



AGENDA

REGULAR MEETING OF THE PARCHMENT CITY COMMISSION

NOVEMBER 7, 2016

7 P.M.

PARCHMENT CITY COMMISSION

MAYOR ROBERT B. HEASLEY
COMMISSIONER TERRY HAGEMAN
COMMISSIONER JON HEASLEY

VICE MAYOR ROBERT D. BRITIGAN III
COMMISSIONER DOUGLAS FOY
COMMISSIONER HOLLY EVANS

OFFICERS

CITY MANAGER DENNIS DURHAM
CITY TREASURER/CLERK SHANNON STUTZ

CITY ATTORNEY ROBERT SOLTIS

1. CALL TO ORDER
2. SWEARING IN OF NEW COMMISSIONER
3. ROLL CALL
4. APPROVAL OF MINUTES
 - A. City Commission Regular Meeting Minutes of October 17, 2016 - Accept
5. ADDITIONS OR CHANGES TO THE AGENDA

6. CITIZEN COMMENTS

Persons wishing to address the City Commission on items not already an agenda item, will be allowed five minutes. Please state your name and address for the record. If you require special accommodation, please notify the Clerk.

7. CONSENT AGENDA

Items included on the consent agenda will be dealt with upon one vote by the City Commissioner unless a Commissioner requests an item be dealt with individually.

A. Motion to APPROVE as indicated:

- i. Warrant No. 1321 -- Information Only
- ii. HHW Reporter -- Information Only
- iii. Request from Borgess Run for the Health of It to use city streets on May 7, 2017.

8. UNFINISHED BUSINESS

- A. City of Parchment Rental Housing Code -- Accept for Second Reading
- B. City of Parchment Rental Housing Code -- Final Adoption

9. NEW BUSINESS

- A. Restrictive Covenant for City Right-Of-Way -- Approve
- B. Acceptance of Private Water Main - Approve

10. BOARD AND COMMISSION REPORTS/MINUTES

11. CITIZEN COMMENTS

Persons wishing to address the City Commission on items not already an agenda item, will be allowed five minutes. Please state your name and address for the record. If you require special accommodation, please notify the Clerk.

12. MAYOR AND COMMISSIONER COMMENTS

13. CITY MANAGER COMMENTS/REPORTS

14. ADJOURNMENT

**MINUTES OF THE REGULAR MEETING OF THE PARCHMENT CITY
COMMISSION HELD ON MONDAY OCTOBER 17, 2016.**

1. Call to order

Mayor Heasley called the meeting to order at 7:00 p.m. He led those present in the "Pledge of Allegiance".

2. Roll Call.

Present: Mayor Heasley, Vice Mayor Britigan, Commissioners Fooy, and Heasley, City Manager Durham, Treasurer/Clerk Stutz, and City Attorney Soltis.

Absent None.

3. Minutes

Moved by Commissioner Heasley, supported by Vice Mayor Britigan to approve the amended Minutes of the October 3, 2016 regular meeting.

Motion Carried.

4. Additions or Changes to the Agenda

None.

5. Citizen Comments

Cheryl Jenness, 294 Glendale, had two comments. First as a private citizen, she was pleased with the newsletter. Second, on behalf of the Garden Club, she was rescinding the Club's \$1000 donation to the city, citing lack of action and displeasure with the little action that was taken, saying it was "not in keeping with the project" they "had in mind". Ms. Jenness added that the Garden Club would not donate to the festival next year as no acknowledgement of last year's donation was received. She expressed the Club's disappointment, but suggested they would be willing to donate in the future when administration would be willing to work with them.

Cheryl Post, 131 Parchmount, noted her appreciation for peace and order in the City. She said she was against the Road Diet project. She said she thought it will slow things up, squeezing big trucks off the road. Ms. Post then pulled out a copy of "Little Toot" to stress her point. She pleaded with the Commission to reject the project.

Judy Resler, 218 Maple, discussed the Road Diet as well, saying she worries about school buses, semis, and the homes north of Geno's. She said she thought having a choice (of which lane to drive in) is better. She mentioned a FOIA request she made at Kalamazoo Township that asked for speeding tickets written for the period 9/10/16 - 10/16/16 = 5. She asked if KTPD could be more productive during rush times.

Aaron Parsons, 1109 Parchmount, suggested having to back a trailer out one of the driveways on North Riverview will be very difficult with fewer lanes.

Bob Greene, 133 N Riverview, mentioned that he has friends who live in Kalamazoo on streets that have 3 lanes and they like it. He questioned the cost of the project though, stating he could see both sides of the story, based on the costs involved.

Chester Emmons, 411 N Riverview, is aware of the speeding, but says being able to park on the street is a plus for him. He also stated that the "fear of cops" in Parchment is lost and that should be brought back. He also suggested getting the traffic lights to work better.

Dawn Brady, 415 N Riverview, expressed her concern about snowfall and how often her family is unable to get in their driveway because of the plowed snow piled up. She said they usually park in the street while they dig themselves out.

Heather Dendinger, 349 Glendale, asked what is the cost of the project and what does the process look like?

City Manager Durham gave a brief history of the project, where it began in 2009 as a result of a study with the mill project. The study noted that Riverview is significantly overbuilt for the current traffic, and they recommended the Road Diet. There are plans with maps and boards that show the bedroom community feel with boulevards and landscaping. At the time, the Commission decided to wait on this. At the Commission's workshop/budget meeting early this year, the Commission asked about the project again, with the idea of phases and committed funds in the budget to complete the new study. More information will be posted when the study is complete.

Heather Dendinger responded that she looks forward to more information and liked the newsletter.

Mayor Heasley said he thought the input given today was valuable, and noted that the Commission wasn't rushing into anything.

David Post, 131 Parchmount, said he didn't think bikers used the lanes of other roads because of the junk that accumulates in them; he stated he is against the project, "don't go forward" with it.

Karen Conner-Beck, 1124 Parchmount, stated that she felt that before any money is spent on Riverview on the Road Diet, that money should be allocated to fixing Parchmount.

Nicole Parsons, 1109 Parchmount, suggested that the drop off at the Middle School could be a problem with the Road Diet.

6. Consent Agenda

A. Moved by Vice Mayor Britigan and supported by Commissioner Hageman, to receive the consent agenda items.

Motion Carried.

7. Unfinished Business

A. Appointment of City Commissioner to Fill Vacancy – applicant interview. Holly Evans, 221 Espanola, answered questions from the Commission. She is a 10 year resident of Parchment, has a degree in Human Resources from WMU and stated she was interested in getting involved in the community and thought this was a good way to serve. Ms. Evans added that she is more of a team player than a leader, but is willing to speak up when necessary. She noted that she is planning on running in the May 2017 election as well. Moved by Commissioner Heasley, supported by Commissioner Hageman to appoint Holly Evans to the Parchment City Commission to fill the vacancy through May of 2017. Roll call vote was as follows:

Ayes: Britigan, Fooy, Hageman, J Heasley, R Heasley.

Nays: None.

Absent: None.

Abstain: None.

Motion Carried 5-0

8. New Business

B. City of Parchment Rental Housing Code – accept for First Reading. City Manager Durham began by noting that there is still opportunity to make changes if they are wanted and/or needed. He then turned

the floor over to Attorney Soltis. Attorney Soltis went on to say that after the first draft of the code was reviewed by Commissioners and landlord comments received, he made changes that include requiring rental properties to register; inspections when properties change hands or complaints are filed; adding an appeals process. Mayor Heasley wished fees and code could be more uniform countywide, but praised Attorney Soltis's changes. Commissioner Heasley approved of the changes as well, stating it balances fairness for tenant and landlord alike. Commissioner Hageman echoed approval for this version, saying it will help with proceeding with the project. Commissioner Fooy asked would complaints be able to be made by people other than tenants, meaning neighbors. Vice Mayor Britigan cited that this version is more manageable, but voiced his concern over who the housing/appeals board would be, as the City sometimes struggles with a lack of volunteers. Moved by Commissioner Heasley, supported by Commissioner Hageman to accept the City of Parchment Rental Housing Code for First Reading. Roll call vote was as follows:

Ayes: Britigan, Fooy, Hageman, J Heasley, R Heasley.

Nays: None.

Absent: None.

Abstain: None.

Motion Carried 5-0

9. Standing Board and Committee Reports

None.

10. Citizen Comments

Bob Greene, 133 N. Riverview, in response to the rental code, said liked the idea of forming a board, and suggested having it made up of tenants, landlords, Commissioners and private citizens.

Aaron Parsons, 1109 Parchmount, suggested having the rental code require tenants to report complaints to the landlord first, and also asked how the tenants would know their rights.

11. Mayor and Commissioner Comments

Commissioner Heasley thanked Holly Evans for stepping up to .

Commissioner Hageman congratulated Holly Evans and noted she looks forward working with her. She also thanked all of the citizens for coming to the meeting, saying they helped educate the Commission with their concerns.

Vice Mayor Britigan told the Commission that on October 1, the CCTA assumed full responsibility over transportation in the area, creating seamless bus service. He mentioned going with the Mayor to a legislative breakfast with our congressman.

Mayor Heasley told everyone that he and the ViceMayor did their civic duty by riding in the Homecoming Parade the previous Friday.

12. City Manager Comments/Reports

A. City Manager Durham gave the Commissioners a code enforcement update, citing the number of code violations identified through diligent work.

13. Adjournment

There being no further business to come before the Commission, it was moved by Commissioner Fooy and supported by all to adjourn the meeting at 8:22 p.m.

Shannon S. Stutz
City Clerk



Warrants # 1321
November 7, 2016

City of Parchment

Attachment 1 - Check Register Report 1321
Attachment 2 - Purchasing card usage

City of Parchment
Check Register Report
Warrant 1321

Check #	Date	Vendor Name	Check Description	Amount
MERCANTILE Checks				
33413	10/24/2016	BLUE CROSS BLUE SHIELD OF MI	EE/Retiree Ins - November	11,035.88
33414	10/24/2016	JOE BONHOMME	BCBS Rebate 2015	171.45
33415	10/24/2016	CINTAS CORP	Restock 1st Aid Cabinet	103.96
33416	10/24/2016	CINTAS CORPORATION LOC. 725	Uniform Rental & Towels	115.58
33417	10/24/2016	CONSUMERS ENERGY	Citywide energy - October	2,595.67
33418	10/24/2016	CORNERSTONE OFFICE SYSTEMS	Monthly Contract 10/4 to 11/3	100.62
33419	10/24/2016	CT ELECTRICAL SERVICES, INC.	Repair Float Conduit-Haymac Li	2,200.00
33420	10/24/2016	DECORATIVE THREAD	Embroidery on Jackets, etc.	112.00
33421	10/24/2016	DEYOUNG LANDSCAPE SERVICE	Treatment #5-Stage	165.00
33422	10/24/2016	JAMES DUBY	BCBS Rebate 2015	247.99
33423	10/24/2016	DENNIS DURHAM	BCBS Rebate 2015	210.94
33424	10/24/2016	ENGINEERED PROTECTION SYSTEMS	Water Tower 11/1 to 1/31/17	255.81
33425	10/24/2016	WENDY GAUL	BCBS Rebate 2015	70.72
33426	10/24/2016	KALAMAZOO OIL CO.	Fuel Charges 10/1 to 10/15/16	279.36
33427	10/24/2016	LINDE GAS NORTH AMERICA LLC	Monthly Comp Air & Comp Chg.	25.84
33428	10/24/2016	MAINTENANCE MASTERS, INC.	Mowing of Right of Ways	175.00
33429	10/24/2016	MATTHEW PEDERSON	Wedding Dep Refund-10/15/16	100.00
33430	10/24/2016	PREIN & NEWHOF	Tanis, stormwater, water asset, Riverview final	13,556.65
33431	10/24/2016	REPUBLIC SERVICES #249	City Wide Pickup-October	7,809.77
33432	10/24/2016	SEVERANCE ELECTRIC CO INC	Traffic Signal Maint-Sept.	120.00
33433	10/24/2016	SMALL BUSINESS ADMIN SERVICES	HRA - October	52.50
33434	10/24/2016	STEVE SMITH	BCBS Rebate 2015	129.64
33435	10/24/2016	PHIL WOLTHUIS	BCBS Rebate 2015	215.53

Purchasing Card Usage
Warrant 1321
Monday, November 07, 2016

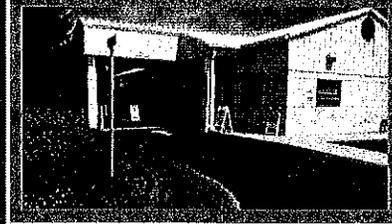
Charge Date	Description	Vendor Name	Amount
8/25/2016	Paint for Crosswalks	Menard's	14.90
8/25/2016	Rocks for around park entrance sign	Mulder's Landscape	82.00
8/29/2016	paint for crosswalks	Sherwin Williams	209.01
8/30/2016	Blade for Newest zero turn	Extreme Power	71.97
8/30/2016	garbage bags for park	One Way Products	78.74
8/30/2016	Esther Drenth flowers	Vandersalm's Flowers	50.00
8/31/2016	August	TDS	721.45
9/2/2016	2 3/4" hack saw	Menard's	11.99
9/2/2016	caulk and caulk gun	Menard's	18.24
9/2/2016	water testing supplies	Hach	382.89
9/2/2016	internet @ water	Verizon	40.01
9/2/2016	Internet @ PW	Verizon	40.01
9/2/2016	Joe Cell phone	Verizon	58.61
9/6/2016	Battery back up water tower	Amazon.com	108.61
9/8/2016	bug spray	Harding's	15.98
9/8/2016	annual license fee for In Design newsletter layout	Adobe Creative Cloud	381.47
9/9/2016	Life Saving Award for Dress Uniform	Firestore Onlnie	108.39
9/9/2016	Fall regional meeting Joe	Michigan Section AWWA	110.00
9/9/2016	DD lunch w Lt Ergang	North 11	28.31
9/9/2016	paper, P towels, T paper	Quill	192.89
9/12/2016	steel for rack to put highway salter on	Alro Metals	308.22
9/12/2016	radiator for 2009 zero turn	King's Radiator	450.50
9/13/2016	fuel filter zero turn	Extreme Power	9.98
9/13/2016	oil dry and starting fluid	Advance Auto	55.91
9/14/2016	fan shroud for 2009 zero turn	Extreme Power	103.99
9/19/2016	fitting for 529 Park ave	Galloup	13.05
9/19/2016	fittings for stock	Etna	205.18
9/20/2016	2014 zero turn parts	Extreme Power	32.89
9/21/2016	Blades for cut off saw	Tractor Supply	26.97
9/21/2016	air compressor drain valve	Tractor Supply	4.99
9/21/2016	Ink cartridges	Walmart	56.94
9/21/2016	September	TDS	730.38
9/22/2016	rocks for city signs	Mulder's Landscape	82.00
9/23/2016	top dirt around new concrete @ stage	Mulder's Landscape	38.00

HHW REPORTER

3RD QUARTER 2016

NEWS AND PARTICIPATION STATS FROM
THE HOUSEHOLD HAZARDOUS WASTE CENTER

1301 Lamont Avenue
Kalamazoo, MI 49048
269.383.8741
www.kalcounty.com/hhw



✓ CHECK IT OUT:

Kalamazoo County
Health & Community
Services 2015
Annual Report

2016 Expected Closures:

November 24-25
(Thanksgiving)

December 23, 2016 -
January 2, 2017
(Winter Break)

**REMAINING 2016
SATURDAY
COLLECTIONS
8:00am-12:00pm**
October 8
November 12
December 10

Reduce, Reuse, Recycle!



Reducing, reusing, and recycling everyday items helps you, your community, and the environment by saving money, energy, and natural resources. In addition to the hazardous waste collected at the HHW Center, all corrugated card board is recycled (a full dumpster every week!) and 1,000's of plastic grocery bags are returned to stores that accept them.

To encourage reuse, the HHW Center has long had a "Swap Shop". Customers can pick up 10 items per month such as: fertilizers; "Garden Safe", "Espoma" or other organic lawn/garden chemicals; spray paints; unopened car products; gentle cleaners; and one-pound propane cylinders. There are usually gas cans available too. Having the Swap Shop saves on disposal costs and provides a much needed free resource in our community.



3RD QUARTER HHW CENTER PARTICIPATION

Municipality	July	Aug	Sept	3rd Quarter Total
Alamo Township	22	19	20	61
Almena Township	15	11	14	40
Antwerp Township	32	7	20	59
Augusta Village	0	2	0	2
Berrien County	5	1	0	6
Brady Township	19	20	20	59
Charleston Township	13	11	7	31
Climax Township	8	4	5	17
Climax Village	6	3	1	10
Comstock Township	88	97	74	259
Cooper Township	55	46	50	151
Kalamazoo City	266	245	188	699
Kalamazoo Township	102	97	93	292
Oshtemo Township	91	71	115	277
Parchment City	5	15	7	27
Pavilion Township	32	24	50	106
Paw Paw Township	7	2	3	12
Portage City	200	254	172	626
Prairie Ronde Township	7	4	4	15
Richland Township	51	41	50	142
Richland Village	4	8	6	18
Ross Township	31	21	29	81
Schoolcraft Township	29	37	13	79
Schoolcraft Village	7	5	5	17
Texas Township	71	90	64	225
Vicksburg Village	6	3	5	14
Wakeshma Township	2	2	1	5
Subtotal	1,174	1,140	1,016	3,330
Regular HHW Paying Customers	30	32	85	147
Electronics Paying Customers	45	16	32	93
Grand Total	1,249	1,188	1,133	3,570

3rd Quarter 2016 participation increased 2.2% over 2015

3RD QUARTER RECYCLING COST SHARE

BILLING PERIOD 7/01/16-9/30/16

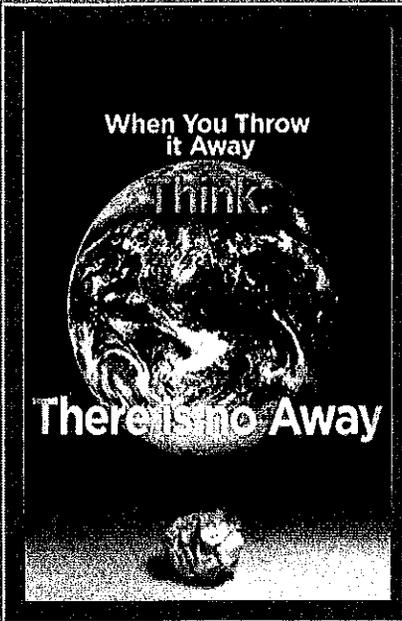
CONTRACTOR DISPOSAL COSTS	\$22,725.37
ELECTRONICS RECYCLING	\$11,845.62
TOTAL BILLING	\$34,570.99

MUNICIPALITY	HOUSEHOLD EQUIVALENTS	PERCENT	TOTAL COST
ALAMO TOWNSHIP	61	1.83	\$633.28
ALMENA TOWNSHIP	40	1.20	\$415.27
ANTWERP TOWNSHIP	59	1.77	\$612.52
AUGUSTA VILLAGE	2	0.06	\$20.76
BERRIEN COUNTY	6	0.18	\$62.29
BRADY TOWNSHIP	59	1.77	\$612.52
CHARLESTON TOWNSHIP	31	0.93	\$321.83
CLIMAX TOWNSHIP	17	0.51	\$176.49
CLIMAX VILLAGE	10	0.30	\$103.82
COMSTOCK TOWNSHIP	259	7.78	\$2,688.85
COOPER TOWNSHIP	151	4.53	\$1,567.63
KALAMAZOO CITY	699	20.99	\$7,256.79
KALAMAZOO TOWNSHIP	292	8.77	\$3,031.45
OSHTEMO TOWNSHIP	277	8.32	\$2,875.72
PARCHMENT CITY	27	0.81	\$280.31
PAVILION TOWNSHIP	106	3.18	\$1,100.46
PAW PAW TOWNSHIP	12	0.36	\$124.58
PORTAGE CITY	626	18.80	\$6,498.93
PRAIRIE RONDE TOWNSHIP	15	0.45	\$155.73
RICHLAND TOWNSHIP	142	4.26	\$1,474.20
RICHLAND VILLAGE	18	0.54	\$186.87
ROSS TOWNSHIP	81	2.43	\$840.92
SCHOOLCRAFT TOWNSHIP	79	2.37	\$820.15
SCHOOLCRAFT VILLAGE	17	0.51	\$176.49
TEXAS TOWNSHIP	225	6.76	\$2,335.88
VICKSBURG VILLAGE	14	0.42	\$145.34
WAKESHMA TOWNSHIP	5	0.15	\$51.91
TOTAL	3,330	100.00	\$34,570.99



THIS IS NOT A BILL. INVOICE WILL BE MAILED OUT AT A LATER DATE.

3RD QUARTER COLLECTIONS 2016



Keep an eye out
for 2017
Contracts!

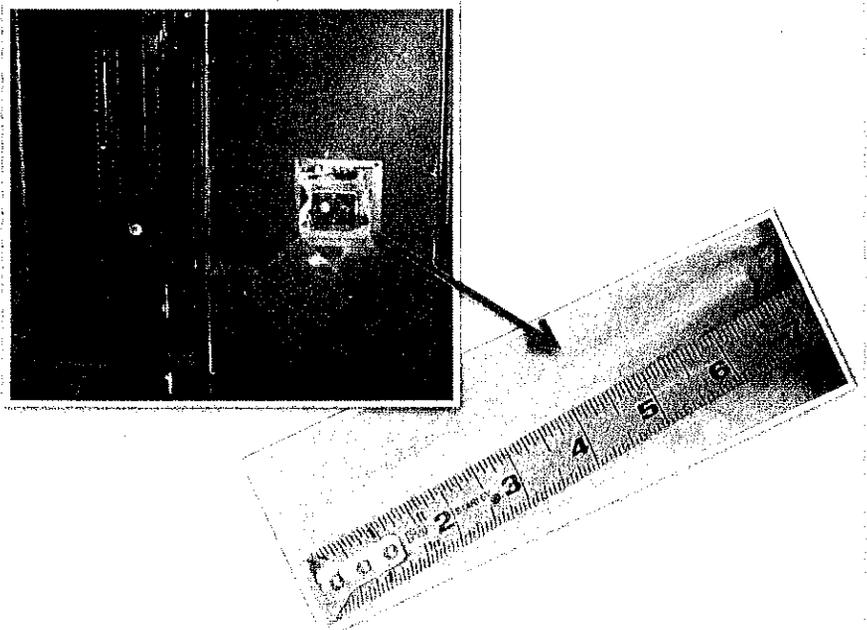
NUMBER OF HOUSEHOLD EQUIVALENTS	3,330
NUMBER OF SMALL BUSINESS EQUIVALENTS	240

ITEM(S)	POUNDS
ELECTRONICS FROM HOMEOWNERS	115,075
ELECTRONICS FROM SMALL BUSINESSES	5,178
CHEMICAL WASTE FROM HOMEOWNERS *	36,609
CHEMICAL WASTE FROM SMALL BUSINESSES *	6,881
ANTIFREEZE	3,700
COPPER WIRE	767
FIRE EXTINGUISHERS	750
INK AND TONER CARTRIDGES	263
OIL FILTERS	560
PESTICIDES	4,576
RECHARGEABLE BATTERIES	9,792
SCRAP METAL	5,802
USED MOTOR OIL	22,880
TOTAL POUNDS COLLECTED	212,833

* acids, aerosols, ammunition, bases, batteries (alkaline & lithium), cleaners, flammable liquids, flares, fluorescent bulbs, mercury, oil based paint, organic peroxides, oxidizers, PCB ballasts, poisons/toxics, propane cylinders (1 pound only)

Photo(s) of the Quarter

As early as the 1920's, safes and vaults were commonly fitted with chemical theft deterrent devices. Thin glass vials were housed in a metal casing mounted on the back or inside of the safe door in line with the combination dial. If an attempt was made to open the safe by force, the glass vials would break and release chloropicrin, a chemical much like tear gas. In August, the HHW Center received this vial of chloropicrin that came from a safe similar to the one pictured.



City of Parchment
 Household Hazardous Waste
 CY January 1, 2016 - December 31, 2016
Report Period: 7/1/2016 - 9/30/2016

15

	Current Quarter	YTD	Budget	Balance
<i>Expenditures:</i>				
Collections	\$280.31	\$700.78	\$991.00	\$290.22
Operational Costs	\$0.00	\$609.00	\$609.00	\$0.00
<i>Total Expenditures</i>	\$280.31	\$1,309.78	\$1,600.00	\$290.22

**KALAMAZOO
MARATHON**

BORGESS

Run for the Health of It!



October 28, 2016

Dennis Durham
City Manager
City of Parchment
650 S. Riverview Dr.
Parchment, MI 49004

Dear Dennis:

I am writing on behalf of the Borgess Run for the Health of It to request your authorization to use Parchment city streets from 8 a.m. through 3 p.m. on Sunday, May 7, 2017.

In this, the 38th year of the Borgess Run, we're including the following races in the lineup: Marathon, Half Marathon, 10K and 5K. Enclosed are copies of the course maps for your reference. All courses will remain the same as last year.

We would appreciate your approval, in writing, at your earliest convenience so that we may proceed with plans. We'd be happy to meet with the city commission if you think it would be beneficial.

Should you require additional information, please don't hesitate to contact us at 345-1913. Thank you for your cooperation and support.

Sincerely,

A handwritten signature in black ink that reads "Blaine". The signature is fluid and cursive, with a long, sweeping underline that extends to the left.

Blaine Lam, Coordinator
Borgess Run for the Health of It
261 E. Kalamazoo Ave., Suite L400
Kalamazoo, MI 49007

Enclosures

COURSE MAP

Kalamazoo Marathon and Half Marathon

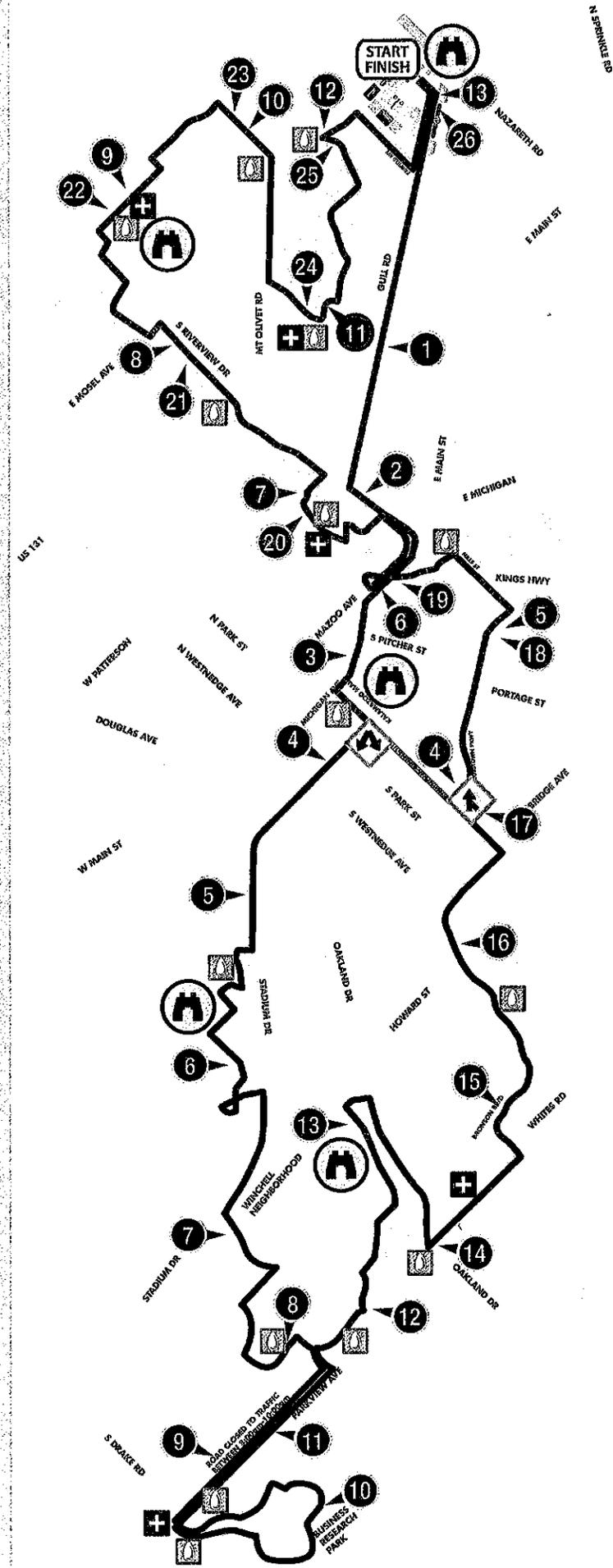
-  KALAMAZOO MARATHON
-  BORGESS HALF MARATHON
-  Marathon & Half Shared Course
-  MARATHON Mile Marker
-  HALF MARATHON Mile Marker
-  Marathon/Half Course Merge
-  Marathon/Half Course Split
-  Medical
-  Water/GU Brew



WHERE TO WATCH

- 8:00-9:00 Kalamazoo Mall ●●
- 8:30-9:30 WMU ●
- 9:00-11:00 Winchell/Oakland/Bronson ●
- 9:00-1:00 Kindleberger Park ●●
- 8:00-12:00 Start/Finish Line at Tent City ●●

at the Kalamazoo Run



CITY OF PARCHMENT
KALAMAZOO COUNTY, MICHIGAN
ORDINANCE _____

AN ORDINANCE TO AMEND THE PARCHMENT CITY CODE OF ORDINANCES TO PROVIDE FOR A RENTAL HOUSING CODE; TO PROVIDE RULES AND REGULATIONS THEREFORE; TO ESTABLISH PROCEDURES FOR INSPECTIONS, CERTIFICATION AND APPEAL; TO ESTABLISH A HOUSING BOARD OF APPEALS; TO ADOPT THE INTERNATIONAL PROPERTY MAINTENANCE CODE BY REFERENCE, AS AMENDED HEREIN; TO MAKE VIOLATION HEREOF A MUNICIPAL CIVIL INFRACTION; TO ESTABLISH JURISDICTION AND PROCEDURES THEREFORE; TO REPEAL ALL OTHER ORDINANCES AND PARTS THEREIN INCONSISTENT OR CONTRARY TO THIS ORDINANCE AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

THE CITY OF PARCHMENT ORDAINS:

ARTICLE I

Chapter 14, Article III, Sections 14-43 through 14-50 are hereby reserved.

ARTICLE II

Chapter 14, Article IV (Rental Housing Code), Sections 14-51 through 14-83, of the Parchment City Code of Ordinances are hereby created and shall read as follows:

"Sec. 14-51. Title and Purpose.

- a. *Title:* This chapter shall also be known and may be cited as the "City of Parchment Rental Housing Code.
- b. *Purpose:* The general purpose of this chapter is to protect the public health, safety and the general welfare of the people of the City. These general objectives include, among others, the following specific purposes:
 1. To protect the character and stability of the residential areas within the City.

2. To provide minimum standards for kitchen, heating and sanitary facilities necessary to the health and safety of occupants of buildings.

Sec. 14-52. Definitions.

Generally:

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

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.

Terms Defined in Other Codes: Where terms are not defined in this Code and are defined in the building, fire prevention, zoning, plumbing or mechanical codes, ASME A17.1 AND NFPA 70, such terms shall have the meanings ascribed to them as in those codes.

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.

Parts: Whenever the words "*dwelling unit*", "*dwelling*", "*premises*", "*building*", "*rooming house*", "*rooming unit*", or "*story*" are stated in this Code, they shall be construed as though they were followed by the words "*or any part thereof*".

Terms defined:

Accessory Building means any building or structure, not used as a dwelling, which is located on the same premises as a dwelling.

Agent; Responsible Local: See Section 14-64.

Approved means determined by the City to be in compliance with this chapter.

Basement means a portion of a building located partly underground but having more than one-half (1/2) its clear floor-to-ceiling height below the average grade of the adjoining ground.

Basic Structural Elements means the parts of a building which provide the principal strength, stability, integrity, shape and safety, including, but not limited to, plates, studs, joists, rafters, stringers, stairs, subflooring, flooring, sheathing, lathing,

roofing, siding, window frames, door frames, porches, railings, eaves, chimneys, flashing, masonry and all other essential components.

Bed-and-Breakfast Inn shall be a private residence that offers sleeping accommodations to transient tenants in five (5) or fewer rooms for rent. It shall be the innkeeper's residence in which the innkeeper resides while renting the rooms to transient tenants, and it serves breakfast at no extra cost to its transient tenants.

Bedroom means any room or space used or intended to be used for sleeping purposes.

Board or Board of Appeals means the Housing Board of Appeals established in Section 14-73.

Certificate of Compliance: A document issued by the enforcing agency which states that the listed property is in substantial compliance with the requirements of this chapter.

Common Areas are those interior and exterior areas normally accessible to all occupants, such as, but not limited to, hallways, stairs and yards. Common areas do not include dwelling units, exterior or interior areas assigned to specific occupants, such as assigned storage or parking places, or such places as offices and do not include areas from which occupants are generally excluded.

Condemned: To adjudge unfit for occupancy.

Deteriorate means to decay, decompose or degenerate.

Deterioration or deteriorated means the fact or process of decay, infestation, rotting, decomposition or degeneration which has progressed to the point where it has resulted in or will soon result in making an object or mechanism unsafe, unsanitary, inoperable, unusable or unsuitable for its intended use, including, but not limited to, the advanced stage of rot, rust, mold, insect ingestion, infestation or destruction.

Duplex means a building with two (2) dwelling units.

Dwelling means any building which is wholly or partly used or intended to be used for living by human occupants.

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.

Egress is what an exit provides.

Exit is a continuous and unobstructed means of egress to a public way and shall include intervening aisles, doors, doorways, corridors, exterior exit balconies or platforms, ramps, stairways, smoke proof enclosures, horizontal exits, exit passageways, exit courts and yards. Ladders are not accepted as an exit unless they are part of an approved ladder assembly and exit plan.

Family: See zoning definition.

Garbage means the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food, including cans, containers and wrappings wasted therewith.

Garbage Container means either:

1. A watertight container that is constructed of durable material impervious to rodents that is capable of being serviced without creating unsanitary conditions or such other containers that have been approved by the Kalamazoo County Health Department. Containers shall have tight-fitting covers or lids; or
2. A receptacle designed to be transported by or mechanically emptied into a refuse collection vehicle and does not include receptacles used in office buildings, businesses and single-family dwellings which are less than twenty-gallon capacity.

Good Repair means to be properly installed, stable and maintained sufficiently free of defects or deterioration so as to be functional for its present use and to be safe and sanitary.

Good Workmanship means completing a task of construction, repair or replacement to industry standards using like materials so that the result is free of defects, operates as intended and creates no unsafe conditions.

Habitable Area means all areas within a dwelling unit, excluding:

1. Bathrooms and/or toilet compartments.
2. Foyers and connecting corridors which are too small to be used for any other purpose than as foyers and connecting corridors.
3. Stairways.
4. Closets and storage space used as such or too small to be used for anything else.

Hotel/Motel is any building containing six (6) or more guestrooms intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests.

Mechanical Equipment includes heating equipment, water heaters and other items specifically covered by the City's mechanical/plumbing code.

Minor Violations are violations which do not pose an immediate or near term threat to the physical health or safety of the occupant(s) or public. They include, but are not limited to, such items as worn or torn carpeting, holes in interior wall or ceiling surfaces, loose hinges or door knobs, checked window glazing, low heat in one room or area, dripping faucets, absence of street address numerals, minor peeling exterior paint, etc.

Multiple Dwelling means a residential building containing three (3) or more dwelling units arranged either side by side or one above the other (also apartment, townhouse and garden apartment). Such term shall also mean any building containing:

1. Two (2) or more dwelling units and one (1) or more commercial occupants; or
2. Two (2) or more commercial occupants and one (1) or more dwelling units.

Nuisance shall include:

1. Any public nuisance known at common law or equity.
2. Any condition which might attract and be dangerous to the public, whether in a dwelling, on the premises upon which a dwelling is located or upon an unoccupied lot near a dwelling. This includes, but is not limited to, abandoned wells, cisterns, shafts, basements, excavations, structurally unsound fences, outbuildings or structures, lumber, vegetation, mounds of gravel, sand or earth which might prove a hazard for the public and whatever is dangerous to human life or is detrimental to health.
3. Overcrowding a room with occupants.
4. Lack of adequate egress.
5. Insufficient ventilation or illumination.
6. Inadequate or unsanitary sewage or plumbing facilities.

7. Improper disposal of garbage, rubbish, refuse and/or trash.
8. Whatever renders air, food or drink unwholesome or detrimental to health as determined by the health officer.
9. Insufficient support, inadequate sewerage, drainage, heating or wiring.
10. Any violation of the provisions of this chapter relating to the aforesaid declared nuisances.

Occupant means any person living, sleeping, cooking or eating in or having actual possession of a dwelling unit or rooming unit.

One-Family Dwelling means a residential building containing a dwelling unit for occupancy by only one (1) family.

Owner means any person who, alone or jointly or severally with others:

1. Shall have the legal or equitable title to a dwelling with or without the accompanying actual possession thereof; and/or
2. Shall be the land contract purchaser of any premises or dwelling; or
3. Shall have the charge, care, custody, possession or control of any dwelling as owner or agent of the owner or as fiduciary.

A housing co-operative or condominium whether it is a partnership, corporation or any type of association, shall be considered an owner of the buildings, grounds and dwelling units which are part of the co-operative or condominium.

Plumbing means and includes all of the following supplied facilities and equipment: Water pipes, garbage disposal units, waste pipes, toilets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents and any other supplied fixtures, together with all connections to water and sewer lines.

Premises means any lot or parcel of land including any structures thereon.

Refuse means any waste product which is not water-carried and which is composed wholly or partly of such materials as garbage, rubbish, sweepings, industrial solid wastes or domestic solid wastes, organic wastes or such other substances as may become a nuisance.

Rental Unit means any dwelling unit, rented or leased or any dwelling occupied as a home or family unit containing certain rooms in excess of those occupied by

members of the immediate family and occupied as a home or family unit which is leased or rented to one (1) or more persons outside the family. Dwelling units in a housing cooperative or condominium shall be considered rental units for purposes of this section, if they are rented.

Residential Collective means a residential dwelling, other than a multiple dwelling or roominghouse, in which sleeping, cooking and eating facilities are let by the owner or agent to more than two (2) persons who are not related by blood, marriage or adoption to the owner or operator or to each other. This definition shall include any society, club, fraternity, sorority, association, lodge, federation, organization or group of individuals whose domestic relationship is of a transitory or seasonal nature.

Rooming Unit or Sleeping Room(s) means any room or group of rooms forming a single habitable unit or intended to be used for living and sleeping but not for cooking or eating purposes.

Roominghouse and Bed-and-Breakfast Inns means any dwelling or that part of any dwelling or dwelling unit containing five (5) or less rooming units in which space is let primarily for sleeping purposes by the owner or agent to more than two (2) persons who are not related to the owner or agency by blood, marriage or adoption.

Rubbish means any combustible or non-combustible waste materials, except garbage, including, but not restricted to, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, plastics, tree branches, yard trimmings, tin cans, metals, automotive parts, mineral matter, glass, crockery, duct and the residue from the burning of combustible materials.

Structurally Sound means that all basic structural elements (see definition) shall provide strength, stability, integrity, shape and safety. Proof of structural soundness may be required from the property owner. Evidence shall be submitted by a licensed architect or engineer. (Proof and evidence are not definitions but requirements relocate this part to workmanship.)

Substantial Violations are violations which pose an immediate or near term threat to the physical health or safety of the occupant(s) or public. They include, but are not limited to, such items as lack of dwelling unit heat or water, broken/leaking/plugged sanitary sewer or drains, improper or inadequate venting of fossil fuel burning appliances, loose or missing stair treads or rails, foundation walls in danger of collapse, lack of required functioning smoke alarms, blocked or unsafe exit paths, etc.

Supplied means paid for, furnished or provided by or under the control of the owner.

Tenant means any person, other than a legal or equitable title holder, occupying or possessing a dwelling or part thereof.

Two-Family Dwelling means a residential building containing two (2) dwelling units, each intended for occupancy by only one (1) family.

Unfit for Human Habitation: Any dwelling or dwelling unit which, because of its condition or the condition of the lot upon which the dwelling or dwelling unit stands or any accessory structure thereof is dangerous to life, safety or the general welfare of the occupants or of the public, shall be deemed unfit for human habitation.

Sec. 14-53. Service of Notices or Orders Hereunder.

Unless otherwise provided for the purpose of this chapter, a person shall be deemed to be served with a notice or order on the date of personal service of a copy thereof or on the date the notice or order is mailed to him or her at the address registered with the City.

Sec. 14-54. Compliance with Chapter Generally.

No person shall occupy, rent, lease or permit any occupancy of any dwelling or dwelling unit unless it substantially complies with all applicable provisions of this chapter. Occupancy of any dwelling unit regulated by this chapter shall create a rebuttable presumption that such occupancy has occurred with the express and/or implied consent of the owner.

Sec. 14-55. Temporary Dwelling to Comply with Chapter.

It shall be unlawful for any person to erect or occupy any structure which is intended to be occupied, in whole or in part, as a temporary dwelling unless it complies with all provisions of this chapter.

Sec. 14-56. Application of Chapter to Hotels and Motels.

Every provision of this chapter which applies to roominghouses shall also apply to hotels and motels except to the extent that any such provisions may be found in conflict with the laws of the state or with the lawful regulations of any state board or agency.

Sec. 14-57. Occupancy of House Trailer, Camper, Van, Mobile Home, Tent or Other Similar Shelter as Dwellings.

No house trailer, camper, van, mobile home, tent or other similar shelter, whether mobile or not, shall be occupied as a dwelling within the City except as may be permitted in legally established trailer parks.

Sec. 14-58. Dwellings Constituting Nuisances not to be Occupied.

No dwelling or dwelling unit shall be occupied if it constitutes a nuisance as defined in Section 14-52. The City shall have the authority to condemn any premises deemed a nuisance and order it promptly vacated by posting a notice of condemnation at a conspicuous location on the property and by mailing written notice to the owner of record. Occupancy of any such dwelling or dwelling unit creates a rebuttable presumption that such occupancy has occurred with the express and/or implied consent of the owner.

Sec. 14-59. Abatement of Rent in Case of Dwelling Unfit for Human Habitation.

If any building constructed as or altered into a dwelling is occupied in whole or in part for human habitation in violation of this chapter so that the same is unfit for human habitation during the unlawful occupation, no rent shall be accepted, retained or recoverable by the owner or lessor of the premises for the period; no action or special proceedings shall be maintained for possession of the premises for non-payment of rent; the premises may be declared unfit for human habitation; and the City, acting as the enforcing agency, may cause it to be vacated accordingly.

Sec. 14-60. References to Codes.

To the extent the terms "*Building Code*", "*Electrical Code*", "*Mechanical Code*", and "*Plumbing Code*" are used in this chapter or notices issued pursuant to this chapter, refer to those respective codes in Chapter 14, Article I, of the City of Parchment State Construction Code Ordinance; Chapter 14, Article II, of the Energy Code and Chapter 14, Article III, of the International Property Maintenance Code. The word "*code*", when not used in any of the foregoing contexts, but used in this chapter or in a notice issued pursuant to this chapter, refers to Chapter 14, Article IV, Rental Housing Code.

Sec. 14-61. Removing or Disconnection Required Services, Facilities, Equipment or Utilities.

No person shall cause any utility which is required under this Chapter or state law to be removed, shut off from, or disconnected from any occupied dwelling, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies where discontinuance of service is approved by the City.

Sec. 14-62. Registration of Hotels, Rental Dwellings, Residential Collectives, Bed and Breakfast Inns, and Roominghouses.

The owner of any hotel, any rental dwelling, or of any residential collective, bed and breakfast inn, or roominghouse, shall register it with the City and shall designate a person, as defined in Section 14-64, as the responsible local agent who shall be legally responsible for compliance with the City Code and shall also be responsible for

providing access to such property for the purpose of making the inspections necessary to ensure such compliance in conformance with applicable provisions of this chapter and state law. Each responsible local agent shall maintain a current list of the number of occupants of each hotel, bed and breakfast inn, or roominghouse for which he/she is responsible. A certificate of compliance shall not be issued if the registration provisions of this Article are not complied with.

Sec. 14-63. Registration Forms.

An application for registration shall be made in such form and in accordance with such instructions as may be provided by the City. No application for registration shall be valid unless it is filled out completely and approved by the City.

Sec. 14-64. Responsible Local Agent.

- a. The responsible local agent shall be a person or representative of a corporation, partnership, firm, joint venture, trust, association, organization or other entity having his/her place of residence in the County of Kalamazoo, or having his/her place of residence in the approved zip codes (as determined by the City), provided that his/her residence may be reached by a toll-free telephone call from the City of Parchment. The responsible local agent shall be designated by the owner of the premises as responsible for operating such property in compliance with all the provisions of the City Code. All official notices of the City may be served on the responsible local agent, and any notice so served shall be deemed to have been served upon the owner of record.
- b. The City may, by ordinance or resolution, require that the registered agent in any area or areas designated by the City Commission be licensed by the State of Michigan as a Real Estate Broker, a Real Estate Salesperson, an attorney, or such other licensing or certification requirement as the City Commission deems appropriate. In the event that such a requirement is imposed, the City shall not issue a new certificate of compliance for any property in the designated area that is not in compliance with this section, and shall revoke the certificate of compliance for any property in the designated area that is not in compliance with this section by the date specified in the ordinance or resolution creating the designated area.

Sec. 14-65. Transfer of Ownership; Transfer of Non-Complying Properties.

- a. In the event of any transfer of ownership, any registration, but not necessarily the certificate of compliance, issued under this chapter

shall become invalid. Any new owner shall comply with the provisions of Section 14-63 within fifteen (15) days of the date of the transfer of ownership. Every person who transfers an ownership interest in any property regulated by this Chapter shall notify the City in writing within ten (10) days of such transfer. The validity and expiration date of a certificate of compliance shall not be affected by a transfer of ownership.

- b. It shall be unlawful for the owner of any hotel, rental dwelling, roominghouse or other dwelling regulated by this chapter, including an owner-occupied single-family home, who has received a compliance order or upon whom a notice of violation has been served to transfer his/her ownership in any way to another or let to another or sell by land contract to another until the provisions of the compliance order or notice of violation have been complied with and such compliance has been certified by the City, or until such owner shall have first furnished to the grantee, lessee or vendee a true copy of any compliance order or notice of violation and shall have furnished to the City, on a form provided by the City, a signed and notarized statement from the grantee, vendee or lessee, acknowledging (i) the receipt of such compliance order or notice of violation; (ii) that the property is not presently occupied; (iii) that no occupancy of the premises is permitted under this chapter until compliance with the provisions of Section 14-66 has been certified by the City; and (iv) that the grantee, lessee or vendee understands that it is a violation of this chapter to otherwise permit occupancy of the premises prior to the issuance of a certificate of occupancy by the City. Compliance with the provisions of this chapter shall continue to be the responsibility of the new owner until the provisions of this section are fully satisfied.

Sec. 14-66. Certificates of Compliance for Hotels, Roominghouses, Multiple Dwellings, Rental Dwellings and Residential Collectives.

- a. No person shall operate, lease, rent or occupy a hotel, including a bed and breakfast inn, roominghouse, multiple dwelling, residential collective or any rental dwelling, including single family homes and duplexes unless there is a valid certificate of compliance issued by the City in the name of the agent and issued for the specific hotel, roominghouse, multiple dwelling, residential collective or rental dwelling. The certificate of compliance shall be displayed in a conspicuous place in each building being rented at all times. The certificate shall be issued in conformance with such rules as the City Manager or his or her designee shall promulgate after registration with the City.

- b. The City shall not issue a certificate of compliance unless a current registration is in effect, the responsible local agent is properly designated, and the responsible agent has verified by affidavit that compliance has been secured with the minimum standards and other provisions of the City Code of Ordinances.
- c. No certificate of compliance for any property regulated by this Chapter shall be issued until all of the following fees and debts owed to the City and related to the property have been paid in full:
 - 1. All previously billed property taxes;
 - 2. All past due special assessment installments;
 - 3. All charges against the property for mowing, cleanup or weed or debris removal and other similar charges by the City;
 - 4. Any fees, fines, penalties or debts of any sort arising from violation of any City Ordinance.

Sec. 14-67. Revocation or Denial of Certificate of Compliance.

- a. Whenever the City finds that the operator of any rental dwelling, roominghouse, bed and breakfast inn, residential collective, or hotel has failed to comply with a notice of violation issued pursuant to Section 14-69 of this Code, the certificate of compliance may be revoked.
- b. Any person whose registration to rent or lease a dwelling regulated by this chapter has been denied or whose certificate of compliance has been revoked shall not permit occupancy of the premises until it has been properly registered with the City and a certificate of occupancy has been issued.
- c. Upon revocation of a certificate of compliance or a determination by the City that any dwelling unit or structure regulated by this chapter is unfit for human habitation, the owner or operator of said unit(s) shall immediately take such legal action as may be required to vacate the premises, including eviction proceedings; and no person shall thereafter occupy for sleeping or living purposes the unit(s) therein until said unit(s) is in compliance with this Code. All vacant buildings shall be maintained closed to casual entry.

Sec. 14-68. Civil Remedies for Violations.

- a. In case any dwelling is constructed, altered, converted or maintained in violation of any provision of this chapter or of any order or notice given hereunder, or in case a nuisance exists in any dwelling or upon the lot on which it is situated, or within an accessory structure, the City may institute an action in the circuit court to prevent such unlawful construction, alteration, conversion or maintenance, to restrain, correct or abate such violation or nuisance, to prevent the occupation of such dwelling, building or structure or to prevent any illegal act or conduct a business in or about such dwelling or lot. The procedure for such action shall be the same as for any injunction or abatement of a nuisance under circuit court rules, the statutes in such cases made and provided, or the common law. The judgment of the court in such cause may direct the correction, repair or rehabilitation of the dwelling or building or the abatement of the nuisance, may authorize a reasonable time within which the defendant may make such correction or abatement and may authorize the City to execute and carry out the provisions of the judgment in case of default by the defendant. Whenever the City has incurred any expense for the enforcement of this chapter or the judgment of the court including court costs and actual attorney's fees, the City may institute and maintain a suit against the owner of the premises in respect to which such expense shall have been incurred and may recover the amount of such expense in addition to the costs of suit. The judgment of the court may order the vacation of the premises until the corrections, rehabilitations or abatements are completed.
- b. The City shall have a lien upon the premises for the expenses necessarily incurred in the execution of such judgment, which lien shall have priority over all other liens or encumbrances, except taxes, assessments or mortgages recorded previous to the existence of such lien. Such lien may be foreclosed as in the case of foreclosure of mortgages by such court action as is permitted by law.
- c. In any action instituted by the City under this section, the City Attorney may file, in the office of the Register of Deeds, a notice of the pendency of the action or proceeding. A notice may be filed at the time of the commencement of the action or proceeding, or at any afterward before final judgment or order, or at any time after the service of any notice or order issued by the City. The notice shall have the same force and effect as a Lis Pendens. The Register of Deeds shall record it and shall index it to the name of

each person specified in directions prescribed by the City Attorney. Any notice may be vacated upon the order of the judge of the court in which the action or proceeding was instituted or is pending or upon consent, in writing, of the City Attorney. The Register of Deeds shall make the notice and any record thereof as canceled of record upon the presentation, for filing, of consent or of a certified copy of the Order.

Sec. 14-69. Responsibility for Violations; Procedures.

- a. Any person who causes, permits, allows or maintains a condition on or in any premises in violation of a criminal provision of this chapter shall be deemed responsible for a municipal civil infraction. Each day that a violation exists shall constitute a separate infraction.
- b. Whenever there has been a violation of any provision of this chapter or any rule or regulation thereto, the City may give notice of the violation to the person responsible therefor and order the correction of the violation. Such notice shall:
 1. Be in writing.
 2. Include a statement of the conditions that constitute violations of this chapter.
 3. Specify that a permit for the performance of the work necessary to correct such violations must be obtained if one is required by the City Code.
 4. Notify the owner, agent or occupant, as the case may require, of the time within which the violation shall be corrected.
 5. Be served upon the owner, agent or occupant as the case may require. Such notice shall be deemed to be properly served upon such owner or agent or upon such occupant if a copy is served upon him/her personally; or if a copy is sent by mail to his/her last known address; or a copy thereof is posted in a conspicuous place on the dwelling affected by the notice; or if such notice is served by any other method authorized or required under the laws of this state. The time for performance shall commence on the

date of personal service or date of posting or mailing depending upon the method of service used.

- c. Whenever any inspector finds that a violation of this chapter creates a situation which requires immediate action to protect the public health and safety, he/she shall bring the matter to the attention of the building official. If the building official agrees with the inspector, the building official shall, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he or she deems necessary to meet the emergency. Notwithstanding the other provisions of this chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately.
- d. Prosecutions for civil violations of this chapter may also be commenced by issuing an appearance ticket or citation without prior notice.

Sec. 14-70. Fines.

In addition to any other penalties provided herein, a Defendant found responsible of any violation of this Code shall be subject to a fine not to exceed \$500.00. When a Defendant has been found responsible for or admits responsibility for violating the provisions of this Code, the Court shall determine at the time of sentencing whether the violation constituted an immediate threat to health or safety. An immediate threat to health or safety is a condition which, because of its nature, presents an immediate risk of injury to persons, damage to property or creates a health hazard or unsanitary condition. If the violation constitutes an immediate threat to health or safety, the fine shall be \$500.00. If the violation does not constitute an immediate threat to health or safety, the fine shall be set by the Court, not to exceed the maximum set forth herein, commensurate with the violation. If the Court determines that the Defendant has been found responsible for or admits responsibility for a prior violation of this Code within one (1) year of a previous adjudication, the Court shall order a fine of no less than \$150.00 dollars. If the Court determines that there has been two prior adjudications within one (1) year, the fine shall be no less than \$250.00. Each day that a violation occurs shall be considered a separate offense.

Sec. 14-71. Additional Remedies.

- a. In addition to any fine required by Section 14-70, a judge or magistrate who finds a person responsible for a violation of this chapter which is designated as a municipal civil infraction (MCI) shall order that person to bring the subject property into full compliance with all provisions of this chapter, and shall set a deadline for compliance which shall not exceed thirty (30) days

except in cases of exceptional practical difficulty. Non-compliance with such Order shall be punishable by contempt of court proceedings.

Sec. 14-72. Change in Ownership of Multiple Dwellings.

- a. No person shall transfer his ownership of any multiple dwelling to any other person or sell any such property by land contract unless the entire property has been inspected within sixty (60) days prior to said transfer or sale and either:
 1. The property complies with Chapter 14 of the City Code of Ordinances, and a certificate of compliance, as provided under Section 14-66 of the City Code of Ordinances, is then issued; or
 2. A notice of violations is then issued.
- b. This section shall not apply if:
 1. A certificate of compliance was already in effect at time of the sale or other transfer; or
 2. The City received a written request from the owner for inspection and did not conduct the inspection within thirty (30) days of such receipt, and the sale or other transfer was then completed within sixty (60) days of the expiration of the thirty-day period.

ARTICLE II
INSPECTIONS

Sec. 14-73. Inspections to Enforce Chapter – Generally.

For purposes of enforcement and administration of Chapter 14 of the City Code, the following shall apply:

- a. The City, acting as the enforcing agency, may require inspections be made for the enforcement of this chapter.
- b. The City shall be entitled to, but not required to, inspect the premises upon one or all of the following:
 1. When ownership of the premises changes (see Section 14-65); or

2. If a tenant or tenants make a written complaint to the City specifying the alleged violation that the premises is uninhabitable, unsafe or not in compliance with City Codes.
- c. The City shall have authority to obtain a search warrant to perform any inspection authorized by this Chapter or by state law. Such a search warrant shall be deemed to be an administrative search warrant, and shall permit an inspection to go forward only if authorized by this chapter and state law. Such a search warrant shall be issued in the event that the premises in question have not been inspected within the time period prescribed by ordinance, by administrative policy, or by rule, or when the premises no longer have a current certificate of compliance. For those premises which have not previously been certified under this chapter, the search warrant shall establish the legal basis necessary to issue a search warrant under applicable state and federal law. Any search warrant issued under this chapter shall establish that the City has complied with such other provisions of this chapter and such state laws as may be applicable.
 - d. Inspections under this section shall be carried out by the City as the enforcing agency and may include such representatives of other agencies as may form an inspection team to undertake an inspection under this chapter and other applicable ordinances.
 - e. In a non-emergency situation in which the owner or occupant demands a search warrant, the City shall obtain a warrant from a court of competent jurisdiction. The occupant shall have the exclusive right to demand a search warrant for an inspection of any dwelling unit. The warrant shall state the address of the building to be inspected, the nature of the inspection, as defined in this chapter or other applicable ordinances, and the reasons for the inspection. It shall be appropriate and sufficient to set forth the basis for inspection (e.g., mandatory periodic inspection, complaint, area or recurrent violation basis) established in this section, in other applicable statutes, ordinances or in rules or regulations. The warrant shall also state that it is issued pursuant to authority granted by this chapter and by the authority of § 127 of Public Act 167 of 1917, as amended (MCL 125.527), and that it is for the purposes set forth for the inspection of rental property by state statutes and City ordinances. The owner and/or responsible local agent shall be responsible for providing access whenever a search warrant is issued pursuant to the provisions of this chapter.

- f. The City may, subject to approval by the City Commission, establish and charge a reasonable fee for inspections conducted under this chapter.

ARTICLE III
HOUSING BOARD OF APPEALS

Sec. 14-74. Established; Composition; Appointment and Qualifications of Members.

There shall be established a Housing Board of Appeals to perform the general powers and duties outlined hereinafter in Section 14-75. The City Commission shall act as the Housing Board of Appeals.

Sec. 14-75. General Powers and Duties.

The Board shall act as an advisory committee to the City Commission and shall have these additional powers and duties:

1. Hear and decide appeals from and review any order, requirement, decision or determination made by officials charged with the enforcement of this chapter, except that the Board shall not have the authority to hear any matter pending in any court, to review decisions to inspect any property, or to review the terms of any certificate of compliance. All decisions of the Board shall be subject to review as provided by law.
2. Where the literal application of specific provisions of this chapter would result in an exceptional practical difficulty to the applicant, the Board shall have the power, in passing upon appeals, to modify a specific provision of this chapter provided both of the following requirements are satisfied:
 - a. The performance of the particular part or item of the building or structure with respect to which the variance is granted shall be adequate for its intended use and shall not substantially deviate from performance required by this chapter for the safety and welfare of the people of the City.
 - b. The specific condition justifying the variance shall be neither so general nor recurrent in nature as to make an amendment of this chapter with respect to the condition reasonably desirable.

3. The Housing Board of Appeals may attach in writing any stipulations in connection with granting of a variance that, in its judgment, is necessary to protect public health, safety, and the general welfare of the people of the City. The breach of those stipulations shall automatically invalidate the variance and any certificate granted on the basis of it. In no case shall more than a minimum variance from this chapter be granted than is necessary to alleviate the exceptional practical difficulty.

Sec. 14-76. Procedural Rules.

The Board may make such procedural rules, consistent with the provisions of this chapter, as shall be necessary to perform its duties and exercise its powers.

Sec. 14-77. Appeals to Board.

- a. Appeals from rulings of any official charged with the enforcement of this chapter may be made to the Board within such time as shall be prescribed by the Board or by this chapter. The appellant shall file, with the official from whose decision the appeal is taken and with the Board, a notice of appeal, specifying the grounds therefor, an alternate method to achieve the performance required by this chapter, and stating the address of the appellant. The official from whom the appeal is taken shall forthwith transmit to the Board a summary report of all previous action taken, and a recommendation as to the adequacy of the proposed alternative.
- b. The Board shall fix a reasonable time for the hearing of an appeal under this section and give due notice thereof to interested parties and decide the same within a reasonable time. Within the limits of its jurisdiction, as prescribed in Section 18-182, the Board may reverse, modify or affirm, in whole or in part, the order, requirement, decision or determination which is the basis for the appeal, and to that end shall have all the powers of the official from whom the appeal is taken, the final disposition of such appeal shall be in writing and shall state the specific conditions justifying the variance, along with all conditions imposed in granting the variance. Such disposition shall be filed with the permanent property record and shall be forthwith mailed to the address given as part of the notice of appeal.

Sec. 14-78. Requests for Interpretation of Chapter, Approval of Materials, etc.

Any person may file with the Board requests for the interpretation of the provisions of this chapter as provided by Section 14-75(1), or for the approval of alternate methods or materials, in the same manner as provided in this article for appeals to the Board.

Sec. 14-79. Finality of Decisions.

Any quasi-judicial decision by the Board hereunder shall be subject to review, as provided by applicable law, in the Kalamazoo County Circuit Court or other court of competent jurisdiction, provided that such review must be sought within thirty (30) days from the date of the Board's decision.

ARTICLE III
ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE
2015 EDITION

Sec. 14-80. Adoption of the International Property Maintenance Code, 2015 Edition.

The *International Property Maintenance Code*, 2015 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Parchment, in the State of Michigan for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City of Parchment are hereby referred to, adopted and made a part hereof, as if fully set out in this legislation with the additions, insertions, deletions and changes, if any, prescribed in Section 14-81 of this Ordinance.

Sec. 14-81. Amendments to Code.

The following sections are hereby added:

- Section 101.1: City of Parchment.
- Section 103.5: Fees shall be set from time-to-time by Resolution of the City Commission.
- Section 106.3: Municipal civil infraction.
- Section 112.4: Not less than \$200.00 nor more than \$500.00 each day a violation occurs.

- Section 302.4: 12 inches (weeds).
- Section 304.14: (Insect screens) From May 1st to October 1st.
- Section 602.3: (Heat) From October 1st to June 1st.
- Section 602.4: From October 1st to June 1st.

Sec. 14-82. No Prior Restraint

That nothing in this legislation or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or Ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

ARTICLE IV
HEALTH AND SANITATION

Sec. 14-83. Authority of City and County.

- a. Notwithstanding any other provision of the City Code of Ordinances, the Health Department of Kalamazoo County is hereby granted the authority to inspect for purposes of health, cleanliness and sanitation in the City for the full enforcement of the Kalamazoo County health Code in the City in dwellings containing four (4) or more lawful dwelling unites and is hereby granted concurrent jurisdiction with the City in such cases.
- b. Subsection (a) above shall not apply to dwellings in which accommodations are customarily rented or let for a continuous period of more than thirty (30) days to the same tenant or tenants simultaneously.
- c. Subsection (a) above shall not apply to hospitals or nursing homes.
- d. Nothing in this Section 14-83 shall be construed to limit or reduce the authority of the City to enforce the City Code of Ordinances in all dwellings in which the county lacks authority under Subsection (a) or (c) above.
- e. Nothing in this Section 14-83 shall limit or reduce the authority of the City to enforce its building, plumbing, electrical and mechanical codes or those parts of the City Code of Ordinances governing

safety and structural soundness and integrity in any building in the City."

ARTICLE V
REPEALER

All Ordinances or parts thereof in conflict herewith are hereby repealed and shall be of no further force and effect.

ARTICLE VI
SEVERABILITY

Any and all sections, terms, provisions and/or clauses herein shall be deemed independent and severable. Should any court of competent jurisdiction hold any section, term, provision or clause void and/or invalid, all remaining sections, terms, provisions and/or clauses not held void and/or invalid shall continue in force and effect.

ARTICLE V
EFFECTIVE DATE

This Ordinance shall take force and effect on _____, 2016.

CERTIFICATE

I, Shannon Stutz, City Clerk for the City of Parchment, do hereby certify that the foregoing Parchment Ordinance No. _____ was adopted by the City Commission at a regular meeting held on _____, 2016, and that the following is a record of the vote of the members of said City Commission on said Ordinance.

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

Shannon Stutz, Clerk



MEMORANDUM

To: Mayor Heasley, Vice-Mayor Britigan and City Commissioners

From: Dennis Durham, City Manager

Date: November 4, 2016

Subject: Restrictive Covenant City Right-of-Way

IT IS RECOMMENDED

IT IS MOVED that the City Commission approve the proposed Restrictive Covenant for Public Right-Of-Way as requested by the Parchment School District, and authorize the City Manager to execute all documents related to this activity.

BACKGROUND

The Parchment School District has been working to address ground contamination in soil under the existing Parchment Bus "Garage," and has requested the City accept a restrictive covenant in public right-of-way as part of the ongoing monitoring and remediation strategy moving forward with MDEQ. A number of monitoring wells currently exist on the site to help determine if the plume is moving or threatening other nearby properties.

The City's engineer, Prein & Newhof, has reviewed the covenant and recommends approval, as it is a standard method of contamination control and will establish long-term protections for nearby properties.

RESTRICTIVE COVENANT
CITY RIGHT-OF-WAY
FOR
PARCHMENT SCHOOL DISTRICT

LOCATED IN SECTION 3, T. 2 S., R. 11. W.,
CITY OF PARCHMENT, KALAMAZOO COUNTY, MICHIGAN

BY

Prein&Newhof

Engineers • Surveyors • Environmental & Soils Laboratory

7123 STADIUM DRIVE
KALAMAZOO, MICHIGAN 49009
PHONE: (269) 372-1158

8/12/2016

Proposed Area of Alternative Institutional Control of City's Right-of-way:

An area located in the Northeast 1/4 of Section 3, T. 2 S., R. 11 W., City of Parchment, Kalamazoo County, Michigan and being more particularly described as: Commencing at the Southwest corner of Lot 30, Block 6, Parchment Addition, as recorded in Liber 9 of Plats on Page 15, Kalamazoo County Records; thence West along the extension of the South line of said Lot to the center line of Wilson Avenue as recorded in said Plat; thence Southwesterly thereon, 25.00 feet for the place of beginning of the land hereinafter described; thence continuing Southwesterly along the extension of said center line to the North right-of-way line of West Oak Grove Avenue; thence East along said North right-of-way line to a point 66.00 feet North and 127.00 feet East of the intersection of the Westerly extension of the South right-of-way line of West Oak Grove Avenue and the Easterly right-of-way line of the former Norfolk Southern Railroad (formerly C.K. & S.); thence South and at right angles to the South right-of-way line of West Oak Grove Avenue to a point 127.00 feet East of said intersection of right-of-way lines; thence West along the South right-of-way line of West Oak Grove Avenue, 127.00 feet to the Easterly right-of-way of said former Railroad; thence Northeasterly thereon to a point which is perpendicular to the place of beginning; thence Southeasterly and at right angles to the center line of Wilson Avenue as recorded in said Plat to the place of beginning.

NOTE: The above description was prepared from available records, no field survey was performed.

RESTRICTIVE COVENANT CITY RIGHT-OF-WAY FOR PARCHMENT SCHOOL DISTRICT

LOCATED IN SECTION 3, T. 2 S., R. 11. W.,
CITY OF PARCHMENT, KALAMAZOO COUNTY, MICHIGAN

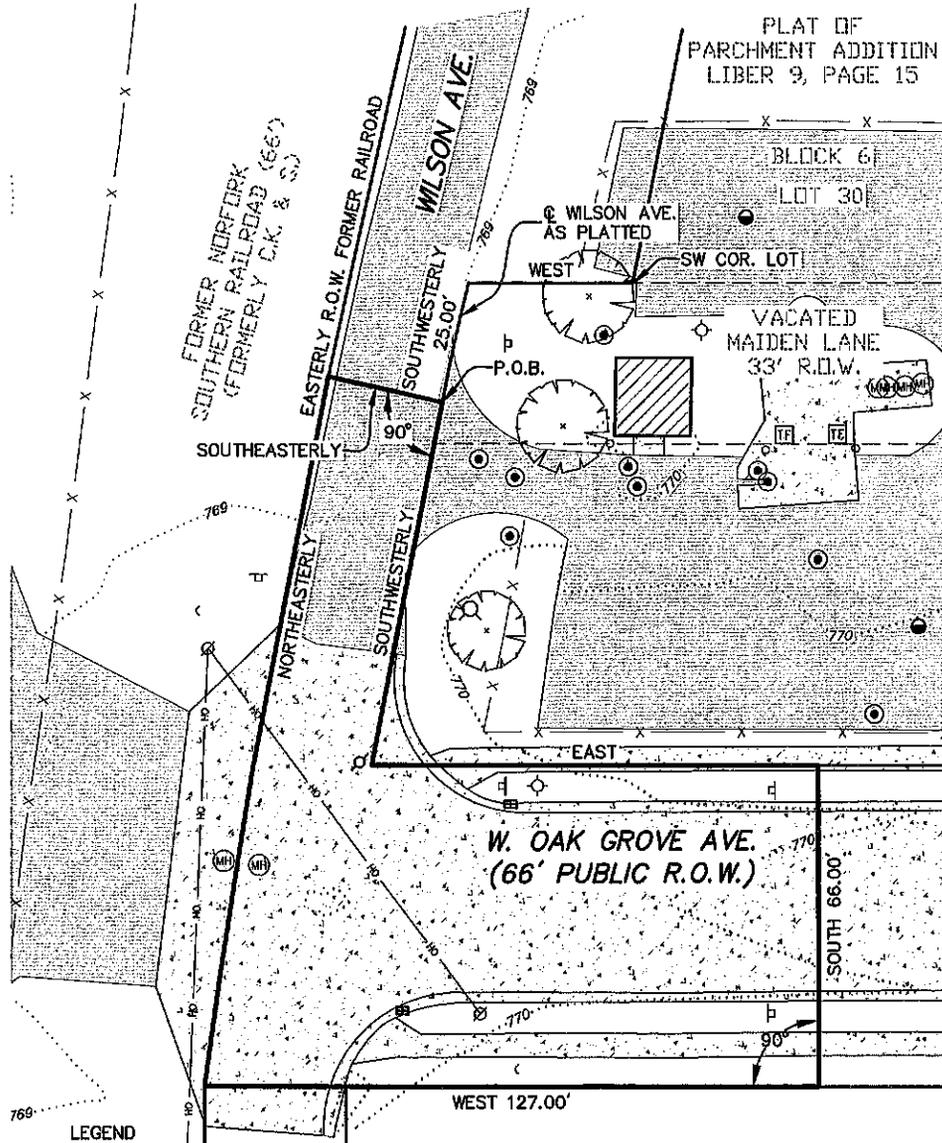
BY
Prein & Newhof
Engineers • Surveyors • Environmental & Soils Laboratory

7123 STADIUM DRIVE
KALAMAZOO, MICHIGAN 49009
PHONE: (269) 372-1158

8/12/2016



SCALE: 1" = 30'



LEGEND

- | | |
|-------------------------|---------------------------|
| ⊞ = CATCH BASIN | ⊗ = POWER POLE |
| ⊙ = CATCH BASIN - ROUND | ⊥ = SIGN |
| ⊙ = DECIDUOUS TREE | ⊞ = TRANSFORMER |
| < = GUY ANCHOR | ⊕ = VALVE BOX |
| ⊙ = HYDRANT | — X — = FENCE |
| ⊙ = LIGHT POLE | — OH — = OVERHEAD UTILITY |
| ⊙ = MANHOLE | ▨ = ASPHALT |
| ⊙ = MANHOLE - SANITARY | ▨ = BUILDING |
| ⊙ = MONITORING WELL | ▨ = CONCRETE |
| ○ = POST | |

Parchment S. D. Property

Wilson Ave. ROW

River Reach Partners Property

WSW

A'

Dispensers
(Point of Release)

MW-1

SB1

MW-4

MW-7 / SB7

MW-11

MW-14

A

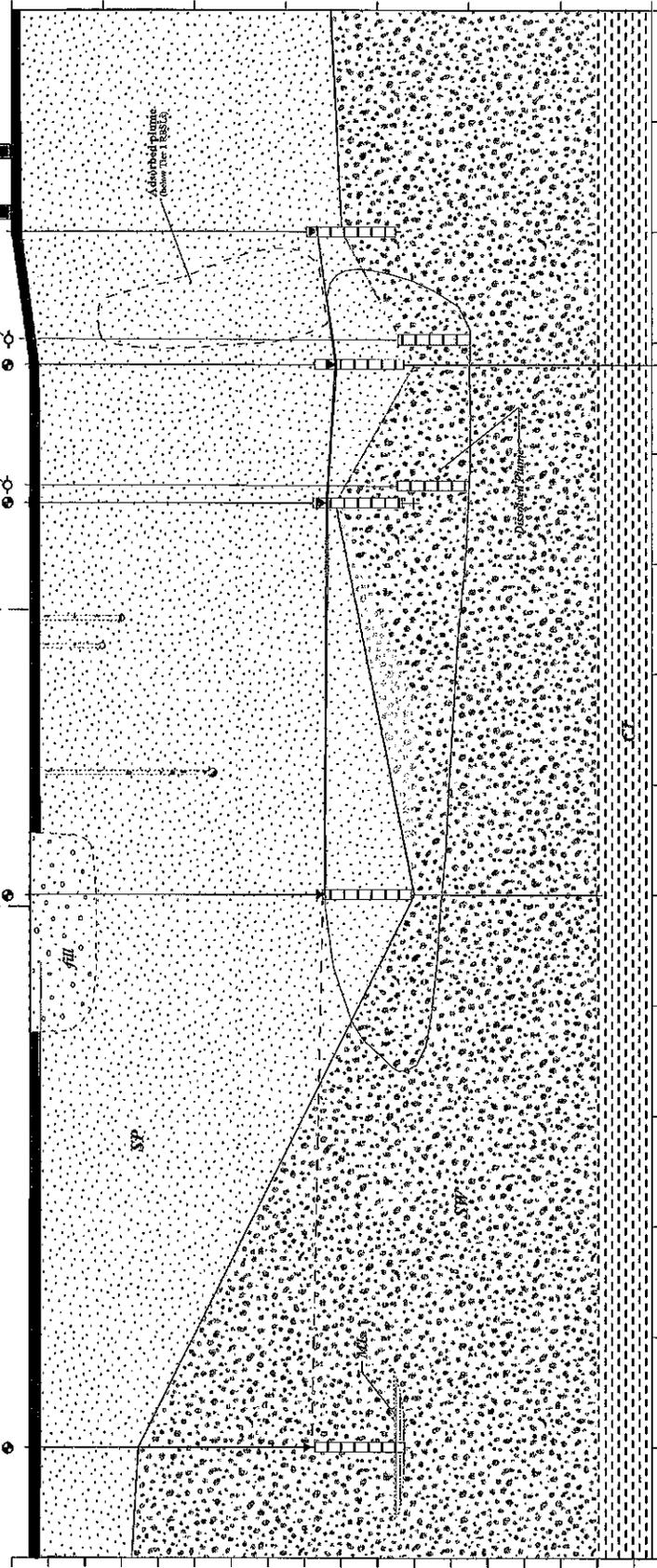
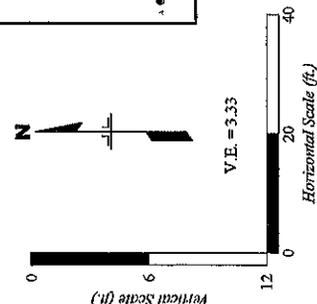
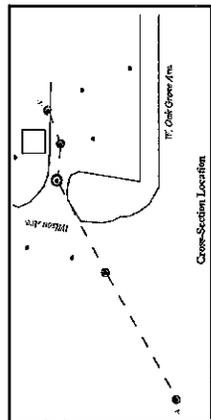


Figure 8 - Cross-Section A - A'

Parchment School District Bus Yard
 307 N. Riverview Dr.
 Parchment, MI 49004
 Facility ID 00001422
 DeLisle Project EN15-010

Legend

- ▲ Water Table Level
- Potentiometric Surface
- ▬ MW Screen
- ⊕ Monitoring Well
- ⊙ Sanitary Sewer
- Natural Gas Line
- ⊗ Water Main



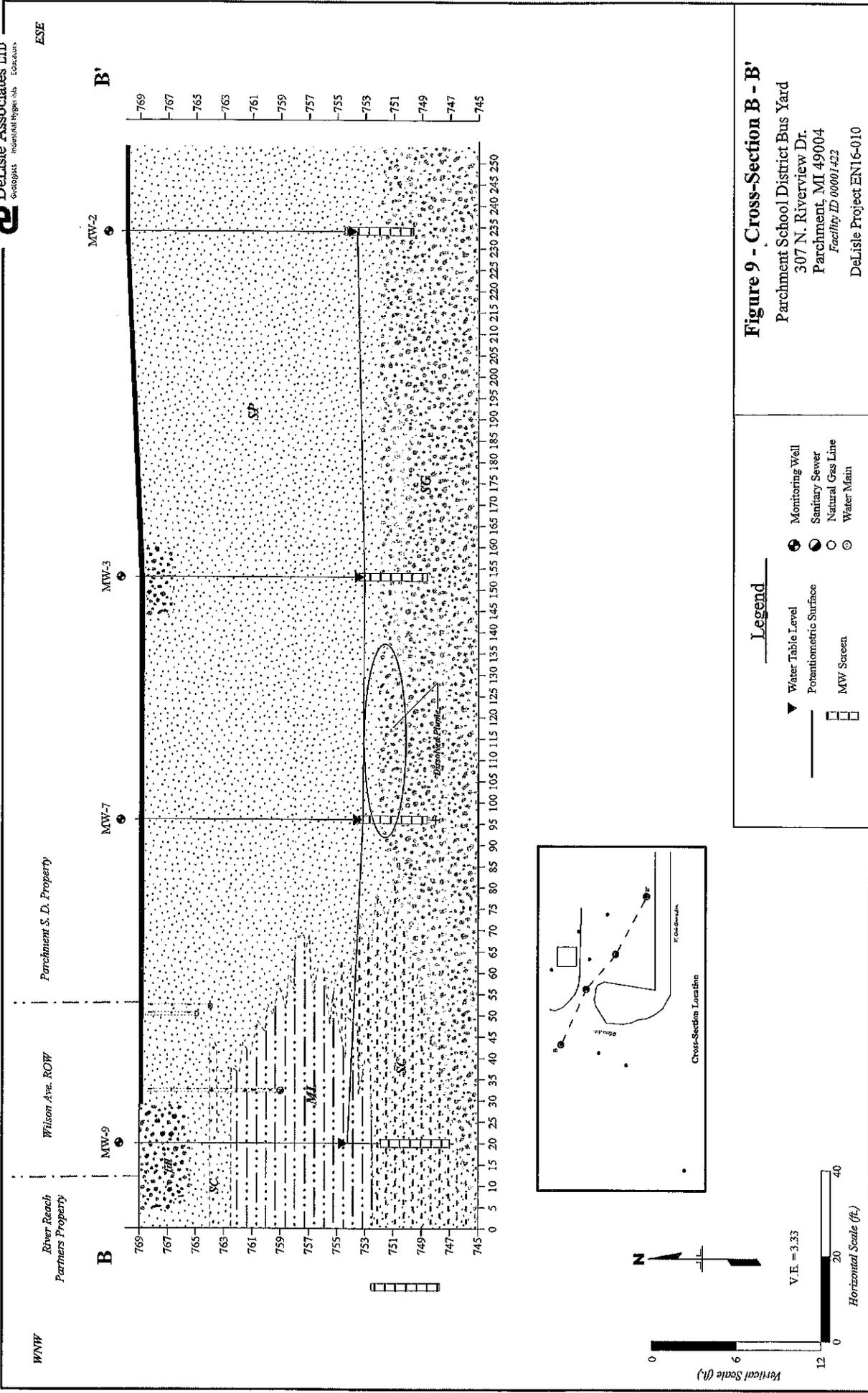


Table 1 - Groundwater Analytical Historical Summary

Parchment School District
 307 N. Riverview Dr., Parchment, Michigan 49004
 Facility ID: 00001422

Well ID	Sample Date	ANALYTE & CAS No.								
		Benzene	Toluene	Ethylbenz.	Xylenes	MTBE	1,2,4-TMB	1,3,5-TMB	Naphth.	2-MN
		71432	108883	100414	1330207	1634044	95636	108678	91203	91576
MW-1	05-Nov-14	ND	ND	ND	ND	ND	ND	ND	ND	ND
	11-Mar-15	ND	ND	ND	ND	ND	4.4	1	ND	ND
MW-2	09-Aug-00	ND	ND	ND	ND	ND	ND	ND	ND	ND
	08-Aug-01	ND	ND	ND	ND	ND	ND	ND	ND	ND
MW-3	05-Nov-14	ND	ND	ND	ND	ND	ND	ND	ND	ND
	11-Mar-15	ND	ND	ND	ND	ND	ND	ND	ND	ND
MW-4	06-Nov-14	ND	ND	6	81	ND	790	280	130	200
	12-Mar-15	ND	ND	5.3	42	ND	750	220	130	130
MW-5	08-Aug-01	ND	ND	ND	ND	ND	ND	ND	ND	ND
	07-Nov-01	ND	ND	ND	ND	ND	ND	ND	ND	ND
MW-6	05-Nov-14	ND	ND	ND	ND	ND	ND	ND	ND	ND
	11-Mar-15	ND	ND	ND	ND	ND	ND	ND	ND	ND
MW-7	05-Dec-06	ND	ND	ND	120	ND	1,000	120	130	ND
	18-Sep-13	ND	ND	ND	ND	ND	56	ND	ND	ND
MW-8	20-Mar-03	ND	ND	ND	ND	ND	ND	ND	ND	ND
	24-Jun-03	ND	ND	ND	ND	ND	ND	ND	ND	ND
MW-9	05-Nov-14	ND	ND	ND	ND	ND	ND	ND	ND	ND
	11-Mar-15	ND	ND	ND	ND	ND	ND	ND	ND	ND
MW-10	06-Nov-14	ND	ND	ND	ND	ND	ND	ND	ND	ND
	11-Mar-15	ND	ND	ND	ND	ND	ND	ND	ND	ND
MW-11	06-Nov-14	ND	ND	ND	ND	ND	1.7	ND	ND	45
	30-Mar-15	ND	ND	ND	1.7	ND	110	1.3	ND	70
MW-12	07-Nov-01	ND	ND	ND	ND	ND	ND	ND	ND	ND
	18-Sep-13	ND	ND	ND	ND	ND	ND	ND	ND	ND
MW-13	07-Nov-01	ND	ND	ND	ND	ND	ND	ND	ND	ND
	20-Jul-04	ND	ND	ND	ND	ND	ND	ND	ND	ND
MW-14	05-Nov-14	ND	ND	ND	ND	ND	ND	ND	ND	ND
	11-Mar-15	ND	ND	ND	ND	ND	ND	ND	ND	ND
Target Detection Limit (µg/L)		1	1	1	3	5	1	1	5	5
Part 201/Part 213 Generic Cleanup Criteria (µg/L)										
Residential Drinking Water Criteria		5	790	74	280	40	63	72	520	260
GSI Criteria		200	270	18	41	7,100	17	45	11	19
Residential GWVIIC		5,600	530,000	110,000	190,000	4.70E+07	56,000	61,000	31,000	25,000

ND - Compound not detected at method detection level

NS - Well not sampled or compound not analyzed

GSI - Groundwater-Surface Water Interface

GWVIIC - Groundwater Volatilization to Indoor Air Inhalation Criteria

Concentration above Tier 1 Drinking Water Protection RBSL



ROAD RIGHT-OF-WAY ALTERNATE INSTITUTIONAL CONTROL

When environmental contamination is proposed to remain in place within a road right-of-way (ROW) owned or controlled by a local unit of government (LUG), tribal government, or other authority, except the Michigan Department of Transportation, the "Road Right-of-Way Alternate Institutional Control" may serve as an alternate institutional control pursuant to Section 20114d(5)(a) of Part 201, Environmental Remediation, or Section 21310a(4) of Part 213, Leaking Underground Storage Tanks, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). Acceptance of this institutional control by the LUG or other road ROW authority is discretionary and voluntary. Furthermore, the LUG or other road ROW authority may require approval of certain permits, license agreements, or financial bonding that may be necessary for the road ROW as a condition of their authorization of this alternate institutional control mechanism. The party proposing to use the road ROW alternate institutional control (AIC) shall complete Sections 1 through 4. If any underlying fee simple title ownership interests exist in the affected road ROW, the submitter shall obtain consent, as appropriate, of all parties in Section 3. The LUG, tribal government, or other authority that owns or controls the affected road ROW, except the Michigan Department of Transportation, shall complete Section 5. The party proposing this AIC shall submit the completed form and all attachments with a No Further Action Report pursuant to Part 201 or a Final Assessment Report or Closure Report pursuant to Part 213 to the appropriate District Office. The MDEQ Reference Number can be obtained by contacting the Remediation and Redevelopment Division at deq-rrd@michigan.gov or by calling 517-284-5153.

SECTION 1. SUBMITTER INFORMATION:		MDEQ REFERENCE NUMBER: RC-RRD-213-16-088	
SITE OR FACILITY NAME: Parchment School District		SITE OR FACILITY ID NUMBER: 00001422	
STREET ADDRESS: 307 N Riverview Dr.			
CITY: Parchment	49004	COUNTY: Kalamazoo	
NAME OF PARTY PROPOSING ROW AIC: DeLisle Associates LTD		EMAIL ADDRESS: jeffm@delisleassoc.net	
STREET ADDRESS: 5050 S. Sprinkle Rd.		CITY: Portage	STATE: MI ZIP: 49002
CONTACT PERSON: Jeff McCormack		PHONE: 269-373-4300	FAX: 269-373-1044
DEQ District Office: <input type="checkbox"/> Cadillac <input type="checkbox"/> Gaylord <input type="checkbox"/> Grand Rapids <input type="checkbox"/> Jackson <input checked="" type="checkbox"/> Kalamazoo <input type="checkbox"/> Lansing <input type="checkbox"/> Saginaw Bay <input type="checkbox"/> SE Michigan <input type="checkbox"/> Upper Peninsula			

SECTION 2. AFFECTED ROAD RIGHT-OF-WAY INFORMATION:

1. Name of affected road ROW(s) and nearest intersection: Wilson Ave. at W. Oak Grove Ave.
2. Known or Suspected Contaminant(s) Type (Check all that apply):
 Petroleum Volatile Organic Compounds Metals Other
3. Is residual/mobile NAPL present in the affected road ROW: YES NO
4. Media Contaminated:
 a. Soil Depth to contaminated soil:
 b. Groundwater Depth to contaminated groundwater: 15 ft. Predominant groundwater flow direction: WSW
5. Contamination present within affected road ROW construction zone as defined by road ROW authority for maintaining road ROW: YES NO
 If yes, depth of construction zone in feet:
6. Presence of utilities in the affected road ROW: YES NO
 If present, show the location, depth and cross section of each utility on a Scaled Drawing (see #10)
 Impact to stormwater system: YES NO
 Impact to stormwater permit and discharge limits: YES NO
 Is the stormwater system classified as a Municipal Separate Storm Sewer System (MS4): YES NO
7. a. Are there easement holders in the road ROW: YES NO
 b. If yes, are those easement holders affected by the contamination present: YES NO
 c. Have all affected easement holders in the road ROW received notification of existing conditions as part of a corrective action plan or pursuant to the due care requirements: YES NO
8. Does the affected road ROW have any underlying fee simple title ownership interests: YES NO
 If yes, was consent of underlying fee title holders obtained (see Section 3) to the use of this AIC: YES NO
9. Exposure risks present: Drinking Water Direct Contact Groundwater Soil Excavation/Relocation
 a. Based on the exposure risks identified above, insert a paragraph below which describes the affected media, the nature and extent of the hazardous substances, the cleanup criteria exceeded, the routes of potential exposure, any response activities or corrective actions that have been taken to address the contamination, and any activities that could result in exposure to hazardous substances that would cause this alternate institutional control to not be

9.a. (continued)

protective of public health, safety, and welfare (e.g. use of the groundwater for consumption, irrigation, or any other use; any excavation or intrusive activity that would result in contaminated soils to be placed at the ground surface or otherwise exacerbate the extent of contamination). See example language below.

Management and disposal of the groundwater for short-term dewatering for construction purposes should be conducted in accordance with all applicable local state, and federal laws and regulations and in a manner that does not cause or result in a new release, exacerbation of existing contamination, or any other violation of local, state, and federal environmental laws and regulations.

Management of all contaminated soils, media and/or debris located in the road right-of-way shall be in accordance with the applicable requirements of Section 20120c or Section 21304b of the NREPA; Part 111, Hazardous Waste Management, of the NREPA; Subtitle C of the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq.; the administrative rules promulgated thereunder; and all other relevant state and federal laws.

10. Provide a Scaled Drawing and Property Description, or survey if available, that describes the source property, obtained from a title commitment or vesting deed. At a minimum, the Scaled Drawing should include:

- A north arrow.
- A graphical scale bar and scale statement (e.g. 1"=50').
- The limits of the source property plotted, to scale, showing the relationship to the LUG or other authority ROW and other affected parcels.
- The roadway(s) name identified.
- A statement identifying the Township, Range, Section, and Quarter Section where the parcel is located.
- The limits of the affected road ROW plotted to scale. This area should be hatched and labeled appropriately.
- The location of significant site features such as buildings, drives, parking lots, and road surface.
- Cross section illustrating depth of construction zone, affected road ROW, media, utilities and distribution of contaminated media.
- Most recent analytical data illustrating contaminant compounds and concentrations within the contaminated media.

11. Is the LUG, tribal government, or authority requiring permanent marker(s) placed within affected ROW: YES NO

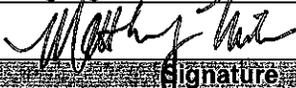
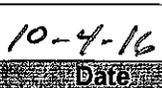
SECTION 3: CONSENT OF FEE SIMPLE TITLE OWNER, IF APPLICABLE

I, as the underlying fee simple title owner, do hereby consent to the use of this alternate institutional control and acknowledge: 1) that there are hazardous substances within the affected road ROW that may present exposure risks as described in this document; 2) that there are controls to address these risks; and 3) the LUG, tribal government, or other authority is exercising its authority to control activities within the ROW to prevent these exposure risks.

Signature	Print	Property Identification #	Date

SECTION 4: SUBMITTER SIGNATURE

I, as the submitter identified in Section 1, or the qualified consultant authorized to complete this document on the submitter's behalf, hereby attest to the accuracy of the statements in this document and all attachments. I further certify that the language on this document has not been modified.

		
Signature	Print	Date

SECTION 5: LUG OR OTHER AUTHORITY CONFIRMATION OF ROAD RIGHT-OF-WAY INSTITUTIONAL CONTROL

Name of Local Unit of Government or other Authority: City of Parchment

The aforementioned LUG, tribal government, or other authority attests that the current use of the affected road right-of-way is for public transportation. The LUG, tribal government, or other authority has no current plans to relocate, vacate, or abandon the portion of the affected road right-of-way. The LUG, tribal government, or other authority understands that the submitter intends to rely upon the existence of said road right-of-way to prevent unacceptable exposure to hazardous

substances that may be present in the soil and/or groundwater within the affected road right-of-way. The LUG, tribal government, or other authority understands that there may be additional costs to the LUG, tribal government, or other authority when disturbing the area of impact in the future. The LUG, tribal government, or other authority has a reliable mechanism to track the location and will provide notification of the contamination in the affected road right-of-way to parties requesting access.

The LUG, tribal government, or other authority executing this alternate institutional control certifies that EITHER of the following conditions has been met:

- a. Based on representations of the submitter, all/any persons with ownership interests in the property/properties underlying the affected road right-of-way described in this document have been notified regarding the conditions that are known at the time this alternate institutional control is executed, and consent for use of this alternate institutional control from fee simple title ownership interests has been obtained where necessary.

-OR-

- b. The LUG, tribal government, or other authority exercises exclusive control over the affected road right-of-way and the portions of the properties underlying the affected road right-of-way identified in this alternate institutional control and is exercising its authority to assure the reliability of this alternate institutional control to prevent exposure to hazardous or regulated substances located below the road surface.

If the affected road right-of-way is proposed to be relocated, vacated or abandoned, or other conditions that result in revocation of this alternate institutional control, the LUG, tribal government, or other authority agrees to notify the appropriate Michigan Department of Environmental Quality District Office, identified in Section 1, and any adjacent/underlying property owners no less than 90 days prior to the road being relocated, vacated, or abandoned. With my signature below, I certify that I am legally authorized to sign on behalf of the LUG, tribal government, or other authority.

Signature of Authorized LUG or Authority Official		Print Authorized LUG or Authority Official	
Title of Authorized LUG or Authority Official		Date	
Name of Local Unit of Government		Address, City, State, Zip	
Phone Number	Fax Number	Email Address	



MEMORANDUM

To: Mayor Heasley, Vice-Mayor Britigan and City Commissioners

From: Dennis Durham, City Manager

Date: November 4, 2016

Subject: Acceptance of Private Water Main

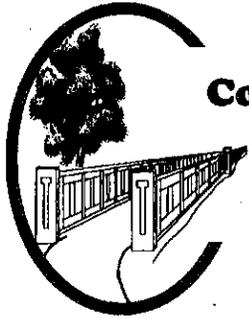
IT IS RECOMMENDED

IT IS MOVED that the City Commission accept the private water main into the City's public water system as requested by Cooper Charter Township and authorize the City Manager to execute all documents related to this activity.

BACKGROUND

The City received a request from Cooper Charter Township to accept private water main (and fire hydrant) into the City's public water system to accommodate the expansion of AbsolutAire located on Riverview Drive in the township.

The City's engineer, Prein & Newhof, has reviewed the request and recommends of approval.



Cooper Charter Township

1590 West D Avenue September 28, 2016
Kalamazoo, Michigan 49009-6321
(269) 382-0223

Mr. Dennis Durham, City Manager
City of Parchment
650 S. Riverview Dr.
Parchment, MI 49004-1298

RE: AbsolutAire Private Water Main Conversion to Public

Dear Dennis:

Cooper Township has been in discussions with AbsolutAire, located at 5496 Riverview Drive, with respect to the addition of a new fire hydrant on the south side of their building (see attached sketch). The proposed fire hydrant is to be connected to an existing 8-inch private water main which serves as the facility's fire service line; however, connecting a fire hydrant to a private service line would result in the hydrant also being private. We have expressed our opposition to having a private hydrant in the system due to long term maintenance and reliability issues. It is our opinion that a public hydrant will more likely be properly maintained and available for the fire department in the event of a fire.

We have investigated the possibility of converting a private water main to a public water main. We found that municipalities have been able to convert private sewer to public after confirming that it meets all the applicable standards, and providing for the necessary documentation. We have found that this can also be done with water. We spoke with Wood Chooi at the MDEQ about this conversion and he indicated that since he cannot issue a construction permit (already constructed), it would be up to the owner and operator of the system to accept this portion of water main as public.

On September 9, 2016 AbsolutAire hired a contractor to excavate the private fire service line to investigate whether it meets the public standard. Please see the attached observation report and photographs by Mark Moored of Prein&Newhof. The observations indicate that the water main is 8-inch ductile iron pipe, buried at an adequate depth, with properly restrained at the joints. These observations indicate that the water main was likely built to a public standard.

Please consider this a request for the City of Parchment to accept this section of pipe as public so that a public hydrant may be constructed which will help serve the AbsolutAire building. If acceptable to Parchment, an easement and bill of sale would be provided by AbsolutAire. Once accepted as public the new hydrant could be designed and permitted for construction.

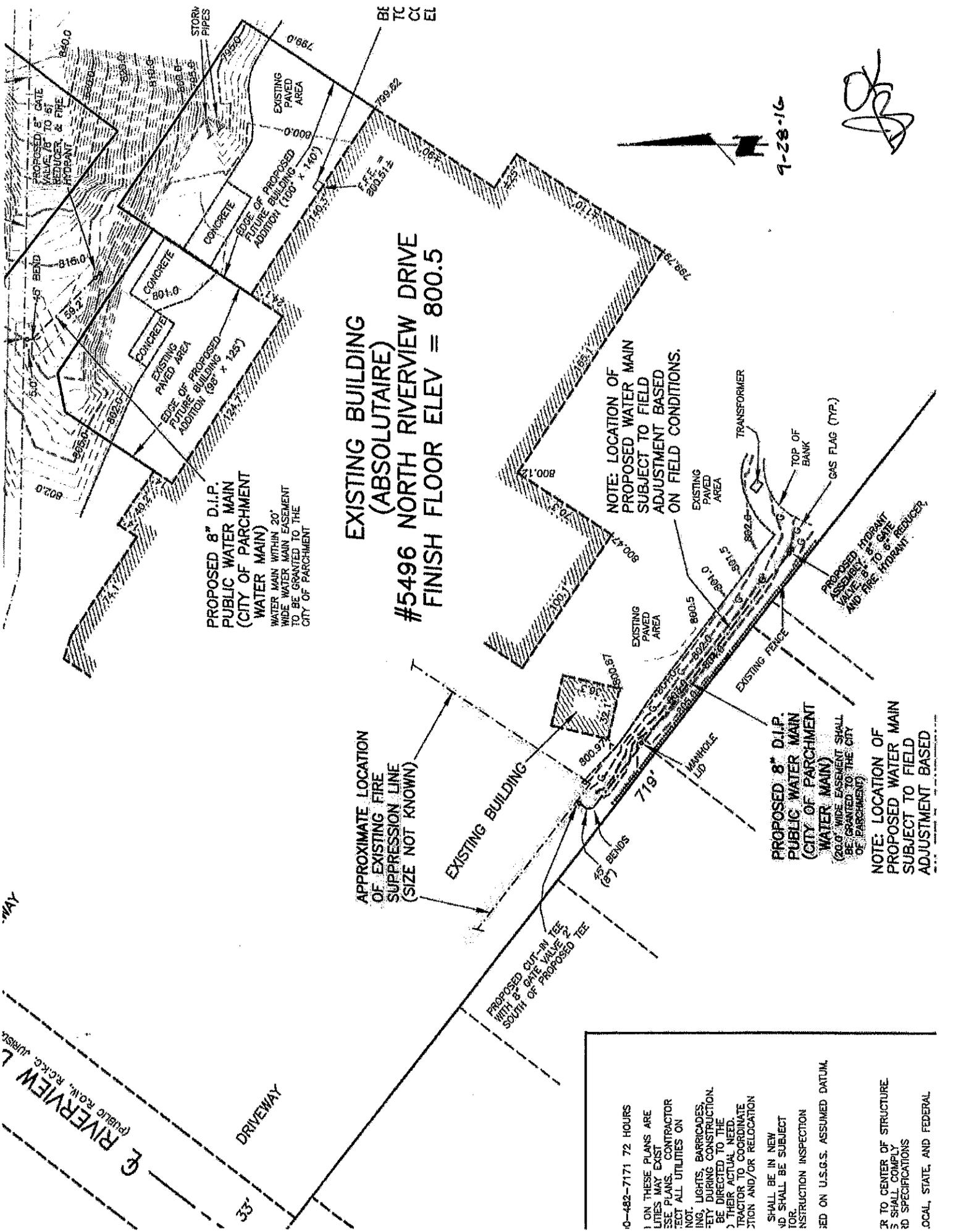
Sincerely,

Cooper Charter Township
Jeff Sorensen
Supervisor

JS:dlj

JEFFREY R. SORENSEN, Supervisor • BONNIE L. SYTSMAN, Clerk • CAROL S. DEHAAN, Treasurer

Visit our website at: www.coopertwp.org



9-28-16

[Handwritten signature]

**EXISTING BUILDING
(ABSOLUTAIRE)
#5496 NORTH RIVERVIEW DRIVE
FINISH FLOOR ELEV = 800.5**

**PROPOSED 8" D.I.P.
PUBLIC WATER MAIN
(CITY OF PARCHEMENT
WATER MAIN)**
WATER MAIN WITHIN 20'
WIDE WATER MAIN EASEMENT
TO BE GRANTED TO THE
CITY OF PARCHEMENT

**NOTE: LOCATION OF
PROPOSED WATER MAIN
SUBJECT TO FIELD
ADJUSTMENT BASED
ON FIELD CONDITIONS.**

**APPROXIMATE LOCATION
OF EXISTING FIRE
SUPPRESSION LINE
(SIZE NOT KNOWN)**

**PROPOSED 8" D.I.P.
PUBLIC WATER MAIN
(CITY OF PARCHEMENT
WATER MAIN)**
20.0' WIDE EASEMENT SHALL
BE GRANTED TO THE CITY
OF PARCHEMENT

**NOTE: LOCATION OF
PROPOSED WATER MAIN
SUBJECT TO FIELD
ADJUSTMENT BASED**

10-482-7171 72 HOURS
ON THESE PLANS ARE
UTILITIES MAY EXIST
THESE PLANS. CONTRACTOR
AFFECT ALL UTILITIES ON
NOT.
ING, LIGHTS, BARRICADES,
ETY DURING CONSTRUCTION.
BE DIRECTED TO THE
THEIR ACTUAL NEED.
TRACTOR TO COORDINATE
TION AND/OR RELOCATION
SHALL BE IN NEW
ID SHALL BE SUBJECT
FOR.
NSTRUCTION INSPECTION
ED ON U.S.G.S. ASSUMED DATUM.
R TO CENTER OF STRUCTURE
S SHALL COMPLY
RD SPECIFICATIONS
LOCAL, STATE, AND FEDERAL

Prein & Newhof

Engineers ■ Surveyors ■ Environmental ■ Laboratory

October 7, 2016
2150096

Mr. Dennis Durham
City of Parchment
650 South Riverview Drive
Parchment, MI 49004-1298

RE: Absolute Aire – Private to Public Watermain review

Dear Dennis:

As requested, we have reviewed the information emailed to you on October 5, 2016 from Cooper Township regarding the request for existing and proposed watermain be accepted into the City of Parchment's public watermain system. Although not ideal this is the best alternative to the requirement of a hydrant being placed on the Absolute Aire site. It is not good for the community to have a private hydrant for fire protection. Private hydrants are not maintained on a routine basis like public hydrants are by City of Parchment DPW and therefore possibly unreliable during a fire. As you can see from Tom Wheat's review letter and Mark Moored's field review and pictures of the existing watermain this piping does seem to meet public standards as best can be determined.

The existing piping has already been verified as being built to public standards, the proposed watermain and public hydrant shall also be built to public standards including permitting and testing. The City of Parchment shall also be provided a copy of a recorded watermain easement for access on this private land by City of Parchment. Once these items are accomplished we recommend City of Parchment accept this piping and hydrant into the City of Parchment's public watermain system.

We hope the above comments are helpful in the City's review of the project. Please contact us if you have any questions.

Sincerely,

Prein & Newhof



Daniel G. Lewis, P.E.

DGL:dlj