the minimum practical.
- Road signs, posts, and pavement markings will be removed and replaced on an as-needed basis.

SINCE 1962

We have prepared a preliminary cost opinion for this work, and utilizing unit pricing for similar projects, it is our opinion the construction project cost will be approximately **\$675,000**, consisting of:

Improvement	Total Cost (1)
Water Main	\$238,000
Storm Sewer	\$ 70,000
Paving	\$367,000

(1) Cost opinion is based on ROWE's understanding of the project at this time, based on 2023-unit costs.

ROWE understands the city intends to use local water and street funds to pay for these improvements. Therefore, our proposal was prepared as such and there is no special funding or grant requirements.

ROWE proposes the following scope of services for your consideration:

SCOPE OF SERVICES

1. Conduct an on-site visit of the site to identify locations of the work area, sidewalk repairs, and to measure quantities of the proposed work.
2. Meet with city staff to obtain information or observations regarding the proposed work areas, and to obtain feedback regarding proposed temporary traffic control measures that will be required. Input will be requested about the width of the new pavement north of Park Street, the treatment behind the new curb, and the extent of the pavement improvements within the Park Street intersection.
3. Prepare a topographic survey of the entire work area detailing all improvements within the public right-of-way and identifying all homes and other buildings adjacent to the project.
4. Work with the city to retain the services of a geotechnical engineering firm to obtain seven soil borings (five at ten feet deep, and two at three feet deep), and to obtain recommendations relative to the proposed pavement cross-section. This work is necessary to know the depth of asphalt pavement and aggregate base materials present so we can design the proposed street cross section accordingly. The cost of these borings and report is estimated at \$7,000.
5. Prepare a temporary traffic control plan, including a detour route for the commercial block of Pine Street.
6. Prepare a permit application for soil erosion control (city to pay permit fee) and submit to Lapeer County for review and approval.
7. Prepare a permit application for a public water main and submit to Michigan Department of Environment, Great Lakes, and Energy (EGLE) for review and approval.
8. Provide copies of the bidding documents to bidders, answer questions during the bidding process; and if necessary, issue an addendum to clarify contract documents.
9. Prepare bidding documents including plans, technical specifications, and contract documents. Once approved, we will coordinate with city staff to advertise the project and issue for bids (city to pay advertising cost).
10. Attend bid opening, prepare a Tabulation of Bids, and provide a Recommendation of Award.
11. Prepare Contract Documents to be executed by the successful Contractor and the City.

THE FOLLOWING SERVICES ARE NOT INCLUDED IN THE ABOVE SCOPE OF WORK, BUT CAN BE PROVIDED AT THE CITY'S REQUEST:

1. Attending public meetings.
2. Construction phase services. However, we can prepare a separate proposal to provide these services to the village if desired.

COMPENSATION

ROWE proposes to provide these services for a lump sum fee of **\$54,000**. We will invoice the city monthly based upon the work completed during that billing period.

SCHEDULE

Should the city determine that they wish to proceed with this design to facilitate 2024 construction, the following schedule is suggested:

January, 2024	Commission Award to ROWE
Late February, 2024	Complete Topographic Survey
March – May, 2024	Prepare Plans and Specifications
May, 2024	Submit application for EGLE permit
June, 2024	Advertise for and take bids
June, 2024	Council Award to Successful Contractor
Late July – October, 2024	Construction Period (1)

- (1) The construction start date will be contingent upon the receipt of a water main permit from EGLE.

ROWE appreciates the opportunity to provide this proposal and is looking forward to assisting you with this project. To authorize ROWE to begin work, please sign the attached Contract for Engineering Services, and return a copy of the signed document to our office.

Please contact me on my cell phone at (248) 318-1492 if you have any questions.

Sincerely,
ROWE Professional Services Company

Paul T. O'Meara

Digitally signed by Paul T. O'Meara
DN: cn=US, email=POmeara@rowepsc.com,
o=ROWE Professional Services Company,
ou=Design Services, cn=Paul T. O'Meara
Date: 2023.12.22 11:15:04-05'00'

Paul T. O'Meara, PE
Project Manager

Attachment

Contract for Engineering Services
CITY OF LAPEER

THIS AGREEMENT, entered into this _____ day of _____, 2024, by and between CITY OF LAPEER, hereinafter referred to as the "OWNER", and ROWE Professional Services Company, hereinafter referred to as the "ENGINEER" or "CONSULTANT."

WITNESSETH, that whereas it is the intent of the OWNER to complete the following, hereinafter called the "PROJECT":

PINE STREET WATER MAIN AND PAVING PROJECT

The project consists of the following work –

Prepare construction bidding documents (plans, specifications, and cost opinion) for Pine Street including new water main from Oregon Street to Law Street, new pavement with curb and gutter from Oregon Street to Park Street and milling and resurfacing from Park Street to Nepessing Street. The project will not include the reconstruction of the Park Street intersection.

NOW, THEREFORE, the OWNER and the ENGINEER, in consideration of the mutual covenants hereinafter set forth, agree as follows:

SECTION 1 – BASIC SERVICES OF THE ENGINEER

A. General:

1. The ENGINEER agrees to perform professional services in connection with the PROJECT as hereinafter stated.
2. The ENGINEER will serve as the OWNER's professional representative for the PROJECT and will give consultation and advice to the OWNER during the performance of the ENGINEER's services.

B. Scope of Service:

After written authorization to proceed with the PROJECT, the ENGINEER will execute the work plan described herein:

1. Complete a topographic survey of the area within Rotary Park where grading changes will be proposed.
2. Prepare log style plans of the majority of the project, detailing the location, proposed cross-section, and other details regarding the project. Prepare a detailed grading plan with cut and fill cross-sections and calculations for the surveyed portion of Rotary Park.
3. Prepare a list of pay items and cost opinion for the construction plans as proposed.
4. Submit the plans and an application to EGLE for work within the 100-year floodplain.
5. Prepare contract specifications for the project.
6. Assist the City in soliciting bids and recommend the lowest responsible bidder for a contract award.

THE FOLLOWING SERVICES ARE NOT INCLUDED IN THE ABOVE SCOPE OF WORK, BUT CAN BE PROVIDED AT THE OWNERS REQUEST:

1. Attending public meetings.
2. Geotechnical services to obtain pavement and subgrade data (ROWE will assist the city in securing bids for this work).
3. Construction phase services.

SECTION 2 – ADDITIONAL SERVICES OF THE ENGINEER

A. General:

If authorized in writing by the OWNER, the ENGINEER will finish or obtain from others additional services of the following types which will be paid for by the OWNER as indicated in Paragraph 5.B.

1. Additional services due to significant changes in general scope of the PROJECT or its design.
2. Additional services in connection with the PROJECT, not otherwise provided for in this agreement, subject to prior approval of the OWNER.

SECTION 3 – THE OWNER'S RESPONSIBILITIES

1. Provide full information as to its requirements for the PROJECT.
2. Assist the ENGINEER by placing at the ENGINEER's disposal all available information pertinent to the site of the PROJECT, including previous reports and any other data relative to design and construction of the PROJECT.
3. Provide access for the ENGINEER to enter upon lands as required for the ENGINEER to perform work under this Agreement.
4. Examine all studies, reports, sketches, estimates, specifications, drawings, proposals, and other documents presented by the ENGINEER and shall render in writing decisions pertaining thereto within a reasonable time so as not to delay the work of the ENGINEER.
5. Provide reasonable legal, accounting and insurance counseling service for the PROJECT.
6. Designate a person to act as the OWNER's representative with respect to the work to be performed under this Agreement. Such person shall have complete authority to transmit instructions, receive information, interpret, and define OWNER's policies and decisions with respect to material, equipment elements and systems pertinent to the work covered by this Agreement.
7. Give prompt notice to the ENGINEER whenever the OWNER observes or otherwise becomes aware of any defect in the PROJECT.
8. Obtain approval of governmental authorities having jurisdiction over the PROJECT.
9. Furnish, or direct the ENGINEER to provide, at the OWNER's expense, necessary additional services as stipulated in SECTION 2 of this Agreement, or other services as required.

SECTION 4 – PERIOD OF SERVICE

1. Upon written authorization from the OWNER, the ENGINEER will proceed with the performance of the service called for in this Agreement.
2. Unless sooner terminated as provided in Paragraph 6.A, this Agreement shall remain in force for a period which may reasonably be required for completion of the construction of the proposed PROJECT; however, not greater than one year from the ENGINEER's substantial completion of the phases of work that have been authorized for commencement.

SECTION 5 – PAYMENTS TO THE ENGINEER

A. Payments for Basic Service of the ENGINEER Under SECTION 1:

The OWNER will pay the ENGINEER for Construction Engineering Services performed by the ENGINEER based on the ENGINEER's hourly billing rates estimated as follows:

TOTAL ESTIMATED "NOT TO EXCEED" CONSTRUCTION SERVICES FEE = \$54,000

1. The fee as defined above shall be allocated to be paid monthly, as the work progresses.

B. Payment for Additional Services of the ENGINEER Under SECTION 2:

1. The OWNER will pay the ENGINEER for additional services at a mutually agreed upon fee.

C. General

1. If this Agreement is terminated upon completion of any phase of the ENGINEER's services, the progress payments to be made in accordance with Paragraph 5.A.1 and 5.A.2 on account of all prior phases shall constitute total payment for services rendered; if terminated during any phase of the work not due to any fault of the ENGINEER, payment shall be made for services performed during such phases on the basis of the portion of each phase completed prior to termination.
2. If, prior to termination of this Agreement, any work designed or specified by the ENGINEER during any phase of the work is suspended in whole or in part or abandoned not due to any fault of the ENGINEER, after written notice from the OWNER, the ENGINEER shall be paid for services performed prior to receipt of such notice from the OWNER as provided in Paragraph 5.c.1 for termination during any phase of the work.
3. The ENGINEER shall be solely responsible for the performance of the work provided hereunder. To that end, should the ENGINEER utilize subcontractors to perform a portion of the PROJECT, any subcontractors' invoices shall be and remain the sole cost and expense of the ENGINEER and included within the scope of the PROJECT. Should additional or extraordinary services be required beyond the scope of the PROJECT or to address unforeseen circumstances or conditions, said subcontractor's invoices shall be billed to OWNER in the ordinary course with no mark up or additional fee.

SECTION 6 – GENERAL CONDITIONS

A. Termination:

1. This Agreement may be terminated by either party upon twenty-one (21) days written notice to the other party in the event of a breach of material provision of this Agreement by the other party through no fault of the terminating party, provided that, during the twenty-one (21) day period, the breaching party fails to cure such breach.
2. In the event of termination, as provided in this Article, the ENGINEER shall be paid as compensation in full for services performed to the date of that termination, that amount due and owing to the date of termination for the work performed as represented by the hourly billing statements of the ENGINEER up to the date of termination. Such amount shall be paid by the OWNER upon the ENGINEER delivering or otherwise making available, upon OWNER's request to the OWNER, all drawings, specifications, data, drafts, reports, summaries, and that other information and materials as may have been accumulated or prepared by the ENGINEER in performing the services included in this Agreement, whether completed or in progress.

B. Ownership:

1. The OWNER acknowledges that the CONSULTANT's documents, including, but not limited to, tracings, drawings, estimates, specifications, field notes, investigations, and studies, are instruments of professional service. Nevertheless, the documents prepared for the OWNER shall become the OWNER's property upon completion and payment for the CONSULTANT's services. The CONSULTANT will provide the OWNER access to or copies of said documents upon demand by the OWNER throughout the period the documents are in the CONSULTANT's possession. The OWNER agrees that said documents will not be reused for other purposes or modified without written authorization by the CONSULTANT. The OWNER agrees to indemnify and hold harmless the CONSULTANT against damages, liabilities, or costs arising from or allegedly arising from the unauthorized reuse or modifications of the documents prepared by the ENGINEER. The CONSULTANT is responsible to protect documents in their possession, and if said documents are lost or damaged, they shall be replaced or restored by the CONSULTANT.
2. Following completion of the work by the ENGINEER and the final approval of the work by the OWNER, upon the OWNER's request, the ENGINEER shall deliver to the OWNER the following documents:

One (1) set of final approved contract drawings drawn to a suitable scale on standard paper or in other mutually acceptable electronic form, and;

One (1) set of the original design calculations and notes utilized in the preparation of the contract drawings, special provisions for the specifications, detailed specifications, and the estimate of cost of construction of building.

C. Insurance – Save Harmless:

1. The CONSULTANT is responsible for the completeness and accuracy of all survey notes, plans, supporting data and data for specifications for the PROJECT consistent with the degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances. The CONSULTANT agrees, to the fullest extent permitted by law, to indemnify and hold harmless the OWNER against damages, liabilities and costs arising from the negligent acts of the CONSULTANT in the performance of professional services under this contract to the extent the CONSULTANT is responsible for such damages. The CONSULTANT shall not be obligated to indemnify the OWNER

for the OWNER's own negligence or the negligence of others. The OWNER's approval of the CONSULTANT's plans or data does not relieve the CONSULTANT of responsibility for their completeness or accuracy

2. The ENGINEER shall secure and maintain such insurance as will protect the ENGINEER and the OWNER from claims under the Workman's Compensation Acts and from claims for bodily injury, death, or property damage which may arise due to the ENGINEER's negligence in the performance of services under this Agreement.

D. Indemnification:

1. The ENGINEER expressly agrees to defend, indemnify and hold harmless OWNER or any of its officers or employees from any and all claims, damages, liability, or court awards including attorney's fees that are or may be awarded as a result of any loss, injury or damage sustained or claimed to have been sustained by anyone, including, but not limited to, any person, firm, partnership, or corporation, in connection with or arising out of any omission or act of commission by ENGINEER or any of their employees or agents in performing work pursuant to this Agreement. In the event that any such suit or action is brought against OWNER, the OWNER will give notice thereof to ENGINEER.

E. Successors & Assigns:

1. The OWNER and the ENGINEER each binds themselves and any partners, successors, executors, administrators and assigns to the other party of this Agreement and to the partners, successors, executors, administrators and assigns of such other party, in respect to all covenants of this Agreement; except as above, neither the OWNER nor the ENGINEER shall assign, sublet or transfer their interests in this Agreement without the written consent of the other. Nothing herein shall be construed as creating any personal liability on the part of any officer or agent of any public body which may be a party hereto.

F. Independent Contractor:

1. It is understood and agreed that the ENGINEER is an independent contractor, responsible to the OWNER for the results of this undertaking by the ENGINEER and is not an employee or agent of the OWNER.

G. Subcontractors:

1. ENGINEER shall not subcontract any task it is to perform under the terms of this Agreement without prior written consent of OWNER.

H. No Third-Party Beneficiaries:

1. It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to OWNER and ENGINEER, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other third party on such Agreement. It is the express intention of the parties that any person other than OWNER or ENGINEER receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.

I. Non-Discrimination:

1. The ENGINEER and/or any sub-contractors shall not discriminate against any employees or applicant for employment, or to be employed in the performance of his Contract with respect to his or her hire, tenure, terms, conditions or privileges of employment, or any

matter directly or indirectly related to employment because of race, color, religion, national origin, or ancestry.

2. The ENGINEER and/or any sub-contractor shall not discriminate against any employee or applicant for employment to be employed in the performance of this Contract with respect to his hire, tenure, terms, conditions, or privileges of employment, because of age or sex, except where based on a bona fide occupational qualification.

J. Mediation:

1. In an effort to resolve any conflicts that arise during the design and construction of the PROJECT or following the completion of the PROJECT, the OWNER and the ENGINEER agree that all disputes between them arising out of or relating to this Agreement, or the PROJECT shall be submitted to nonbinding mediation unless the parties mutually agree otherwise.
2. The OWNER and the ENGINEER further agree to include a similar mediation provision in all agreements with independent contractors and CONSULTANTS retained for the PROJECT and to require all independent contractors and CONSULTANTS also to include a similar mediation provision in all agreements with their subcontractors, sub-CONSULTANTS, suppliers, and fabricators, thereby providing for mediation as the primary method for dispute resolution between the parties to all those agreements.

K. Entire Agreement:

1. This Agreement represents the entire agreement between the parties and there are no oral or collateral agreements or understandings. This Agreement may be amended only by an instrument in writing signed by the parties. If any other provision of this Agreement is held invalid or unenforceable, no other provision shall be affected by such holding, and all of the remaining provisions of this Agreement shall continue in full force and effect.

L. Jobsite Safety:

1. Neither the professional activities of the ENGINEER, nor the presence of the ENGINEER or its employees and sub-CONSULTANTS at a construction/project site, shall relieve the General Contractor of its obligations, duties and responsibilities including, but not limited to, construction means, methods, sequence, techniques or procedures necessary for performing, superintending and coordinating the work in accordance with the contract documents and any health or safety precautions required by any regulatory agencies. The ENGINEER and its personnel have no authority to exercise any control over any construction contractor or its employees in connection with their work or any health or safety programs or procedures. The OWNER agrees to require the General Contractor(s) to provide liability insurance for the PROJECT(s), indemnifying and listing as additional insured's the OWNER, the ENGINEER and the ENGINEER's sub-CONSULTANTS.

M. Construction Costs:

1. The OWNER shall advise the ENGINEER in writing before design commencement of any budgetary limitation for the overall cost of construction. The ENGINEER will endeavor to work within such limitations and will, if requested and included within the scope of services, submit to the OWNER an opinion of probable construction cost. Opinions of probable construction cost will represent the ENGINEER's best judgment as a design professional familiar with the construction industry but does not represent that bids or negotiated prices will not vary from budgets or opinions of probable cost. OWNER acknowledges that neither the ENGINEER nor the OWNER has control over the cost of labor, materials, or methods by which contractors determine the prices for construction.

N. Applicable State Law:

1. This document shall be governed by the laws of the State of Michigan.

SECTION 7 – SPECIAL PROVISIONS

The OWNER and the ENGINEER mutually agree that this Agreement shall be subject to the following special provisions which together with the provisions hereof and the exhibits hereto represent the entire Agreement between the OWNER and the ENGINEER; and that they may only be altered or repealed by a duly executed written instrument.

NONE

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement the day and year first above written.

OWNER:
CITY OF LAPEER

ENGINEER:
ROWE Professional Services Company

Jeffrey Graham
Director of Public Works

Jesse M. Morgan
Director of Engineering

R:\Projects\16L0001\Docs\Proposals\Pine St Water Main and Paving\Pine Street City of Lapeer Contract.docx



ITEM H-1

To: City Commission
From: Mike Womack, City Manager
Date: January 10, 2024
RE: RESOLUTION #2024-01 A RESOLUTION ADOPTING A MARIHUANA MORATORIUM FOR SIX MONTHS

STAFF RECOMMENDATION

The City staff recommend that the Commission approve the Resolution as presented.

Staff have identified a number of problems and issues with the City's marihuana ordinances. The staff would like to take the opportunity over the next six months to study those problems and issues in greater detail in order to propose some possible changes and solutions.

By imposing a moratorium, the City's staff can redirect the time normally required to do their current marihuana related work towards studying and proposing possible changes and solutions. Also, by imposing a moratorium, we don't end up having a situation where a marihuana business attempts to obtain licensure or zoning approval during a time of changing rules and requirements.

CURRENT OR NEW INFORMATION

The City's current Medical Marihuana Law was passed in April 2018. The City's current Recreational Marihuana Law was passed in July 2020. City voters decided on November 2, 2021, to reject a ballot proposal that would have outlawed marihuana businesses by a 2-1 margin, 1,137 to 405.

BACKGROUND OR PREVIOUSLY SUBMITTED INFORMATION

I successfully used a similar moratorium in my previous community to address our marihuana problems and issues and I have discussed this with the City Attorney who generally agreed with my proposed course of action.

AGENDA ITEM REVIEW

Meeting Date:	January 16, 2024	Date Reviewed:	January 10, 2024
Consent:			
Administrative:	X	Reviewed By:	R. Sanchez, City Clerk
Public Hearing:			

RESOLUTION #2024-01

A RESOLUTION ADOPTING A MARIHUANA MORATORIUM FOR SIX MONTHS

Present:

Absent:

Motion by: Commissioner

Supported by: Commissioner

WHEREAS, the City of Lapeer previously adopted ordinances authorizing the establishment of both Medical Marihuana Facilities and Adult-Use Marihuana businesses; and

WHEREAS, the City of Lapeer has allowed marihuana businesses to open and operate according to the rules and requirements of those ordinances; and

WHEREAS, after allowing several marihuana businesses to open and operate, that the City Commission and City Staff have identified a number of weaknesses and shortcomings in the City's Marihuana ordinances and the operation of City policies regarding marihuana businesses; and

WHEREAS, those identified weaknesses and shortcomings in the City's Marihuana ordinances have led to several zoning and enforcement problems, issues and concerns that negatively affect the health, safety, well-being and general welfare of the Citizens of Lapeer; and

WHEREAS, the City's staff are desirous of an opportunity to study the problems caused by the City's Marihuana ordinances and wish to develop solutions through future ordinance amendments; and

WHEREAS, a short moratorium on the accepting of any new marihuana business license or zoning applications will help provide City staff with the necessary time to study the problems and to develop appropriate solutions to those problems;

NOW THEREFORE BE IT RESOLVED, that the City of Lapeer formally adopts and imposes a six (6) month moratorium against the City's staff's receipt, review, approval or issuance of any new medical or new adult-use marihuana licensure requests or zoning approval requests; and

BE IT FURTHER RESOLVED, that this moratorium is only imposed against all new marihuana licensure or zoning approval requests, not against such requests that are already approved, received, renewals of existing licenses or are being processed by the City's staff through its regular processes; and

BE IT FURTHER RESOLVED, that the City staff are directed to develop an appropriate ordinance amendment proposal that will help resolve the problems, issues and concerns caused, in-part, by the City's current marihuana ordinances

BE IT FURTHER RESOLVED, that this moratorium shall begin upon the date of the approval of this Resolution and continue for six (6) months or until the City Commission approves of a new marihuana ordinance which purports to resolve the current issues and concerns in the existing ordinances.

Dated this XX day of January 2024.

ON A ROLL CALL VOTE:

Ayes: .

Nays: None.

Absent: None.

MOTION CARRIED.

I certify that the above Resolution was adopted by Lapeer City Commission on XX, 2024.

Signature_____

Date_____

BY: Romona Sanchez, City Clerk
Name and Title *(please print or type)*



ITEM H-2

To: Mike Womack, City Manager
From: Romona Sanchez, City Clerk
Date: January 3, 2024
RE: Invocation on Agenda

CURRENT OR NEW INFORMATION

The Lapeer City Commission adopted an administrative policy relating to the City Commission, the Rules and Procedures of the City Commission. This policy document contains information relating to the meetings, procedures, closed sessions, voting and discussion, agenda, etc. Each of you were given a copy of this policy at your orientation meeting, and it can also be found on the City's website at <https://cms4files.revize.com/lapeermi/Boards%20&%20Commissions/2021%2004-19%20Rules-Procedures%20of%20the%20Commission.pdf>.

Specifically, I would like to call to your attention to item B. Meeting Procedure, 2. Order of Business. The current order of the agenda is as follows:

- Call To Order
- Roll Call
- Pledge of Allegiance
- Approval of Agenda
- A. Minutes
- B. Public Comments
- C. Consent Agenda
- D. Bill Listing
- E. Proclamations, Recognitions, and Resolutions
- F. Public Hearings
- G. Administrative Reports
- H. City Manager's Report
- I. City Attorney's Report
- J. Unfinished Business
- K. Departmental Communications
- L. Public Comments
- M. Mayor/Commissioner Comments
- N. Reminder of Meetings
- O. Reminder of Public Hearings
- ADJOURNMENT

At the December 18, 2023 regular meeting, Commissioner Petrie commented that she would like to make a motion to add prayer to the agenda after the Pledge of Allegiance. However, it is not that simple. In order to amend the Order of Business, the Rules and Procedures of the City Commission must be amended.

A little background information, at the Lapeer City Commission meeting held on April 19, 2010, Commissioner Bennett made a motion (a copy of which is attached) to add an invocation to the meeting. That motion died for lack of support. In my research of the minutes between the April 19, 2010 meeting and today, I found no other mention of adding an invocation to the agenda.

City of Lapeer

Page 2

Also, I reached out to all jurisdictions in Lapeer County: all Cities, Townships and Villages asking how many had invocations as a part of their agenda. Of those that responded, only two communities, Rich Township and Lapeer County Board of Commissioners have invocation as a part of their agendas.

Lastly, I reached out to Donna Cronic, the former City Clerk of the City of Lapeer to ask what she remembered of the invocation discussion from 2010. She indicated that Commissioner Bennett was the only one who wanted an invocation as a part of the Commission's agenda. She also stated that she recalled the other members felt it would be in the best interest of everyone to leave any type of invocation as a public comment to be inclusive of all types of worship. By adding prayer to the agenda there is the possibility of offending members of the public in attendance, who do not share the same religious views.

Meeting Date: January 16, 2024
Consent:
Administrative: X
Public Hearing:

Date Reviewed: January 10, 2024
Reviewed By: R. Sanchez, City Clerk

WHEREAS, Hydraulic Tubes & Fittings, LLC has filed an application for an Industrial Facilities Exemption Certificate with respect to building improvements and the purchase of new machinery and equipment to be acquired and installed within the Industrial Development District No. A; and

WHEREAS, before acting on said application, the City of Lapeer held a hearing on April 19, 2010 at the Lapeer City Hall, 576 Liberty Park, at 6:30 p.m. or as soon thereafter as may be heard, prior to which hearing the applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, commencement of the installation of new machinery and equipment had not begun earlier than six (6) months before March 29, 2010, the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

NOW THEREFORE, BE IT RESOLVED by the Lapeer City Commission that:

1. The Board finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974 and Act No. 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Lapeer, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Lapeer.

2. The application of Hydraulic Tubes & Fittings, LLC for an Industrial Facilities Exemption Certificate with respect to building improvements and the purchase of new machinery and equipment to be installed on the following described parcel of real property situated within the City of Lapeer Industrial Development District No. A, to wit:

Lots 27 & 28 of the McCormick Industrial Park No. 3

Commonly known as: 434 McCormick Drive, Lapeer, Michigan

be and the same is hereby approved.

3. The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of 12 years after completion, provided, however, that said certificate shall be subject to the terms and conditions of the Tax Abatement Agreement between the City of Lapeer and Hydraulic Tubes & Fittings, dated March 29, 2010.

Ayes: Farrington, Marquardt, Bennett, Robinet, Bostick-Tullius.

Nays: None.

MOTION CARRIED. RESOLUTIONS DECLARED ADOPTED.

ADMINISTRATIVE REPORTS

Invocation

Commissioner Bennett moved that the Lapeer City Commission adopts the practice of allowing an Invocation at the commencement of each opening meeting, therefore, affording each Lapeer City Commissioner on a rotating basis the opportunity of up to two or three minutes to offer a spoken invocation, or if they choose, ask for a moment of silence, ask their pastor, ask someone in the audience, ask someone from the greater Lapeer area of churches or, pass to one or the other City Commission members. Further, that the practice of Invocation be included as part of the Rules and Procedures of the City Commission and I pray for support. Motion died for lack of support.

Rules and Procedures of the City Commission

78 2010 04-19

Moved by Bostick-Tullius. Seconded by Robinet.



ITEM J-1

To: Mayor and City Commission
Date: January 10, 2024
RE: Board & Commission Appointments

MAYORAL APPOINTMENT

BOARD OR COMMISSION	MEMBER NAME	CURRENT TERM EXPIRES	TERM LENGTH	NEW TERM EXPIRATION	COMMENTS Re: STATUS
Cemetery Board	Vacancy	Apr 1, 2028	5 Year		Awaiting Recommendation
County Center Board	Vacancy	Jan 1, 2025	1 Year		Awaiting Recommendation
Downtown Development Authority	Vacancy	Jan 1, 2027	4 Year		Awaiting Recommendation
Local Officers Compensation Commission	Vacancy Vacancy	Oct 1, 2026 Oct 1, 2027	5 Year 5 Year		Awaiting Recommendation

COMMISSION APPOINTMENTS

BOARD OR COMMISSION	MEMBER NAME	EXPIRATION	TERM LENGTH	NEW TERM EXPIRATION	COMMENTS Re: STATUS
Board of Review	Vacancy ** Resignation of Bonnie Pattison	Jan 1, 2025	3 Year		Awaiting
Center for the Arts of Greater Lapeer	Carol Fischhaber	Oct 1, 2026	3 Year	n/a	Recommend Re-appointment
Income Tax Board of Review	Vacancy	Dec 1, 2024	3 Year		Awaiting Recommendation
Prison Liaison Committee	Vacancy	Apr 1, 2025	3 Year		Awaiting Recommendation

****Resignation from Bonnie Pattison from the Board of Review.**

Suggested Motion:

Accept the resignation of Bonnie Pattison from the Board of Review, effective immediately and declare the seat vacant.

AGENDA ITEM REVIEW

Meeting Date: January 16, 2024
Consent:
Administrative: X
Public Hearing:

Date Reviewed: January 10, 2024
Reviewed By: R. Sanchez, City Clerk

12/8/2023

City of Lapeer
Denise Marinelli
City Assessor

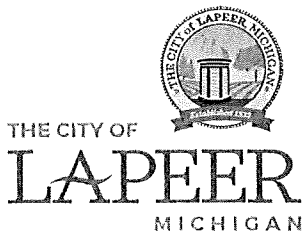
Bonnie Pattison
329 Courtneys Pl
Lapeer, MI 48446

Dear Denise,

This letter is being given to you to let you know, after the December 12 meeting I am resigning from the Board of Review.

I have enjoyed working with you.

Thank you,
Bonnie Pattison



Application for Boards and/or Commissions

Please complete, sign and date the application and return to:
 City Clerk's Office, 576 Liberty Park, Lapeer, MI 48446
 810-664-5231
 Email: clerk@ci.lapeer.mi.us

<input type="checkbox"/> Accuracy Board	<input type="checkbox"/> Downtown Development Authority	<input type="checkbox"/> Lapeer Neighborhoods, Inc.
<input type="checkbox"/> Board of Review	<input type="checkbox"/> Economic Development Corporation / Tax Increment Financing Authority / Brownfield Redevelopment Authority	<input type="checkbox"/> Local Development Finance Authority
<input type="checkbox"/> Cemetery Board	<input type="checkbox"/> Greater Lapeer Transportation Authority	<input type="checkbox"/> Local Officers Compensation Commission
<input checked="" type="checkbox"/> Center for the Arts of Greater Lapeer	<input type="checkbox"/> Income Tax Board of Review	<input type="checkbox"/> Park Board
<input type="checkbox"/> Construction Board of Review	<input type="checkbox"/> Lapeer Building Authority	<input type="checkbox"/> Planning Commission
<input type="checkbox"/> County Center Board	<input type="checkbox"/> Lapeer Housing Commission	<input type="checkbox"/> Zoning Board of Appeals
<input type="checkbox"/> District Library Board	<input type="checkbox"/> Lapeer Housing Board of Appeals	

Please tell us why you wish to serve on this Board or Commission; describe your relevant experience; and what do you feel you can contribute to the Board or Commission:

Applicant Information:

Print Name: Carol Fischhaber
 (First) (Last)

Street Address: 597 Rolling Hills Ln. Lapeer

Home Phone: _____ Cell Phone: 810-338-1422

Email: fischhaberC@gmail.com

Employer: _____ Occupation: _____

Educational Background:

Community Activities and/or Work Experience:

Signature: Carol Fischhaber Date: 1/9/2023

Thank you for your interest in serving on one of our Boards or Commission. All information on this application is public information and subject to disclosure in response to public records request made pursuant to the Freedom of Information Act.



ITEM K-1

To: Mayor and City Commission
Date: January 10, 2024
RE: MONTHLY OPERATIONAL REPORTS

CITY DEPARTMENTS:

- 1. BUILDING DEPARTMENT**
- 2. FINANCIAL SERVICES DEPARTMENT**
 - A. ASSESSING DIVISION
 - B. INCOME TAX DIVISION
 - C. ACCOUNTING/DATA PROCESSING DIVISION
- 3. FIRE AND RESCUE DEPARTMENT**
- 4. HOUSING AND NEIGHBORHOOD DEVELOPMENT DEPARTMENT**
 - A. LAPEER HOUSING COMMISSION (LHC)
 - B. LAPEER NEIGHBORHOOD'S INC. (LNI)
 - C. COMMUNITY DEVELOPMENT
- 5. PLANNING DEPARTMENT**
 - A. DEVELOPMENT ACTIVITIES
- 6. POLICE DEPARTMENT**
 - A. POLICE
 - B. ORDINANCE ENFORCEMENT
 - C. PARKING DIVISION
- 7. PUBLIC WORKS DEPARTMENT**
 - A. SEWER UTILITY DIVISION
 - B. STREET DIVISION
 - C. WATER DIVISION
 - D. WASTEWATER DIVISION
- 8. MARIJUANA MONTHLY REPORT**

AGENDA ITEM REVIEW

Meeting Date: January 16, 2024

Date Reviewed:

January 10, 2024

Reviewed By:

Permit Summary Report

Building Department
576 Liberty Park
Lapeer, MI 48446
810-245-9621

DATE ISSUED	PERMIT TYPE	PERMIT CATEGORY	ADDRESS	FEES PAID	STATUS
01/02/2024	Building	Tenant Space Finish	1428 IMLAY CITY RD	\$2,209.00	ISSUED
12/13/2023	Building	Commercial, Add/Alter/Repair	287 W NEPESSING ST STE 2	\$405.00	ISSUED
12/13/2023	Building	Commercial, Add/Alter/Repair	255 CLAY ST	\$567.00	ISSUED
12/21/2023	Building	Single Family Home	2886 TREYMORE ST	\$1,232.00	ISSUED
12/21/2023	Building	Single Family Home	2709 BEDFORD ST	\$1,132.00	ISSUED
12/18/2023	Building	Commercial, Add/Alter/Repair	3255 JOHN CONLEY DR	\$1,072.00	ISSUED
12/21/2023	Building	Residential Add/Alter/Repair	429 NIGHTINGALE ST	\$511.00	ISSUED
12/21/2023	Building	Residential Add/Alter/Repair	21 MILL ST	\$524.00	ISSUED
12/13/2023	Electrical	Electrical	287 W NEPESSING ST STE 2	\$276.00	ISSUED
12/20/2023	Electrical	Electrical	255 CLAY ST	\$186.00	ISSUED
12/21/2023	Electrical	Electrical	21 MILL ST	\$406.00	ISSUED
01/04/2024	Electrical	Electrical	1857 W GENESEE ST	\$553.00	ISSUED
01/05/2024	Electrical	Electrical	2709 BEDFORD ST	\$452.00	ISSUED
01/05/2024	Electrical	Electrical	2886 TREYMORE ST	\$452.00	ISSUED
01/09/2024	Electrical	Electrical	429 NIGHTINGALE ST	\$258.00	ISSUED
12/13/2023	Mechanical	Mechanical	287 W NEPESSING ST STE 2	\$267.00	ISSUED
12/13/2023	Mechanical	Mechanical	55 OLD CARRIAGE LN	\$444.00	ISSUED
12/19/2023	Mechanical	Mechanical	450 W NEPESSING ST	\$538.25	ISSUED
12/20/2023	Mechanical	Mechanical	3161 W OREGON ST	\$243.00	ISSUED
12/21/2023	Mechanical	Mechanical	1455 IMLAY CITY RD	\$343.00	ISSUED
01/03/2024	Mechanical	Mechanical	61 SUZANNE DR H	\$281.00	ISSUED
01/03/2024	Mechanical	Mechanical	62 SUZANNE DR 32	\$281.00	ISSUED
01/03/2024	Mechanical	Mechanical	63 SUZANNE DR D	\$281.00	ISSUED
01/03/2024	Mechanical	Mechanical	64 SUZANNE DR 24	\$281.00	ISSUED
01/03/2024	Mechanical	Mechanical	66 SUZANNE DR 13	\$281.00	ISSUED
12/21/2023	Mechanical	Mechanical	3255 JOHN CONLEY DR	\$307.00	ISSUED
01/04/2024	Mechanical	Mechanical	711 ROLLING HILLS LN 1	\$200.00	ISSUED
01/04/2024	Mechanical	Mechanical	881 ROLLING HILLS LN 2	\$200.00	ISSUED
01/04/2024	Mechanical	Mechanical	21 MILL ST	\$244.00	ISSUED

Permit Summary Report

01/10/24

Building Department
576 Liberty Park
Lapeer, MI 48446
810-245-9621

DATE ISSUED	PERMIT TYPE	PERMIT CATEGORY	ADDRESS	FEES PAID	STATUS
01/08/2024	Mechanical	Mechanical	4 E NEPESSING ST	\$209.00	ISSUED
01/09/2024	Mechanical	Mechanical	49 TRILLIUM TRL	\$185.00	ISSUED
01/09/2024	Mechanical	Mechanical	744 PEPPERMILL CIR	\$348.00	ISSUED
12/19/2023	Plumbing	Plumbing	538 S ELM ST	\$462.00	ISSUED
12/18/2023	Plumbing	Plumbing	287 W NEPESSING ST STE 2	\$279.00	ISSUED
12/20/2023	Plumbing	Plumbing	429 NIGHTINGALE ST	\$225.00	ISSUED
01/09/2024	Plumbing	Plumbing	21 MILL ST	\$291.00	ISSUED
01/08/2024	Plumbing	Plumbing	1857 W GENESEE ST	\$450.00	ISSUED
12/13/2023	R.O.W.	Right of Way	2886 TREYMORE ST	\$250.00	ISSUED
12/14/2023	R.O.W.	Right of Way	2709 BEDFORD ST	\$250.00	ISSUED
12/21/2023	R.O.W.	Right of Way	30 TURRILL AVE	\$250.00	ISSUED
12/13/2023	Sewer	Sewer	2886 TREYMORE ST	\$4,000.00	ISSUED
12/14/2023	Sewer	Sewer	2709 BEDFORD ST	\$4,000.00	ISSUED
12/13/2023	Water	Water	2886 TREYMORE ST	\$2,750.00	ISSUED
12/14/2023	Water	Water	2709 BEDFORD ST	\$2,750.00	ISSUED
12/13/2023	COMPLIANCE PERMIT	Fence	311 HIGGINS ST	\$81.00	ISSUED
12/13/2023	COMPLIANCE PERMIT	Fence	1421 PLEASANT ST	\$81.00	ISSUED
12/19/2023	COMPLIANCE PERMIT	Certificate of Compliance/Occu	128 W NEPESSING ST	\$81.00	ISSUED
12/20/2023	COMPLIANCE PERMIT	Shed	461 GOLFSIDE DR	\$42.00	ISSUED
TOTAL FEES PAID:				\$31,410.25	

Monthly Rental Certificates

BUILDING DEPARTMENT
576 LIBERTY PARK
LAPEER, MI 48446
810-245-9621

Property Address	Holder Name	Certificate Number	Status	Date Issued	Date Expires	Total Amount
236 JACQUALYN DR	TITAN LAND COMPANY LLC	CR22-0301	Certified	12/20/2023	06/28/2024	125.00
408 MICHIGAN ST B	WARPUP, REED PAUL & MEGA	CR23-0239	Certified	01/09/2024	03/22/2025	121.00
839 DEWEY ST BLDG 8	SILVER MAPLE VILLAGE	CR23-0647	Certified	01/02/2024	01/05/2025	222.00
624 WASHINGTON ST	DAVID PATTON SD IRA LLC	CR23-0821	Certified	12/20/2023	08/06/2025	125.00
733 WASHINGTON ST	CHRISTENSEN, JAMES	CR23-0824	Certified	12/14/2023	08/01/2025	121.00
264 FOX ST 2	PURVIS PROPERTIES LLC	CR23-0916	Certified	12/19/2023	07/28/2025	40.00
1876 W GENESEE ST 6	HILLTOP APARTMENT COMPL	CR23-1044	Certified	12/14/2023	05/03/2025	40.00
1876 W GENESEE ST 9	HILLTOP APARTMENT COMPL	CR23-1047	Certified	12/14/2023	05/03/2025	40.00
1874 W GENESEE ST 13	HILLTOP APARTMENT COMPL	CR23-1051	Certified	12/14/2023	05/03/2025	121.00
1874 W GENESEE ST 14	HILLTOP APARTMENT COMPL	CR23-1052	Certified	12/14/2023	05/03/2025	121.00
1210 JEFFERSON ST	MIKLOVICH, KATHLEEN	CR23-1413	Certified	01/05/2024	11/10/2025	206.00
848 LINCOLN ST	DS8 INVESTMENTS LLC	CR23-1414	Certified	12/21/2023	11/23/2025	125.00
155 DEVONSHIRE DR 101	WELL 1031 HOLDCO 1 LLC	CR23-1415	Certified	12/18/2023	09/11/2025	325.00
155 DEVONSHIRE DR 102	WELL 1031 HOLDCO 1 LLC	CR23-1416	Certified	12/18/2023	09/11/2025	40.00
155 DEVONSHIRE DR 103	WELL 1031 HOLDCO 1 LLC	CR23-1417	Certified	12/18/2023	09/11/2025	40.00
155 DEVONSHIRE DR 104	WELL 1031 HOLDCO 1 LLC	CR23-1418	Certified	12/18/2023	09/11/2025	40.00
155 DEVONSHIRE DR 105	WELL 1031 HOLDCO 1 LLC	CR23-1419	Certified	12/18/2023	09/11/2025	40.00
155 DEVONSHIRE DR 106	WELL 1031 HOLDCO 1 LLC	CR23-1420	Certified	12/18/2023	09/11/2025	40.00
155 DEVONSHIRE DR 107	WELL 1031 HOLDCO 1 LLC	CR23-1421	Certified	12/18/2023	09/11/2025	40.00
155 DEVONSHIRE DR 108	WELL 1031 HOLDCO 1 LLC	CR23-1422	Certified	12/18/2023	09/11/2025	40.00
155 DEVONSHIRE DR 109	WELL 1031 HOLDCO 1 LLC	CR23-1423	Certified	12/18/2023	09/11/2025	40.00
155 DEVONSHIRE DR 110	WELL 1031 HOLDCO 1 LLC	CR23-1424	Certified	12/18/2023	09/11/2025	40.00
155 DEVONSHIRE DR 111	WELL 1031 HOLDCO 1 LLC	CR23-1425	Certified	12/18/2023	09/11/2025	40.00

Property Address	Holder Name	Certificate Number	Status	Date Issued	Date Expires	Total Amount
155 DEVONSHIRE DR 112	WELL 1031 HOLDCO 1 LLC	CR23-1426	Certified	12/18/2023	09/11/2025	40.00
155 DEVONSHIRE DR 201	WELL 1031 HOLDCO 1 LLC	CR23-1427	Certified	12/18/2023	09/11/2025	125.00
155 DEVONSHIRE DR 202	WELL 1031 HOLDCO 1 LLC	CR23-1428	Certified	12/18/2023	09/11/2025	40.00
155 DEVONSHIRE DR 203	WELL 1031 HOLDCO 1 LLC	CR23-1429	Certified	12/18/2023	09/11/2025	40.00
155 DEVONSHIRE DR 204	WELL 1031 HOLDCO 1 LLC	CR23-1430	Certified	12/18/2023	09/11/2025	40.00
155 DEVONSHIRE DR 205	WELL 1031 HOLDCO 1 LLC	CR23-1431	Certified	12/18/2023	09/11/2025	40.00
155 DEVONSHIRE DR 206	WELL 1031 HOLDCO 1 LLC	CR23-1432	Certified	12/18/2023	09/11/2025	40.00
155 DEVONSHIRE DR 207	WELL 1031 HOLDCO 1 LLC	CR23-1433	Certified	12/18/2023	09/11/2025	40.00
155 DEVONSHIRE DR 208	WELL 1031 HOLDCO 1 LLC	CR23-1434	Certified	12/18/2023	09/11/2025	40.00
155 DEVONSHIRE DR 209	WELL 1031 HOLDCO 1 LLC	CR23-1435	Certified	12/18/2023	09/11/2025	40.00
155 DEVONSHIRE DR 211	WELL 1031 HOLDCO 1 LLC	CR23-1437	Certified	12/18/2023	09/11/2025	40.00
155 DEVONSHIRE DR 212	WELL 1031 HOLDCO 1 LLC	CR23-1438	Certified	12/18/2023	09/11/2025	40.00
37 MILL ST	CASTILLO-AGUILAR, EDUAR	CR23-1439	Certified	12/20/2023	11/28/2025	206.00
1134 S MAIN ST	LAPEER PROPERTY ASSOCIAT	CR23-1442	Certified	12/14/2023	11/18/2025	268.50
425 N MAIN ST	NBRNE RE LLC	CR23-1443	Certified	12/19/2023	11/24/2025	125.00
427 N MAIN ST	NBRNE RE LLC	CR23-1444	Certified	12/19/2023	11/24/2025	40.00
310 E OREGON ST	BKT ENTERPRISES LLC	CR23-1456	Certified	01/02/2024	12/01/2025	125.00
65 W OREGON ST 1	PEASLEY, MICHELE R & BRAD	CR23-1457	Certified	01/04/2024	12/07/2025	165.00
65 W OREGON ST 2	PEASLEY, MICHELE R & BRAD	CR23-1458	Certified	01/04/2024	12/07/2025	40.00
65 W OREGON ST 3	PEASLEY, MICHELE R & BRAD	CR23-1459	Certified	01/04/2024	12/07/2025	40.00
65 W OREGON ST 4	PEASLEY, MICHELE R & BRAD	CR23-1460	Certified	01/04/2024	12/07/2025	40.00

Total # of Certificates: 44

Total Amount Billed: \$3746.50

Population: All Records

Certificate.CertType = Rental AND

Certificate.DateIssued Between 12/14/2023 12:00:00 AM

AND 1/10/2024 11:59:59 PM AND

Certificate.Status = Certified



Item K-1-2-A

To: Mike Womack, City Manager
C.C. City Board of Commissioners
From: Denise Marinelli, Assessor
Date: January 10, 2024
RE: Monthly Departmental Report

ASSESSING DEPARTMENT CONCENTRATION:

- Property Transfers are processed and are currently up to date. Deeds have been processed through December.
- Current Deed breakdown:

Deeds	December	Vacant land	New Construction	Prior Month
Transfers	20	4	1	33
Non-Transfers	8			20
Forcl/Redmptn	1/0			0/1
Total	29			54

- We are currently finishing Land Values and ECF's for the 2024 assessment and will be adding new construction from 2023. We have completed the reviewed parcels for depreciation updates, etc. as well.
- 2024 Personal Property Statements were mailed out on December 30, 2023, in accordance with the State Tax Commission requirements. The forms are expected to be returned throughout this month and next month. Any non-exempt business in the City who does not return a form will be estimated for the 2024 tax year .
- The December Board of Review met on Tuesday December 10 at 10 a.m. We currently have a position open for Board of Review Member as one member resigned in December.
- We have one Michigan Tax Tribunal case pending for the 2023 tax year.
- The department continues to investigate, correct, and update property description discrepancies, omissions, errors, and changes. We assist departments, property owners, realtors and appraisers with questions and concerns as well as processing address and lot split requests.
- As always, please contact me if you have any questions or concerns.



Item # K-1-2-B

To: Mike Womack, City Manager
From: Kelly Hanna, Director of Financial Services
Date: January 8, 2024
RE: Income Tax Monthly Report for December 2023

CITY OF LAPEER
Monthly Financial Statement
Income Tax Department
December 2023

<u>Fiscal Year</u>	<u>Net Monthly Income</u>	<u>Net Total Yr-to-date</u>	<u>Original Budget for year</u>	<u>Current Budget for year</u>	<u>Actual Total for year</u>	<u>Excess (Deficit) Revenue</u>
2013/14	\$51,965	\$1,292,312	\$2,590,000	\$2,590,000	\$2,827,204	\$237,204
2014/15	\$48,706	\$1,369,088	\$2,590,000	\$2,590,000	\$2,953,553	\$363,553
2015/16	\$48,494	\$1,317,528	\$2,785,000	\$2,785,000	\$3,069,571	\$284,571
2016/17	\$56,575	\$1,475,254	\$3,065,000	\$3,065,000	\$3,212,298	\$147,298
2017/18	\$112,598	\$1,638,695	\$3,165,000	\$3,165,000	\$3,349,223	\$184,223
2018/19	\$41,358	\$1,519,703	\$3,175,000	\$3,175,000	\$3,521,027	\$346,027
2019/20	\$118,965	\$1,565,534	\$3,265,000	\$3,265,000	\$3,228,023	-\$36,977
2020/21	\$172,433	\$1,613,978	\$3,495,000	\$3,495,000	\$3,783,095	\$288,095
2021/22	\$98,443	\$1,899,938	\$3,476,000	\$3,476,000	\$4,527,734	\$1,051,734
2022/23	\$94,345	\$1,888,787	\$4,090,000	\$4,140,076	\$4,941,930	\$801,854
2023/24	\$198,744	\$2,156,394	\$4,833,000	\$4,833,000		

Original Budget and Current Year Budget columns for FYE 2013- 2023 adjusted to include budgeted p&l & prosecution



Item # K-1-2-C

To: Mike Womack, City Manager
From: Kelly Hanna, Director of Financial Services
Date: January 10, 2024
RE: Finance Department Report for December 2023

- 1) 150 - voucher checks were issued.
- 2) 319 - payroll payments were issued.
- 3) 28 - income tax refund checks were issued.
- 4) Records were reviewed with those needing information on burial location. There were three (3) full burials, one (1) burial of cremains, and one foundation purchased (for \$217.60).
- 5) 1,686 Winter 2023 property tax bills were receipted for \$1,893,188.54; twenty-seven (27) Summer 2023 property tax bills were receipted for \$6,181.88; two (2) delinquent 2022 personal property tax bills were receipted for \$25,482.19; one (1) delinquent 2021 personal property tax bill was receipted for \$302.36; and one (1) delinquent 2018 personal property tax bill was receipted for \$75.00.
- 6) There were 63 additions and 49 cancellations received regarding the voter registration records.



ITEM K-1-3

To: Mike Womack, City Manager
From: Mike Vogt, Fire Chief
Date: January 5, 2024
RE: December 2023

MONTH SUMMARIZED:

Training: The department conducted a total of four training sessions (2 day/2 night). A total of 108.0 man-hours were spent in training during the month.

Community Risk Reduction: Department personnel participated in two events during the month, which one took place in the City of Lapeer and the other in Mayfield Township. Along with those two events our department participated in our annual Shop with a Hero event. This included 14 children that were able to go shopping for themselves along with their families.

Fire & Life Safety: Three annual inspections, one reinspection, five other types of inspections, and eight site visits were completed in the City. Three building plans, two tenant plans, one ceiling plan, one room remodel plan, and one site plan were reviewed for the Building Department for the month of December.

Responses: The department responded to a total of 27 incidents during the month, requiring a total of 198.0 man-hours. This is 27 less responses than we had for the same period in 2022. 44% of these responses occurred Monday-Friday between the hours of 6:00 am and 6:00 pm. The estimated dollar loss for the month was \$14,000, bringing the estimated annual dollar loss for the year to \$1,881,825. The loss for the month resulted from a building fire in Mayfield Twp.

The number of responses for the month by municipality was: City of Lapeer-11, Lapeer Twp-7, Mayfield Twp-6, Oregon Twp-2, Automatic/Mutual Aid-1.

The average emergency response time (in minutes) to each municipality was: City of Lapeer-0.0, Lapeer Twp-8.0, Mayfield Twp-10.0, Oregon Twp-13.0.

The calendar year annual percentage of responses by municipality is: City of Lapeer-52.86%, Lapeer Twp-11.21%, Mayfield Twp-23.11%, Oregon Twp-7.55%, Assists-5.26%.

The number of burn permits issued for the month by municipality was: Lapeer Twp-24, Mayfield Twp-13, Oregon Twp-21.

The breakdown of responses by type is as follows:

Fire Alarm-Malicious	0	Fire Alarm-Unintentional	4
Fire Alarm-Malfunction	0	Fire Alarm-Residential	1
Building Fire-Residential	1	Building Fire-Commercial	0
Building Fire-Other	0	Vehicle Fire	0
Grass/Brush Fire	0	Rescue	1
Good Intent	4	Electrical Related	1
Smoke Investigation	0	Gasoline/Diesel Spill/Leak	0
Natural Gas/Propane Leak	1	Carbon Monoxide (alarm & actual)	4
Other Type Fires	1	Other Type Response	8
Assist to Other Agencies	1	Washdown	0

City of Lapeer Activities Calendar

Lapeer City Fire & Rescue

December 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1 Incident 23-411 Christmas Parade	2
3 Incident 23-412	4 Incident 23-413 Incident 23-414 Training	5	6 Incident 23-415 Physical Agility Testing	7 Incident 23-416	8 Incident 23-417	9 Incident 23-418 VFW Christmas Assist
10 Incident 23-419	11 Training	12 Incident 23-420 Shop w/a Hero	13 Incident 23-421 Incident 23-422 New Hire Interviews	14 Incident 23-423	15 Incident 23-424	16 Incident 23-425
17 Incident 23-426	18	19 Incident 23-427	20 Incident 23-428	21 Incident 23-429 Incident 23-430	22 Incident 23-431	23
24	25 Incident 23-432	26 Incident 23-433	27	28 Incident 23-434	29 Incident 23-435	30 Incident 23-436 Incident 23-437
31		Notes Incidents (Monthly Total - 27) Training Public Events Meetings/Department Work New Hiring Process Public Assistance				



Dept: Housing Improvement Department
Submitted To: Mr. Mike Womack, City Manager
From: Denise Soldenski, Director of Housing and Neighborhood Development
Date: January 18th, 2024
RE: December 13th, 2023 – January 9th, 2024
copy: Lapeer Housing Commission/Lapeer Riverview Towers, LLC

LAPEER HOUSING COMMISSION (LHC)/LAPEER RIVERVIEW TOWERS, LLC (LRT)

A. RIVERVIEW TOWERS: HUD PROJECT BASED VOUCHER (PBV)

1. As of January 9, Riverview Towers has two vacancies which are expected to be filled upon completion of unit turns with kitchen/bathroom upgrades. Target lease up for both will be on or before March 1.
2. The Riverview waitlist contains a sufficient supply of applicants to fill vacant units.

B. HOUSING CHOICE VOUCHER PROGRAM (HCV)

1. As of January 9, 96 vouchers are under contract with an additional applicant expected to lease up before the end of January. One new voucher will be issued this week.
2. Pulling applicants from the waitlist will continue as funding allows to fill vacant vouchers.

C. ADMINISTRATION

1. **Attachment #1** Lapeer Housing Commission/Lapeer Riverview Towers, LLC financials.
2. ***Ms. Soldenski would like to introduce the items to be included in FY 7/1/2024 PHA Annual Plan.*** The attached document covers both the Capital Expense projects and the policy updates that will be mandatory to implement this fiscal year. Lots of policy/regulation changes coming. Ms. Soldenski held two resident meetings on January 12th to cover the 7/1/2024 Annual Plan, pest control, and emergency preparedness.
3. ***Ms. Soldenski would like approval for a change to the LHC HCV Administrative Plan effective 1/1/2024.*** Per the Housing Opportunity Through Modernization Act of 2016 (HOTMA) Regulation 24 CFR 5.611, the Earned Income Disregard (EID) will not apply to any family who is not eligible for **and already participating in** the disallowance as of December 31, 2023. Families who were receiving the EID benefit as of December 31, 2023, may continue to receive the full benefit until the remaining timeframe for an individual family's EID expires. Because the EID lasts up to 24 consecutive months, no family will still be receiving the EID benefit after December 31, 2025.
4. HUD released the Final Rule of the Housing Opportunity Through Modernization Act (HOTMA) of 2016, Sections 102, 103 and 104 on February 14th, 2023. This rule provides for income and asset changes that will affect the HCV and PBV programs and was intended to be effective January 1st, 2024; however due to HUD systems not being ready and the extensive need for training, have postponed the effective date for sections 102 and 104 to January 1st, 2025. HUD released PIH Notice 2023-27 which provides implementation guidance for sections 102 and 104, the two sections that impact HCV and PBV. HUD's guidance requires PHAs to include HOTMA in their Annual Plans which are due 75 days prior to the beginning of the fiscal year, July 1st for LHC. Therefore, LHC compliance date will be after April 17th, 2024 and on or before Jan. 1st, 2025. Factors that will impact the LHC compliance date are software system readiness, staff

training and tenant/landlord notifications. *Ms. Soldenski has been working on converting the LHC HCV Admin Plan to the format purchased by Nan McKay which includes the HOTMA updates.*

5. HUD is also changing the process/standard for Housing Quality Standard Inspections (HQS) to National Standards for the Physical Inspection of Real Estate (NSPIRE). The new standard is an inspection model that is more common across the various HUD programs. This new method is under pilot and was scheduled to be rolled out for HCV/PBV in October 2023; however, HUD has allowed PHAs to use existing inspection protocols until October 2024 to allow for systems to be updated and training to take place. Full implementation will include use of an NSPIRE application via handheld tablet or dedicated cell phone for electronic inspections. HUD has issued PIH Notice 2023-28 which provides for implementation guidance and administrative procedures for HCV/PBV. *Ms. Soldenski completed training via Nan McKay on 11/9/23 and is now certified for NSPIRE.*
6. HUD is moving forward with a more clear proposed rule for Affirmatively Furthering Fair Housing. HUD's intent is to "affirmatively further fair housing by creating strong, sustainable, inclusive communities and quality affordable housing for all." More information to come as this proposed rule approaches final rule.
7. HUD has been releasing updated chapters in the "Housing Choice Voucher Program Guidebook". As the chapters are released, Ms. Soldenski reviews, updates and requests approval for our HCV Administrative Plan, if necessary. *There are no updates to the Guidebook this month that affect policy.*



To: Housing Improvement Department
Submitted To: Mr. Mike Womack, City Manager
From: Denise Soldenski, Director of Housing and Neighborhood Development
Date: January 18th, 2024
RE: December 13th, 2023 – January 9th, 2024
copy: Lapeer Neighborhoods Inc.

A. HOUSING IMPROVEMENT DEPARTMENT (HID) - See attachment #2 for project photos.

1. **MSHDA NEP - Mt. Hope Area Grant Program (Round 9):** The Housing Department was awarded Round 9 funding for homeowner rehabilitations for roofs and driveways and a neighborhood enhancement at Annrook Park. This grant will start in May and complete in December 2024. Ms. Lincoln is awaiting an official notice from MSHDA for the total grant amount received.
2. **USDA Rural Development HPG Grant:** Grant funding has been extended for 6 more months and will be ending as of March 30, 2024.
 - a. **Project 2 - Hartley St.** – Crawl Space Rehab – Project has been approved and contracts have been signed and the project can start. Crawlspace repair expected to be completed by mid-February 2024.
3. **MSHDA MI-HOPE Grant:** MSHDA has completed the amendment and projects are eligible to start. Ms. Lincoln is working on gathering additional documents to start the process for each applicant.
 - a. **Project 1 - Lincoln St.** - Roof, Water Heater, Electrical – Application stage.
 - b. **Project 2 – Jefferson St.** – Windows, Insulation, Appliances, Storm Doors/Exterior Doors, HVAC, Electrical – Application stage.
 - c. **Project 3 – Dewey St.** – Insulation and Air Conditioner – Application stage.
 - d. **Project 4 – S. Elm St.** – Roof Replacement – Application stage.
 - e. **Project 5 – Hartley St.** – Furnace/Air and Water Heater – Application stage.
 - f. **Project 6 – N. Main St.** – Insulation and Windows/Doors – Application stage.
4. **MSHDA Housing Choice Vouchers / Section 8**
 - a. Lapeer County's voucher allocation is 342 regular Housing Choice Vouchers, 7 Project Based Vouchers, 17 Emergency Housing Vouchers for a total in Lapeer County of 366. Tuscola County allocation is 88 Housing Choice Vouchers, 5 Project Based Vouchers, and 3 Emergency Housing Vouchers for a total in Tuscola County of 96. Huron County allocation is a total of 47 Housing Choice Vouchers, and 2 Emergency Housing Vouchers for a total of 49. Our total VASH allocation remains at 35, Moving Up is 3, and Balance of State is 1. MSHDA has discontinued reporting the allowable over-allocation of 4% maximum. The total allocation is 550.
 - b. Current lease up rate is now at 99.25%.

B. LAPEER NEIGHBORHOODS INCORPORATED (LNI)

1. Projects –

- a.** 405 S. Elm: Vacant: Continuing research into funding for a potential build or possible sale of the property. The market is not in a good position to build, as the cost would outweigh what a home could sell for at this location. However, interest rates are beginning to drop and this may be possible with future grants if a development subsidy is available.

C. FINANCE

- 1.** Attachment #1: Financial report.

D. ADMINISTRATION

- 1.** No report at this time.

TO: Lapeer City Planning Commission
 FROM: Planning Department
 DATE: January 2, 2024
 RE: **January 2024 Development Activities Report**



This report summarizes activity on various development projects in the City over the past month listed by full site plans for developments reviewed and approved by the Planning Commission and administratively reviewed site plans for projects currently in the review and development process.

Site Plans Reviewed by Planning Commission

1. Lapeer Cultivation – Grow Facility – 39 & 47 W. Genesee Street

General Information – Construction of a new marihuana grow facility (formerly known as SEMI Grown) with related site improvements.

Project Status – The previous site plan approval expired and a new plan was re-submitted on November 1, 2023 and is scheduled for consideration at the January 11, 2024 Planning Commission meeting.

2. EL Cozumel Restaurant – 1109 S. Main Street

General Information – Construction of a new 5,692 sq. ft. restaurant with related site improvements.

Project Status – The site plan was submitted on October 31, 2023 and was conditionally approved at the December 14, 2023 Planning Commission meeting. City staff is waiting on revised plans.

3. DTE Energy – Apollo Substation – 3135 John Conley Dr. South

General Information – Construction of a new electrical substation and control building with related site improvements.

Project Status – The site plan was submitted on October 27, 2023 and is scheduled for consideration at the January 11, 2024 Planning Commission meeting.

4. Security Credit Union – 1073 S. Main St.

General Information – Construction of a new 3,438 sq. ft. credit union facility with four drive through lanes.

Project Status – The site plan was submitted on August 31, 2023. Revised plans were submitted on September 27, 2023 and approved with conditions by the Planning Commission on October 12, 2023. City staff is waiting on revised plans, including MDOT and LCRC permits.

5. Carriage Hill Circle – New Multiple-Family Residential Units

General Information – Construction of a new phased multiple-family residential development consisting of 32 units on Carriage Hills Circle.

Project Status – The site plan was submitted on April 3, 2023 and revised plans were received on April 26th, June 9th, July 21st. The Planning Commission approved the site plan with conditions on August 10, 2023. Revised plans were received on August 31st and October 19th 2023. The site plan was approved on October 19, 2023 and final signed plans were distributed October 31, 2023. The applicant has stated that final building plans will be submitted in Spring 2024.

6. Sunoco Station – 715 S. Main St.

General Information – Construction of a 2,135 sq. ft. addition to the existing Sunoco Gas Station.

Project Status – The site plan was submitted on April 3, 2023. The Planning Commission conditionally approved the site plan at the July 13th, 2023, meeting. Final plans were approved as of September 14, 2023 and signed copies were distributed on September 29, 2023. The building department is awaiting submittal of building plans.

7. Blain's Farm and Fleet – SE Corner of Turrill Rd./S. Lapeer Rd.

General Information – Construction of a new 84,000+ sq. ft. commercial building with auto repair bays on a vacant parcel at the southeast corner of Turrill Rd./S. Lapeer Rd.

ITEM K-1-5

Project Status – The site plan was submitted on January 6, 2023. Received contingent approval by the Planning Commission on February 9, 2023 based on addressing all outstanding City staff comments. The applicant re-submitted a variance request concerning exterior building materials on which action was postponed by the ZBA on October 23rd pending a determination by the Planning Commission on November 9, 2023. The Planning Commission determined on November 9 that the proposed metal siding was not an appropriate predominant building material and directed the Planning Department to explore alternative options with the applicant. Revised plans are pending.

8. Lapeer Villas – Baldwin Rd. – Site Plan Amendment

General Information – Construction of 147 Multiple-Family units on a vacant parcel on the north side of Baldwin Road. An amendment to the previous plan was approved to convert some of apartment building (5, 6 & 7) garage spaces into apartments and construct a club house with pool.

Project Status – The site plan was originally submitted and approved in 2019. An amended site plan was received July 26, 2022. The Planning Commission approved the amended site plan with on August 11, 2022. Construction of Phase II is underway and Phase I is awaiting final occupancy following a decision on from the Planning Commission regarding a waiver request. Construction of the clubhouse and pool is planned for future Phases (3 and 4). The applicant's request for a waiver from landscaping buffer requirements to not construct a perimeter privacy fence was denied at the November Planning Commission meeting. The City will request a final as-built site plan prior to building plan review given the number of changes to the site with various phases and minor changes to exterior improvements. The applicant is requesting a temporary certificate of occupancy for portions of Phase II, but must submit a new performance bond to the Planning Department for all exterior improvements.

9. Woodchips Mixed Use Building – Vacant Lot at Northeast Corner Nepessing/Mason

General Information – Construction of a new three-story mixed-use building on the vacant lot immediately west of Chef G's with commercial and restaurant uses on the 1st floor and apartments on the 2nd and 3rd floors.

Project Status – Site plans were received on May 3, 2022 and May 26, 2022. The Planning Commission contingently approved the site plan on June 9, 2022 and an extension was approved on June 8, 2023 to expire on June 9, 2024. The Planning Department allowed the applicant to move forward with building plan submittal while final engineering details on site plans are finalized. Final building plans are still pending.

10. Murphy Oil USA – 579 E. Genesee St.

General Information – Redevelopment of the gas station site including a 1,400 sq. ft. pre-manufactured convenience store building and additional gas pumps.

Project Status – The site plan was approved with conditions at the May 12, 2022 Planning Commission meeting. The Planning Department received revised site plans June 8 and June 23, 2022. The site/engineering plans have been approved. The Building Dept has approved the building plans. Building permits were issued in June 2023 and construction is complete. The Planning Department inspected the site on 11/28/2023 and found no outstanding issues. The station is now open and operating and this project will be removed from the report next month.

11. Tommy's Carwash – Lapeer Commons - Lapeer Rd

General Information – Construction of a 4,550 sqft building and parking lot for an automatic carwash. The applicant is also modifying the Planned Unit Development conceptual plan.

Project Status – The site plan was received Dec. 20, 2021. The Planning Commission contingently approved the site plan on Feb. 10, 2022. Revised site plans were received on March 7 and August 26, 2022. The project received site plan extension approval from the Planning Commission to expire on February 10, 2024. City staff is waiting for revised site plans and approved sanitary sewer easement. The Planning Dept. has received no further communication from the applicant at this time.

12. Beasley – Building Remodel and Parking Lot Improvements – 891 Baldwin Rd

General Information – Construction of a rear parking lot area, with landscaping, and building exterior remodeling to an existing building for a professional office.

ITEM K-1-5

Project Status – The site plan was received on November 18, 2021 and received contingent approval by the Planning Commission on January 13, 2022. Final approved plans were distributed November 29, 2022. The Zoning Board of Appeals approved a variance for exterior materials on April 24, 2023. Building permit was issued in June 2023 and construction is underway.

13. Popeye's – Drive-Through Facilities – 1040 S. Lapeer Rd.

General Information – Construction of two new buildings (a 2,143 sq. ft. building to the north and a 2,529 sq. ft. to the south) for drive-through facilities and shared parking with the neighboring property.

Project Status – The site plan for Phase 1 of the development was received on November 1, 2021. On December 9, 2021 the Planning Commission approved a special land use. The site plan received contingent approval at the January 13, 2022 Planning Commission meeting. MDOT required changes to the access drive location on M-24. The Planning Commission granted a site plan extension until January 13, 2024. Revised plans were received on March 24, June 14 and August 9 and September 27, 2023. Draft easement agreements were sent to the City's Engineer for review on October 30, 2023. The applicant was permitted to move forward with building plan review while easement agreements are pending.

14. Lapeer M-21 Gas Station – 1280 Imlay City Rd

General Information – Redevelopment of the current site to be a gas station located at 1280 Imlay City Road. Half of the building will be demolished while the remaining 3,680 sq. ft. will be used as the convenience store.

Project Status – The site plan was received on May 17, 2021. The Planning Commission contingently approved the special land use on July 8, 2021. The site plan received contingent site plan approval from the Planning Commission on January 13, 2022. Revised plans were received March 30, April 29, July 11, and July 14, 2022. The final signed and approved site/engineering plans have been distributed. Demolition has been completed and construction is underway.

15. Woodbridge Park II – North and West of existing Woodbridge Park Development

General Information - Construction of 58 additional attached conventional condominium units north and west of the existing Woodbridge Park development. Individual condo units will be constructed in two, three and four unit attached structures.

Project Status - The site plan was approved by the Planning Commission on January 10, 2019. Revised site plans were received on June 7, 2019 and approved by staff on June 14, 2019. The required performance bond was submitted on March 3, 2020 and final approved/signed were distributed March 4, 2020. Permits were renewed in June 2023. Construction is underway.

Administrative Review Site Plans in Process

1. Jim Riehl's – 1515 S. Lapeer Rd. – New Front Façade & Building Addition

General Information – Construction of a new front exterior façade and 2,960 sqft. building addition.

Project Status – The site plan was received on March 23, 2022 and revised plans were received June 22 and July 15, 2022. The final signed and approved site/engineering plans were approved on July 21, 2022. The Building Department has completed review of the building plans and are waiting for building permit applications to be submitted.

Projects on Hold:

HTF Hydraulic Tubes & Fittings – 524 McCormick St.

General Information – Construction of a 3,645 sq. ft. building addition and resurfacing of the existing parking lot at the existing site.

Project Status – The site plan was received on September 29, 2020. Site plans were approved on November 10, 2020. The Building Department has revoked their Temporary Certificate of Occupancy. The City is waiting for construction to be completed in accordance with the approved site plan.

ITEM K-1-5

Back Building LLC – Women’s Healthcare Associates Medical Office Building

General Information – A new one-story 13,500 sq. ft. medical office building at 1177 S. Main St. The property is located in the “Annexation by Choice” area along the east side of S. Main St., north of Turrill Rd., was transferred into the City and rezoned from R-2 to B-2 on February 2, 2015. The site plan was approved by the Planning Commission on February 12, 2015.

Project Status – Final revisions were made to the plans on April 23, 2018 and plans were approved on May 2, 2018. The Building Department is waiting for as-built plans and has issued a temporary Certificate of Occupancy. Zoning Permits have been issued for five tenants to date. An email was sent to the owner on July 27, 2023 to request as-built plans. A letter was sent to the property owner on (9/5/2023) giving them 15 days to communicate with the City regarding intent to provide as-built drawings. The owner has communicated that they intend to comply. The building department will provide a revised deadline to complete the as-built plan.



MEMORANDUM ITEM K-1-6



CITY OF LAPEER POLICE DEPARTMENT

TO: Mike Womack, City Manager

FROM: Jeremy Howe, Chief of Police

DATE: 1/09/2024

RE: Monthly Report; December 1 – December 31, 2023

In the month of December 2023, our Police Department Officers responded to 915 calls for service. Of these 915 calls for service, 107 were criminal activity reports, of which 41 required submissions to the Michigan Incident Crime Reporting System (MICRS). Our officers made 19 arrests in December, 5 felony crimes and 14 misdemeanor crimes, with 1 arrest for operating under the influence of alcohol or drugs.

This month our officers made 235 traffics stops, issued 29 citations, and gave 206 verbal warnings. Officers also handled 49 vehicle crashes.

One overdose case was handled in the month of December.

Officers from the department attended 192 hours of advanced training which included Instructor school for Standardized Field Sobriety, basic Field Training Officer Training, Identifying Criminal Vehicles and Occupants and Instructor School for Pistols and Shotguns.

The total amount of overtime hours for the month of December is 260 hours. 214 of those hours were holiday hours, which are unavoidable. The rest of the hours were from special events and court.

The Code Enforcement reported complaint numbers were 43. Signs were much of the enforcement with 24 reports. Sidewalk snow removal had 12 complaint reports and blight had 5.

During the month of December, the City of Lapeer Police Department continued our Distracted Driving Initiative. For the month of December, we logged in 98 hours of observation time which resulted in 55 traffic stops, 6 citations and 51 verbal warnings. We have made this type of enforcement a priority due to the increasing numbers of traffic crashes in our city. We will continue to be proactive in our approach in order to keep our pedestrians and citizens safe.

In December, the City of Lapeer Police Department was awarded \$83,000.00 for the purchase of Body Worn Cameras for our officers. This was a grant from the Homeland Security Program. We are also progressing very well with our accreditation process. The accreditation process usually takes 18-24 months to complete, however, I believe that we can have it done by this summer. That would put us at completing this project in 8-9 months.

Lapeer City Police Department**Monthly Report****DECEMBER 2023**

	<u>Current</u>	<u>Calendar Year</u>	<u>Previous Year</u>
	<u>Month</u>	<u>To Date</u>	<u>To Date</u>
Complaints Received and Investigated	915	10367	11192
District Court Fines Received	\$ 1,235.85	\$ 16,619.13	\$ 14,809.74
OUIL-Cost of Prosecution	\$ 250.00	\$ 3,755.00	\$ 4,625.00
Charges for Copies of Police Reports	\$ 115.00	\$ 2,451.50	\$ 3,211.00
<u>ACCIDENTS:</u>			
Fatal	0	0	2
Property Damage	26	315	296
Private Property Damage	22	209	226
Personal Injury	1	53	68
<u>ARRESTS:</u>			
Misdemeanor	14	284	184
Felony	5	60	57
<u>HEROIN/OVERDOSE INCIDENTS:</u>			
Heroin Possession/Usage	0	0	2
Overdose	1	5	7
Overdose Deaths	0	3	1

CITY MANAGER REVIEW

Meeting Date: 01/16/2024

Date of Review: 01/10/2024

Completed by Mike Womack, City Manager



Interoffice Memo

ITEM K-1-7

To: Mike Womack, City Manager
From: Jeff Graham, Director of Public Works
Date: January 9, 2024
RE: Public Works Monthly Report – December 2023

Department of Public Works Division Summary:

Water/Sewer Utilities Division and Streets Division:

In December the DPW finished leaf pickup throughout the city. The city had 2 days this month we needed to apply salt to our city streets using 32 tons of salt.

Other tasks completed in this month include but are not limited to the following items:

- Quarterly sewer cleaning.
- Repair water service leak on Rustic Dr.
- Repair water main break on Suzanne Dr.
- Setup and take down barricades for Christmas parade.
- Street sweeping major roads.
- Cold patch streets throughout the city.
- Change out old street name signs.
- Assisted Parks with removing Cupolas.
- Lead and copper sampling.
- Installed stop signs on Calhoun St. at Michigan St.
- Dug out ditch on walk path off of Pine St.
- Hydrant repairs on out-of-service hydrants
- Sanitary sewer inspections.

Training and Safety:

All employees at the DPW attended a Woodchipper safety meeting.

Water/Sewer/ Streets Monthly Routine Task included:

- Water sampling all wells (backup water supply)
- Water Samples: Bacteria samples, Water Quality testing of distribution system
- Operate Wells and well house maintenance.
- Meter Reading and Meter Repair
- Miss Dig Staking
- Rotation of PRV's in GLWA LA-02 Meter pit

City of Lapeer

Page 2

- Barricade placement Downtown
- Dump maintenance, haul compost
- Brush Pickup
- Barricade placement Downtown

Wastewater Treatment Plant Summary:

Waste Treatment

- Check all lift stations 2 times a week with 2 employees.
- Read meters, record utility and chemical usage.
- Read, record, and email all weather conditions to the National Weather service.
- Daily WWTP inspection
- Weekly equipment greasing
- Rotate equipment sequences.
- Empty trash cans, disinfect, clean break room, clean grounds.
- Week-end work schedule
- Holiday work schedule

NPDES/IPP

- Daily Laboratory Analysis
- Monthly PFAS sampling for WWTP influent, and effluent
- NPDES monthly Selenium sampling
- Monitor weekly PFAS sampling via LP&P
- PFAS file updates
- Submitted monthly NPDES PFAS POTW effluent monitoring report via MIEnviro
- Submitted monthly DMR via MIEnviro
- Annual sampling for Influent and Effluent per IPP requirements
- Submitted quarterly NPDES PFAS status report via MIEnviro
- Annual IPP Inspections for LP&P, and McLaren Lapeer Region
- Quarterly bio-solids Land Application sampling

Electrical Work

- Lift station generators checks and repairs.
- SCADA evaluation
- Installed new heater at well house 3
- Repaired Dog Park lights
- Ongoing well house 3 Generator install.
- Re-installed fiber network cards in WWTP panels

Mechanical/Operations

- Replaced high level float at Oregon 2 lift station.
- Primed Bypass and Equalization drain pumps.
- Assisted MAS with pump operation for land application.
- Call in for Prison lift station high level.
- Unplugged pump at McCormick lift station
- Replaced heater at Prison lift station.
- McCormick lift station enclosure repair

Safety/Training

- IT computer training
- Lance Medbury DOT Physical

Bio-Solids Disposal Status /Loads Hauled out

- 2-North tanks hold 474,980 gallons /we have 0 gallons in storage
- 2-south tanks hold 430,120 gallons/we have 376,355 gallons in storage
- Total – 376,355 gallons in storage
- MAS land applied 396,000 gallons.

CITY OF LAPEER
SEWER DEPARTMENT - MONTHLY REPORT

	HOURS
DPW maintenance	64
Sewer calls	8
Vactor maintenance	10
Calibrate Confined Space meters	2
DOT physical	1
Jet washbay for Road Commission	5
Quarterly sanitary sewer cleaning	12
Chipper Safety meeting	1
Vac down Higley St.	3
Camera repair	4
Clean catch basins	14
Jet sanitary sewers	98.5
Vactor training	5
Manhole assessments	2
Catch basin assessments	3
Vehicle maintenance	17
Sanitary sewer inspections	13

OVERTIME SEWER MONTHLY REPORT

[illegible]

CITY OF LAPEER
STREET DEPARTMENT - MONTHLY REPORT

	HOURS
Brush/compost	22
DPW maintenance	195.5
Haul brush to dump	8
Cold patch throughout the city	52
Assist with leaf truck repair	2
Calibrate salters	2
Sign repair/replacement	14
Leaf collection	227
Dump maintenance	8
City Hall building maintenance	7
Chipper Safety meeting	3.5
Haul sweeper spoils to dump	8
Sweep city streets	15
Gravel road maintenance	27
Meet with Parks Dept. regarding Cupolas	5
Salt city streets	8
Set out/pick up barricades for parade	16
Salt sidewalks and parking lots	5.5
Pick up cones on Genesee St. Bridge	1
Vehicle maintenance	3
Traffic signal maintenance	6
Traffic control - N. Main/W. Genesee St.	2

OVERTIME STREETS MONTHLY REPORT

[illegible]

CITY OF LAPEER
WATER DEPARTMENT - MONTHLY REPORT

	HOURS
Meter reading/training	6
Service requests	79
Number of work orders, re-reads and MXU repairs	93
DPW building/grounds maintenance	178.5
Miss Dig	37
Agility test	1
Hydrant maintenance	16
Salt/shovel City Hall	1.5
Building Dept - water/sewer inspection check in's	9
Main break repair at Lapeer Villas Apartments	31
Dump maintenance	8
Dig ditch for Parks Dept.	24
Clean up from main break	3
Tanker endorsement	2
Chipper safety meeting	2
Vehicle maintenance	12
Rotate PRV's	1
Genesee Street Project	3
Equipment maintenance	12
Clean water storage barn	10
Repair sinkhole on Nepessing St.	8
Drop off/pick up lead sample bottles	10.5
Water/Well samples - deliver to Lansing	32
WATER SHUT OFFS	0

OVERTIME WATER MONTHLY REPORT

[illegible]

WWTP MONTHLY REPORT

WWTP	HOURS
AM walk through	38
Wasting	66
Process	125
Headworks	2
Lift Stations	56
Minor repairs	11
Major repairs	
Greasing	16
Cleaning	31
PM walk through	32
Painting	
Grounds	9
Meetings	
Equipment	8
Lab	144
Computer	18
IPP	20
Electrical	93
DOT physical	4

OVERTIME WWTP - MONTHLY REPORT

WWTP	HOURS
AM walk through	16
Wasting	15
Process	14
Headworks	
Lift Stations	11
Minor repairs	
Major repairs	
Greasing	
Cleaning	
PM walk through	5
Painting	
Grounds	
Meetings	
Equipment	
Lab	31
Computer	
IPP	
Electrical	

Leaf Season Cost History 2015-2023



LEAF PICK-UP 2023 SEASON COST

October

<u>DATE</u>	<u>DAILY REG. HRS</u>	<u>DAILY O.T. HRS</u>	<u>DAILY EMPLOYEE REG. COST</u>	<u>DAILY EMPLOYEE O.T. COST</u>	<u>DAILY EQUIP COST</u>	<u>DAILY LOADS COLLECTED</u>	<u>TOTAL PROGRAM COST</u>	<u>COMMENTS</u>
October 17, 2023	5.00	0.00	\$152.95	\$0.00	\$551.15	0.5	\$704.10	Portions of Jackson, Adams, 1st, 2nd, 3rd & Lincoln area
October 24, 2023	3.00	0.00	\$91.77	\$0.00	\$330.69	1	\$422.46	Portions of Liberty, Lincoln, Jackson, Adams, Calhoun & Pine
October 27, 2023	6.00	0.00	\$169.24	\$0.00	\$255.90	0.25	\$425.14	N Monroe
October 30, 2023	37.00	0.00	\$951.63	\$0.00	\$1,165.99	4	\$2,117.62	East side First, Second, Fourth, Calhoun, Monroe, & Cedar
October 31, 2023	39.00	0.00	\$972.76	\$0.00	\$1,169.54	5	\$2,142.30	Madison, Crampton, Higgins, Mason
MONTH TOTAL:	90.00	0.00	\$2,338.35	\$0.00	\$3,473.27	10.75	\$5,811.62	

November

<u>DATE</u>	DAILY REG. <u>HRS</u>	DAILY O.T. <u>HRS</u>	DAILY EMPLOYEE <u>REG. COST</u>	DAILY EMPLOYEE <u>O.T. COST</u>	DAILY EQUIP <u>COST</u>	DAILY LOADS <u>COLLECTED</u>	TOTAL PROGRAM <u>COST</u>	COMMENTS
November 1, 2023	39.00	0.00	\$1,007.24	\$0.00	\$1,206.95	5	\$2,214.19	Washington, Madison, Monroe, State, Park, Law
November 2, 2023	40.00	7.50	\$1,017.36	\$313.19	\$1,651.21	11.5	\$2,981.76	Cedar, Law, Pine, Union, Fair, S Saginaw, N Court
November 3, 2023	39.00	0.00	\$984.66	\$0.00	\$1,194.55	5	\$2,179.21	Huron, St Clair, Michigan, State, Biddle, Law, Second, Third
November 6, 2023	8.00	1.00	\$244.72	\$36.59	\$992.07	5	\$1,273.38	Lincoln
November 7, 2023	38.00	8.50	\$974.70	\$340.49	\$1,395.10	8	\$2,710.29	Jefferson, Adams, Lincoln, Knollwood, Barry, First, Second
November 8, 2023	23.00	0.00	\$608.74	\$0.00	\$1,025.19	5	\$1,633.93	Portions of Liberty, Jackson, Jefferson W of M-24
November 9, 2023	40.00	1.50	\$1,017.36	\$68.84	\$1,374.07	5	\$2,460.27	Portions of Harrison, Lincoln, Lamoreaux, Clay, Nepessing, Park
November 13, 2023	31.00	0.00	\$797.01	\$0.00	\$1,169.70	5.5	\$1,966.71	Charbridge, Dewey, Lancaster, Mansfield, Courtneys Pl.
November 14, 2023	40.00	5.50	\$1,017.36	\$236.31	\$1,510.89	9	\$2,764.56	Golfside, Mansfield, Howard, Higley, Beach Turrill, N Elm, N Court
November 16, 2023	23.00	0.00	\$556.03	\$0.00	\$1,063.46	6	\$1,619.49	S Elm, Oak, Higley, Bentley
November 17, 2023	28.00	0.00	\$730.90	\$0.00	\$1,144.88	6	\$1,875.78	Charbridge, Dewey, Lincol, Harrison, Peppermill & Peppermill Sub
November 20, 2023	31.50	0.00	\$808.51	\$0.00	\$1,183.86	6	\$1,992.37	Andrew's River Sub, Birdland Sub, Genesee St from M-24 to Harrison
November 21, 2023	4.00	0.00	\$122.36	\$0.00	\$440.92	3.5	\$563.28	Oregon M-24 to Dewey St.
November 28, 2023	8.00	0.00	\$244.72	\$0.00	\$881.84	5	\$1,126.56	Fox. Horton, Pope, Portion of Birdland Sub
November 29, 2023	8.00	0.00	\$244.72	\$0.00	\$881.84	5	\$1,126.56	Calhoun, Monroe, Cedar, Second
November 30, 2023	8.00	0.00	\$244.72	\$0.00	\$881.84	6	\$1,126.56	Fourth, Washington, Madison, Monroe, Crampton, Mason (E o
MONTH TOTAL:	408.50	24.00	\$10,621.11	\$995.42	\$17,998.37	96.50	\$29,614.90	

December

<u>DATE</u>	DAILY REG. <u>HRS</u>	DAILY O.T. <u>HRS</u>	DAILY EMPLOYEE <u>REG. COST</u>	DAILY EMPLOYEE <u>O.T. COST</u>	DAILY EQUIP <u>COST</u>	DAILY LOADS <u>COLLECTED</u>	TOTAL PROGRAM <u>COST</u>	COMMENTS
December 1, 2023	12.00	0.00	\$375.52	\$0.00	\$945.12	3	\$1,320.64	M-24 from Genesee to Barry Dr, Lake Dr., Washington, Madison S Saginaw, DeMille Rd.
December 4, 2023	32.00	5.75	\$793.44	\$252.12	\$1,154.30	2	\$2,199.86	
December 5, 2023	43.50	9.00	\$1,073.29	\$354.96	\$1,539.86	5	\$2,968.11	Devonshire, N. Saginaw, E Oregon , Washington
December 6, 2023	36.00	9.00	\$909.30	\$338.38	\$1,399.03	4.5	\$2,646.71	Random piles North and South of E Genesee and East of M-24
December 7, 2023	37.50	0.00	\$948.75	\$0.00	\$1,160.83	3	\$2,109.58	Random piles North and South of W Oregon, West of M-24
December 8, 2023	28.00	0.00	\$757.52	\$0.00	\$1,123.52	3	\$1,881.04	Random piles Harrison, Lincoln, Charbridge, Pope, Monroe, Madison
December 11, 2023	14.00	0.00	\$406.81	\$0.00	\$935.00	3.5	\$1,341.81	Random piles Genesee, Millville, M-24, Birdland Sub, Horton, Fox
December 12, 2023	6.00	0.00	\$189.87	\$0.00	\$362.55	1	\$552.42	Birdland Sub
December 13, 2023	10.00	0.00	\$289.32	\$0.00	\$921.02	3	\$1,210.34	John Conley, Demille, Summit, Harrison, West, East, Nepessing, Clay, Mill
December 14, 2023	8.00	0.00	\$244.72	\$0.00	\$881.84	1	\$1,126.56	Pine, Oregon, Demille Blvd, McCormick, portions of Saginaw St.
MONTH TOTAL:	227.00	23.75	\$5,988.54	\$945.46	\$10,423.07	29.00	\$17,357.07	
GRAND TOTALS:	725.50	47.75	\$18,948.00	\$1,940.88	\$31,894.71	136.25	\$52,783.59	

**MEDICAL MARIHUANA LICENSES
PROVISIONING CENTER - GROWER – PROCESSOR –
SECURE TRANSPORTER – SAFETY COMPLIANCE FACILITY**

Updated: December 2023

Approved Licenses:				Updated: December 2023
Applicant Name	DBA	Address	License	Status
PROVISIONING CENTERS				
FB Lapeer PRV, LLC	The Jazz Club Center	1333 Imlay City Road	Provisional	App: Exp 04-26-24
DNVK Lapeer Inc	The Pier Provisioning Center	2401 W Genesee St	Facility	App: Exp 06-11-24
The Pure Lapeer, LLC	Pure Lapeer	1330 Imlay City Road Units C&D	Facility	App: Exp 06-21-24
TRC Lapeer LLC	The ReLeaf Center of Lapeer	200 E Genesee St	Facility	App: Exp 10-23-24
Alternative RX, LLC	Xplore Cannabis	824 S Main Street	Facility	App: Exp 10-30-24
Ox Tail, Inc.	Heads	111 W Genesee St	Facility	App: Exp 11-19-24
SPMI LLC	Shango Lapeer	224 E Genesee St	Facility	App: Exp 12-12-24
GROWER				
Green Thumb Growers	Green Thumb Growers	840 Whitney	Prov – Class A	App: Exp 04-24-24
Ka Ulu Ana LLC #1	Ka Ulu Ana LLC	244 S Court Street	Facility – Class C	App: Exp 08-04-24
PROCESSOR				
Atwater Management LLC	525 S Court LLC	525 S. Court Street, Suite 120	Facility	App: Exp 01-06-24
Berry Green Management, Inc.	Berry Green Management, Inc	1330 Imlay City Road	Facility	App: Exp 08-28-24
Northwest Confections Michigan LLC	WYLD	525 S. Court Street, Suite 110	Facility	App: Exp 10-07-24
Berry Green Management, Inc	Berry Green Management, Inc	1356 Imlay City Road	Facility	App: Exp 12-11-24
SECURE TRANSPORTER				
None.				
SAFETY COMPLIANCE FACILITY				
None.				

ADULT USE MARIHUANA LICENSES
PROVISIONING CENTER – GROWER – PROCESSOR –
SECURE TRANSPORTER – SAFETY COMPLIANCE FACILITY

Updated: December 2023

Approved Licenses:					Status
Applicant Name	DBA	Address	License		
PROVISIONING CENTERS					
DNVK Lapeer Inc	The Pier Provisioning Center	2401 W Genesee St	Facility	App: Exp 11-19-24	
The Pure Lapeer, LLC	Pure Lapeer	1330 Imlay City Road Units C&D	Facility	App: Exp 12-03-24	
TRC Lapeer LLC	The ReLeaf Center of Lapeer	200 E Genesee St	Facility	App: Exp 12-03-24	
Ox Tail, Inc.	Heads	111 W Genesee St	Facility	App: Exp 12-16-24	
SPMI, LLC	Shango Lapeer	224 E. Genesee St	Facility	App: Exp 12-15-24	
Alternative RX	Xplore	824 S. Main St.	Facility	App: Exp 12-21-24	
GROWER					
Old School Organics, LLC	Old School Organics, LLC	350 County Center Street	Facility – Class C	App: Exp 04-08-24	
Farmboyz, LLC		1428 Imlay City Road	Prov – Class B	App: Exp 07-30-24	
Ka Ulu Ana LLC #1		244 S. Court St	Facility – Class C	App: Exp 10-15-24	
Ka Ulu Ana LLC #2		244 S. Court St	Facility – Class C	App: Exp 10-15-24	
Fresh Water Gardens, LLC		39 W. Genesee	Prov – Class C	App: Exp 12-16-24	
SDRK Group, LLC		207 S. Saginaw St.	Facility – Class C	App: Exp 12-18-24	
SDRK Group, LLC		207 S. Saginaw St.	Facility – Class C	App: Exp 12-18-24	
PROCESSOR					
Atwater Management LLC	Culture Complex	525 S. Court St., Suite 120	Facility	App: Exp 01-25-24	
Berry Green Management, Inc.	Berry Green Management, Inc	1330 Imlay City Rd, Ste F-G-H	Facility	App: Exp 08-28-24	
Ka Ulu Ana, LLC		244 S. Court St	Facility	App: Exp 09-27-24	
Northwest Confections Michigan	WYLD	525 S. Court Street, Suite 110	Facility	App: Exp 10-07-24	
Berry Green Management		1356 Imlay City Road	Facility	App: Exp 01-05-25	
SECURE TRANSPORTER					
None.					
SAFETY COMPLIANCE FACILITY					
None.					

CITY OF LAPEER, 576 LIBERTY PARK, LAPEER, LAPEER COUNTY, MICHIGAN 48446
2024 MEETING DATES

N-1

In accordance with the Open Meetings Act, MCL 15.261 et. Seq., notice is hereby given that every meeting of the City Council, Boards, Authorities and Commissions of the City of Lapeer shall be open to the public. Notice is further given that the following City Council, Boards, Authorities and Commissions are regular meeting dates for 2024. A public notice of each special or rescheduled meeting will be posted at least 18 hours prior to the time of the meeting.

<u>Board/Commission</u>	<u>Location</u>	<u>Time</u>	January	February	March	April	May	June	July	August	September	October	November	December
City Commission	Commission Chambers	6:30 P.M.	2, 16	5, 20	4, 18	1, 15	6, 20	3, 17	1, 15	5, 19	3, 16	7, 21	4, 18	2, 16
1 st & 3 rd Monday of each Month														
Cemetery Board	Mt. Hope Cemetery	2:00 P.M.	--	--	--	--	--	--	--	--	--	17	--	--
3 rd Thursday of Oct Building														
Downtown Development Authority	2 nd Floor Conference Room	8:00 A.M.	24	28	27	24	22	26	24	28	25	23	27	25
4 th Wednesday of each Month														
Economic Development Corp (EDC) & Tax Increment Finance Auth (TIFA)	2 nd Floor Conference Room	8:00 A.M.	10	14	13	10	8	12	10	14	11	9	13	11
2 nd Wednesday As needed														
Housing Commission	2 nd Floor	4:00 P.M.	18	15	21	18	16	20	18	15	19	17	21	19
3 rd Thursday of each Month	Conference Room													
Local Development Finance Authority (LDFA)	2 nd Floor Conference Room	8:00 A.M			5			4			3			3
1 st Tuesday March/June/Sept/ Dec as Needed														
Park Board			--	--	--	--	--	--	--	--	--	--	6	--
Planning Commission	Commission Chambers	6:30 P.M.	11	8	14	11	9	13	11	8	12	10	14	12
2 nd Thursday of each Month														
Zoning Board of Appeals	Commission Chambers	6:30 P.M.	22	26	25	22	27	24	22	26	23	28	25	23
4 th Monday of each Month														

Address of the above locations are as follows:

Commission Chambers: City Hall, 576 Liberty Park
Mt. Hope Cemetery: 1230 Park Street

Romona Sanchez, CMC
City Clerk

City of Lapeer
576 Liberty Park, Lapeer
Lapeer County, Michigan 48446 (810) 664-5231



MAT. TRANS.

To: City Commission
Date: January 9, 2024
RE: Material Transmittals

1. Lapeer County Board of Commissioners – Organizational Meeting Agenda January 4, 2024.
2. Lapeer County Board of Commissioners – Agenda January 4, 2024.
3. Lapeer County EMS – Municipal Response Information – November 2023.
4. Lapeer County Board of Commissioners – Organizational Meeting Minutes January 4, 2024.
5. Lapeer County Board of Commissioners – Minutes January 4, 2024.



**THERESA M. SPENCER
LAPEER COUNTY CLERK**

County Complex Building
255 Clay Street
Lapeer, Michigan 48446

Phone 810 area code
667-0356
Circuit Court Division
667-0358
Fax 667-0362

A-G-E-N-D-A

LAPEER COUNTY BOARD OF COMMISSIONERS

****ORGANIZATIONAL MEETING****

WEDNESDAY, JANUARY 4, 2024

9:00 A.M.

Tom Kohlman	District #1
Gary Howell	District #2
Kevin Knisely	District #3
Brad Haggadone	District #4
Truman Mast	District #5
William Hamilton	District #6
Bryan Zender	District #7

CALL TO ORDER BY COUNTY CLERK

- ◆ Roll Call
- ◆ Opening Prayer by Commissioner
- ◆ Pledge of Allegiance

CHAIR/VICE-CHAIR APPOINTMENTS:

- ◆ Nominations for Chairperson of the Board for the Year 2024
- ◆ Election of Chairperson
- ◆ Chairperson Seated
- ◆ Nominations for Vice-Chair for the Board for the Year 2024
- ◆ Election of Vice-Chair

CONTINUED -

SCHEDULE OF MEETING DATES/TIMES FOR 2023**CHAIRPERSON - COMMITTEE APPOINTMENTS (to be distributed)****BOARD OF COMMISSIONERS RULES OF PROCEDURES****ADJOURN**

****Public Recording Notice:** Please be advised that the meetings of the Lapeer County Board of Commissioners are streamed live and recorded on social media for public viewing and transparency. We respectfully request that anyone addressing the Board of Commissioners during “Public Time” be proactive and make every effort in keeping their words and language appropriate for ALL users, including children for educational purposes.**

2024 SCHEDULE OF MEETINGS LAPEER COUNTY BOARD OF COMMISSIONERS

DRAFT

JANUARY

Monday	Tuesday	Wed	Thur	Friday
New Year's Day 1	A/P Deadline DUE BY NOON 2	3	ORG. Meeting Special Full Board 4	5
P/R Deadline 8	9	10	C.O.W. 11	A/P Deadline 12
MLK Day 15	16	Dept. Head Insurance Meeting 17	18	Payroll Deposited #1 19
P/R Deadline 22	23	24	Full Board 25	Payroll Deposited #2 26
A/P Deadline 29	30	31		

FEBRUARY

Monday	Tuesday	Wed	Thur	Friday
			1	2
P/R Deadline 5	6	7	C.O.W. 8	A/P Deadline 9
12	13	14	15	Payroll Deposited #3 16
Presidents' Day 19	P/R Deadline 20	Dept. Head Insurance Meeting 21	Full Board 22	Payroll Deposited #4 23
A/P Deadline 26	27	28	29	

MARCH

Monday	Tuesday	Wed	Thur	Friday
				1
P/R Deadline 4	5	6	C.O.W. 7	Payroll Deposited #5 8
A/P Deadline 11	12	13	14	15
P/R Deadline 18	19	Dept. Head Insurance Meeting 20	Full Board 21	Payroll Deposited #6 22
A/P Deadline 25	26	27	28	29

APRIL

Monday	Tuesday	Wed	Thur	Friday
1	2	3	4	5
P/R Deadline 8	9	10	C.O.W. 11	Payroll Deposited #7 12
A/P Deadline 15	16	Dept. Head Insurance Meeting 17	18	Payroll Deposited #8 19
P/R Deadline 22	23	24	Full Board 25	26
P/R Deadline 29	30			

MAY

Monday	Tuesday	Wed	Thur	Friday
		1	2	3
A/P Deadline 6	7	8	C.O.W. 9	Payroll Deposited #9 10
P/R Deadline 13	14	Dept. Head Insurance Meeting 15	16	A/P Deadline 17
20	21	22	Full Board 23	Payroll Deposited #10 24
Memorial Day 27	P/R Deadline 28	29	30	Payroll Deposited #11 31

JUNE

Monday	Tuesday	Wed	Thur	Friday
A/P Deadline 3	4	5	6	7
P/R Deadline 10	11	12	C.O.W. 13	Payroll Deposited #12 14
A/P Deadline 17	18	Courts Closed * 19	20	21
P/R Deadline 24	25	Dept Head / Insurance Mtg 26	Full Board 27	A/P Deadline 28
				Payroll Deposited #13 29

JULY

Monday	Tuesday	Wed	Thur	Friday
1	2	3	Independence Day 4	5
P/R Deadline 8	9	10	C.O.W. 11	Payroll Deposited #14 12
A/P Deadline 15	16	Dept. Head Insurance Meeting 17	18	Payroll Deposited #15 19
P/R Deadline 22	23	24	Full Board 25	Payroll Deposited #16 26
A/P Deadline 29	30	31		

AUGUST

Monday	Tuesday	Wed	Thur	Friday
			1	2
P/R Deadline 5	6	7	C.O.W. 8	Payroll Deposited #18 9
A/P Deadline 12	13	14	15	16
P/R Deadline 19	20	Dept. Head Insurance Meeting 21	Full Board 22	A/P Deadline 23
A/P Deadline 26	27	28	29	Payroll Deposited #17 30

SEPTEMBER

Monday	Tuesday	Wed	Thur	Friday
Labor Day 2	P/R Deadline 3	4	5	Payroll Deposited #18 6
A/P Deadline 9	10	11	C.O.W. 12	13
P/R Deadline 16	17	Dept. Head Insurance Meeting 18	19	Payroll Deposited #19 20
A/P Deadline 23	24	25	Full Board 26	27
30				

OCTOBER

Monday	Tuesday	Wed	Thur	Friday
	1	2	3	4
P/R Deadline 7	8	9	C.O.W. 10	Payroll Deposited #20 11
A/P Deadline 14	15	Dept. Head Insurance Meeting 16	17	Payroll Deposited #21 18
OPEN ENROLL 21	OPEN ENROLL 22	OPEN ENROLL 23	Full Board 24	25
P/R Deadline 28	29	30	31	

NOVEMBER

Monday	Tuesday	Wed	Thur	Friday
				A/P Deadline 1
4	5	6	7	Payroll Deposited #22 8
P/R Deadline 11	12	13	A/P Deadline 14	Payroll Deposited #23 15
18	19	Dept. Head Insurance Meeting 20	C.O.W. 21	22
P/R Deadline 25	26	27	Thanksgiving Day 28	Day After Thanksgiving 29
Last Day New Hire Orientation		Full Board		Payroll Deposited #24 30

DECEMBER

Monday	Tuesday	Wed	Thur	Friday
A/P Deadline 2	3	4	5	6
P/R Deadline 9	10	11	A/P Deadline 12	Payroll Deposited #25 13
16	17	Dept. Head Insurance Meeting 18	C.O.W. 19	20
23	Christmas Eve 24	Christmas Day 25	Full Board 26	Payroll Deposited #26 27
P/R Deadline 30	New Year's Eve 31			

Full Board 9:00 a.m. in Chambers A/P Deadline = Accounts Payable Deadline

C.O.W. 9:00 a.m. in Chambers P/R Deadline = Payroll Timesheet Deadline

SubCommittees Held following BOTH C.O.W. and Full Board Meetings

Tentative meeting

Sub-Committees/C.O.W./Full Board Agenda Items - Due to Admin at least 1 WEEK Prior to Meeting.

NOTE: All dates, times and locations (including holidays) are subject to change.

* Subject to Change

 = HOLIDAYS

Note: There are 26 Pays in 2024

There are 262 "paid" days or 2096 F/T hours

Insurance Meeting = 9am -11am in Café Ray

AMENDED

County of Lapeer

**Rules of Procedure
for the
Lapeer County
Board of Commissioners**



2023

Adopted on:

January 4, 2023, Motion #03-2023

Amended On: June 22, 2023 Motion #184-2023

Table of Contents

Article I		Board Organization	(Page)
	1.1	Board Membership	1
	1.2	Term of Office	1
	1.3	Vacancies on the Board	1
	1.4	Reapportionment	1
	1.5	Compensation	1
	1.6	Officers, Agents, and Employees	1
	1.7	Powers and Duties	2
	1.8	Indemnification	2
	1.9	Committees	2
Article II		Officers and Employees	
	2.1	Chairperson	2
	2.2	Vice-Chairperson	3
	2.3	County Clerk	4
	2.4	County Controller/Administrator	4
Article III		Appointments to Boards and Commissions	
	3.1	Notice of Expiring Terms	5
	3.2	Application and Appointments	5
	3.3	Compensation	5
	3.4	Frequency of Meetings	5
Article IV		Meetings	
	4.1	Organizational Meeting	5
	4.2	Regular Meetings	5
	4.3	Special Meetings	6
Article V		Meeting Procedures	
	5.1	General Conduct at Meetings	6
	5.2	Quorum	6
	5.3	Order of Business	6
	5.4	Online Broadcasting	6
	5.5	Agenda	6
	5.6	Vote Required for Board Action	7
	5.7	Roll Call Vote	7
	5.8	Seeking Recognition	7
	5.9	Interruptions	7
	5.10	Call to Order	8
	5.11	Debate	8
	5.12	Un-debatable Motions	8
	5.13	Open Meetings	8
	5.14	Closed Meetings	9
	5.15	Attendance at Closed Meetings	9
	5.16	Resolutions	9
Article VI		Committees	
	6.1	Standing Committees	9
	6.2	General Duties of Committees	9
	6.3	Specific Duties of the Committee of the Whole	10
	6.4	Specific Duties of the Personnel Committee	10
	6.5	Specific Duties of the Properties Committee	10
	6.6	Specific Duties of the Public Safety Committee	11
	6.7	Specific Duties of the Policies, Procedures & Bylaws Committee	11
Article VII		Amendments to the Rules of Procedure	
	7.1	Amendments	11

LAPEER COUNTY BOARD OF COMMISSIONERS

RULES OF PROCEDURE

ARTICLE I

BOARD ORGANIZATION

- 1.1 **Board Membership:** The Board of Commissioners shall consist of *seven (7)* members elected from single member districts, apportioned on the basis of population as provided by law.
- 1.2 **Term of Office:** The 2023-2024 term of each Commissioner shall be for two (2) years, concurrent with that of State Representatives. For all terms commencing on or after January 1, 2025, the term of office for each Commissioner shall be four (4) years.
- 1.3 **Vacancies on the Board:** Pursuant to MCLA 46.412, vacancies caused by death, resignation, removal from the district or removal from office shall be filled by appointment by the Board of Commissioners, within thirty (30) days, by a resident and registered voter of the district in which the vacancy occurred. If the vacancy occurs in an odd numbered year, the appointee shall serve until the vacancy is filled at a special election which the Board shall call. If the vacancy should occur in an election year, the appointee shall serve the remainder of the un-expired term. If the vacancy is not filled within thirty (30) days, it shall be filled by special election regardless of the year, as consistent with State law.
- 1.4 **Reapportionment:** With sixty (60) days after the publication of the latest United States Official Decennial Census figures, the Board shall be reapportioned, in the manner prescribed by law.
- 1.5 **Compensation:** Each member of the Board of commissioners shall receive a salary as adopted in the prior term plus any percentage increases awarded to all non-union personnel paid bi-weekly (26 pays annually). Mileage shall be reimbursed at a rate set by the Board of Commissioners.

Mileage and/or other related expenses shall be submitted on the County Travel Expense Voucher (GC-6). All reimbursement of mileage and other expenses shall follow current policy. County Commissioners' mileage/expense sheets (GC6 forms) are to be included in the Regular Board Meeting agenda packets.
- 1.6 **Officers, Agents, and Employees:** The Board shall elect at its Organizational Meeting each year a Chairperson and Vice-Chairperson, and may appoint at such other times other representatives, agents, and employees as necessary and desirable.

- 1.7 **Powers and Duties:** The Board shall have such powers and duties as shall from time to time be provided by law. The authority of the Board of Commissioners is a collective one, and according to state law, no individual member can assume any action, decision, or endeavor on behalf of or in lieu of Board action. The Board meetings will be guided by Roberts Rules of Order.
- 1.8 **Indemnification:** The County shall indemnify and save harmless all board members against any damages incurred by them, or any judgment rendered against them, in connection with the defense of any action, suit, or proceeding in which they are made parties as the result of acting in the scope of their duties for the County of Lapeer as a member or a past member of the Board, except in relation to matters as to which any such member shall be adjudged liable due to a criminal act, for actions taken outside the scope of his or her authority, and to such matters as shall be settled by agreement predicated on the existence of such liability. The foregoing right to indemnification shall be exclusive of other rights which a member may be entitled.
- 1.9 **Committees:** The Board may create such standing and special committees as deemed necessary to accomplish the work of the Board. Said committees shall remain in effect as long as deemed necessary by the Board of Commissioners. *(This does not include Commissioners getting together for educational and/or informational tasks)*. All committees shall keep minutes. All subcommittee agendas and minutes are to be submitted to the County Clerk's Office for filing.

ARTICLE II

OFFICERS AND EMPLOYEES

- 2.1 **Chairperson:** The Chairperson shall be elected for a one-year term by and from the membership of the Board; If the Chairperson shall for any reason be unable to fulfill his/her duties on a permanent basis, a new election shall be held. The statutory duties and powers of the Chairperson shall include the following:
1. Preside at all Board Meetings;
 2. Administer oaths and issue subpoenas for witnesses and to compel attendance as provided by law;
 3. Sign all contracts, bonds, and other documents requiring signature of the Chairperson, including Board minutes;
 4. Certify the tax rolls;
 5. Appoint a F.O.I.A. Representative to handle requests under the Freedom of Information Act, with the consent of the Board;
 6. Serve on an intra-county and inter-county Drain Boards, or designate another Commissioner to do so.

Other duties and powers of the **Chairperson** shall include the following:

1. Serve ex-officio on all Board Committees;
2. With the advice and consent of the Board, appoint members to all standing and special committees on the Board, and appoint the chairperson of each committee;
3. With the advice and consent of the Board, appoint representatives to attend national, state, and district conferences, or to serve on national, state, and district committees and other commissions and committees requiring the appointment of commissioners;
4. Preside over the Committee of the Whole except when otherwise designated;
5. Shall decide all questions on procedure under the Board rules of procedure and general parliamentary practices, subject to appeal by the Board;
6. Shall vote on all questions taken by ayes and nays except on appeal from his/her own decision;
7. May refer any communication to a standing committee;
8. Shall be the ceremonial representative of the County;
9. Shall perform other such duties as specified by law, the Board, or by custom.

2.2 **Vice-Chairperson:** The Vice-Chairperson shall be elected by and from the members of the Board for a one-year term. The duties and powers of the Vice-Chairperson shall include the following:

1. Preside at meetings in the absence of the Chairperson, or when the Chairperson desires to address the Board;
2. Sign all contracts, bonds, and other documents requiring the signature of the Chairperson when the Chairperson is unable to do so because of illness or other emergency which, in the opinion of the Board, prevents them from performing such functions of his/her office;
3. Perform other duties as may be from time to time assigned by the Chairperson or by the Board;
4. In the absence of the Chairperson, assume the duties and responsibilities of the Chairperson.

2.3 County Clerk: The County Clerk, or in his/her absence a Deputized Clerk, shall perform such duties as required by law or as assigned from time to time by the Board including, but not limited to, the following:

1. Record all official Board proceedings when a quorum is present in a book provided for that purpose; Minutes shall be prepared in a manner as prescribed in the Michigan Open Meetings Act;
2. Make regular entries of all Board Resolutions and decisions upon all questions, including maintaining a chronological file of all formal resolutions and ordinances adopted by the Board. All such resolutions shall be numbered beginning each year;
3. Record the vote of each commissioner on any question submitted to the Board, if required by any member present;
4. To preserve and file all documents acted upon by the Board, and on no account to allow such documents to be taken from his/her office.
5. To certify copies of any and all resolutions or decisions on any of the proceedings of the Board when requested by the Board or any member thereof;
6. File all communications as directed by the Board of Commissioners;
7. Publish all approved ordinances and other matters required by Law or otherwise directed by the Board of Commissioners in coordination and review with the Administration Office;
8. Receive and transmit to the Board recommendations of persons for appointments to the Elections Scheduling Committee and the Board of Canvassers;
9. Shall furnish a list setting forth the name of any appointee on any board, commission, or agency whose term is expiring, and the expiration date of said term, at least thirty days prior to the expiration of their term.
10. Obtains signature by Chairman (or appropriate official) for all contracts, grants, or other documents, etc. that have been approved by the entire Board following each regular board meeting.

2.4 County Controller/Administrator: The County Controller/Administrator, in addition to statutory responsibilities, shall carry out duties as assigned by the Board and shall provide general staff assistance to the Board and its Committees. The County Controller/Administrator shall approve the following, pursuant to the corresponding motions of the Lapeer County Board of Commissioners: Training Registration/Overnight Travel Requests (Motion #520-02); Hardship Withdrawals from the Employee Deferred Compensation Plan (Motion #362-03); Vacation Extension Requests (Motion #91-03); Family Medical Leave Requests (Motion #116-02); and Livestock Claims (Consensus of BOC on March 8, 2001); Grant Application Initial Submissions (Motion #55-21); Inclement Weather Building Closures (#121-00 in coordination with the Chief Judge).

ARTICLE III

APPOINTMENTS TO BOARDS AND COMMISSIONS

- 3.1 **Notice of Expiring Terms:** At least thirty (30) days prior to the expiration of any appointee's term on any board, commission, or agency, a list shall be furnished by the County Clerk's Office to the Board setting forth the name of the person(s) whose term(s) are expiring and the expiration date of such term(s).
- 3.2 **Applications and Appointments:** The Chairperson shall put the Board on notice that nominations will be accepted to fill said terms at a specified meeting and shall schedule an election for a Board Agenda. Persons desiring to serve on a committee may submit an Application for Appointment or resume to the Board of Commissioners' Office.
- Additional nominees may be submitted from the floor for nominations. A majority vote of the members elect shall appoint unless otherwise provided by law.
- Applicants are encouraged to attend and introduce themselves to the Board prior to the appointment being made.
- 3.3 **Compensation:** Compensation for such appointive positions shall be set by the Board of Commissioners;
- 3.4 **Frequency of Meetings** – The Board reserves the right to set the number and/or frequency of meetings of all Committees/Boards under its authority.

ARTICLE IV

MEETINGS

- 4.1 **Organizational Meeting:** The Board of Commissioners shall convene for its first meeting at a time set by the County Clerk within the first five business days of each year. This meeting shall be known as the Organizational Meeting and the Board shall transact such business of said meeting, or at the adjourned date of such meeting, as shall be provided by these rules or by laws, including the election of a Chairperson and the Vice-Chairperson and scheduling regular Board Meetings throughout the session. The County Clerk shall preside over the Organizational Meeting until a Chairperson of the County Board has been duly elected by a majority vote of the members elect.
- 4.2 **Regular Meetings:** The Board shall meet in regular session on scheduled days as determined at the organizational meeting, except when otherwise set by adjournment, by law, or by Board motion.

- 4.3 **Special Meetings:** Special Meetings of the Board shall be held only when requested by one-third of the Board to the County Clerk or the Chairperson of the Board and shall comply with the eighteen (18) hour posting required by Law. The request for a special meeting shall specify the time, place and purpose of such meeting. Upon receipt of such a request, the County Clerk shall deliver notice of said meeting to the County Controller/Administrator and contact each Commissioner in person or by telephone. Adjourned meetings at the call of the Chair shall not be considered special meetings. The attendance by any commissioner at a special meeting waives that commissioner's objection to notice of the meeting.

ARTICLE V

MEETING PROCEDURES

- 5.1 **General Conduct at Meetings:** Meetings of the Board of Commissioners are to be presided over by the Chairperson, or in his absence the Vice-Chairperson, in general accordance with Robert's Rules of Order, except as specified by State statute or these rules. In the absence of both the Chairman and Vice-Chair, the Commissioner with the most seniority on the Board will act as Chair for that meeting.
- 5.2 **Quorum:** A majority of the members elect shall constitute a quorum. No business shall be considered without the presence of a quorum, except to adjourn or recess.
- 5.3 **Order of Business:** The business of all regular meetings of the Board of Commissioners shall be considered and transacted in a manner prescribed by the Chairperson as approved by the Board of Commissioners. Meetings of the Board of Commissioners are established and conducted for all seven (7) members of the body to perform their elected legislative and administrative responsibilities. Motions for action will be permissible at any time in any meeting where the motion-maker has the floor. After a second/support is added by any member, the motion may then be debated as to its validity.
- 5.4 **Online Broadcasting:** The County Controller/Administrator, at the approval of the Board of Commissioners, may operate/maintain a social media account with the sole purpose of uploading live and/or pre-recorded weekly county commissioner meetings (Committee of the Whole and Regular Full Board).
- The County Controller/Administrator shall not edit or delete video of any County Commissioner Meeting. Should any issue arise with any content of a meeting video, the Board of Commission members shall be notified. Discretion as to changes to recordings/videos rests solely with the Chairman of the Board of Commissioners. However, a language/content warning may be added in the description of a video when appropriate by the Administrator.
- 5.5 **Agenda:** The County Controller/Administrator (in conjunction with the Chairperson) shall prepare the Agenda for all meetings of the Board except for the Agenda for the Regular Full Board Meetings, which is prepared by the County Clerk. The County Administrator will ensure that the Agendas and related information be placed in office mailbox of each Commissioner and the county's website two (2) days or sooner prior to each scheduled meeting. All original contracts, grants, resolutions, or other agenda documents will be provided to the County Clerk's Office in preparation of signature by the Chairman prior to the regular board meeting.

The County Controller/Administrator shall post the Agendas and Minutes for all Regular Full Board Meetings and Committee of the Whole meetings to the county website. The proposed and final minutes for the above referenced meetings shall be posted as soon as they are available, but in no less than eight (8) business days in the case of proposed minutes and five (5) business days in the case of final minutes.

Appointed/Elected Department Heads shall ensure that all Requests for Actions are submitted in a timely manner according to the adopted Annual Meeting Calendar but no less than one week prior to the meeting date, and all RFA's must include a draft motion and line item number for purchases. Failure to meet the submission deadline(s) will result in the item being held until the following appropriate meeting date.

5.6 Vote Required for Board Action:

1. Three-fifths (3/5) vote of members elected and serving to alter township boundaries;
2. Two-thirds (2/3) vote of members elected and serving:
 - a. Call a closed session;
 - b. Move the County seat;
 - c. Adopt the Annual Operating Budget in the October session;
 - d. To select building sites, erect county buildings, to abolish or revise distinction between county and township property;
 - e. Authorize the making out of a new tax roll;
 - f. Authorize township borrowing to build or repair roads and bridges;
 - g. Acquisition and disposal of county property and business where no other provision shall be made;
 - h. Establish a Department of Public Works;
 - i. Transfer funds from the Budget Stabilization Fund.
3. Majority vote of members elected and serving:
 - a. Final passage or adoption of a measure or resolution;
 - b. Allowance of a claim against the county.
4. Majority vote of members present – all other questions which may arise at a meeting. A unanimous vote of all the members shall be deemed a roll call vote.

5.7 Roll Call Vote: The Chairperson shall entertain a call for Roll Call Vote made by any member present on any question submitted to the Board.

5.8 Seeking Recognition: When two (2) or more members seek recognition, the Chairperson shall designate the member who is first called to speak; but in all cases the member who shall first address the Chair shall speak first.

5.9 Interruptions: When a member is speaking on any question before the Board, he or she shall not be interrupted except to be called to order by the Chair.

- 5.10 **Call to Order:** When a member is called to order, he or she shall immediately cease speaking. The Board, if appealed to, shall decide the propriety of the Chair's call to order. If there is no appeal, the ruling of the Chair shall be final.
- 5.11 **Debate:** After a motion is stated by the Chair, it shall be deemed to be in possession of the Board, but it may be withdrawn at any time before amendment or decision is made, with the consent of the supporting member.
- 5.12 **Un-Debatable Motions:** When any question is under debate, no motion shall be received but the following un-debatable motions, and they shall have precedence in the following order:
- a. To adjourn;
 - b. To rise to a Point of Order;
 - c. To table;
 - d. To call for the previous question;
 - e. To limit or extend limits of debate;
 - f. To postpone to a certain day;
 - g. To commit or refer, or re-commit, to a committee;
 - h. To amend;
 - i. To postpone indefinitely;
- 5.13 **Open Meetings:** Members of the public shall be encouraged to attend all open meetings and address the Commission at the meeting. To protect the rights of all people attending such meetings and to maintain reasonable order, the following rules are established in accordance with P.A. 267 (1976), as amended:
1. All public meetings, including sub-committee meetings, shall be posted in the County Complex at the Board of Commissioners Office in accordance with the Open Meetings Act of 1976, as amended.
 2. No person shall be excluded from a public meeting except for a breach of peace committed at that meeting. However, members of the public who intend to attend an open meeting in groups of twenty (20) persons or more should notify the County Administration of their intention in order that the Board may make all efforts to secure adequate accommodations.
 3. Members of the public may address the Board after receiving recognition from the Chair and giving his or her name and township, city or village of residence. Public comments shall be limited to a period set aside at each meeting for such purpose and each speaker shall have the floor for not more than three (3) minutes unless the Board grants an extension.
 4. In the event that a person desires to address the Board in an extensive manner, that person shall contact the Chairperson of the Board with a request to be placed on the agenda, no less than seven (7) days prior to the scheduled meeting; and further, following approval from the Chairperson, shall provide the County Clerk's Office with the date, time, and subject to be placed on the agenda.

- 5.14 **Closed Meetings:** Pursuant to the Open Meetings Act (PA 267 of 1967, section 15.263), there are eleven (11) purposes in which Closed Meetings may be called, such as for collective bargaining (union) negotiations; in order to consider the purchase or lease of real property, up to the time an option to purchase or lease for that real property is obtained; to consult with legal counsel regarding trial or settlement strategy in connection with specific pending litigation, but only when an open meeting could have a detrimental financial effect on the litigation or settlement position of the public body. In addition, a meeting may be closed by two-thirds (2/3) vote to review an employment application when requested by a candidate, and to consider material exempt from discussion or disclosure by state or federal statute, or for any other reasons allowed under the Open Meetings Act.
- 5.15 **Attendance of Closed Meetings:** The Board has sole discretion to determine who may be permitted to attend a Closed Session pursuant to the Open Meetings Act, particularly MCL 15.267 and 15.268. Routine attendance beyond the Board members, Administrator, Finance Director, and Clerk or Deputy Clerk, or exclusion of the Administrator or Finance Director, must be approved by the majority of the Board.
- 5.16 **Resolutions:** Pursuant to Motion 182-99 from the March 25, 1999 Regular Board Meeting, the Committee of the Whole shall have the authority to act on resolutions regarding commendation, congratulations, retirement, and appreciation; and further, that the Committee of the Whole be given authority to act on any other Resolution, when directed to other elected officials, and requiring immediate action, when two-thirds (2/3) of the members elected are present, which shall include forwarding the motion to the next regular meeting to be entered into the official record (effective January 17, 2019).

ARTICLE VI

COMMITTEES

- 6.1 **Standing Committees:** There shall be five (5) standing committees of the Board:
1. Committee of the Whole
 2. County Properties
 3. Personnel
 4. Public Safety
 5. Policies, Procedures & Bylaws
- 6.2 **General Duties of Committees:** The general duties of each committee shall be making recommendations to the Board on issues of County business, act as liaison between the Board and departments and agencies, and to coordinate interrelated activities and to act on other items of business placed on the agenda by the Chairperson of that Committee.

6.3 Specific Duties of the Committee of the Whole:

1. All policy, financial, and other topics for Board of Commissioners consideration shall generally be brought to the Committee of the Whole prior to final decision at Regular Board Meetings. In addition, if a scheduled Committee of the Whole meeting is canceled or not held for any reason, topics on that agenda may be brought to the next Regular Board meeting for action.

6.4 Specific Duties of the Personnel Committee:

1. Make recommendations with regards to interviewing and hiring Department Heads;
2. Make recommendations with regard to employee relations, including personnel policies, employee negotiations, fringe benefits, job classifications and salaries;
3. At the request of the Full Board of Commissioners, evaluate and review the performance of County Department Heads and the County Controller/Administrator for Board approval;
4. Consider vacation extension requests and employee requests for leave of absence denied by the County Controller/Administrator.
5. Develop and revise the County's Personnel Policy for Board Approval.
6. Perform the process of Job Review and Analysis in compliance with the job analysis procedure.

6.5 Specific Duties of the County Properties Committee:

1. Recommend office space allocations in county buildings;
2. Recommend policies to the Board related to purchasing, inventory of county property, placement and use of county property, and disposal of county property.
3. Recommend policies on maintenance of county buildings, grounds, and other properties.
4. Recommend alterations and additions to county buildings and grounds and oversee such construction, including procurement and recommendations on bids.
5. Make recommendations related to major capital outlays;
6. Recommend short and long term planning needs regarding capital improvements, office space needs and storage space needs;
7. Review needs regarding Real Property Capital Improvements for Board approval.

6.6 **Specific Duties of the Public Safety Committee:**

1. Enhance and encourage interagency collaboration and cooperation of Courts, law enforcement services, community corrections, and emergency response services.
2. Act as liaison between the Board and the Courts, law enforcement services, community corrections, and emergency response services.

6.7 **Specific Duties of the Policies, Procedures & Bylaws Committee:**

1. To review and update items at least annually.

ARTICLE VII

AMENDMENTS TO THE RULES OF PROCEDURE

- 7.1 **Amendments:** These Rules of Procedure may be amended or repealed in whole or in part, at any regular or duly called special meeting of the members at which a Quorum shall be represented, by two-thirds vote of the Board members elected and serving, provided a statement of the character of such proposed amendments has been included in the notice of the meeting.



**THERESA M. SPENCER
LAPEER COUNTY CLERK**

County Complex Building
255 Clay Street
Lapeer, Michigan 48446

Phone 810 area code
667-0356
Circuit Court Division
667-0358
Fax 667-0362

A-G-E-N-D-A

**LAPEER COUNTY BOARD OF COMMISSIONERS
REGULAR BOARD MEETING**

January 4, 2024

9:00 A.M.

Tom Kohlman	District #1
Gary Howell	District #2
Kevin Knisely	District #3
Brad Haggadone	District #4
Truman Mast	District #5
William Hamilton	District #6
Bryan Zender	District #7

CALL TO ORDER BY CHAIRMAN/VICE-CHAIR

- ♦ Roll Call
- ♦ Opening Prayer
- ♦ Pledge of Allegiance

CONSIDERATION FOR APPROVAL:

- ♦ Agenda
- ♦ November 30, 2023 Regular Board Meeting Minutes

FOR REVIEW IN FOLDER:

**COMMISSIONER MILEAGE/EXPENSE SHEETS (included in agenda, if any)
TRAINING REGISTRATION/OVERNIGHT TRAVEL REQUEST
GRANT APPLICATIONS & BUDGET AMENDMENTS**

ELECTED OFFICIAL/DEPARTMENT HEAD UPDATES

PUBLIC TIME - Citizens Comments, etc.

CONTINUED -

NEW/OLD BUSINESS:

DRAFT MOTIONS

♦ Committee of the Whole	(December 14, 2023)	(Attached)
♦ Properties Committee	(December 14, 2023)	(Attached)
♦ American Rescue Plan Act Committee	(December 14, 2023)	(Attached)
♦ Personnel Committee	(December 14, 2023)	(Attached)
♦ I.T. Committee	(December 14, 2023)	(Attached)

1. AUDIT MOTIONS- Enter into the Record

- A.** County's Audit Motions for December 1st and 15th, 2023 and the Road Commissions Audit Motion for disbursements dated November 30th and December 14th, 2023 **Please add the dates for the last week of December 2023 too.

2. EXPIRED TERMS NEEDING TO BE FILLED

- A. Agricultural Preservation Board – 2 positions
- B. Brownfield Redevelopment Authority –7 positions (from LDC)
- C. Economic Development Corporation Board of Directors – 2 positions (from LDC)
- D. Senior Programs Advisory Board – Commissioner District #7
- E. Valley Area Agency on Aging (VAAA) - Executive Board – 2 positions
- F. Thumb Regional Community Corrections Advisory Board – one unexpired term
- G. Jury Board – Judicial Recommendation – one unexpired term
- H. Emergency Management Advisory Council – 1 (Fire)

(Additional items)

- 1.
- 2.
- 3.
- 4.

AD HOC COMMITTEE UPDATES- If needed

PUBLIC TIME - Citizens Comments, etc.

COMMISSIONER REPORTS

ADMINISTRATOR/CHIEF FINANCIAL OFFICER UPDATES

CLOSED SESSION – If needed

RECESS/ADJOURN

****Public Recording Notice:** Please be advised that the meetings of the Lapeer County Board of Commissioners are streamed live and recorded on social media for public viewing and transparency. We respectfully request that anyone addressing the Board of Commissioners during "Public Time" be proactive and make every effort in keeping their words and language appropriate for ALL users, including children for educational purposes.**

Agenda and attachments: 49 pages total. Provided to Administration for website posting: 12-21-2023; 12:30 p.m.

LAPEER COUNTY BOARD OF COMMISSIONERS
****SECOND MEETING OF THE OCTOBER SESSION****
November 30, 2023
9:00 A.M.

Chairman Kohlman called the meeting to order at 9:00 a.m. in the Commission Chambers on the lower level of the County Complex Building. Commissioner Haggadone opened the meeting with prayer. The Pledge of Allegiance was recited.

Present:	Tom Kohlman	District #1
	Gary Howell	District #2
	Kevin Knisely	District #3
	Brad Haggadone	District #4
	Truman Mast	District #5
	William Hamilton	District #6
	Bryan Zender	District #7

AGENDA

The agenda and draft minutes from the October 26, 2023 Regular Board Meeting were reviewed.

336-2023

Motion by Haggadone, supported by Mast, to accept the agenda with the addition of a motion to give the December 14, 2023 Committee of the Whole Meeting authority to act, and a discussion regarding the proposed pension revision, and the deletion of a closed session. Motion carried.

337-2023

Motion by Knisely, supported by Mast, to approve the October 26, 2023 Regular Board minutes with an amendment to motion 328-2023 to include the word carried at the end, and also to amend motion 331-2023 to remove the Candidate's name. Motion carried.

ELECTED OFFICIAL/DEPARTMENT HEAD UPDATES

No comments were received.

PUBLIC TIME – Three people spoke during public time.

338-2023

Motion by Haggadone, supported by Knisely, pursuant to motion 325-2023 of the October 26, 2023 Regular Board Meeting, giving the Committee of the Whole the authority to act, to enter into the official record the following action taken at the November 9, 2023 meeting of the Committee of the Whole:

"Motion by Knisely, supported by Haggadone, to adopt the following General Appropriations Act Resolution and adopt the 2024-2025 Biennial Budgets:

**LAPEER COUNTY MICHIGAN
GENERAL APPROPRIATION ACT
2023-R11
RESOLUTION TO AMEND & ADOPT THE BIENNIAL BUDGET
FOR
JANUARY 1, 2024 TO DECEMBER 31, 2024 (AMEND)
AND
JANUARY 1, 2025 TO SEPTEMBER 30, 2025 (ADOPT)
ON
November 09, 2023**

WHEREAS, *In 2003, the County Board of Commissioners directed that a biennial budget process be established in an effort to improve the efficiency of the complex budget process, reduce time in the respective departments necessary for budget preparation, and to enhance fiscal planning and stability; and,*

WHEREAS, *Section 16 of the "Uniform Budgeting and Accounting Act" requires that an appropriation act be adopted by this County Board of Commissioners in order to implement the operating budgets of the County of Lapeer for FY 2024 and FY 2025; and,*

WHEREAS, *The Lapeer County Board of Commissioners is the statutorily designated "legislative body" for the County Budget function under the Uniform Budgeting and Accounting Act (MCL 141.421); and,*

WHEREAS, *All County Elected Officials, Judges and appointed Department Heads were afforded the opportunity to appear before the County Board of Commissioners to discuss their budget request; and,*

WHEREAS, *The Board of Commissioners has taken into consideration the fact that certain mandatory functions of County government or operations must be budgeted at serviceable levels in order to provide statutory and constitutionally required services and programs, and that other essential and non-mandatory services are budgeted to meet operational and community needs; and,*

(Resolution 2023-R11 continued)

WHEREAS, Fifty percent (50%) of the proceeds of the Convention Facilities/Liquor Tax revenue received from the State are used for the specific purpose of substance abuse prevention programs in the County; and,

WHEREAS, A public notice was published in a newspaper of general circulation on June 14, 2023, and a public hearing was held on June 22, 2023, consistent with the "Truth in Taxation Act," to consider increasing the operating tax millage rate by .5117 mills for FY 2023; and,

WHEREAS, The Board of Commissioners at a meeting on June 22, 2023, adopted the following tax rates to be levied for the 2023 tax year/2023/2024 budget year for a County levy of 3.6258 and extra voted millage as summarized below based on the 2023 Taxable Value \$3,778,235,974 for a total millage rate of :

<u>Purpose</u>	<u>Millage</u>	<u>Revenue</u>
<u>General Government</u>	<u>3.6258</u>	<u>\$ 13,699,128.00</u>
Total Allocated Millage	3.6258	\$ 13,699,128.00
Law Enforcement (voted through 2027)		1.4500
	\$ 5,478,442.00	
Veterans (voted through 2023)	.1813	\$ 684,994.00
Medical Care Facility Operating (voted through 2027)	.3196	\$ 1,207,524.00
<u>Senior Citizen (voted through 2026)</u>	<u>.3916</u>	<u>\$ 1,479,557.00</u>
Total extra voted Millage	2.3425	\$ 8,850,517.00
<u>Total Millage</u>	<u>5.9683</u>	<u>\$ 22,549,645.00</u>

WHEREAS, The revenue projections in the 2024/2025 Budget are reduced to reflect the estimated amount of captured revenue by Tax Increment Finance Authorities and Downtown Development Authorities in local jurisdictions as summarized below:

(Resolution 2023-R11 continued)

FY 2024	<u>Est. Millage Revenue</u>	<u>Est. Captured Revenue</u>	<u>Est. Net Revenue</u>
General Government	\$ 13,699,128.00	\$ 673,782.00	\$ 13,025,346.00
Law Enforcement	\$ 5,478,442.00	\$ 4,571.00	\$ 5,473,871.00
EMS	\$ - 0 -	\$ - 0 -	\$ - 0 -
Veterans	\$ 684,994.00	\$ - 0 -	\$ 684,994.00
Medical Care Facility	\$ 1,207,524.00	\$ - 0 -	\$ 1,207,524.00
Senior Services	\$ 1,479,557.00	\$ - 0 -	\$ 1,479,557.00
Total	\$ 22,549,645.00	\$ 678,353.00	\$ 21,871,292.00

FY 2025	<u>Est. Millage Revenue</u>	<u>Est. Captured Revenue</u>	<u>Est. Net Revenue</u>
General Government	\$ 14,110,102.00	\$ 693,995.00	\$ 13,416,107.00
Law Enforcement	\$ 5,642,795.00	\$ 4,708.00	\$ 5,638,087.00
EMS	\$ - 0 -	\$ - 0 -	\$ - 0 -
Veterans	\$ 705,544.00	\$ - 0 -	\$ 705,544.00
Medical Care Facility	\$ 1,243,750.00	\$ - 0 -	\$ 1,243,750.00
Senior Services	\$ 1,523,944.00	\$ - 0 -	\$ 1,523,944.00
Total	\$ 23,226,135.00	\$ 698,703.00	\$ 22,527,432.00

WHEREAS, The voters have supported "special millages" (e.g. for Senior Services, Veterans, Law Enforcement/ Public Safety, Medical Care Facility) that various Public Acts allow local units of government to supersede by partially "capturing" revenue that may consequently not be available for the extra voted program as noted above; and,

WHEREAS, A Committed Fund Balance is established for self-funding of \$5,000,000.00, and a transfer from the Delinquent Tax Revolving Fund of \$2,000,000.00 for FY 2024 and \$1,500,000.00 for FY 2025 to the General Fund is hereby authorized; and,

(Resolution 2023-R11 continued)

WHEREAS, State Revenue Sharing in the amount of \$2,002,994.00 is anticipated for FY 2024, and the amount for FY 2025 is estimated at \$1,502,245.50; and,

WHEREAS, Pursuant to MCL 141.412, section 2, a notice regarding the proposed budget was published in a newspaper of general circulation on October 29, 2023, and was placed on display in the County Clerk's office and the county's website from October 30 through November 9, 2023, and a public hearing was conducted on November 9, 2023; and,

WHEREAS, the County of Lapeer will be converting to a September 30th year end beginning in 2025, therefore, all budget figures and documents reflect only 9 full months of calendar year 2025, in which this and all future budget years will be consistent with the State of Michigan's fiscal year of October 1st through September 30th.

THEREFORE, BE IT RESOLVED, that the FY 2024 and FY 2025 Lapeer County Budgets as summarized below are hereby adopted on a fund and activity basis for the General Fund and for all other funds, subject to all statutory and County policies regarding the expenditure of funds and the conditions set forth in this Resolution:

	<u>2024 Amended Budget</u>	<u>2025 Budget</u>
General Fund	\$ 23,936,951.99	\$ 21,362,491.63
Special Revenue Funds	\$ 88,599,350.23	\$ 72,488,988.50
Debt Service Funds	\$ 1,101,745.69	\$ 936,582.20
TOTALS	<u>\$113,638,047.91</u>	<u>\$ 94,788,062.33</u>

BE IT FURTHER RESOLVED, that an Assigned fund balance (GF) is established in the amount of \$500,000.00 for FY 2024 and \$500,000.00 for FY 2025; and,

BE IT FURTHER RESOLVED, that the Board of Commissioners direct the Controller/Administrator to present necessary changes to the 2025 budget to the Board prior to the beginning of fiscal year 2025 for final adoption; and,

BE IT FURTHER RESOLVED, that Elected Officials, Judges and appointed Department Heads are advised that certain line item transfers with the respective budgets will not be authorized; and,

BE IT FURTHER RESOLVED, that all persons responsible for the Administration of this budget be duly advised of the contents of Public Act 621 of 1978, as amended, and their respective appropriations and responsibilities to not authorize or participate in the expenditures of funds except as authorized by this General Appropriations Act; and,

(Resolution 2023-R11 continued)

BE IT FURTHER RESOLVED, that to ensure compliance with the Uniform Budgeting Act, all Officials and employees of Lapeer County shall follow Claim Processing and Purchasing Procedures and the Personnel Policies as adopted and amended by the Board of Commissioners and that the budgeted funds are appropriated contingent upon compliance with said Purchasing Procedures and Personnel Manual; and,

BE IT FURTHER RESOLVED, that the approved employee positions on the Position Control Maintenance File shall limit the number of employees who shall be employed, and no funds are appropriated for any position or employee not on the "Approved Position Control Maintenance File." Further, there may be a need to increase or decrease various positions within the Budget and/or impose a hiring freeze and/or reduction in staff due to unforeseen financial changes; therefore, the "Approved Position Control List" may be changed from time to time by the Board and/or the Board may impose a hiring freeze. The County Elected Officials, Judges and the County Department Heads shall comply with changes affected by the Board, if any, relative to the approved positions and the number of employees stated in the Position Control List; and,

BE IT FURTHER RESOLVED, that this budget does not authorize any other compensation adjustment(s) without expressed authority of the Board of Commissioners; and,

BE IT FURTHER RESOLVED, that certain positions authorized in this budget, which are supported in part by grants or other sources of outside funding, are only approved contingent upon the County receiving the budgeted revenues. The Elected Official, Judge, and/or Department Head responsible for program administration shall immediately notify the Controller/Administrator in the event outside funding is not received or the County is notified that such funding has been discontinued or reduced; and,

BE IT FURTHER RESOLVED, that since the County revenues and expenditures may vary from those contemplated, the Board of Commissioners may adjust the budget during the fiscal year as deemed necessary; and

BE IT FURTHER RESOLVED, that the Controller/Administrator is authorized to automatically reduce a department budget each time a reduction is made in federal, state, or local funds. The affected Elected Official, Judge or Department Head shall promptly take the necessary corrective action to reduce expenditures as a result; and,

BE IT FURTHER RESOLVED, that the County Controller/Administrator is hereby authorized to make budgetary transfers within the various funds and to authorize expenditures in accordance with the budgetary procedures established by the Board of Commissioners; and,

(Resolution 2023-R11 continued)

BE IT FURTHER RESOLVED, that the Board of Commissioners authorize, that as long as the balance in the Budget Stabilization Fund is under the amount allowed by Michigan Public Act 30 of 1978, that the fund be allowed to accrue interest earning without a separate Board motion; and,

BE IT FURTHER RESOLVED, that all County Departments include indirect cost as determined by the most recent Cost Allocation Plan in all applications for federal and state grants and further; where indirect costs are not included in the approved grant budget, a memorandum explaining the reason for not including them in the grant must be submitted with the Request for Action to approve the grant; and,

BE IT FURTHER RESOLVED, that all grant submissions to the Board of Commissioners shall clearly indicate the minimum required match and if any requirements exist in the grant that require the County to continue the program when the grant concludes; and,

BE IT FURTHER RESOLVED, that in order to ensure compliance with all board policies and procedures, and pursuant to Motion #55-21, the Board has authorized the County Controller/Administrator to approve initial submissions of grant application requests, without prior Board approval, however, all grant acceptance requests must be processed and approved by the Board of Commissioners prior to accepting any and all grants; and,

BE IT FURTHER RESOLVED, that to ensure compliance with all Board policy and procedures, that all contracts will be brought before the Board of Commissioners at a regularly scheduled meeting for authorization, and only the Board of Commissioners as the governing body can enter into a contract for the County, or any of its Departments; and,

BE IT FURTHER RESOLVED, that pursuant to the Uniform Budgeting Act, the Board of Commissioners designates the County Controller/Administrator as the Chief Administrative Officer and Budget Officer pursuant to MCLA 141.421 et. Seq., with the authority to administer such duties in connection with said budget, and as may be from time to time, delegated to the Office of Controller by this Board; and,

BE IT FURTHER RESOLVED, that the County Treasurer and/or County Controller/Administrator are authorized to borrow between funds within the common (general) bank account of the County within the guidelines as established by the Board of Commissioners.

Roll Call vote: Knisely, aye; Haggadone, aye; Hamilton, aye; Howell, aye; Mast, aye; Zender, aye; Kohlman, aye. 7 ayes. Motion carried unanimously."

Roll Call vote: Haggadone, aye; Howell, aye; Knisely, aye; Mast, aye; Zender, aye; Hamilton, aye; Kohlman, aye. 7 ayes. Motion carried unanimously.

339-2023

Motion by Knisely, supported by Haggadone, to allow the Sheriff's Department to accept the Secondary Road Patrol Grant (416), (CFDA# 2024-SRP-44), for the Year 2023/2024, in the amount up to \$129,533.00. Motion carried.

340-2023

Motion by Knisely, supported by Haggadone, to authorize the Lapeer County Sheriff's Department renewal with Canteen Services, to provide meals, commissary and kiosk services for inmates, with meals being paid for from line item 207-351-740.000; and further, to authorize the Chair/Vice-Chair to sign said contract. Motion carried.

341-2023

Motion by Knisely, supported by Haggadone, to approve for distribution the 2024 Police Service Contracts for the following local units of government, for their signatures: Arcadia Township, Attica Township, Deerfield Township, Elba Township, Imlay Township, Marathon Township, Mayfield Township, Oregon Township, Village of Clifford, Village of North Branch, and Fund: 277, with the signed contracts to be returned for final approval of the Board of Commissioners. Motion carried.

342-2023

Motion by Knisely, supported by Haggadone, to authorize the Sheriff's Department to purchase protective vest and uniforms, at a cost of \$19,096.20, from line item 207-307-977.000, at no additional cost to the County General Fund. Motion carried.

343-2023

Motion by Mast, supported by Knisely, to accept the Fiscal Year 2024 Michigan Department of Health and Human Services (MDHHS) additional allocation and authorize the Director/Health Officer to e-sign the application; and that a copy be forwarded to the County Clerk, to be entered into the official record as an exhibit. Motion carried.

344-2023

Motion by Haggadone, supported by Knisely, to authorize the County Controller/Administrator to electronically accept the approved grant agreement between the State Court Administrative Office, 71A District Court and 40th Circuit Court for the period of October 1, 2023 through September 30, 2024, (funding for Drug Court), at no additional cost to the County General Fund; and further, that a copy of the electronically submitted grant agreement be forwarded to the County Clerk to be filed as an official exhibit. Motion carried.

345-2023

Motion by Haggadone, supported by Knisely, to authorize the County Controller/Administrator to electronically accept the approved grant agreement between the State Court Administrative Office, 71A District Court and 40th Circuit Court for the period of October 1, 2023 through September 30, 2024, (funding for Mental Health Court), at no additional cost to the County General Fund; and further, that a copy of the electronically submitted grant agreement be forwarded to the County Clerk to be filed as an official exhibit. Motion carried.

346-2023

Motion by Haggadone, supported by Knisely, to approve the contract between the Thumb Area Regional Community Corrections Advisory Board and Tri-Cap, so services can be provided per the contract, for the period of October 1, 2023 through September 30, 2024; and further, to authorize the Chair/Vice-Chair to sign said contract. Motion carried.

347-2023

Motion by Haggadone, supported by Knisely, to approve the contract between the Thumb Area Regional Community Corrections Advisory Board and List Psychological Services, PLC, so services can be provided per the contract, for the period of October 1, 2023 through September 30, 2024; and further, to authorize the Chair/Vice-Chair to sign said contract. Motion carried.

348-2023

Motion by Haggadone, supported by Knisely, to approve the contract between the Thumb Area Regional Community Corrections Advisory Board and Career Directions Inc., so services can be provided per the contract, for the period of October 1, 2023 through September 30, 2024; and further, to authorize the Chair/Vice-Chair to sign said contract. Motion carried.

349-2023

Motion by Zender, supported by Hamilton, to authorize payment to Shifman Fournier, in the amount of \$1,665.00, for labor related legal services rendered through October 31, 2023, to be paid from line item 101-239-801.020. Motion carried.

350-2023

Motion by Zender, supported by Hamilton, to approve the renewal of the Independent Contractor Agreement, as submitted; for the Managed Assigned Counsel Administrator between the County of Lapeer and Attorney Kayleen Hendler, for the County's Indigent Defense Program, effective Fiscal Year 2024 for the period of October 1, 2023 through September 30, 2024, pursuant to the approved grant; and at no additional cost to the County General Fund; and further, to authorize the Chair/Vice-Chair to sign said agreement. Motion carried.

351-2023

Motion by Zender, supported by Hamilton, that the Lapeer County Planning Commission and Board of Commissioners acknowledges receipt of Burnside Township's PA 116 Application submitted by applicants Thomas and Marlene McLeod for Section No. 14, Town No. 9N, Range 12E, Parcel # 005-014-007-10, approximately 35.027 acres for a period of 31 years, and on November 9, 2023 recommends approval of said application. Motion carried.

352-2023

Motion by Zender, supported by Hamilton, to give the County Controller/Administrator and/or Chief Financial Officer the authority to act and approve all Budget Amendments, Appropriation Transfers, Payroll and Accounts Payable disbursements through December 31, 2023. Motion carried.

353-2023

Motion by Zender, supported by Hamilton, to amend the previous motion adopt and authorize the 2024 annual salary for the County Elected Officials, as follows, for the period of January 1, 2024 through December 31, 2024 (26 pays):

County Commissioner	\$ 22,317.79
County Surveyor*	\$ -0-
Register of Deeds	\$ 80,687.01
Drain Commissioner	\$ 80,687.01
County Clerk	\$ 88,456.98
County Treasurer	\$ 88,456.98
County Sheriff	\$ 128,751.50
Prosecuting Attorney	\$ 150,800.00
Circuit Court Judges**	\$ 45,724.00
District Court Judges**	\$ 45,724.00
Probate Court Judge**	\$ 172,134.62
Road Commissioners	\$ 9,574.80

*(Base is zero, but only earns as allowed through the Remonumentation Grant)

** (Judges Salaries are set by the State of Michigan)

Motion carried.

354-2023

Motion by Zender, supported by Hamilton, to adopt and authorize an annual 4% pay increase for FY 2024 to the following groups listed below with an effective date of December 23, 2023 through December 20, 2024, as budgeted:

Appointed Department Heads
General and Court Non-Union
Health Non-Union
CMH Non-Union
AFSCME (Health Department)
Teamsters General Unit
Teamsters District Court Unit
Teamsters Friend of the Court Unit
Teamsters CMH Unit
POLC Sheriff's Unit A
POAM Sheriff's Unit B
POLC Sheriff's Unit C
POLC Sheriff's Unit D
MAPE – 911 Supervisors Unit
POAM – 911 Dispatchers Unit
Other Non-Union/No-Union/Variable Hourly and Contractual No-Union

Motion carried.

355-2023

Motion by Zender, supported by Hamilton, to authorize the County Administration/Finance Office to instruct the Municipal Employees' Retirement System (MERS) to process an adjustment as of December 31, 2022 to the following groups' Post Employment Health Care Savings Plan from the PEHP Fund for any eligible vested full-time employee actively on payroll as of the date implemented by the County Administrator/ Controller with 10 years or more of continuous service, which is based on the calculation of \$10/per month as outlined below for a grand total of \$303,950.00:

General Non-Union	\$ 39,480.00
Appointed Department Heads	\$ 18,380.00
Elected Officials	\$ 8,030.00
Health Non-Union	\$ 2,610.00
CMH Non-Union	\$ 17,340.00
AFSCME	\$ 16,930.00
Teamsters General	\$ 31,750.00
Teamsters District Court	\$ 19,810.00
Teamsters Friend of the Court	\$ 5,530.00
Teamsters CMH	\$ 39,620.00
POLC Sheriff's Unit A	\$ 34,660.00
POAM Sheriff's Unit B	\$ 27,050.00
POLC Sheriff's Unit C	\$ 15,580.00
POLC Sheriff's Unit D	\$ 17,580.00
MAPE – E-911 Central Dispatch Supervisors	\$ 3,310.00
POAM – E-911 Central Dispatch Dispatchers	\$ 6,290.00

Motion carried.

356-2023

Motion by Mast, supported by Knisely, pursuant to the recommendation of the Properties Committee, to approve the Preservation and Imaging of Historical Records (1835 to 1963) thru Kofile to be paid for from the Automation Fund 256-711-977.010, in the amount not to exceed \$70,000.00, at no additional cost to the County's General Fund and to further authorize Lori Gebhardt, Register of Deeds, to sign said agreement. Motion carried.

357-2023

Motion by Mast, supported by Hamilton, pursuant to the recommendation of the Personnel Committee, to authorize the County Administrator/Controller to negotiate the rate of pay for the Chief Animal Control Officer (position #403, Pay Grade 19) up to Step 1 due to the internal candidates' extensive experience, knowledge and certifications, retro-active to the promotion date, at no additional cost to the County's General Fund. Motion carried.

358-2023

Motion by Howell, supported by Haggadone, to authorize Animal Control to amend their Table of Organization to add and hire two (2) part-time temporary Kennel Attendants (#TBD, Pay Grade 13 Flat Entry Rate) for a period of six(6) months, and to return with an update on the status of the positions; and further, to approve the revised job description for said position. Motion carried.

359-2023

Motion by Howell, supported by Hamilton, to amend the Table of Organization for Community Mental Health to add two full-time BA Supervisor positions for the Community Mental Health Finance Department, formerly contracted services provided by CMA, (#TBD, one BA Supervisor/Accounting Manager and one BA Supervisor/Contract Manager, both Pay Grade 21), to be paid from Community Mental Health's budget, and at no additional cost to the County's General Fund; and further, to approve the new job descriptions for said positions. Motion carried.

360-2023

Motion by Haggadone, supported by Mast, to add the proposed motion from the October 26, 2023 American Rescue Plan Act Committee (ARPA) Meeting. Motion carried.

361-2023

Motion by Knisely, supported by Zender, pursuant to the recommendation of the ARPA Committee and subsequent discussions with the Lapeer County Historic Courthouse Committee, to approve the expenditure of up to a maximum of \$750,000 of ARPA funds to be dedicated to the preservation of the Lapeer County Historic Courthouse project, and that the County also proceed with submission of a grant application for the "Save America's Treasures" grant program through the National Parks Service for additional funding towards the preservation project, with the understanding that the authorized amount would also represent the grant match funds, if awarded; and further, to authorize an additional \$750,000 maximum grant match funds only if the grant is awarded for the preservation of the historic Forrest Hall building at General Squier Memorial County Park, in which the grant is targeted to helping preserve historic landmark buildings and properties that are listed on the National Historic Registry, with all funds to be paid from Fund 281 (expense category 2.35, Tourism). Motion carried.

362-2023

Motion by Knisely, supported by Zender, to commit to "Option #1" for the proposed Torzewski County Wetlands Water Park renovation project, as presented, and to authorize Building and Grounds/Parks to proceed with preparing and issuing a Request for Proposal (RFP) for the proposed project and report back to the American Rescue Plan Act Committee (ARPA) following the bid closure, with the understanding that the County intends to allocate ARPA funds for the proposed project (Fund 281 expenditure category 2.35). Motion carried.

363-2023

Motion by Howell, supported by Mast, to enter into the record the County's Audit Motions for November 3rd, November 17th, and December 1st, 2023 and also the Road Commissions Audit Motion for disbursements dated November 2nd, November 16th, and November 30th, 2023. Motion carried.

Region V Planning and Development Commission (GLS Region V)**364-2023**

Motion by Hamilton, supported by Knisely, to re-appoint Gabriel Lossing to serve on the Genesee-Lapeer-Shiawassee Region V Planning and Development Commission (GLS Region V), for a one-year term ending December 31, 2024. Motion carried.

Valley Area Agency on Aging (VAAA) Advisory Board**365-2023**

Motion by Hamilton, supported by Knisely, to appoint William Gavette to serve on the Valley Area Agency on Aging (VAAA) Advisory Board, for a two-year term ending December 31, 2025. Motion carried.

366-2023

Motion by Knisely, supported by Zender, to appoint Jerry Tkach to serve on the Valley Area Agency on Aging (VAAA) Advisory Board, for a two-year term ending December 31, 2025. Motion carried.

Veterans Affairs Committee**367-2023**

Motion by Howell, supported by Haggadone, to appoint Larry Beadle and Thomas Mikulski to serve on the Veterans Affairs Committee for a four-year term ending December 31, 2027. Motion carried.

368-2023

Motion by Hamilton, supported by Knisely, to give the December 14, 2023 Committee of the Whole Meeting authority to act on any business that may come before them. Motion carried.

369-2023

Motion by Howell, supported by Hamilton, to have a discussion and possible action regarding the Commissioner's participation in Municipal Employee's Retirement System on the December 14, 2023 Committee of the Whole Meeting Agenda. Motion carried.

AD HOCK COMMITTEE UPDATE

Commissioner Howell gave an update regarding the search for Legal Counsel for the County.

PUBLIC TIME – Three people spoke during public time.

COMMISSIONER REPORTS

At this time, the Commissioners had an opportunity to give brief reports on meetings and conferences that they have recently attended, as well as upcoming meetings and events, along with statements regarding public time comments.

ADMINISTRATOR/CHIEF FINANCIAL OFFICER UPDATES

Moses Sanzo, County Controller/Administrator thanked the Commissioners, John Bustle, and Jillian Weiss for all their hard work to benefit the County Parks.

370-2023

Motion by Zender, supported by Haggadone, to adjourn the meeting. Motion carried.
10:12 a.m.

Tom Kohlman, Chairman
Board of Commissioners

Theresa M. Spencer, County Clerk
Clerk of the Board

COUNTY EXPENSES REIMBURSEMENT REQUEST FORM

Board of Commissioners
COUNTY DEPARTMENT

Gary Howell
NAME OF EMPLOYEE

County Commissioner for District #2
TITLE OR POSITION

12-19-23

DATE SUBMITTED

FROM: Nov. 1 TO: Dec. 31
PERIOD COVERED

DAY OF MONTH	DESCRIPTION	Location	PRIVATE AUTOMOBILE		COUNTY AUTOMOBILE		LODGING	MEALS	OTHER	DAILY TOTALS	
			MILES	AMOUNT	GAS	OTHER					
11-13	Deerfield Twp Bd	Deerfield	10	\$10.55						\$	
11-14	EMS Director Meeting	Lapeer	23	\$15.07						\$	
12-5	Veterans - American Legion	Lapeer	23	\$15.07						\$ -	
12-6	Community Collaboration	EMS	28	\$18.34						\$ -	
12-6	Solid Waste - Recycling	Caro	56	\$36.00						\$ -	
12-11	Deerfield Twp Bd	Deerfield	10	\$10.55						\$ -	
12-11	Veterans - VFW	Lapeer-VFW	17	\$11.14						\$ -	
12-13	Veterans - American Legion	Lapeer	24	\$15.72						\$ -	
12-15	WMPC Interview	WMPC	19	\$12.45						\$ -	
11-10	Veterans Emv - MCB	A. B.	14	\$9.17						\$ -	
				\$ -						\$ -	
				\$ -						\$ -	
				\$ -						\$ -	
				\$ -						\$ -	
				\$ -						\$ -	
				\$ -						\$ -	
				\$ -						\$ -	
				\$ -						\$ -	
				\$ -						\$ -	
				\$ -						\$ -	
				\$ -						\$ -	
				\$ -						\$ -	
				\$ -						\$ -	
				\$ -						\$ -	
				\$ -						\$ -	
				\$ -						\$ -	
				\$ -						\$ -	
				\$ -						\$ -	
SUMMARY TOTAL			224.0	\$146.74	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
TOTAL AMOUNT OF VOUCHER										\$146	74

I hereby certify that all items of expenses included in the statement were incurred in the discharge of authorized official Lapeer County business; that amounts are correct; and that they represent proper charges against the county.

NATURE OF OFFICIAL BUSINESS: County Commission
Travel to Other Agency and/or Municipal Meetings in the course of business as County Commissioner, District #2

SIGNED BY: Gary Howell

APPROVED BY: _____
Department Head or authorized representative

	YES	NO
All receipts are attached:		
Extensions checked:		
Additions checked:	DD	
Mileage checked:		
Expenses verified:		

**DRAFT MOTIONS FROM THE
December 14, 2023
Committee of the Whole Meeting**

1. Motion by , supported by , pursuant to motion 368-2023 of the November 30, 2023 Regular Board Meeting, giving the Committee of the Whole the authority to act, to enter into the official record the following action taken at the December 14, 2023 meeting of the Committee of the Whole:

"Motion by Howell, supported by Haggadone, to approve the Attorney-Client Fee Agreement between the County of Lapeer and The Kelly Firm, PLC, for General/Legal Counsel Services for a period of three years, effective January 1, 2024 through December 31, 2026; and further, to authorize the Chair/Vice-Chair to sign said agreement. Motion carried."

Motion carried.

2. Motion by , supported by , pursuant to motion 368-2023 of the November 30, 2023 Regular Board Meeting, giving the Committee of the Whole the authority to act, to enter into the official record the following action taken at the December 14, 2023 meeting of the Committee of the Whole:

"Motion by Zender, supported by Mast, to authorize the Chair/Vice-Chair to sign said the Grant Agreement for the Fiscal Year 21 Homeland Security Grant Program Agreement (CFDA# 97.067), that were approved and accepted to reimburse the County for the renewal of the NIXLE Alerting services through March of 2024 (258-2023). Motion carried."

Motion carried.

3. Motion by , supported by , pursuant to motion 368-2023 of the November 30, 2023 Regular Board Meeting, giving the Committee of the Whole the authority to act, to enter into the official record the following action taken at the December 14, 2023 meeting of the Committee of the Whole:

"Motion by Hamilton, supported by Zender, to accept the 2024 Animal Welfare Fund Grant administered by the Michigan Department of Agriculture and rural Development Michigan Department Agricultural Rural Development (MDARD); and further, to authorize the County Controller/Administrator to electronically accept the grant and a copy be forwarded to the County Clerk to be entered into the official record. Motion carried."

Motion carried.

Draft Motions from the Committee of the Whole Continued

Emergency Management Advisory Council - two-year term

4. Motion by , supported by , pursuant to motion 368-2023 of the November 30, 2023 Regular Board Meeting, giving the Committee of the Whole the authority to act, to enter into the official record the following action taken at the December 14, 2023 meeting of the Committee of the Whole:

"Motion by Knisely, supported by Haggadone, to re-appoint Jeremy Howe, Mike Vogt, Kathy Haskins, Kimberly Goldorf, Phil Kaatz, Jeremy Compau, Ted Sadler, Mike Boskee, and Marilyn Szost (alternate for Kathy Haskins), to serve on the Emergency Management Advisory Council, for a two-year term ending December 31, 2025. Motion carried."

Motion carried.

5. Motion by , supported by , pursuant to motion 368-2023 of the November 30, 2023 Regular Board Meeting, giving the Committee of the Whole the authority to act, to enter into the official record the following action taken at the December 14, 2023 meeting of the Committee of the Whole:

"Motion by Knisely, supported by Hamilton, to authorize payment to Shifman Fournier, in the amount of \$1,740.00, for labor related legal services rendered through November 30, 2023, to be paid from line item 101-239-801.020. Motion carried."

Motion carried.

6. Motion by , supported by , pursuant to motion 368-2023 of the November 30, 2023 Regular Board Meeting, giving the Committee of the Whole the authority to act, to enter into the official record the following action taken at the December 14, 2023 meeting of the Committee of the Whole:

"Motion by Zender, supported by Mast, to authorize the renewal of the Workers Compensation Service Agreement with Comprehensive Risk Services, LLC, for Fiscal Year 2024 and 2025, for the annual amount of \$29,850.00 each year (with the cost to be shared 38% as Lapeer County's portion and 62% as Lapeer County Medical Care Facility's portion) for the period of January 1, 2024 through December 31, 2025, to be paid from line item 101-242-713.000, with the understanding that this motion authorizes the Finance Department to process the payments as outlined; and further, to authorize the Chair/Vice-Chair to sign said agreement. Motion carried."

Motion carried.

Draft Motions from the Committee of the Whole Continued

7. Motion by , supported by , pursuant to motion 368-2023 of the November 30, 2023 Regular Board Meeting, giving the Committee of the Whole the authority to act, to enter into the official record the following action taken at the December 14, 2023 meeting of the Committee of the Whole:

"Motion by Haggadone, supported by Mast, to approve the following documents from Municipal Employees' Retirement System related to placing the seven (7) County Commissioners from the other Elected Officials division 13 into their own separate Defined Contribution Division, which includes a Division Benefit freeze to Defined contribution with the conversion option, per the request of the Board of Commissioners, as submitted:

- *Resolution Adopting the MERS Defined Contribution Plan (1 page)*
- *MERS Defined Contribution Plan Adoption Agreement (5 pages)*
- *Contribution Addendum for MERS Defined Contribution (2 pages)*
- *Defined Benefit Plan Adoption Agreement (7 pages)*
- *Addendum for Plan Closures, Freezes and Conversions (5 pages)*

and further, to authorize the Chair/Vice-Chair to sign said documents, with each document being entered as an official exhibit.

Roll Call vote: Haggadone, aye; Zender, aye; Hamilton, aye; Howell, aye; Knisely, aye; Mast, aye; Kohlman, aye. 7 ayes. Motion carried unanimously."

Motion carried.

8. Motion by , supported by , pursuant to motion 368-2023 of the November 30, 2023 Regular Board Meeting, giving the Committee of the Whole the authority to act, to enter into the official record the following action taken at the December 14, 2023 meeting of the Committee of the Whole:

"Motion by Zender, supported by Hamilton, pursuant to the written notification given to Prosecuting Attorney John Miller in Board Motion #189-2023 on June 22, 2023, of the Board's intent to seek alternate corporate counsel services, to terminate the Engagement of General/Civil Legal Counsel services agreement that was previously approved in motion #77-21, effective December 31, 2023, with the understanding that this will also eliminate the additional \$17,000.00 stipend allocated to John Miller for corporation counsel services; and further, that this Board wishes to extend sincere appreciation to Mr. Miller for his services over the last three years. Motion carried."

9. Motion by , supported by , pursuant to motion 368-2023 of the November 30, 2023 Regular Board Meeting, giving the Committee of the Whole the authority to act, to enter into the official record the following action taken at the December 14, 2023 meeting of the Committee of the Whole:

"Motion by Mast, supported by Knisely, pursuant to the recommendation of the Properties Committee, to approve the installation of security cameras on the exterior of the Community Mental Health Building and Harmony Hall, to be paid for by Community Mental Health Funding, at a cost not to exceed \$15,500.00, at no additional cost to the County General Fund. Motion carried."

Motion carried.

Draft Motions from the Committee of the Whole Continued

10. Motion by , supported by , pursuant to motion 368-2023 of the November 30, 2023 Regular Board Meeting, giving the Committee of the Whole the authority to act, to enter into the official record the following action taken at the December 14, 2023 meeting of the Committee of the Whole:

"Motion by Hamilton, supported by Knisely, to adopt the following Resolution, as amended, in support of Broadband expansion in Lapeer County:

RESOLUTION REGARDING BROADBAND INTERNET ACCESS 2023-R12

WHEREAS, *in Lapeer County, 77% of Broadband Survey respondents with internet Access and Visitation Contract reported not having the minimum of 25mb download/3 mb upload speeds to be considered a broadband connection; and,*

WHEREAS, *in Lapeer County, 98% of Broadband Survey respondents with internet Access and Visitation Contract reported not having the modern standard of 100mb download/20mb upload speeds to be considered a broadband connection; and,*

WHEREAS, *the digital divide is exacerbating the homework gap and learning for students without broadband access at home; and,*

WHEREAS, *lack of broadband access negatively impacts economic development, property values, personal prosperity, education, health and safety and overall quality of life; and,*

WHEREAS, *having broadband access enables cost savings in many areas of personal commerce, yielding hundreds of thousands of dollars each year in overspending by those without broadband; and,*

WHEREAS, *communities without broadband have difficulty leveraging capabilities like TeleHealth, online banking, virtual meetings, working remotely and distance learning; and,*

WHEREAS, *broadband access can combat the isolation experienced by our seniors and those living alone by enabling them to stay connected to family and friends.*

NOW THEREFORE BE IT RESOLVED, *that the Lapeer County Board of Commissioners urges Internet Service Providers (ISPs) to leverage their resources, be future-focused and expand high-speed internet access to all residents of Lapeer County, Michigan.*

Roll Call vote: Hamilton, aye; Haggadone, aye; Howell, aye; Knisely, aye; Mast, aye; Zender, aye; Kohlman, aye. 7 ayes. Motion carried unanimously."

Motion carried.

Draft Motions from the Committee of the Whole Continued

11. Motion by , supported by , pursuant to motion 368-2023 of the November 30, 2023 Regular Board Meeting, giving the Committee of the Whole the authority to act, to enter into the official record the following action taken at the December 14, 2023 meeting of the Committee of the Whole:

"Motion by Haggadone, supported by Zender, to rescind motion 331-2023 of the October 26, 2023 Regular Board Meeting, and give Community Mental Health Authority to appoint Brooke Sankiewicz, as the new Chief Executive Officer. Motion carried."

Motion carried.

12. Motion by , supported by , pursuant to motion 368-2023 of the November 30, 2023 Regular Board Meeting, giving the Committee of the Whole the authority to act, to enter into the official record the following action taken at the December 14, 2023 meeting of the Committee of the Whole:

Motion by Haggadone, supported by Hamilton, to allow the County Controller/Administrator to contact all surrounding counties about the possibility of a recycling partnership. Motion carried.

Motion carried.

13. Motion by , supported by , pursuant to motion 368-2023 of the November 30, 2023 Regular Board Meeting, giving the Committee of the Whole the authority to act, to enter into the official record the following action taken at the December 14, 2023 meeting of the Committee of the Whole:

"Motion by Howell, supported by Haggadone, to accept the Chairman's recommendation to change the members of the Recycling Committee to be Commissioner Howell, as Chair, Commissioner Zender, and Commissioner Haggadone as members. Motion carried."

Motion carried.

14. Motion by , supported by , pursuant to motion 368-2023 of the November 30, 2023 Regular Board Meeting, giving the Committee of the Whole the authority to act, to enter into the official record the following action taken at the December 14, 2023 meeting of the Committee of the Whole:

"Motion by Howell, supported by Mast, to corrected expiration date regarding the appointment of Gabriel Lossing, from motion 330-2023 of the October 26, 2023 Regular Board Meeting, to the Veterans Affairs Committee as December 31, 2026. Motion carried."

Motion carried.

DRAFT PROPOSED MOTIONS
FROM THE
December 14, 2023
PROPERTIES COMMITTEE MEETING

1. **Motion by Knisely, supported by Mast, to recommend to the Full Board, pursuant to the recommendation of the Properties Committee, to approve the purchase of the ProQA software to be paid for from the 911 millage line 482-325-977.000, at a cost not to exceed \$86,158.00, at no additional cost to the County's General Fund. Motion carried.**
2. **Motion by Mast, supported by Knisely, to recommend to the Full Board, pursuant to the recommendation of the Properties Committee, to authorize the Executive Director of Central Dispatch to purchase up to 20 replacement radios in a fiscal year, that are unrepairable in the line of APX radios with model numbers ending in "AN," to be paid for from millage line 482-325-977.000, at no additional cost to the County's General Fund, and to further require a bi-monthly report of any purchases under these conditions to the Central Dispatch Authority. Motion carried.**

PROPOSED DRAFT MOTION
FROM THE
DECEMBER 14, 2023
ARPA COMMITTEE MEETING

- 1. Motion by Kohlman, supported by Bustle, based upon the recommendation of the ARPA Committee, to authorize the Buildings & Grounds/Parks Department to proceed with acquiring quotes for engineering drawings and oversight services related to the proposed addition to the Animal Control Building as discussed at the December 14, 2023 A.R.P.A. meeting and report back to the ARPA meeting. Motion carried unanimously.**

PROPOSED DRAFT PERSONNEL MOTIONS
FROM THE DECEMBER 14, 2023
PERSONNEL COMMITTEE MEETING

- 1. Motion by Howell, supported by Hamilton, based upon the recommendation of the Personnel Committee, to authorize the Sheriff's Department to amend their Table of Organization and add one additional full-time Corrections Officer position (#TBD, Pay Grade S4) to meet the needs of Courthouse Security, to be paid from the Law Enforcement Millage funding, and at no additional cost to the County's General Fund. Motion carried unanimously.**

- 2. Motion by Hamilton, supported by Howell, based upon the recommendation of the Personnel Committee, to amend the Table of Organization for Community Mental Health to add and fill one full-time BA Professional position (#TBD, Pay Grade 18, Office of Recipient Rights) to meet program needs and caseloads, to be paid from CMH's budget, and at no additional cost to the County's General Fund. Motion carried unanimously.**

PROPOSED DRAFT MOTIONS
FROM THE
DECEMBER 20, 2023
I.T. COMMITTEE MEETING

- 1. Motion by Haggadone, supported by Hamilton, pursuant to the recommendation of the I.T. Committee to authorize the Administration Office to proceed with the issuance of the Request for Proposal (RFP) for Information Technology Managed Services, as attached, and report back to the Committee. Motion carried unanimously.**

- 2. Motion by Haggadone, supported by Hamilton, pursuant to the recommendation of the I.T. Committee and previous discussions at the Budget Hearings, to authorize the County Administration to amend their Table of Organization and add and fill one full-time I.T. Hardware/Software Network Support Technician position (#TBD, Pay Grade 18), to be paid from the General Fund; and further, to approve the job description for said position, as attached. Motion carried unanimously.**



County of Lapeer

RFP – Information Technology
Managed Services

SECTION 1: GENERAL INFORMATION

A. Introduction

The County of Lapeer is seeking quotations from qualified firms for IT Managed Services for the operation, management and maintenance of the County's computer network and systems hardware, software, and network connectivity.

The County is comprised of multiple departments located in five different buildings. The County's IT director's functions are currently managed by an IT Director under the direction of Administration and Finance.

Current Technical Environment

413 Desktop Computers
13 Virtual Servers
9 Physical Hyper-V Host
450 User Email Accounts
Local and remote cloud back up
Windows Environment
Office 365
Phone system level 1 support

All numbers are approximate and there is no guarantee that they will not fluctuate.

Scope of Work

The County of Lapeer wishes to contract with a firm that will serve under the direction of the Administration and Finance and IT Director. The firm will provide a contracted IT Managed Service Program, performing routine maintenance and updates to the system, deployment of equipment and software, as well as provide a resource for both end users of the systems and management staff to ensure system integrity, reliability, and a strong and reliable security system. Strong emphasis will be placed on the firm's ability to provide excellent technical skills, a strong customer service focus, excellent help desk staffing skills and methodologies, and customer service-oriented deployment. The following details the services to be provided to the County:

Network Administration Services:

Scope of activity includes all County network equipment including switches, routers, firewalls, access points and cabling infrastructure. Primary installation and maintenance of all network equipment; Primary maintenance including regular analysis, routine configuration changes, and installation of patches and upgrades; Monitoring and alert notifications to IT Director on failure or potential failure of critical equipment; Alert notifications to designated County IT Director in the event of failure; Manage and store network configuration information; Maintaining WAN and LAN networks; Maintain documentation, including policies and procedures.

Server Administration Services:

Managing computer systems and networks to include application, database, messaging, file and print and other servers and associated hardware, Software, communications, operating systems necessary for the quality, security, performance, availability, recoverability, and reliability of the system. Ensure scheduled preventative maintenance for equipment is properly and promptly performed; Setup new users and edit or remove existing users on server. Monitor server performance and capacity management services. Configuration management, including changes, upgrades, patches, etc. Support of specialized software products as it relates to the server(s) and associated hardware.

Management of user logins and security. Coordinate repair and maintenance work, ensuring work is conducted in a timely fashion. Notify designated County IT Director in the event of any failure and provide 24/7 on-call support.

Desktop Administration Services:

Perform basic support functions including installation of personal computers, laptops, printers, copiers, peripherals; diagnosing and correcting desktop application problems, configuring laptops and desktops for standard applications and network services, identifying and correcting end user hardware problems, and performing advanced troubleshooting. Maintain an up- to-date inventory of all County computer-related hardware and make available to County Administration upon request. Create and maintain system images for deployment. Escalate desktop (and server) software issues to IT Director when direct user contact is no longer productive.

Network Security:

Maintenance of virus detection programs on County servers, email, and all other computers and laptops including antivirus/antispymware software. Maintain remote access (Current VPN Serve) in a secure environment and provide remote access administration as designated in County policy. Additional tasks related to network security include maintaining the following: spam and virus firewall, secure, reliable and up to date Internet access, Internet content filtering and reporting, and duplicate off-site file backup and disaster recovery as provided in County backup and disaster recovery plan.

Reporting:

To effectively monitor the status of the proposed services, management level status reports will be prepared monthly and monthly meetings with the County IT Director will be held to review work performed, network availability, help desk ticket summary, security issues and concerns, and long-range planning. In addition, review meetings may be held to discuss service delivery and planning to ensure the IT needs of the County are being met.

Personnel:

Provide fully qualified personnel that can perform the required work under the contract resulting from this RFP. Individuals shall be trained on the latest versions and releases of any product required to

County of Lapeer
Information Technology Managed Services

perform their services before they perform work for the County. Firm personnel assigned to the County shall be available during normal business hours (Monday-Friday 8:00 a.m. to 5:00 p.m.).

Furthermore, firm personnel should be available outside of normal business hours for emergency purposes.

Service Levels:

The County expects the IT support services firm to meet the following service levels for help desk ticket resolution:

Severity Level	Response Time Standard Hours 8:00 a.m. to 5:00 p.m.	Resolution Time
Critical (multiple systems/staff affected; production halted)	One hour response. Possible on site.	90% resolved in less than 4 hours
High (Single system/site affected; work stoppage at single site)	Two-hour response	90% resolved in less than 8 hours
Normal (Single system affected; performance issue or other non-critical request)	Four-hour response	75% resolved in less than 16 business hours
Low (Minor performance-affecting issue; limited scope or affect)	One business day response	75% resolved in less than 1 week

Transition / On-Boarding Service:

To prevent disruption and ensure the continuity of County's information technology operations when a firm is selected, a transition period shall be allowed to orient the incoming firm. This involves providing relevant materials (e.g. system passwords, server rack keys, etc.) from County IT Director and/or the County's current IT firm.

SECTION 2: PUBLIC INFORMATION

A. Public Records

After proposals are opened and certified by the Administration Department, they are available for public review by interested parties. Additionally, after proposals are opened, they are public records according to MI law. Contractors may request that certain information, such as trade secrets or proprietary data, be designated as confidential and not considered public records. Material so designated shall accompany the proposal and be in a sealed envelope duly marked, and shall be readily separable from the proposal, in order to facilitate public inspection of the non-confidential portion.

Prices, makes, models, catalog numbers of items offered, deliveries and terms of payment shall not be considered as confidential.

County of Lapeer
Information Technology Managed Services

B. RFP Amendments

The County reserves the right to change the RFP schedule or issue amendments to the RFP at any time. The County also reserves the right to cancel or reissue the RFP. The County reserves the right to request clarification of information from any vendor or to request supplemental material deemed necessary to assist in the evaluation of the proposal. This RFP does not obligate the County to accept or contract for any expressed or implied services. The County reserves the right to reject any or all proposals, to waive any irregularities or informalities in any proposal or in the proposal procedures, and to accept or reject any item or combination of items when determined to be in the best interest of the County to do so.

In the event of a material modification, all known and/or potential Contractors will be notified of an amendment to this RFP. If deemed necessary by the County, Contractors will be given an opportunity to modify their proposal in the specific areas that are affected by the modification.

C. Proposal Questions

To ensure that all prospective respondents accurately and completely understand the RFP requirements, the County will accept written questions via email to the IT Director, Michael Bartley, at mbartley@lapeercouty.org by the date and time listed in the RFP timeline. Replies to all questions will be posted on County website at www.lapeercountymi.gov.

Only one point of contact is offered to respondents for this procurement and all communication must be accomplished exclusively by email submission of questions to the procurement contact above. No other direct or indirect contact is to be made during this RFP period with the procurement contact or with any other member of the County concerning this project. Violation of these project rules may cause for rejection of any submitted proposal.

D. PROPOSAL SUBMISSION

Each Contractor must submit an electronic copy of the proposal and any supporting documentation. The complete proposal package must be clearly identified as "Information Technology Managed Services RFP 10-0131" the proposal may be e-mailed or delivered to:

Doreen Clark, Office Manager
Administrator/Controller Office
County of Lapeer
255 Clay Street
Lapeer, MI 4844
[dclark@lapeercount](mailto:dclark@lapeercounty.org)
[y.org](mailto:dclark@lapeercounty.org)

Proposals must be received by the County by:
Thursday, February 29, 2024 at 3:00 p.m. (EST)

Contractors accept all risks of late delivery of mailed proposals regardless of fault. Facsimile and other electronically transmitted proposals will not be considered. All proposals and accompanying documentation will become the property of the County and will not be returned.

Proposals shall be good for 180 days following the date of submission.

E. NON-COLLUSION DECLARATION

a) Non-Collusion DECLARATION (Attachment A)

By the signature affixed on the proposal, the Contractor certifies that he/she is (the authorized representative, sole owner, partner, president, secretary, etc.) of the party submitting the foregoing proposal; that such proposal is genuine and not collusive or sham; that Contractor has not colluded, conspired or agreed, directly, with any Contractor or person, to put in a sham proposal; or colluded or conspired to have another not submit a proposal and has not in any manner, directly or indirectly, sought by agreement or collusion, or communication or conference, with any person to fix the proposal price of its proposal or any other proposal, or to fix any overhead, profit or cost element of the proposal price, or that of any other Contractor, or to secure any advantage against any Contractor or any person or persons interested in the proposed contract and that all statements contained in the proposal are true; and further, that the Contractor has not directly or indirectly, submitted this proposal, or the contents thereof, or divulged any related information or data to any association or any member or agent of any association.

Each party submitting a proposal must submit as part of its proposal, a completed and signed Non-Collusion Certification. This form is to be included in the RFP packet.

County of Lapeer
Information Technology Managed Services

F. RFP TIMELINE

Following is the RFP calendar for the selection process. The County reserves the right, at its sole discretion, to adjust the RFP Timeline as it deems necessary.

RFP EVENT	DATE/TIME
Issuance of RFP	01/05/2024
Deadline for Proposal Questions	01/26/2024
Response by County to Proposal Questions	02/05/2024
Proposal Submission Deadline (RFP Opening)	02/29/2024 3:00PM
Evaluation Period/Demonstrations	03/01/2024 – 03/08/2024
Notification of Selected Vendor	03/15/2024
Presentation of Selection to Board of Commission	03/28/2024
Award of Proposal and Contract Execution	04/01/2024

G. PROPOSER UNDERSTANDING

- a) Proposer(s) will undergo a preliminary phase evaluation and if selected as a top vendor be prepared for a secondary demonstration and evaluation phase.
- b) Proposer(s) must be prepared to invest the time and resources during their demonstrations as indicated in their proposals to be successful in this procurement.
- c) Proposer(s) must demonstrate all pertinent modules and provide scenarios/scripts articulated towards the County's specific needs, not a general product demonstration.

County of Lapeer
Information Technology Managed Services

- d) Proposer(s) must be prepared to answer business process, technical functionality and other miscellaneous questions during said presentation.
- e) Proposer(s) during demonstration, must provide reasonable understanding of interfacing capabilities with current software and their compatibilities.
- f) The proposer(s) must, during demonstration, clearly delineate their approach to implementation and onsite support.
- g) Proposer(s) are expected to be available for demonstrations between the dates identified on the RFP Timeline. Proposer(s) that cannot demonstrate their software by the time(s) requested may be eliminated. Proposer(s) will be notified no later than two weeks in advance of the demonstration request.

SECTION 3: TERMS AND CONDITIONS

A. For purposes of indemnification requirements, the following terms shall have the meanings set forth below:

The "Contractor" means the person or entity to whom a contract for these services is awarded by the County, and includes the person or entity submitting a proposal in response to this RFP, all of its employees, agents and assignees, and all of its affiliates and subsidiaries, its subcontractors and/or assignees and their respective servants, agents and employees; and "Loss" means any and all loss, damage liability or expense of any nature whatsoever, whether incurred as a judgment, settlement, penalty, fine or otherwise (including attorney's fees and the cost of defense).

B. The County will not reimburse any contractor for any costs involved in the preparation and submission of responses to this RFP or in the preparation for attendance at subsequent interviews.

C. Contractors shall thoroughly examine and be familiar with these specifications. The failure or omission of any Contractor to receive or examine this document shall in no way relieve any Contractor of obligations with respect to this proposal or the subsequent contract.

D. The contract may be terminated by either party by giving written notice to the other party at least ninety (90) days before the proposed termination date. This provision may be exercised only after the contract has been in effect for at least six (6) calendar months. The Contractor shall be entitled to just and equitable compensation for any satisfactory work completed to the termination date. Under no circumstances will any damages be paid as a result of the termination of this contract.

E. The County also reserves the right to cancel the contract without a 90-day written notice if the Contractor is sold or merged with another entity. However, an automatic continuation of all terms of the agreement in the event of a merger or acquisition may occur as long as the new entity guarantees in writing that they will continue to meet all required terms of the agreement and the County agrees in writing to the continuation of the agreement.

County of Lapeer
Information Technology Managed Services

F. The County also reserves the right to terminate the contract without a 90-day written notice if the awarded Contractor fails to comply with any of the terms and conditions of this RFP.

G. During the term of the contract, the Contractor shall comply in all respects with the Equal Employment Opportunity Act. The Contractor shall have a written equal employment opportunity policy statement declaring that it does not discriminate on the basis of race, color, religion, sex, national origin, disability, or age. Finding of non-compliance with applicable state or federal equal employment opportunity laws and regulations may be sufficient reason for revocation or cancellation of the contract.

H. The Contractor shall comply with the provisions of the Americans with Disabilities Act.

I. The RFP and contract shall be governed by and construed according to the law of the State of Michigan.

J. Contractor shall comply with all applicable laws, regulations and rules promulgated by any federal, state, local or other governmental authority or regulatory body pertaining to all aspects of the Work, now in effect, or which may become in effect during the performance of the Work.

K. Neither the County nor the Contractor may assign any of its rights nor delegate any of its duties or obligations under the agreement without the written consent of the other party.

L. The effective date of the agreement is the effective date stated in the agreement or the date the agreement is fully executed, whichever is later. The time period of the agreement will be for one year with second year renewable option. The Agreement will remain in effect until the earliest of: (1) the end date stated in the agreement, (2) the agreement is fully performed by both parties, and (3) the agreement is cancelled or terminated pursuant to the terms of the agreement.

M. The Contractor will warrant that:

County of Lapeer
Information Technology Managed Services

- (a) The recommendations, guidance, and performance of the Contractor under the agreement will be in accordance with the industry's professional standards, the requirements of the agreement and without any material defect;
- (b) No deliverable provided by the Contractor will infringe on the intellectual property rights of any third party;
- (c) All warranties are in accordance with the Contractor's standard business practices;
- (d) All deliverables provided by the Contractor are merchantable and fit for the particular purpose described in the agreement and will perform substantially in accordance with the user manuals, technical materials and related writings;
- (e) All deliverables provided by the Contractor will comply with all governmental, environmental and safety standards;

N. The Contractor agrees to indemnify the County of Lapeer for any and all claims, damages, lawsuits, costs, judgements, expenses, attorney fees, and any other liabilities including, but not limited to, claim for bodily injury to any person, including injury resulting in death, or damage to property, that may arise out of, or is related to, the Contractor's performance of the agreement, provided such is due to the negligence or other tortious conduct of the Contractor or the Contractor's employees, agents or subcontractor. The Contractor agrees to indemnify the County of Lapeer for any claim of infringement of a copyright, patent, trade secret, or similar intellectual property right based on the County of Lapeer's proper use of any deliverable provided by the Contractor under the agreement.

O. The County of Lapeer will not be liable for any indirect, incidental or consequential loss or damage of any kind including but not limited to lost profits, even if the parties are advised, knew or should have known of the possibility of damages. The Contractor agrees that the Contractor shall be liable for all direct damages due to the fault or negligence of the Contractor or its employees, agents or subcontractors.

P. Contractor shall be and remain an independent contractor with respect to all services performed hereunder, and agrees to and does hereby accept full and exclusive liability for the payment of any and all contributions or taxes for social security, unemployment insurance, or old age retirement benefits, pensions or annuities, now or hereafter imposed under any State or Federal law which are measured by the wages, salaries or other remuneration paid to persons employed by Contractor on work performed under the terms of this Agreement, and further agrees to obey all lawful rules and regulations and to meet all lawful requirements which are now or hereafter may be issued or promulgated under said respective laws by and duly authorized State or Federal officials; and Contractor agrees to indemnify and save harmless the County from any such contribution or taxes or liability therefor.

SECTION 4: PRICING

A clear and comprehensive understanding of all costs associated with services is required. All proposals must itemize cost associated with and support systems identified. Include Time and Material Rates for all service(s) not covered as part of the proposal.

Provide two separate pricings:

- 1) For the full scope of work described in the RFP. 2) For the full scope of work less the responsibilities listed under Desktop Administration and Reporting which would be primarily handled by an in-house IT Support Technician.

SECTION 5: REFERENCES

County of Lapeer
Information Technology Managed Services

At least four (4) references for past projects that include products and services similar to those proposed for the County of Lapeer. References of similar size and organization located in the State of Michigan would be preferred. Information should include client name, address, phone number, specific contact person, email for contact person, length of service with client, services utilized by client.

SECTION 6: PROJECT TEAM AND SUPPORT

All proposed team members should be listed and a profile of each should be provided. The proposed staff should be identified by project title. Each profile should indicate the position held by the team member, experience with similar projects, and length of employment with the proposer.

A description of the ongoing support function should be included. This should include support options available, size of support time, hours, average response times, etc.

SECTION 7: IMPLEMENTATION AND WORK PLAN

This should include a definition of the transition and operational integration phases, goals, timelines, schedules, and actions required to assure that contract objectives are met and completed satisfactorily within budget and timeframe.

SECTION 8: SUPPORT

Describe the support included with the transition and operational integration phases.

SECTION 9: OTHER INFORMATION

The proposer may present any additional information that would assist in the evaluation of the software proposal.

LAPEER COUNTY
ADMINISTRATION OFFICE
IT Hardware/Software Network Support Technician

General Summary

Under the general supervision of the County Administrator/Controller, and coordinated with the County's I.T. Director, the role of a Network Support Technician is to help ensure the seamless success of technology use within Lapeer County Local Area Network and Wide area network. The position will gather user problem information, troubleshoot and resolve when possible, or escalate quickly and accurately when appropriate.

Essential Functions/Responsibilities

1. Provide operational support to equipment related to user desktops, laptops, tablets, process PC's (court monitors), Net PC's, servers, associated OS (Windows,Linux,ios), user software, printers, tethered network switches, firewalls, phone systems and untethered wireless access points.
2. Gather/Capture user and problem information.
3. Make use of technical skills, knowledge data bases and other IT resources to resolve problems and escalate problems appropriately.
4. Assist in the creation/maintenance of documentation.
5. Assist end users with hardware and software issues by fielding telephone calls, email communication, help desk tickets, diagnosing and performing troubleshooting activities. Documents, tracks and monitors the problem to facilitate a timely resolution. Relies on established guidelines and County policies to perform daily functions.
6. Applicant must have experience supporting Outlook, Windows, Word, Excel and other desktop applications.
7. Uphold and abide by all HPIAA security and County confidentiality policy.
8. Add/Remove maintain Microsoft Active Directory entries.
9. Installation, configuration, and troubleshooting of OS images and software.
10. Provide onboarding setup and training to individual users and new hires.

Employment Qualifications

Education: Associates Degree or equivalent of two years of college level coursework in computer science or related field.

Experience: Two years of technical experience with mid-range computers, personal computers, and peripheral equipment which included work with wide area and local area networks.

Other Requirements: None.

The qualifications listed above are intended to represent the minimum skills and experience levels associated with performing the duties and responsibilities contained in this job description. The qualifications should not be viewed as expressing absolute employment or promotional standards, but as general guidelines that should be considered along with other job-related selection or promotional criteria.

Qualifications

Excellent verbal and written communications skills.

Exhibit a process-oriented mindset.

Excellent time management, prioritization skills, and organizational skills.

Daily end user support and issue root cause identification.

Strong help ticketing documentation skills.

Experience with PC and Mac hardware.

Knowledge of multiple OSs and applications (LOS, Windows, Linux, Office365, Chrome, Edge).

Experience with remote management tools (VNC, RDP, Kaseya RMM)

Experience with troubleshooting printers.

Experience with Antivirus, Spamware, Cryptolocker, SOPHOS software.

Active Directory user account administration

Working knowledge of VMs vs Physical PCs and servers.

Working knowledge of networking concepts and VLANS.

Experience in Help Desk support or Computer support.

Configuration and troubleshooting web cams and video conferencing.

Configuration and troubleshooting VPN connections.

FLSA Status: Non-exempt

Workers' Compensation Code: 8810

Occupational Employment Statistical Code: 25103

Physical Requirements: *{This job requires the ability to perform the essential functions contained in this description. These include, but are not limited to, the following requirements and working conditions. Reasonable accommodations will be made for otherwise qualified applicants unable to fulfill one or more of these requirements}:*

Ability to access various county departments offices and equipment.

Ability to enter and retrieve information from computers.

Ability to access meeting rooms of Board committees.

Must be able to lift and move around 50 lbs. including equipment, files, or supplies.

Working Conditions:

Works in office conditions.



Proposed Motion to enter Audit Motions for County and Road Commission into the record:

Motion by , supported by , to enter into the record the County's Audit Motions for December 1st and 15th, 2023 and the Road Commissions Audit Motion for disbursements dated November 30th and December 14th, 2023

*****Additional Audit Motions for the last week of December 2023 should be added during this motion at the meeting please.**

LAPEER COUNTY

FOR CHECKS DATED 12/01/2023

PAGE 1

I MOVE THE FOLLOWING EXPENDITURE DISBURSEMENTS FOR CHECKS
DATED 12/01/2023 BE APPROVED BASED ON THE SIGNATURE OF THE
RESPECTIVE DEPARTMENT HEAD/ELECTED OFFICIAL

FUND		PAYROLL	ACCOUNTS PAY	TOTAL DISB.
GENERAL FUND	101	148,263.97	49,297.29	197,561.26
RENTAL PROPERTY	149		129.53	129.53
PROSECUTING ATTORNEY	205	43,054.32	1,301.00	44,355.32
SHERIFF'S DEPARTMENT	207	179,689.94	16,710.93	196,400.87
PARKS/RECREATION FUND	208		324.00	324.00
FRIEND OF THE COURT FUND	215	29,680.71	663.62	30,344.33
HEALTH DEPARTMENT/DISTRIC	221	63,698.70	7,974.27	71,672.97
SENIOR ACTIVITIES	223	24,991.59	16,387.79	41,379.38
ANIMAL CONTROL	225	3,996.24	2,650.48	6,646.72
SPECIALTY COURTS	232		4,069.98	4,069.98
REMONUMENTATION GRANT	245	275.66	1,850.00	2,125.66
DISASTER CONTINGENCY FUND	258	1,978.32		1,978.32
INDIGENT DEFENSE FUND	260		15,149.52	15,149.52
911 SERVICE FUND	261	43,168.00	14,475.25	57,643.25
FORFEITURES FUND	262		398.00	398.00
CONCEALED PISTOL LICENSIN	263	1,144.69	12,175.65	13,320.34
T.N.U.	265		23,040.92	23,040.92
PUBLIC SAFETY MILLAGE	266		47.17	47.17
COMMUNITY CORRECTIONS	272	3,754.31	7,296.37	11,050.68
SENIOR MILLAGE FUND	276		7.88	7.88
POLICE SERVICE CONTRACTS	277	52,952.57		52,952.57
AMERICAN RESCUE PLAN	281		21,760.73	21,760.73
SOIL & SED SPECIAL PROJEC	296		95.00	95.00
LAPEER FAMILY CONTINUATIO	298	700.80		700.80
HISTORIC COURTHOUSE	470		100.00	100.00
BUILDING AND GROUNDS	631		22,431.43	22,431.43
*** TOTAL OF ***		\$597,349.82	\$218,336.81	\$815,686.63

AND THAT THE FOLLOWING EXPENDITURE DISBURSEMENTS BE ALLOWED ON THE
SIGNATURE OF THE RESPECTIVE DEPARTMENT HEAD/ELECTED OFFICIAL AND/OR
THEIR AUDIT COMMITTEE IF APPLICABLE

COMMUNITY MENTAL HEALTH F	222	275,018.01	492,255.58	767,273.59
MEDICAL CARE FACILITY FUN	291		10.38	10.38
CHILD CARE FUND	292	12,036.03	2,950.34	14,986.37
VETERANS RELIEF FUND	293	7,043.15	1,919.23	8,962.38
DELINQUENT TAX REVOLVING	516	1,508.66	8,776.75	10,285.41
FORECLOSURE	532	3,376.95	2,261.30	5,638.25
REVOLVING DRAIN	601		42.50	42.50
DRAIN MAINTENANCE FUND	639		11,251.13	11,251.13
HEALTH INS. FUND	678		22,585.63	22,585.63
DRAIN FUND	801		60,089.00	60,089.00
*** TOTAL OF ***		\$298,982.80	\$602,141.84	\$901,124.64

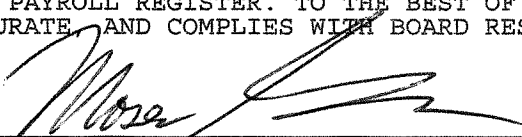
AND THAT THE FOLLOWING EXPENDITURE DISBURSEMENTS BE ALLOWED ON THE
SIGNATURE OF THE RESPECTIVE DEPARTMENT HEAD/ELECTED OFFICIAL AND/OR
STATE STATUTE IF APPLICABLE:

GENERAL CUSTODIAL FUND	701		24,134.65	24,134.65
COMMON BANKING - TRUST AN	702	325,824.54		325,824.54
CURRENT TAX COLLECTION FU	703		28.67	28.67
*** TOTAL OF ***		\$325,824.54	\$24,163.32	\$349,987.86

*** GRAND TOTAL OF DISBURSEMENTS ***	\$1,222,157.16	\$844,641.97	\$2,066,799.13
--------------------------------------	----------------	--------------	----------------

THE COUNTY CONTROLLER/ADMINISTRATORS OFFICE HAS COMPILED THIS AUDIT MOTION
FROM INFORMATION CONTAINED IN THE CHECK SELECTION LIST SUMMARY BY FUND AND
THE PAYROLL REGISTER. TO THE BEST OF OUR KNOWLEDGE THE INFORMATION IS CORRE
ACCURATE AND COMPLIES WITH BOARD RESOLUTIONS AND APPLICABLE POLICES.

Signed:



 Moses Sanzo, Administrator/Controller

LAPEER COUNTY

FOR CHECKS DATED 12/15/2023

PAGE 1

I MOVE THE FOLLOWING EXPENDITURE DISBURSEMENTS FOR CHECKS
DATED 12/15/2023 BE APPROVED BASED ON THE SIGNATURE OF THE
RESPECTIVE DEPARTMENT HEAD/ELECTED OFFICIAL

FUND		PAYROLL	ACCOUNTS PAY	TOTAL DISB.
GENERAL FUND	101	128,630.88	216,360.37	344,991.25
RENTAL PROPERTY	149		3,477.25	3,477.25
PROSECUTING ATTORNEY	205	32,132.77	3,509.04	35,641.81
SHERIFF'S DEPARTMENT	207	137,797.92	20,772.26	158,570.18
PARKS/RECREATION FUND	208		941.57	941.57
FRIEND OF THE COURT FUND	215	26,617.55	716.26	27,333.81
HEALTH DEPARTMENT/DISTRIC	221	60,378.85	53,896.47	114,275.32
SENIOR ACTIVITIES	223	25,015.66	35,845.29	60,860.95
ANIMAL CONTROL	225	4,975.32	3,146.85	8,122.17
SPECIALTY COURTS	232		910.69	910.69
REMONUMENTATION GRANT	245	275.66	566.19	841.85
REGISTER OF DEEDS AUTOMAT	256		2,405.15	2,405.15
DISASTER CONTINGENCY FUND	258	1,978.32	46.66	2,024.98
INDIGENT DEFENSE FUND	260		24,228.72	24,228.72
911 SERVICE FUND	261	35,126.03	10,874.53	46,000.56
FORFEITURES FUND	262		1,080.00	1,080.00
CONCEALED PISTOL LICENSIN	263	1,144.69	490.82	1,635.51
T.N.U.	265		6,462.47	6,462.47
LAW LIBRARY FUND	269		788.70	788.70
COMMUNITY CORRECTIONS	272	3,640.92	15,686.66	19,327.58
COMMUNITY DEVELOPMENT FUN	274		6,490.00	6,490.00
POLICE SERVICE CONTRACTS	277	38,652.46		38,652.46
AMERICAN RESCUE PLAN	281		2,807.50	2,807.50
SOIL & SED SPECIAL PROJEC	296		160.50	160.50
LAPEER FAMILY CONTINUATIO	298	700.80		700.80
HISTORIC COURTHOUSE	470		46.66	46.66
BUILDING AND GROUNDS	631		117,326.27	117,326.27
*** TOTAL OF ***		\$497,067.83	\$529,036.88	\$1,026,104.71

AND THAT THE FOLLOWING EXPENDITURE DISBURSEMENTS BE ALLOWED ON THE
SIGNATURE OF THE RESPECTIVE DEPARTMENT HEAD/ELECTED OFFICIAL AND/OR
THEIR AUDIT COMMITTEE IF APPLICABLE

COMMUNITY MENTAL HEALTH F	222	265,306.99	784,731.28	1,050,038.27
CHILD CARE FUND	292	12,856.40	1,165.32	14,021.72
VETERANS RELIEF FUND	293	6,035.06	2,074.04	8,109.10
BELLE RIVER	479		1,622.50	1,622.50
DELINQUENT TAX REVOLVING	516	1,508.73	10,952.25	12,460.98
FORECLOSURE	532	3,299.57		3,299.57
REVOLVING DRAIN	601		1,279.00	1,279.00
DRAIN MAINTENANCE FUND	639		71,452.41	71,452.41
WORKERS COMP FUND	677		31,149.86	31,149.86
HEALTH INS. FUND	678		414,536.61	414,536.61
DRAIN FUND	801		177,312.56	177,312.56
*** TOTAL OF ***		\$289,006.75	\$1,496,275.83	\$1,785,282.58

AND THAT THE FOLLOWING EXPENDITURE DISBURSEMENTS BE ALLOWED ON THE
SIGNATURE OF THE RESPECTIVE DEPARTMENT HEAD/ELECTED OFFICIAL AND/OR
STATE STATUTE IF APPLICABLE:

GENERAL CUSTODIAL FUND	701		343,915.51	343,915.51
COMMON BANKING - TRUST AN	702	280,523.02	83,051.72	363,574.74
CURRENT TAX COLLECTION FU	703		187,714.65	187,714.65
DISTRICT MUNICIPAL COURT	710		41,654.29	41,654.29
LIBRARY PENAL FINE FUND	721		21,273.74	21,273.74
*** TOTAL OF ***		\$280,523.02	\$677,609.91	\$958,132.93

*** GRAND TOTAL OF DISBURSEMENTS ***		\$1,066,597.60	\$2,702,922.62	\$3,769,520.22
--------------------------------------	--	----------------	----------------	----------------

THE COUNTY CONTROLLER/ADMINISTRATORS OFFICE HAS COMPILED THIS AUDIT MOTION
FROM INFORMATION CONTAINED IN THE CHECK SELECTION LIST SUMMARY BY FUND AND
THE PAYROLL REGISTER. TO THE BEST OF OUR KNOWLEDGE THE INFORMATION IS CORRE
ACCURATE, AND COMPLIES WITH BOARD RESOLUTIONS AND APPLICABLE POLICES.

Signed:


Moses Sanzo, Administrator/Controller

I MOVE THE FOLLOWING EXPENDITURE DISBURSEMENTS FOR CHECKS
DATED 12/15/2023 BE APPROVED BASED ON THE SIGNATURE OF THE
RESPECTIVE DEPARTMENT HEAD/ELECTED OFFICIAL

FUND	PAYROLL	ACCOUNTS PAY	TOTAL DISB.
*** TOTAL OF ***			

AND THAT THE FOLLOWING EXPENDITURE DISBURSEMENTS BE ALLOWED ON THE
SIGNATURE OF THE RESPECTIVE DEPARTMENT HEAD/ELECTED OFFICIAL AND/OR
THEIR AUDIT COMMITTEE IF APPLICABLE

COMMUNITY MENTAL HEALTH F 222	3,619.51	3,619.51
*** TOTAL OF ***	\$3,619.51	\$3,619.51

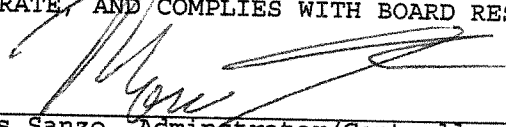
AND THAT THE FOLLOWING EXPENDITURE DISBURSEMENTS BE ALLOWED ON THE
SIGNATURE OF THE RESPECTIVE DEPARTMENT HEAD/ELECTED OFFICIAL AND/OR
STATE STATUTE IF APPLICABLE:

*** TOTAL OF ***

*** GRAND TOTAL OF DISBURSEMENTS ***	\$3,619.51	\$3,619.51
--------------------------------------	------------	------------

THE COUNTY CONTROLLER/ADMINISTRATORS OFFICE HAS COMPILED THIS AUDIT MOTION
FROM INFORMATION CONTAINED IN THE CHECK SELECTION LIST SUMMARY BY FUND AND
THE PAYROLL REGISTER. TO THE BEST OF OUR KNOWLEDGE THE INFORMATION IS CORRE
ACCURATE, AND COMPLIES WITH BOARD RESOLUTIONS AND APPLICABLE POLICES.

Signed:


Moses Sanzo, Administrator/Controller

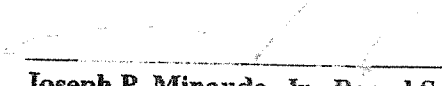
ROAD COMMISSION AUDIT MOTION


For checks dated: 11/30/2023

I move that the following expenditure disbursements be approved based on the signature of the below listed representatives of the Road Commission.

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
201-449-703.000	Salary	\$ 1,062.24
201-449-703.001	Taxable Per Diems	\$ 105.00
201-449-7114.000	Medicare	\$ 22.72
201-449-715.000	FICA	\$ 97.16
201-449-716.000	Medical, Dental, Vision Insurance	\$ 400.00
201-449-717.000	Life Insurance	\$ 10.62
201-449-718.000	Retirement	\$ 94.00
201-449-860.050	Mileage	\$ 10.08
201-449-957.00	Memberships	\$ -
Total:		<u>\$ 1,801.82</u>

The County Road Commission Office has compiled this audit motion from information contained in the records of the Road Commission. To the best of our knowledge the information is correct, accurate and complies with Board resolutions and applicable policies.


Joseph P. Minaudo, Jr., Board Secretary


John Howell, Chairman

ROAD COMMISSION AUDIT MOTION

For checks dated: 12/14/2023

I move that the following expenditure disbursements be approved based on the signature of the below listed representatives of the Road Commission.

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
201-449-703.000	Salary	\$ 1,062.24
201-449-703.001	Taxable Per Diems	\$ 210.00
201-449-7114.000	Medicare	\$ 22.91
201-449-715.000	FICA	\$ 97.95
201-449-716.000	Medical, Dental, Vision Insurance	\$ 400.00
201-449-717.000	Life Insurance	\$ -
201-449-718.000	Retirement	\$ 94.00
201-449-860.050	Mileage	\$ 131.04
201-449-957.00	Memberships	\$ -
Total:		<u>\$ 2,018.14</u>

The County Road Commission Office has compiled this audit motion from information contained in the records of the Road Commission. To the best of our knowledge the information is correct, accurate and complies with Board resolutions and applicable policies.

Joseph P. Minaudo, Jr., Board Secretary

John Howell, Chairman

LIST OF BOARD APPOINTMENTS BY EXPIRATION DATE
Revised 12/19/2023

Name	Board	Length of Term	Expiration Date
Vacant needing to be filled			
Vacant	Senior Programs Advisory Board – District#7	2-year term	December 31, 2022
Vacant	Thumb Regional Community Corrections Advisory Board	2-year term	March 1, 2023
Vacant	Jury Board – Chief Judge Recommendation	Unexpired 6-year term	April 30, 2025
2023			
Jerry Cooper	Agricultural Preservation Board	3-year term	December 31, 2023
William Ankley	Agricultural Preservation Board	3-year term	December 31, 2023
Chris Candela	Brownfield Redevelopment Authority	3-year term	December 31, 2023
Leanne Panduren	Brownfield Redevelopment Authority	3-year term	December 31, 2023
Craig Horton	Brownfield Redevelopment Authority	3-year term	December 31, 2023
Don Dube	Brownfield Redevelopment Authority	3-year term	December 31, 2023
Andrew Harrington	Brownfield Redevelopment Authority	3-year term	December 31, 2023
Steve Zott	Brownfield Redevelopment Authority	3-year term	December 31, 2023
Rick Burrough	Brownfield Redevelopment Authority	3-year term	December 31, 2023
Andrew Harrington	Economic Development Corp.	6-year term	December 31, 2023
Jessica Marco	Economic Development Corp.	6-year term	December 31, 2023
Vacant -Fire	Emergency Planning Committee/Emergency Management Advisory Board	2-year term	December 31, 2023
Willa Talley	Valley Area Agency on Aging (VAAA) Executive Board	2-year term	December 31, 2023
Vacant	Valley Area Agency on Aging (VAAA) Executive Board	2-year term	December 31, 2023

2



Lapeer County EMS
3565 Genesee Road Lapeer, MI 48446
Phone: (810) 664-2927 Fax: (810) 664-3749
www.lcems.org



Municipal Response Information

Lapeer City

November 2023

EMS Call Volume

	EMS calls	LCEMS	MEDSTAR	MARLETTE	LCEMS %
Lapeer City	459	180	279	0	39.22%
Non-Transfer	228	158	70	0	69.30%

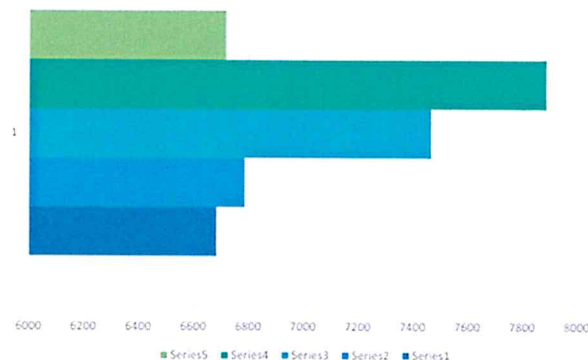
Adjusted Response Times

	Calls for Service	Cancelled	Transfers	Emergency	Emergency Response Average
Lapeer City	180	0	22	158	0:06:59

Millage Copays, Deductibles, and Write Downs Waived to Residents

	Current Month			Year to date
Lapeer City	\$4,885.40			\$114,865.47

LCEMS Annual Volume Comparison



24 Hour Emergency & Non-Emergency (810) 664-1499

Community Owned, Community Focused

RECEIVED

DEC 28 2023

**CITY MANAGER
LAPEER, MI**



CCAD - Monthly Incident Count By Agency for Lapeer
Summary By Department By Incident Type

For 11/01/2023 Thru 12/01/2023



For Cities: LAPEER CITY

Agency Code	Type Code	Num Of Incidents
1E - Lapeer County EMS	ALARMM - MEDICAL ALARM	9
	AMB - AMBULANCE CALL MEDICAL	132
	DOMESTIC - DOMESTIC/ASSAULT	1
	DOS - DEATH ON SCENE	1
	MENTAL - PERSON WITH MENTAL PROBLEMS	2
	PDA - PROPERTY DAMAGE ACCIDENT	1
	PIA - PERSONAL INJURY ACCIDENT	3
	PTTRANS - PATIENT TRANSFER MEDICAL	22
	STRUCTURE - STRUCTURE FIRE	1
	SUICIDAL - SUICIDAL PERSON	3
	WELFAR - WELFARE CHECK	5
Total Incidents for 1E - Lapeer County Ems		180

Sum:

180

**LAPEER COUNTY BOARD OF COMMISSIONERS
ORGANIZATIONAL MEETING
JANUARY 4, 2024
9:00 A.M.**

County Clerk Theresa M. Spencer called the meeting to order at 9:04 a.m. in the Commission Chambers on the lower level of the County Complex Building. Commissioner Mast opened the meeting with prayer. The Pledge of Allegiance was recited.

Present:	Tom Kohlman	District #1
	Gary Howell	District #2
	Kevin Knisely	District #3
	Brad Haggadone	District #4
	Truman Mast	District #5
	William Hamilton	District #6
	Bryan Zender	District #7

ELECTION OF CHAIRPERSON

The County Clerk opened the floor for nominations for the position of Chairperson of the Board of Commissioners for the year 2024.

Commissioner Haggadone nominated Commissioner Kohlman.

01-2024

Motion by Howell, supported by Haggadone, that nominations be closed, the rules set aside, and an unanimous ballot be cast for Commissioner Kohlman to be Chairman for 2024. Roll Call vote: Howell, aye; Zender, aye; Haggadone, aye; Hamilton, aye; Knisely, aye; Mast, aye; Kohlman, aye. 7 ayes. Motion carried unanimously.

The County Clerk declared Commissioner Kohlman as Chairman, and then relinquished the Chair to Commissioner.

ELECTION OF VICE-CHAIRPERSON

Commissioner Hamilton nominated Commissioner Mast for the position of Vice-Chairman of the Board of Commissioners for the year 2024.

02-2024

Motion by Howell, supported by Haggadone, that nominations be closed, the rules set aside, and an unanimous ballot be case for Commissioner Mast to be Vice-Chair for 2024. Roll Call vote: Howell, aye; Haggadone, aye; Hamilton, aye; Knisely, aye; Mast, aye; Zender, aye; Kohlman, aye. 7 ayes. Motion carried unanimously.

Commissioner Hamilton requested that the Board consider holding a few evening meetings throughout the year.

03-2024

Motion by Howell, supported by Zender, to approve the 2024 Schedule of Meetings as presented. Motion carried.

Brief discussion was held regarding the 2024 Chairman Appointments needing to be made.

04-2024

Motion by Haggadone, supported by Hamilton, to adopt and accept the Chairman Committee Appointments. Motion carried.

05-2024

Motion by Mast, supported by Hamilton, to adopt the Rules of Procedure as presented. Motion carried.

06-2024

Motion by Haggadone, supported by Mast, to adjourn the meeting. 9:17 a.m.

Tom Kohlman, Chairman
Board of Commissioners

Theresa M. Spencer, County Clerk
Clerk of the Board

LAPEER COUNTY BOARD OF COMMISSIONERS
January 4, 2024
9:30 A.M.

Chairman Kohlman called the meeting to order at 9:30 a.m. in the Commission Chambers on the lower level of the County Complex Building. Commissioner Hamilton opened the meeting with prayer. The Pledge of Allegiance was recited.

Present:	Tom Kohlman	District #1
	Gary Howell	District #2
	Kevin Knisely	District #3
	Brad Haggadone	District #4
	Truman Mast	District #5
	William Hamilton	District #6
	Bryan Zender	District #7

AGENDA

The agenda and draft minutes from the November 30, 2023 Regular Board Meeting were reviewed.

07-2024

Motion by Haggadone, supported by Mast, to accept the agenda with the addition of an amendment to the Rules of Procedure, and the deletion of a closed session. Motion carried.

08-2024

Motion by Zender, supported by Hamilton, to approve the November 30, 2023 Regular Board, as presented. Motion carried.

ELECTED OFFICIAL/DEPARTMENT HEAD UPDATES

No comments were received.

PUBLIC TIME – one person spoke during public time.

09-2024

Motion by Haggadone, supported by Hamilton, pursuant to motion 368-2023 of the November 30, 2023 Regular Board Meeting, giving the Committee of the Whole the authority to act, to enter into the official record the following action taken at the December 14, 2023 meeting of the Committee of the Whole:

“Motion by Howell, supported by Haggadone, to approve the Attorney-Client Fee Agreement between the County of Lapeer and The Kelly Firm, PLC, for General/Legal Counsel Services for a period of three years, effective January 1, 2024 through December 31, 2026; and further, to authorize the Chair/Vice-Chair to sign said agreement. Motion carried.”

Motion carried.

10-2024

Motion by Haggadone, supported by Hamilton, pursuant to motion 368-2023 of the November 30, 2023 Regular Board Meeting, giving the Committee of the Whole the authority to act, to enter into the official record the following action taken at the December 14, 2023 meeting of the Committee of the Whole:

"Motion by Zender, supported by Mast, to authorize the Chair/Vice-Chair to sign said the Grant Agreement for the Fiscal Year 21 Homeland Security Grant Program Agreement (CFDA# 97.067), that were approved and accepted to reimburse the County for the renewal of the NIXLE Alerting services through March of 2024 (258-2023). Motion carried."

Motion carried.

11-2024

Motion by Haggadone, supported by Hamilton, pursuant to motion 368-2023 of the November 30, 2023 Regular Board Meeting, giving the Committee of the Whole the authority to act, to enter into the official record the following action taken at the December 14, 2023 meeting of the Committee of the Whole:

"Motion by Hamilton, supported by Zender, to accept the 2024 Animal Welfare Fund Grant administered by the Michigan Department of Agriculture and Rural Development Michigan Department Agricultural Rural Development (MDARD); and further, to authorize the County Controller/Administrator to electronically accept the grant and a copy be forwarded to the County Clerk to be entered into the official record. Motion carried."

Motion carried.

Emergency Management Advisory Council - two-year term12-2024

Motion by Haggadone, supported by Hamilton, pursuant to motion 368-2023 of the November 30, 2023 Regular Board Meeting, giving the Committee of the Whole the authority to act, to enter into the official record the following action taken at the December 14, 2023 meeting of the Committee of the Whole:

"Motion by Knisely, supported by Haggadone, to re-appoint Jeremy Howe, Mike Vogt, Kathy Haskins, Kimberly Goldorf, Phil Kaatz, Jeremy Compau, Ted Sadler, Mike Boskee, and Marilyn Szost (alternate for Kathy Haskins), to serve on the Emergency Management Advisory Council, for a two-year term ending December 31, 2025. Motion carried."

Motion carried.

13-2024

Motion by Haggadone, supported by Hamilton, pursuant to motion 368-2023 of the November 30, 2023 Regular Board Meeting, giving the Committee of the Whole the authority to act, to enter into the official record the following action taken at the December 14, 2023 meeting of the Committee of the Whole:

"Motion by Knisely, supported by Hamilton, to authorize payment to Shifman Fournier, in the amount of \$1,740.00, for labor related legal services rendered through November 30, 2023, to be paid from line item 101-239-801.020. Motion carried."

Motion carried.

14-2024

Motion by Haggadone, supported by Hamilton, pursuant to motion 368-2023 of the November 30, 2023 Regular Board Meeting, giving the Committee of the Whole the authority to act, to enter into the official record the following action taken at the December 14, 2023 meeting of the Committee of the Whole:

"Motion by Zender, supported by Mast, to authorize the renewal of the Workers Compensation Service Agreement with Comprehensive Risk Services, LLC, for Fiscal Year 2024 and 2025, for the annual amount of \$29,850.00 each year (with the cost to be shared 38% as Lapeer County's portion and 62% as Lapeer County Medical Care Facility's portion) for the period of January 1, 2024 through December 31, 2025, to be paid from line item 101-242-713.000, with the understanding that this motion authorizes the Finance Department to process the payments as outlined; and further, to authorize the Chair/Vice-Chair to sign said agreement. Motion carried."

Motion carried.

15-2024

Motion by Haggadone, supported by Hamilton, pursuant to motion 368-2023 of the November 30, 2023 Regular Board Meeting, giving the Committee of the Whole the authority to act, to enter into the official record the following action taken at the December 14, 2023 meeting of the Committee of the Whole:

"Motion by Haggadone, supported by Mast, to approve the following documents from Municipal Employees' Retirement System related to placing the seven (7) County Commissioners from the other Elected Officials division 13 into their own separate Defined Contribution Division, which includes a Division Benefit freeze to Defined contribution with the conversion option, per the request of the Board of Commissioners, as submitted:

- *Resolution Adopting the MERS Defined Contribution Plan (1 page)*
- *MERS Defined Contribution Plan Adoption Agreement (5 pages)*
- *Contribution Addendum for MERS Defined Contribution (2 pages)*
- *Defined Benefit Plan Adoption Agreement (7 pages)*
- *Addendum for Plan Closures, Freezes and Conversions (5 pages)*

and further, to authorize the Chair/Vice-Chair to sign said documents, with each document being entered as an official exhibit.

Roll Call vote: Haggadone, aye; Zender, aye; Hamilton, aye; Howell, aye; Knisely, aye; Mast, aye; Kohlman, aye. 7 ayes. Motion carried unanimously."

Motion carried.

16-2024

Motion by Haggadone, supported by Hamilton, pursuant to motion 368-2023 of the November 30, 2023 Regular Board Meeting, giving the Committee of the Whole the authority to act, to enter into the official record the following action taken at the December 14, 2023 meeting of the Committee of the Whole:

"Motion by Zender, supported by Hamilton, pursuant to the written notification given to Prosecuting Attorney John Miller in Board Motion #189-2023 on June 22, 2023, of the Board's intent to seek alternate corporate counsel services, to terminate the Engagement of General/Civil Legal Counsel services agreement that was previously approved in motion #77-21, effective December 31, 2023, with the understanding that this will also eliminate the additional \$17,000.00 stipend allocated to John Miller for corporation counsel services; and further, that this Board wishes to extend sincere appreciation to Mr. Miller for his services over the last three years. Motion carried."

17-2024

Motion by Haggadone, supported by Hamilton, pursuant to motion 368-2023 of the November 30, 2023 Regular Board Meeting, giving the Committee of the Whole the authority to act, to enter into the official record the following action taken at the December 14, 2023 meeting of the Committee of the Whole:

"Motion by Mast, supported by Knisely, pursuant to the recommendation of the Properties Committee, to approve the installation of security cameras on the exterior of the Community Mental Health Building and Harmony Hall, to be paid for by Community Mental Health Funding, at a cost not to exceed \$15,500.00, at no additional cost to the County General Fund. Motion carried."

Motion carried.

18-2024

Motion by Haggadone, supported by Hamilton, pursuant to motion 368-2023 of the November 30, 2023 Regular Board Meeting, giving the Committee of the Whole the authority to act, to enter into the official record the following action taken at the December 14, 2023 meeting of the Committee of the Whole:

"Motion by Hamilton, supported by Knisely, to adopt the following Resolution, as amended, in support of Broadband expansion in Lapeer County:

**RESOLUTION REGARDING
BROADBAND INTERNET ACCESS
2023-R12**

WHEREAS, in Lapeer County, 77% of Broadband Survey respondents with internet Access and Visitation Contract reported not having the minimum of 25mb download/3 mb upload speeds to be considered a broadband connection; and,

WHEREAS, in Lapeer County, 98% of Broadband Survey respondents with internet Access and Visitation Contract reported not having the modern standard of 100mb download/20mb upload speeds to be considered a broadband connection; and,

WHEREAS, the digital divide is exacerbating the homework gap and learning for students without broadband access at home; and,

WHEREAS, lack of broadband access negatively impacts economic development, property values, personal prosperity, education, health and safety and overall quality of life; and,

WHEREAS, having broadband access enables cost savings in many areas of personal commerce, yielding hundreds of thousands of dollars each year in overspending by those without broadband; and,

WHEREAS, communities without broadband have difficulty leveraging capabilities like TeleHealth, online banking, virtual meetings, working remotely and distance learning; and,

(Resolution 2023-R12 continued)

WHEREAS, broadband access can combat the isolation experienced by our seniors and those living alone by enabling them to stay connected to family and friends.

NOW THEREFORE BE IT RESOLVED, that the Lapeer County Board of Commissioners urges Internet Service Providers (ISPs) to leverage their resources, be future-focused and expand high-speed internet access to all residents of Lapeer County, Michigan.

Roll Call vote: Hamilton, aye; Haggadone, aye; Howell, aye; Knisely, aye; Mast, aye; Zender, aye; Kohlman, aye. 7 ayes. Motion carried unanimously."

Motion carried.

19-2024

Motion by Haggadone, supported by Hamilton, pursuant to motion 368-2023 of the November 30, 2023 Regular Board Meeting, giving the Committee of the Whole the authority to act, to enter into the official record the following action taken at the December 14, 2023 meeting of the Committee of the Whole:

"Motion by Haggadone, supported by Zender, to rescind motion 331-2023 of the October 26, 2023 Regular Board Meeting, and give Community Mental Health Authority to appoint Brooke Sankiewicz, as the new Chief Executive Officer. Motion carried."

Motion carried.

20-2024

Motion by Haggadone, supported by Hamilton, pursuant to motion 368-2023 of the November 30, 2023 Regular Board Meeting, giving the Committee of the Whole the authority to act, to enter into the official record the following action taken at the December 14, 2023 meeting of the Committee of the Whole:

"Motion by Haggadone, supported by Hamilton, to allow the County Controller/Administrator to contact all surrounding counties about the possibility of a recycling partnership. Motion carried."

Motion carried.

21-2024

Motion by Haggadone, supported by Hamilton, pursuant to motion 368-2023 of the November 30, 2023 Regular Board Meeting, giving the Committee of the Whole the authority to act, to enter into the official record the following action taken at the December 14, 2023 meeting of the Committee of the Whole:

"Motion by Howell, supported by Haggadone, to accept the Chairman's recommendation to change the members of the Recycling Committee to be Commissioner Howell, as Chair, Commissioner Zender, and Commissioner Haggadone as members. Motion carried."

Motion carried.

22-2024

Motion by Haggadone, supported by Hamilton, pursuant to motion 368-2023 of the November 30, 2023 Regular Board Meeting, giving the Committee of the Whole the authority to act, to enter into the official record the following action taken at the December 14, 2023 meeting of the Committee of the Whole:

"Motion by Howell, supported by Mast, to corrected expiration date regarding the appointment of Gabriel Lossing, from motion 330-2023 of the October 26, 2023 Regular Board Meeting, to the Veterans Affairs Committee as December 31, 2026. Motion carried."

Motion carried.

23-2024

Motion by Knisely, supported by Mast, pursuant to the recommendation of the Properties Committee, to approve the purchase of the ProQA software to be paid for from the 911 millage line 482-325-977.000, at a cost not to exceed \$86,158.00, at no additional cost to the County's General Fund. Motion carried."

24-2024

Motion by Mast, supported by Knisely, to recommend to the Full Board, pursuant to the recommendation of the Properties Committee, to authorize the Executive Director of Central Dispatch to purchase up to 20 replacement radios in a fiscal year, that are unrepairable in the line of APX radios with model numbers ending in "AN," to be paid for from millage line 482-325-977.000, at no additional cost to the County's General Fund, and to further require a bi-monthly report of any purchases under these conditions to the Central Dispatch Authority. Motion carried.

Motion carried.

25-2024

Motion by Howell, supported by Hamilton, based upon the recommendation of the American Rescue Plan Act Committee (ARPA), to authorize the Buildings & Grounds/Parks Department to proceed with acquiring quotes for engineering drawings and oversight services related to the proposed addition to the Animal Control Building as discussed at the December 14, 2023 American Rescue Plan Act Committee (ARPA) meeting and report back to the American Rescue Plan Act Committee (ARPA). Motion carried.

26-2024

Motion by Mast, supported by Zender, based upon the recommendation of the Personnel Committee, to authorize the Sheriff's Department to amend their Table of Organization and add one additional full-time Corrections Officer position (#TBD, Pay Grade S4) to meet the needs of Courthouse Security, to be paid from the Law Enforcement Millage funding, and at no additional cost to the County's General Fund. Motion carried.

27-2024

Motion by Mast, supported by Howell, based upon the recommendation of the Personnel Committee, to amend the Table of Organization for Community Mental Health to add and fill one full-time BA Professional position (#TBD, Pay Grade 18, Office of Recipient Rights) to meet program needs and caseloads, to be paid from Community Mental Health's budget, and at no additional cost to the County's General Fund, to the Personnel Committee. Motion carried.

28-2024

Motion by Knisely, supported by Haggadone, pursuant to the recommendation of the I.T. Committee to authorize the Administration Office to proceed with the issuance of the Request for Proposal (RFP) for Information Technology Managed Services, as submitted, and report back to the Committee. Motion carried.

29-2024

Motion by Hamilton, supported by Knisely, to refer the recommendation of the I.T. Committee and previous discussions at the Budget Hearings, to authorize the County Administration to amend their Table of Organization and add and fill one full-time I.T. Hardware/Software Network Support Technician position (#TBD, Pay Grade 18), to be paid from the General Fund; and further, to approve the job description for said position, to the Personnel Committee. Motion carried.

30-2024

Motion by Hamilton, supported by Mast, to enter into the record the County's Audit Motions for December 1st, 15th, and 29th, 2023 and the Road Commissions Audit Motion for disbursements dated November 30th, December 14th, and 28th, 2023. Roll Call vote: Hamilton, aye; Howell, aye; Knisely, aye; Mast, aye; Zender, aye; Haggadone, aye; Kohlman, aye. 7 ayes. Motion carried unanimously.

No action was taken regarding any of the needed appointments.

31-2024

Motion by Haggadone, supported by Mast, to amend Article 6 of the Rules of Procedure, to include the Solid Waste/Materials Management Planning Committee as a standing Committee. Motion carried.

AD HOCK COMMITTEE UPDATE

Commissioner Howell stated that the Ad Hock Committee regarding the search for Legal Counsel for the County is no longer needed as the work is completed.

PUBLIC TIME – No comments were received.

COMMISSIONER REPORTS

At this time, the Commissioners had an opportunity to give brief reports on meetings and conferences that they have recently attended, as well as upcoming meetings and events, along with statements regarding public time comments.

ADMINISTRATOR/CHIEF FINANCIAL OFFICER UPDATES

Moses Sanzo, County Controller/Administrator wished everyone a new year and stated that he is looking forward to the next full year.

32-2024

Motion by Zender, supported by Hamilton, to adjourn the meeting. 10:04 a.m.

Tom Kohlman, Chairman
Board of Commissioners

Theresa M. Spencer, County Clerk
Clerk of the Board