

CODE OF ORDINANCES

City of

FARMINGTON, MICHIGAN

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Quarter ending December 31, 2008.

See the Code Comparative Table—Ordinances for further information.

Included in the Charter is:

Amendment of November 4, 2008.

See the Charter Comparative Table for further information.

Remove old pages

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(b) The Mayor shall be a conservator of the peace, and may exercise within the city the powers conferred upon sheriffs to suppress riot and disorder and shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the city and to suppress riot and disorder;

(c) The Mayor shall execute or authenticate by his or her signature such instruments as the Council, this charter or the laws of the State of Michigan or of the United States shall require;

(d) Except as may be required by law, the Mayor shall exercise only such powers as this charter or the Council shall specifically confer upon such office; and

(e) In the absence or disability of the Mayor, the Mayor Pro Tem. shall perform the duties of Mayor. In the absence or disability of both, the designated Acting Mayor shall perform such duties.

State law reference—Mandatory that Charter provide for duties of officers, MCL 117.3(d).

Section 4.6. Administrative Service.

The City Manager, Clerk, Treasurer, Assessor, and Attorney shall be appointed by the Council for an indefinite period, shall be responsible to and serve at the pleasure of the Council, and shall have their compensation fixed by the Council. Those officers of the city who administer departments created by ordinance, except the City Manager, Clerk, Treasurer, Assessor, and Attorney, shall be administrative officers of the city, shall be appointed or selected by the City Manager for an indefinite period, shall be responsible to and hold office at the pleasure of the City Manager, and shall have their compensation fixed by the City Manager in accordance with budget appropriations and any pay plan adopted by the Council.

Except as may be otherwise required by statute or this charter, the Council shall establish by ordinance such departments of the city as it deems necessary or advisable and shall prescribe therein the functions of each department and the duties, authorities, and responsibilities of the administrative officers of each department, but the Council may not diminish the duties or responsibilities of the office of the City Manager. The City Manager may prescribe such duties and responsibilities of the officers and those departments responsible to him or her so long as those duties and responsibilities are not inconsistent with this charter or with any ordinance.

All personnel employed by the city who are not elected officers of the city or declared to be administrative officers by or under the authority of this charter shall be deemed to be employees of the city. The head of each department shall have the power to hire and discharge the employees of such department in accordance with city personnel policies and procedures approved by the Council.

(Amd. 11-4-08)

Section 4.7. City Manager: Appointment and Qualifications.

The Council shall appoint a City Manager within ninety days after any vacancy exists in such position. The City Manager shall hold office at the pleasure of a majority of the Council,

but shall not be removed from office during a period of thirty days following any regular city election except by the affirmative vote of four members of the Council. The City Manager shall be selected on the basis of his or her executive and administrative qualifications with special reference to his or her training and experience and without regard to his or her political or religious preferences.

Section 4.8. City Manager: Functions and Duties.

The City Manager shall be the chief administrative officer of the city government. The City Manager functions and duties shall be:

- (a) To be responsible to the Council for the efficient administration of all administrative departments of the city government except the departments under the direction of the Clerk, Treasurer, Assessor and Attorney;
- (b) To see that all laws and ordinances are enforced;
- (c) To appoint, with the consent of the Council, the heads of the several city departments whose appointment is not otherwise specified in this charter, and to discharge such department heads without the consent of the Council, and to direct and supervise such department heads;
- (d) To give to the proper department or officials ample notice of the expiration or termination of any franchise, contracts or agreements;
- (e) To see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed;
- (f) To recommend an annual budget to the Council and to administer the budget as finally adopted under policies formulated by the Council, and to keep the Council fully advised at all times as to the financial condition and needs of the city;
- (g) To recommend to the Council for adoption such measures as he or she may deem necessary or expedient; and to attend Council meetings with the right to take part in discussions but not to vote;
- (h) To exercise and perform all administrative functions of the city that are not imposed by this charter or ordinance upon some other official;
- (i) To perform such other duties as may be prescribed by this charter or as may be required of by ordinance or by direction of the Council.

State law reference—Mandatory that Charter provide for duties of city officers, MCL 117.3(d).

Section 4.9. Acting City Manager.

The Council may appoint or designate an Acting City Manager during the period of a vacancy in the office or during the absence of the City Manager from the city. Such Acting City Manager shall, while in such office, have all the responsibilities, duties, functions and authority of the City Manager.

Section 4.10. Relationship of Council to Administrative Service.

Neither the Council nor any of its members or committees shall dictate the appointment of any person to office by the City Manager or in any way interfere with the City Manager or other city officer to prevent them from exercising their judgment in the appointment or employment of officers and employees in the administrative service. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service (except the Clerk, Treasurer, Assessor and Attorney) solely through the City Manager and neither the Council nor any member thereof shall give orders to any of the subordinates of the City Manager.

Section 4.11. Clerk: Functions and Duties.

(a) The Clerk shall be the Clerk of the Council and shall attend all meetings of the Council and shall keep a permanent journal of its proceedings in the English language.

(b) The Clerk shall be custodian of the city seal, and shall affix it to all documents and instruments requiring the seal, and shall attest the same. The Clerk shall also be custodian of all papers, documents and records pertaining to the city the custody of which is not otherwise provided for.

(c) The Clerk shall certify by his or her signature all ordinances and resolutions enacted or passed by the Council.

(d) The Clerk shall provide and maintain in his or her office a supply of forms for all petitions required to be filed for any purpose by the provisions of this charter.

(e) The Clerk shall have power to administer oaths of office.

(f) The Clerk shall perform such other duties as may be prescribed by this charter or by the Council.

(g) The Clerk shall at all times cooperate with the City Manager and shall provide such information and reports and perform such duties as are requested by the City Manager so long as they are not inconsistent with duties of such office as provided herein.

(Amd. 11-6-07)

State law reference—Mandatory that Charter provide for duties of city officers, MCL 117.3(d).

Section 4.12. Treasurer: Functions and Duties.

(a) The Treasurer shall have the custody of all moneys of the city, any bond pertaining solely to the Clerk and all evidences of indebtedness belonging to the city or held in trust by the city.

(b) The Treasurer shall collect all moneys of the city the collection of which is not provided for elsewhere by charter or ordinance. The Treasurer shall receive from other officers and employees of the city all money belonging to and receivable by the city that may be collected by such officers and employees, including fines, license fees, taxes, assessments and all other

charges. All money shall be turned over to the Treasurer after collection or receipt, and he or she shall in all cases give a receipt therefor. The Treasurer shall disburse all city funds in accordance with the provisions of statute, this charter and procedures to be established by the Council.

(c) The Treasurer shall keep and deposit all moneys or funds in such manner and only in such places as the Council may determine and shall report the same in detail to the officer responsible for maintenance of the city's accounting system.

(d) The Treasurer shall have such powers, duties and prerogatives in regard to the collection and custody of state, county, school district and city taxes as are conferred by statute upon township and city treasurers in connection with state, county, township and school district taxes upon real and personal property.

(e) The Treasurer shall be responsible, unless assigned to some other officer by ordinance, for the maintenance of a system of the accounts of the city which shall conform to any uniform system required by law and by the Council and to generally accepted principles and procedures of governmental accounting.

(f) The Treasurer shall perform such other duties as may be prescribed by this charter or by the Council.

(g) The Treasurer shall at all times cooperate with the City Manager and shall provide such information and reports and perform such duties as are requested by the City Manager so long as they are not inconsistent with duties of his or her office as provided herein.

(Amd. 11-6-07)

State law reference—Mandatory that Charter provide for duties of city officers, MCL 117.3(d).

Section 4.13. Attorney: Functions and Duties.

(a) The Attorney shall act as legal advisor to, and be attorney and counsel for, the Council and shall be responsible solely to the Council. The Attorney shall advise any officer or department head of the city in matters relating to his or her official duties when so requested and shall file with the Clerk a copy of all written opinions given by him or her.

(b) The Attorney shall prosecute such ordinance violations and he or she shall conduct for the city such cases in court and before other legally constituted tribunals as the Council may request. He or she shall file with the Clerk copies of such records and files relating thereto as the Council may direct.

(c) The Attorney shall prepare or review all ordinances, contracts, bonds and other written instruments which are submitted to him or her by the Council and shall promptly give his or her opinion as to the legality thereof.

(d) The Attorney shall call to the attention of the Council and the City Manager all matters of law, and changes or developments therein, affecting the city.

(e) The Attorney shall perform such other duties as may be prescribed for him or her by this charter or by the Council.

(f) The Attorney shall at all times cooperate with the City Manager and shall provide such information and reports and perform such duties as are requested by the City Manager so long as they are not inconsistent with the duties of his or her office as herein provided.

(g) Upon the recommendation of the Attorney, or upon its own initiative, the Council may retain special legal counsel to handle any matter in which the city has an interest, or to assist and counsel with the Attorney therein.

State law reference—Mandatory that Charter provide for duties of city officers, MCL 117.3(d).

Section 4.14. Attorney: Compensation.

The compensation set by the Council for the Attorney shall be in contemplation of the normal duties of that office. Special compensation may be provided at the discretion of the Council for appeals to, or litigation commenced in, the Federal Courts, the Circuit Court or State Supreme Court; for work requiring extensive hearings before quasi-judicial or administrative tribunals; for legal work in connection with the issuance of bonds of the city; for condemnation proceedings or for other matters outside the scope of the Attorney's normal duties. No such special compensation, nor any compensation to special legal counsel, shall be paid except in accordance with an agreement between the council and the Attorney or special counsel made before the service for which such special compensation is to be paid has been rendered.

Section 4.15. City Assessor: Functions and Duties.

The City Assessor shall possess all the powers vested in, and shall be charged with all the duties imposed upon, assessing officers by statute. The City Assessor shall prepare all regular and special assessment rolls in the manner prescribed by this charter, by ordinance and by statute. The City Assessor shall at all times cooperate with the City Manager and shall provide such information and reports and perform such duties as are requested by the City Manager so long as they are not inconsistent with duties of his or her office as provided herein.

State law reference—Mandatory that Charter provide for duties of city officers, MCL 117.3(d).

Section 4.16. Deputy Administrative Officers.

The Clerk, Treasurer and Assessor may appoint their own deputies subject to the written confirmation of the Council, and may terminate the status of their deputies at will, in accordance with city personnel policies and procedures approved by the Council, and upon written notice to the City Council and City Manager. Such deputies shall, in each case, possess all the powers and authorities of their superior officers except as the same may be from time to time limited by their superiors or by the Council.

(Amd. 11-4-08)

Section 4.17. Zoning.

The Council shall maintain a zoning ordinance in accordance with and under the authority of state law. The ordinance shall confer upon the City all powers and duties prescribed by law. There shall be established a Board of Zoning Appeals, which shall consist of not less than five members appointed as provided by law.

(Amd. 11-2-71; Amd. 11-6-07)

State law reference—Authority to regulate land use, MCL 125.581 et seq.

Section 4.18. Independent Boards and Commissions.

The Council may not create any board or commission, other than those provided for in this charter, to administer any department or agency of the city government except (a) those activities which by statute are required to be so administered, (b) a municipal hospital, (c) a merit or civil service system and (d) recreation. The Council may, however, establish (a) quasi-judicial appeal boards and (b) boards or commissions to serve solely in an advisory capacity.

**CHAPTER 5. GENERAL PROVISIONS REGARDING OFFICERS AND
PERSONNEL OF THE CITY**

Section 5.1. Eligibility for Office in City.

No person shall hold any elective office of the city unless he or she has been a resident of the city for at least one year immediately prior to the last day for filing petitions for such office and is also a qualified and registered elector of the city on such day and throughout his or her tenure of office.

No person shall be eligible for any elective or appointive city office who is in default to the city or to any other governmental unit of the state. The holding of office by any person who is in such default shall create a vacancy unless such default shall be cured within thirty days after written notice thereof by the Council or unless such person shall in good faith be contesting the liability for such default.

Each candidate for elective office shall file with his or her petition an affidavit that he or she possesses the qualifications for such office provided in this section. Failure to file such affidavit shall invalidate the petition.

The Council shall be the sole judge of the election and qualification of its own members.

Each member of a city board or commission created by, or pursuant to, this charter shall have been a resident of this city for at least one year prior to the day of his or her appointment and shall be a qualified and registered elector of the city on such day and throughout his or her tenure of office.

All administrative officers shall be United States citizens.

No Councilmember may be employed by the city during the term of office for which he or she was elected or for two years thereafter; however, during or after the expiration of his or her term of office he or she may be appointed as a member of an independent board or commission, if otherwise eligible, or to fill a vacancy in the position of Councilmember.

(Amd. 11-2-99; Amd. 8-8-06; Amd. 11-4-08)

State law reference—Mandatory that Charter provide for qualification of city officers, MCL 117.3(d).

Section 5.2. Vacancies in Office; Removal from Office.

Any elective city office shall be declared vacant by the Council upon the occurrence of any of the following events before the expiration of the term of such office:

- (a) For any reason specified by statute or by this charter as creating a vacancy in office;
- (b) If no person is elected to, or qualifies for, the office at the election at which such office is to be filled;
- (c) If the officer shall be found guilty by a competent tribunal of any act constituting misconduct in office under the provisions of this charter;
- (d) If the officer shall absent himself or herself continuously from the city for more than thirty consecutive days in any one year without the permission of the Council;
- (e) In the case of any members of the Council, if such officer shall miss four consecutive regular meetings of the Council, or twenty-five per cent of such meetings in any fiscal year of the city, unless such absences shall be excused by the Council and the reason therefor entered in the proceedings of the Council at the time of each absence;
- (f) If the officer is removed from office by the Council in accordance with the provisions hereinafter set forth.

The office of any member of any board or commission created by, or pursuant to, this charter shall be declared vacant by the Council:

- (a) For any reason specified by statute or by this charter as creating a vacancy in office;
- (b) If the officer shall be found guilty by a competent tribunal of any act constituting misconduct in office under the provisions of this charter;
- (c) If such officers shall miss four consecutive regular meetings of such board or commission, or twenty-five per cent of such meetings in any fiscal year of the city, unless such absences shall be excused by such board or commission and the reason therefor entered in the proceedings of such board or commission at the time of each absence;
- (d) If the officer is removed from office by the Council in accordance with the provisions hereinafter set forth.

Removals of officers by the Council shall be made for either of the following reasons: (1) for any reason specified by statute for removal of city officers by the Governor, (2) for misconduct

in office under the provisions of this charter. Such removals by the Council shall be made only after hearing of which such officer has been given notice by the Clerk at least ten days in advance, either personally or by delivering the same at the officer's last known place of residence. Such notice shall include a copy of the charges against such officer. The hearing shall afford an opportunity to the officer, in person or by attorney, to be heard in his or her defense, to cross-examine witnesses and to present testimony. If such officer shall neglect to appear at such hearing and answer such charges, the failure to do so may be deemed cause for his or her removal. A majority vote of the members of the Council in office at the time, exclusive of any member whose removal is being considered, shall be required for any such removal.

State law reference—Removal of officers by governor, MCL 168.327.

Section 5.3. Resignations.

Resignations of elective officers shall be made in writing and filed with the Clerk and shall be acted upon by the Council at its next regular meeting following receipt thereof by the Clerk. Resignations of appointive officers shall be made in writing to the appointing officer or body and shall be acted upon immediately.

Section 5.4. Filling Vacancies in Offices.

(a) Vacancies in appointive offices shall be filled in the manner provided for making the original appointment.

(b) Vacancies in the office of Councilmember within sixty days, be filled for the unexpired term of the officer whose office has become vacant, by appointment by the Council of a person possessing the qualifications for the office. However, if any vacancy in the position of Councilmember is not so filled within the said sixty days, or if three or more vacancies exist simultaneously in the Council, the Clerk shall within ten days thereafter call a special election to be held within sixty days thereafter to fill such vacancies for the unexpired terms of the officers whose offices have become vacant. Notwithstanding the foregoing, no vacancy in the office of Councilmember shall be filled either by appointment or by special election if the term of office of the person whose office has become vacant expires within ninety days after the vacancy occurs.

(Amd. 8-8-06)

Section 5.5. Change in Term of Office or Compensation.

Except by procedures provided in this charter, the terms of office of the elective officers and of members of boards and commissions appointed for a definite term shall not be shortened. The terms of elective officers shall not be extended beyond the period for which any such officer was elected except that elective officer shall, after his or her term has expired, continue to hold office until his or her successor is elected and has qualified. The Council shall not grant or authorize extra compensation to any officer or employee after his or her service has been rendered. The salary of any elective officer shall not be increased or decreased from the time of his or her election until the end of the term of office for which he or she was elected.

State law reference—Term of officer not to be shortened or extended, MCL 117.5(d).

Section 5.6. Oath of Office and Bond.

Every officer, elective or appointive, before entering upon the duties of his or her office, shall take the oath of office prescribed for public officers by the Constitution of the State and shall file the oath with the Clerk, together with any bond required by statute, this charter or by the Council. In case of failure to comply with the provisions of this section within ten days from the date he or she is notified in writing of his or her election or appointment, such officer shall be deemed to have declined the office and such office shall thereupon become vacant unless the Council shall, by resolution, extend the time in which such officer may qualify.

State law reference—Oath of public officers, Mich. Const. 1963, art. XI, § 1.

Section 5.7. Surety Bonds.

Except as otherwise provided in this charter, all officers of the city whose duties involve the custody of public property or the handling of public funds, either by way of receipt or disbursement or both, and all other officers and employees so required by the Council, shall, before they enter upon the duties of their respective offices, file with the city an official bond, in such form and amount as the Council shall direct and approve. Such official bond of every officer and employee shall be conditioned that he or she will faithfully perform the duties of office, and will on demand deliver over to his or her successor in office, or other proper officer or an agent of the city, all books, papers, moneys, effects and property belonging thereto, or appertaining to his or her office, which may be in his or her custody as an officer or employee; and such bonds may be further conditioned as the Council shall prescribe. The official bond of every officer whose duty it may be to receive or pay out money, besides being conditioned as above required, shall be further conditioned that he or she will, on demand, pay over or account for to the city, or any proper officer or agent thereof, all moneys received by him or her as such officer or employee. The requirements of this paragraph may be met by the purchase of one or more appropriate blanket surety bonds covering all, or a group of, city employees and officers.

All official bonds shall be corporate surety bonds and the premiums thereon shall be paid by the city. All bonds of all officers or employees shall be filed with the Clerk, except that any bond pertaining solely to the Clerk shall be filed with the Treasurer.

Section 5.8. Delivery of Office.

Whenever any officer or employee shall cease to hold such office or employment for any reason whatsoever, such officer or employee shall within five days, and sooner on demand, deliver to his or her successor in office or superior all the books, papers, moneys and effects in his or her custody as such officer or employee.

Any officer violating this provision may be proceeded against in the same manner as public officers generally for a like offense under statute. Any employee found guilty of violating this provision by a competent tribunal may be punished by a fine of not to exceed five hundred dollars or imprisonment for not to exceed ninety days or both in the discretion of the court.

Section 5.9. Financial Interest Prohibited.

(a) Except as permitted by this section no contract or purchase involving an expenditure in excess of one hundred dollars shall be made by the city in which any elective or appointive officer, (except a member of a city board or commission created by or pursuant to this charter), or any member of an officer's family has any financial interest, direct or indirect, other than the common public interest. A "contract" shall for the purposes of this section include any arrangement or agreement pursuant to which any material, service or other thing of value is to be furnished to the city for a valuable consideration to be paid by the city, or sold or transferred by the city, except the furnishing of personal services as an officer or employee of the city; and the term "member of an officer's family" shall include only spouse, child, grandchild, father, mother, sister, brother and the spouse of any of them.

(b) Without limiting the generality of paragraph (a) of this section, an officer shall be deemed to have a financial interest in a contract if he or she or any member of his or her family is an employee, partner, officer, director or sales representative of the person, firm or corporation with which such contract is made or of a sales representative of such person, firm or corporation. Ownership, individually or in a fiduciary capacity, by an officer or member of an officer's family of securities, or of any beneficial interest in securities, of any corporation with which a contract is made or which is a sales representative of any person, firm or corporation with which such contract is made, shall not be deemed to create a financial interest in such contract unless the aggregate amount of such securities, or interest in such securities, so owned by such officer and the members of an officer's family, shall amount to ten per cent of any class of the securities of such corporation then outstanding.

(c) A contract in which an officer or member of an officer's family has a financial interest may be made by the city if the members of the Council having no such interest shall unanimously determine that the best interests of the city will be served by the making of such contract and if either such contract is made after competitive prices are obtained or if the members of the Council having no such interest shall unanimously determine that the obtaining of competitive prices is not feasible in such particular case. Any Council member may evidence his or her participation in either determination required by this paragraph by vote at a Council meeting or by written instrument filed with the Clerk.

(d) Any officer who knowingly permits the city to enter into any contract in which the officer has a financial interest without disclosing such interest to the Council prior to the action of the Council in authorizing such contract, shall be guilty of misconduct in office. Except in the instances specified in paragraph (c) of this section, the unanimous determination (by vote or written instrument) of all members of the Council that in a particular case an officer or member of an officer's family will not have a financial interest in any contract or purchase to be entered into by the city shall be final and conclusive in the absence of fraud or misrepresentation.

(e) No officer shall stand as surety on any bond to the city or give any bail for any other person which may be required by the charter or any ordinance of the city. Any officer of the city who violates the provisions of this paragraph shall be guilty of misconduct in office.

State law references—Conflicts of interest as to contracts, MCL 15.321 et seq.; standards of conduct and ethics, MCL 15.341 et seq.

Section 5.10. Compensation of Employees and Officers.

(a) The compensation of all employees and officers of the city whose compensation is not provided for herein shall be fixed by the appointing officer or body within the limits of budget appropriations and in accordance with any pay plan adopted by the Council.

(b) The respective salaries and compensation of officers and employees as fixed by, or pursuant to, this charter shall be in full for all official services of such officers or employees and shall be in lieu of all fees, commissions and other compensation receivable by such officers or employees for their services.

Such fees, commissions and compensation shall belong to the city and shall be collected and accounted for by such officers or employees, and be paid into the city treasury and a statement thereof filed periodically with the officer responsible for maintenance of the city's accounting system. The provisions of paragraph (b) of this section shall not apply to fees, commissions or other compensation paid by the County of Oakland to any officer or employee serving as a city representative on the Board of Supervisors who is not a full time officer or employee of the city.

(c) Nothing contained in this section shall prohibit the payment of necessary bona fide expenses incurred for services in behalf of the city.

State law reference—Mandatory that Charter provide for compensation of officers, MCL 117.3(d).

Section 5.11. Employee Welfare Benefits.

A. The Council shall have the power to adopt and make available to the administrative officers and employees of the city and its departments and boards any recognized standard plan of group life, hospital, health or accident insurance.

B. The Council shall have the power to create and establish, by ordinance, a retirement system for the administrative officers and employees of the city. Said ordinance shall contain such provisions as the Council shall deem necessary to provide for the retirement of administrative officers and employees who become superannuated because of age or total and permanent disability; to provide actuarially equated joint and survivor pensions; to provide for a Board of Trustees to administer the retirement system with members appointed, designated, or elected in that capacity as set forth herein or, alternatively, to contract with, participate in, or become a member of any public corporation established under state law for the purpose of administering public retirement systems and to have that organization serve as the Board of Trustees of the retirement system; to provide for contributions to be made to the system by the city, together with contributions which may be made by the covered officers and employees; and to provide for investments of the retirement system reserve fund; provided that the retirement system ordinance, or any amendment thereto, shall not diminish the accrued benefits of any member at the time of adoption of the retirement system ordinance or amendment, as the case may be.

(a) Board of Trustees. If said system is administered by a Board of Trustees with members appointed, designated, or elected to act in that capacity, the Board shall consist of:

- (1) A member of Council to be selected by the Council to serve at the pleasure of the Council.

- (2) A citizen who is a taxpayer of the city and who is neither a member, retirant, nor beneficiary of the retirement system, to be appointed by the Mayor, by and with the consent of the Council.
- (3) The City Manager to serve by virtue of his or her position; the Mayor to serve as an alternate to the City Manager and serve on the Board in his or her absence.
- (4) Two (2) members of the retirement system to be elected by the members of the retirement system in accordance with such rules and regulations as the Board of Trustees shall from time to time adopt to govern such elections: Provided that no more than one (1) such member trustee shall be from any one (1) city department.

If the city alternatively determines to contract with, participate in, or become a member of any public corporation, agency, or entity established under state law for the purpose of administering public retirement systems, that organization shall serve as the Board of Trustees of the retirement system for purposes of this Section.

- (b) City Contributions. The financial objective of the retirement system shall be to establish and receive contributions which, expressed as per cents of active employee payroll, will remain approximately level from year to year and will not have to be increased for future generations of citizens. More specifically, contributions received each year shall be sufficient both (i) to fully cover the costs of plan benefit commitments being made to employees for service likely to be rendered in the future and (ii) to make a level payment which if paid annually over a reasonable period of future years will fully cover the unfunded portion of plan benefit commitments for service previously rendered. The Board of Trustees shall annually certify to the City Council the contributions determined in accordance with this section, and the Council shall appropriate and pay to the retirement system, during the next fiscal year, the contributions so certified. The Council shall annually certify to the Board of Trustees the amount of any increase in pension benefits to be paid retirants and/or beneficiaries as of July 1 of the next fiscal year in order that the cost of the benefit increase be included in the actuarial evaluation for that fiscal year and amortized over a reasonable period of future years.
- (c) Investment of Assets. The Board of Trustees shall be the Trustee of the monies and assets of the retirement system. The Board of Trustees shall have the full power and authority to invest and reinvest such monies and assets, subject to all of the terms, limitations and restrictions imposed by the State of Michigan on the investments of public employees retirement systems. The Board of Trustees may employ outside investment counsel and/or banking institutions to advise the Board of Trustees in the making and dispensing of investments. All monies and assets of the retirement system shall be held for the sole purpose of making disbursements authorized in accordance with the provisions of this Charter and shall be used for no other purposes.
- (d) Amount of Benefits. The City Council shall establish the amount of retirement benefits to be paid pursuant to the retirement plan by the adoption of appropriate city ordinances or amendments to previously established ordinances.

- (e) **Contractual Nature of the Pension Plan.** The accrued financial benefits of the retirement system shall be a contractual obligation of the city and shall not be diminished or impaired by the city. The terms of this chapter shall constitute the only basis in which each such contractual obligation shall arise and accrue, and no benefit shall arise and accrue to any participant or retiree except those specifically provided for in this chapter, and in accordance with the terms thereof.
- (f) **Employee Contributions.** Employee contributions shall be made in accordance with the provisions of applicable employment and/or collective bargaining agreements between the city and its administrative officers and/or employees.
- (g) Provision shall be made for the return of the contributions made to the retirement system by a member who leaves city employment before becoming eligible to retire and no pensions are or will become payable by the retirement system on account of a member's city employment.
- (h) Provision may be made that if a retired member dies before he or she has received in straight life pensions an aggregate amount equal to the member's accumulated contributions standing to his or her credit at the time of retirement, the difference between the member's said accumulated contributions and the said aggregate amount of straight life pensions received by him or her shall be paid to his or her designated beneficiary or estate.
- (i) Provision shall be made that the assets and liabilities of the retirement system shall be actuarially evaluated annually by an actuary designated by the Council. The said liabilities shall be financed by annual appropriations to be made by the Council; said appropriations to be determined as follows:
 - (1) The appropriations for members' current service shall be a per cent of their annual compensations which will produce an amount which if paid annually by the city during their future service will be sufficient at the time of their retirements, to provide the reserves, not financed by the members' future contributions, for the portions of the pensions to be paid them based upon their future service; and
 - (2) The appropriation for members' accrued service shall be a per cent of their annual compensations which will produce an amount which if paid annually by the city over a period of years, to be determined by the Council, will amortize, at a prescribed rate of interest, the unfunded pension reserves for the accrued service portions of the pensions to which they may be entitled; and
 - (3) The appropriations for pensions being paid retirants and beneficiaries shall be a per cent of the annual compensations of members which will produce an amount which if paid annually by the city over a period of years, to be determined by the Council, will amortize, at a prescribed rate of interest, the unfunded pension reserves for pensions being paid retirants and beneficiaries; and

- (4) In the event the amounts appropriated in the budget in any year be insufficient to pay in full the amounts due in said year to all retirants and beneficiaries of the retirement system the amount of such insufficiency shall thereupon be provided by the appropriating authorities of the city.
 - (j) Provision may be made that if a member, who has satisfied specific service requirement, dies while in the employ of the city, the member's spouse shall receive a pension not more than the member would have received had the member retired the day preceding his or her death, notwithstanding that he or she might not have attained his or her voluntary retirement age.
 - (k) Provision may be made that if a member who has the number of years of service credit required under the retirement system ordinance, leaves the employ of the city before attaining his or her voluntary retirement age, the member will receive a pension beginning not earlier than his or her voluntary retirement age, provided the member does not withdraw his or her accumulated contributions from the retirement system.
 - (l) In no case shall social security taxes be paid from funds of the retirement system nor from moneys due the system.
 - (m) Provision may be made to recompute the amount of each pension being paid retirants and beneficiaries; such recomputed amount to be the basis of future pension payments. The recomputation shall be based on the benefit provisions of the ordinance in effect on the date the recomputation is made.
- (Amd. 9-12-61; Amd. 11-5-68; Amd. 11-8-83; Amd. 11-2-04; Amd. 8-5-08)

Section 5.12. Anti-Nepotism.

The following relatives and their spouses (1) of any elective official or of his or her spouse, or (2) of the City Manager or of his or her spouse are disqualified from holding any appointive office or any employment during the term for which said elective official was elected or during the tenure of office of the City Manager, respectively: child, grandchild, parent, grandparent, brother, sister, half brother and half sister. All relationships shall include those arising from adoption. This section shall in no way disqualify such relatives or their spouses who are bona fide appointive officers or employees of the city at the time of the election of said elective official or appointment of said City Manager, respectively.

CHARTER COMPARATIVE TABLE

The original Charter, sections 1.1 through 18.8, is set out as adopted by the electors on April 2, 1951. The following table shows the disposition of amendments adopted subsequently.

Amendment Date	Section this Code
9-12-61	5.11
4- 1-63	4.3
11- 5-68	5.11
8- 4-70	4.3
11- 2-71	4.17
11- 6-79	12.1, 12.2
11- 9-80	8.2
11- 8-83	5.11
11- 2-99	4.3, 5.1, 6.1
11- 2-04	5.11(B)(b), (f), (j), (k)
11- 8-05	12.1, 12.2
8- 8-06	3.5, 5.1
	5.4, 17.4(6)
Dltd	15.1—15.4, 16.1—16.17
11- -7-06	1.1—18.8
11- -6-07	4.11, 4.12, 4.17
Dltd	11.6 11.7, 11.9
8- 5-08	5.11
11- 4-08	4.6, 4.16, 5.1

Sec. 2-393c. Elimination of position of assistant city manager.

Effective September 12, 2008, and terminating September 13, 2008, the board shall provide the following benefits to facilitate the eliminated position of assistant city manager.

- (a) *Effective retirement date.* The assistant city manager's effective retirement date shall be September 12, 2008.
- (b) *Service credit.*
 - (1) The assistant city manager shall receive twelve (12) months and twenty-eight (28) days of additional service credit for retirement purposes only.
 - (2) The assistant city manager shall be entitled to purchase an additional five (5) years of prior governmental service credit to be used in determining retirement benefits, upon satisfaction of each of the following:
 - a. Service credit eligible for purchase is restricted to service rendered to another U.S. governmental unit.
 - b. Service upon which the assistant city manager may qualify for eligibility for a benefit from another retirement system or plan, other than the federal social security system, is not eligible as a basis for purchasing service credit.
 - c. For purchase of the five (5) years of service credit, the assistant city manager will forfeit his entire sick leave bank accrued at time of retirement as payment in full.
- (c) *Retirement benefit.* The assistant city manager shall be entitled to a normal retirement allowance as of his effective retirement date calculated as if he retired under section 2-393 of this article.

(Ord. No. C-734-2008, § 1, 8-18-08)

Sec. 2-394. Reemployment by city; effect on pension payments.

If a retired member becomes reemployed in a position with the city which is normally covered by the retirement system and is then receiving retirement benefits of any nature from the retirement system, the following conditions shall apply:

- (1) The retired member's pension payments shall be suspended effective as of the first of the month following the sixtieth day after the retired member's rehire date, unless reemployment by the city has ended by that date.
- (2) The retired member's pension payments shall be reinstated as of the first of the month following termination of the retired member's reemployment.
- (3) The amount of the reinstated pension shall be the amount the retired member would have received had the retired member not become reemployed by the city.

Paragraphs (1), (2) and (3) above shall not apply and pension payments shall continue without change due to reemployment by the city if:

- (1) The retired member is not included as a member of the retirement system during the period of reemployment; and
- (2) The retired member is eligible only for those benefits that the city provides for retired members and those benefits required by law; and
- (3) One (1) or more of the following applies:
 - a. The retired member is employed by the city for not more than one thousand five hundred (1,500) hours in any twelve-month period.
 - b. The retired member is elected or appointed as a city official to an office that the retired member did not hold just prior to retirement for a term of office that begins after the member's retirement date, or to the same office that the retired member held just prior to retirement for a term of office that begins at least two (2) years after the member's retirement date.

(Ord. No. C-707-2005, § 1, 5-2-05)

Sec. 2-395. Form of payment of a pension.

A member may elect to have pension payments made under any one (1) of the following forms of payment and name a survivor beneficiary. The election and naming of survivor beneficiary shall be made on a form furnished by and filed with the retirement system prior to the date the first pension payment is made. An election of form of payment may not be changed on or after the date the first pension payment is made. A named survivor beneficiary may not be changed on or after the date the first pension payment is made if optional form of payment A or B is elected. A named survivor beneficiary may be changed or may be more than one (1) person only if optional form of payment SL or C is elected. A named survivor beneficiary shall have an insurable interest in the life of the member or vested former member when named. Payment shall be made under form of payment SL if there is not a timely election of another optional form of payment. The amount of pension under optional forms of payment A, B and C shall have the same actuarial present value, computed as of the effective date of the pension, as the amount of pension under optional form of payment SL.

Option SL - Straight life pension. The retired member is paid a pension for life under form of payment SL. Upon death of the retired member, no continuing pension benefits shall be paid.

Option A - 100% survivor pension. The retired member is paid a reduced pension for life under Option A. Upon the death of the retired member during the lifetime of the named survivor beneficiary, the named survivor beneficiary is paid the full amount of reduced pension until death. If the named survivor beneficiary predeceases the retired member, the retired member is paid the unreduced straight life pension until death.

Th S 89°24' E 50.00 ft.,
 Th S 0°02' W 266.48 ft.,
 Th West 79.47 ft.,
 Th N 78°17'50" W 143.07 ft.,
 Th West 294.57 ft.,
 Th N 0°33' E 377.00 ft., to point of beginning;

(13) Also including the property described as:

Beginning at NE corner of lot 234 of Warner Farm Sub No. 5,
 Th N 32°23'14" E 159.90 ft.,
 Th N 57°41'17" W 155.00 ft.,
 Th S 31°33'14" W 102.92 ft.,
 Th N 58°05'10" W 100.00 ft.,
 Th N 31°52'00" E 103.51 ft.,
 Th N 57°18'00" W 47.75 ft.,
 Th S 32°41'00" W 103.57 ft.,
 Th S 32°33'14" W 56.33 ft.,
 Th S 57°42'10" E 302.75 ft., to point of beginning.

(Ord. No. C-532-86, § 6, 2-17-86)

Sec. 11-32. By-laws and rules.

The authority shall adopt by-laws governing its procedures and rules regarding the holding of its meetings, all in accordance with Section 4(3) of Public Act No. 197 of 1975 (MCL 125.1654(3)), and shall immediately forward a copy thereof to the council in care of the city clerk. Such by-laws and rules shall be subject to the approval of the council, provided that if the council fails to either approve or disapprove the authority's by-laws and rules within thirty (30) days after receipt of a copy thereof by the city clerk, the authority's by-laws and rules shall be deemed to have been approved by the council for all purposes.

(Ord. No. C-532-86, § 7, 2-17-86)

Sec. 11-33. Director's bond.

If the authority board employs a director as authorized by Section 5(1) of Public Act No. 197 of 1975 (MCL 125.1655(1)), the director, before entering upon the duties of his office, shall post a bond in the penal sum of ten thousand dollars (\$10,000.00), payable to the authority for the use and benefit of the authority, approved by the authority board and filed with the city clerk. The premium on the bond furnished by the director shall be deemed an operating expense of the authority, payable from funds available to it for expenses of operation.

(Ord. No. C-532-86, § 8, 2-17-86)

Sec. 11-34. Form of approvals by council.

Except as otherwise provided by Act 197, approvals by the council of all matters pertaining to the authority or the authority board may be by resolution, such matters pertaining to the internal affairs and concerns of the city.

(Ord. No. C-532-86, § 9, 2-17-86)

Sec. 11-35. Additional authority.

The boundaries of the downtown district established under this chapter are designated the boundaries of the principal shopping district as authorized under Public Act No. 120 of 1961 (MCL 125.981 et seq.), as amended. The members of the board of the downtown development authority shall compose the board of the principal shopping district as provided in such statute, and the board may exercise all authority and powers authorized pursuant to Act No. 120.

(Ord. No. C-604-93, § 1, 10-18-93)

Secs. 11-36—11-50. Reserved.

DIVISION 2. DEVELOPMENT PLAN AND TAX INCREMENT FINANCING PLAN

Sec. 11-51. Definitions.

The following words and phrases, when used in this division, shall have the meanings respectively ascribed to them:

Base year assessment roll means the base year assessment roll prepared by the city assessor in accordance with section 11-54.

Captured assessed value means the amount in any one (1) year by which the current assessed value as finally equalized of all taxable property in the development area exceeds the initial assessed value.

Development area means the area set out in section 11-31 and more fully described in the development plan.

Development plan means the "Amended and Restated Development Plan and Tax Increment Financing" dated November 3, 2008, as transmitted to the council by the downtown development authority for public hearing and confirmed by this article, copies of which are on file in the office of the city clerk.

Initial assessed value means the state equalized value as of November 17, 1986 of all the taxable property within the boundaries of the development area at that time.

Project fund means the downtown development authority project no. 1 fund established pursuant to section 11-56.

Taxing jurisdiction means each unit of government levying an ad valorem property tax on property in the development area.

(Ord. No. C-539-86, § 1, 11-17-86; Ord. No. C-602-93, § 1, 6-7-93; Ord. No. C-735-2008, § 1, 11-3-08)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 11-52. Approval and adoption of amended and restated development plan.

The amended and restated development plan, as amended by council, is hereby approved and adopted. The duration of the plan shall be until December 31, 2038, or the date of issuance of the last series of bonds pursuant to the development plan, whichever is later, except as may be extended by subsequent amendment of the plan and this division. A copy of the plan and all amendments thereto shall be maintained on file in the city clerk's office and cross-indexed to this division.

(Ord. No. C-539-86, § 2, 11-17-86; Ord. No. C-602-93, § 2, 6-7-93; Ord. No. C-735-2008, § 2, 11-3-08)

Sec. 11-53. Boundaries of development area.

The boundaries of development area no. 1 as set forth in the development plan are hereby adopted and confirmed.

(Ord. No. C-539-86, § 3, 11-17-86)

Sec. 11-54. Preparation of base year assessment roll.

(a) The city assessor shall prepare the initial base year assessment roll. The initial base year assessment roll shall list each taxing jurisdiction in which the development area is located, the initial assessed value of the development area on November 17, 1986, and the amount of tax revenue derived by each taxing jurisdiction from ad valorem taxes on the property in the development area.

(b) The assessor shall transmit copies of the initial base year assessment roll to the city treasurer, county treasurer, downtown development authority and each taxing jurisdiction, together with a notice that the assessment roll has been prepared in accordance with this division and the tax increment financing plan contained in the development plan approved by this article.

(Ord. No. C-539-86, § 4, 11-17-86)

Sec. 11-55. Preparation of annual base year assessment roll.

Each year within fifteen (15) days following the final equalization of property in the development area, the city assessor shall prepare an updated base year assessment roll. The updated base year assessment roll shall show the information required in the initial base year assessment roll and, in addition, the captured assessed value for that year. Copies of the

annual base year assessment roll shall be transmitted by the city assessor to the same persons as the initial base year assessment roll, together with a notice that it has been prepared in accordance with this division and the development plan.

(Ord. No. C-539-86, § 5, 11-17-86)

Sec. 11-56. Establishment of project fund; approval of depository.

The treasurer of the downtown development authority shall establish a separate fund which shall be kept in a depository bank account or accounts in a bank or banks approved by the city treasurer, to be designated the downtown development authority project no. 1 fund. All moneys received by the downtown development authority pursuant to the development plan shall be deposited in the project fund. All moneys in that fund and earnings thereon shall be used only in accordance with the development plan and this article.

(Ord. No. C-539-86, § 6, 11-17-86)

Sec. 11-57. Payment of tax increments to the downtown development authority.

The city and county treasurer shall, as ad valorem taxes are collected on the property in the development area, pay that proportion of the taxes, except for penalties and collection fees that the captured assessed value bears to the initial assessed value to the treasurer of the downtown development authority for deposit in the project fund. Beginning with taxes levied after December 31, 2008, one hundred (100) percent of the above-calculated amount shall be paid to the treasurer of the downtown development authority. The payments shall be made on the date or dates on which the city and county treasurers are required to remit taxes to each of the taxing jurisdictions.

(Ord. No. C-539-86, § 7, 11-17-86; Ord. No. C-602-93, § 3, 6-7-93; Ord. No. C-735-2008, § 3, 11-3-08)

Sec. 11-58. Use of moneys in the project fund.

The money credited to the project fund and on hand therein from time to time shall annually be used in the following manner and the following order of priority:

- (1) To pay into the debt retirement fund, or funds, for all outstanding series of bonds issued pursuant to the plan an amount equal to the interest and principal coming due (in the case of principal whether by maturity or mandatory redemption) prior to the next collection of taxes, less any credit for sums on hand in the debt retirement fund.
- (2) To establish a reserve account for payment of principal and interest on bonds issued pursuant to this plan to the extent required by any resolution authorizing bonds.
- (3) To pay the administrative and operating cost of the downtown development authority and city for the development area, including planning and promotion, to the extent provided in the annual budget of the downtown development authority.

- (4) To pay, to the extent determined desirable by the downtown development authority and approved by the city, the cost of completing the remaining public improvements as set forth in the development plan to the extent those costs are not financed from other sources.
 - (5) To pay the cost of any additional improvements to the development that are determined necessary by the downtown development authority and approved by the council.
 - (6) To reimburse the city for funds advanced to acquire property, clear land, make preliminary plans and improvements necessary for the development of the development area in accordance with this plan.
- (Ord. No. C-539-86, § 8, 11-17-86)

Sec. 11-59. Duration of the tax increment plan.

The tax increment plan shall commence upon its approval by council and shall terminate on December 31, 2038. The term may be extended by amendment or modification of this development and tax increment plan to incorporate future development activities within part or all of the downtown district.

(Ord. No. C-539-86, § 9, 11-17-86; Ord. No. C-602-93, § 4, 6-7-93; Ord. No. C-735-2008, § 4, 11-3-08)

Sec. 11-60. Annual report.

Within ninety (90) days after the end of each fiscal year, the downtown development authority shall submit to the council with copies to each taxing jurisdiction, a report on the status of the project fund. The report shall include the amount and source of revenue in the account, the amount and purpose of expenditures from the account, the initial assessed value of the development area, the captured assessed value of the development area, the tax increments received and the amount of any surplus from the previous year, and any additional information requested by the council or deemed appropriate by the downtown development authority. The secretary of the downtown development authority shall cause a copy of the report to be published once in full in a newspaper of general circulation in the city.

(Ord. No. C-539-86, § 10, 11-17-86)

Sec. 11-61. Refund of surplus tax increments.

Any surplus money in the project fund at the end of a year, as shown by the annual report of the downtown development authority, shall be paid by the authority to the city or county treasurer, as the case may be, and rebated by them to the appropriate taxing jurisdiction.

(Ord. No. C-539-86, § 11, 11-17-86)

Secs. 11-62—11-80. Reserved.

ARTICLE III. BUILDING AUTHORITY*

Sec. 11-81. Approval.

(a) The Articles of Incorporation of the Farmington Building Authority on file in the office of the city clerk are hereby approved and adopted.

(b) The mayor and city clerk are hereby authorized and directed to execute such articles of incorporation for and on behalf of the city.

(c) The executed articles of incorporation shall be delivered to the clerk, who shall take such steps as are necessary under the provisions of state law to perfect the incorporation of the authority.

(Res. No. 11-77-462, §§ 1—3, 11-7-77)

Secs. 11-82—11-105. Reserved.

ARTICLE IV. ECONOMIC DEVELOPMENT CORPORATION†

Sec. 11-106. Approval.

(a) The application under date of June 15, 1983, filed by H. Lapham, Jr., J. K. Cotton, and J. E. Gilin to incorporate the economic development corporation of the city and the proposed articles of incorporation for the corporation are hereby approved and adopted.

(b) The articles of incorporation shall be executed in duplicate and upon execution the city clerk be and is hereby directed to file and publish such articles in accordance with Section 31 of Public Act No. 338 of 1974 (MCL 125.1601 et seq.), as amended.

(Res. No. 7-83-222, §§ 1, 2, 7-18-83)

***Cross references**—Administration, Ch. 2; boards and commissions generally, § 2-251 et seq.

State law reference—Buildings for use of city, MCL 123.951 et seq.

†**Cross references**—Administration, Ch. 2; boards and commissions generally, § 2-251 et seq.

State law reference—Economic development corporations, MCL 125.1601 et seq.

(4) Make or cause to be made, any other loud or unnecessary noise.
(Code 1977, § 6.69)

Cross reference—Noise control generally, § 19-121 et seq.

Sec. 15-34. Unlawful conduct.

(a) It shall be unlawful for any patron or any other person on the premises of a drive-in restaurant, or any other area open to the public and immediately adjacent to a drive-in restaurant, whether in or out of any motor vehicle, to consume any alcoholic liquor or have in his possession any open bottle, can or other receptacle containing any alcoholic liquor.

(b) No person shall drive a motor vehicle onto the premises of a drive-in restaurant and then exit from those premises without parking such motor vehicle and seeking service, unless there is no unoccupied parking space available on the premises. It is further, for the purpose of this section, to be presumed that the entry upon such premises by any pedestrian or any persons in the motor vehicle, without actually engaging or attempting to engage in a business transaction shall constitute prima facie evidence of a violation of this section.

(c) It shall be unlawful for any number of persons to congregate for any time whatsoever at any location on the premises of any drive-in restaurant, including any area immediately adjacent to any drive-in restaurant and open to the public for the parking or storage of motor vehicles. This section shall not apply to persons inside the restaurant building or persons within a legally parked motor vehicle upon the premises of a drive-in restaurant, the persons being patrons of the drive-in restaurant engaged in the consumption of any purchase from the drive-in restaurant. Any person so congregating shall be deemed guilty of loitering.

(d) Further, for the purpose of this section, it shall be unlawful and deemed prima facie evidence of loitering for any person to consume any purchase from a drive-in restaurant in any parking lot or area designated for the parking or storage of motor vehicles other than on the premises of a drive-in restaurant. It shall be the duty of the registrant to post on the premises in a conspicuous location one (1) or more signs bearing the following legend: "CRUISING AND GATHERING OUTSIDE OF VEHICLE UNLAWFUL."

(Code 1977, § 6.70)

Chapter 15.5

GARAGE SALES

Sec. 15.5-1. Purpose and intent.

It is the intent of this chapter to regulate, control and limit the holding of garage sales, as they may become nuisances and safety hazards if not so regulated, and so that residential areas do not become commercialized through a proliferation of garage sales and similar commercial activities.

(Ord. No. C-732-2008, § 1, 8-18-08)

Sec. 15.5-2. Definitions.

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

Garage sale means a sale of used household effects and personal property, appliances, clothing, china, glassware, tools, toys, garden implements, recreational equipment and other such items by a person from his residence by means of a display of such items in the yard, garage, patio, parking area or other like place in, around or near such residence. "Garage sale" also means an estate sale and/or auction conducted at or around a residence or in a residential subdivision. "Garage sale" shall not mean the sale of a single automobile by means of a "For Sale" sign in the window of such vehicle parked at or near the residence.

Salesmen's or free samples means items which were packaged and designed to introduce products to consumers and which were distributed by salesmen or otherwise without charge.

Wholesale means sales in bulk or individually to dealers or persons who intend to resell such item.

(Ord. No. C-732-2008, § 1, 8-18-08)

Sec 15.5-3. Restriction, number and duration.

(a) There shall be no more than two (2) garage sales at any residence within any one (1) calendar year.

(b) No garage sale may last more than seventy-two (72) hours.

(c) Garage sales shall only be conducted between the hours of 8:00 a.m. and 6:00 p.m.

(Ord. No. C-732-2008, § 1, 8-18-08)

Sec. 15.5-4. Sales limitations.

(a) No wholesale sales shall be made at any garage sale.

(b) No salesman shall be permitted to sell and no free samples or similar items shall be sold at any garage sale.

(c) Garage sales shall be limited to sales of items which have actually been used during the normal course of residential living at the residence at which the sale is to occur and items shall not be transported to such residence. Joint and/or group garage sales between or among two (2) or more homes shall only be permitted if all of the following apply:

- (1) Sales shall be limited to items which have actually been used during the normal course of residential living in one (1) or more of the residences participating in the joint and/or group garage sales; and
- (2) All of the residences participating in the joint and/or group garage sale shall be located within the same subdivision, or, if the residences are not located within a subdivision, all of the residences participating in the joint and/or group garage sale shall be located within two thousand five hundred (2,500) feet of the residence in which the sale is to occur.

(Ord. No. C-732-2008, § 1, 8-18-08)

Sec. 15.5-5. Garage sale not to create nuisance.

(a) No garage sale shall be situated so as to obstruct traffic, nor shall any garage sale patrons park their vehicles so as to obstruct traffic.

(b) No signs advertising a garage sale regulated by this chapter shall be placed on public property, utility poles or on private property without the express consent of the owner. Within twenty-four (24) hours after the conclusion of a garage sale all signs shall be removed.

(c) Excessive noise emanating from the area of any garage sale shall be expressly prohibited.

(Ord. No. C-732-2008, § 1, 8-18-08)

Sec. 15.5-6. Exemptions.

The provisions of this chapter shall not apply to sales and/or charity bazaars held by churches or other houses of worship, schools and/or service organizations that are located in residential zoning districts provided that the sales and/or charity bazaars are held by the church or other house of worship, school or service organization, on their own property and provided that said sales and/or charity bazaars comply with all other requirements of the Farmington City Code, including, but not limited to, the Farmington Zoning Ordinance.

(Ord. No. C-732-2008, § 1, 8-18-08)

Sec. 15.5-7. Penalty.

Any person, persons or entity violating any of the provisions of this chapter shall be guilty of a municipal civil infraction.

(Ord. No. C-732-2008, § 1, 8-18-08)

Chapter 16

GARBAGE AND RUBBISH*

Art. I. Reserved, §§ 16-1—16-19

Art. II. Recycling, Composting and Solid Waste Disposal, §§ 16-20—16-38

***Editor's note**—Ord. No. C-582-91, § 1, adopted May 20, 1991, amended the Code by repealing provisions contained in Ch. 16, §§ 16-1—16-11 and replacing them with similar provisions designated as Ch. 16, §§ 16-1—16-18. Such provisions have been designated as Art. II, §§ 16-21—16-38 for purposes of classification.

Cross references—Waste containers and drive-in restaurants, § 15-31; cost of rubbish removal charged to owner of drive-in restaurant, § 15-32; nuisances generally, Ch. 19; unlawful noise from removal of rubbish, § 19-134; property maintenance, Ch. 24; soil removal and landfills, Ch. 26; water and sewers, Ch. 34.

State law reference—Garbage disposal act, MCL 123.361 et seq.

ARTICLE I. RESERVED

Secs. 16-1—16-19. Reserved.

ARTICLE II. RECYCLING, COMPOSTING AND SOLID WASTE DISPOSAL**Sec. 16-20. Intent and purpose.**

(a) Part 115 of Public Act No. 451 of 1994 (MCL 324.11501 et seq.) provides that a municipality shall assure that all solid waste is removed from sites of generation frequently enough to protect the public health, and delivered to solid waste disposal areas authorized to operate pursuant to such act. The city council has determined that the collection of solid waste would most appropriately be undertaken at this time by the city, acting through contract with the private sector. Because solid waste collection directly affects the public health, safety, and general welfare, the city shall contract with a single contractor in order to facilitate city governance and control of the solid waste program.

(b) The city council has further determined that its solid waste program should include recycling and composting, consistent with the county solid waste plan.

(c) For purposes of establishing and carrying out a program of solid waste collection, recycling and disposal, the city council has adopted this article to provide standards and specifications for services to be provided, provide for the administration of the program and operational specifications, and provide penalties for failure to comply with the provisions of this article.

(Ord. No. C-731-2008, § 1, 5-19-08)

Sec. 16-21. Definitions.

The following words, terms and phrases when used in this chapter shall have the meanings ascribed to them in this section:

Approved container means a container, approved by the city for the purpose of collecting all recyclables and/or compostable/yard waste.

Ashes means residue from fires, including, but not limited to, fires used for cooking and/or heating buildings.

Bulk items means large pieces of furniture, bed springs, refrigerators, stoves and other such items incidental to the major routine of housekeeping. Bulk item does not include discarded appliances and other equipment resulting from an appliance or other equipment replacement program in a multiple family residence.

Compostables/yard waste means the miscellaneous waste materials resulting from landscaping and/or maintenance of a home including, but not limited to, grass clippings, weed clippings, leaves, shrub clippings, twigs and other items as outlined in the rules and regulations promulgated by the city manager and/or his designee.

Construction waste means and includes waste materials resulting from alteration, repair or construction of buildings or structures.

Designated waste hauler means any person, other than the city, awarded a contract by the city for, and engaged in the business of, collecting, transporting, delivering and disposing of solid waste and recyclable materials generated within the city.

Garbage means rejected food wastes and all refuse of animal, fruit or vegetable matter including that used or intended for food or that attends the preparation, use, cooking, handling, processing or storing of meat, fish, fowl, fruit or vegetables.

Hazardous waste means any material or substance which by reason of its composition or characteristics is:

- (1) Hazardous waste as defined in the Solid Waste Disposal Act, 42 U.S.C. § 6907 et seq., as amended, replaced or superseded, and the regulations implementing the same; or
- (2) Material the disposal of which is regulated by the Toxic Substance Control Act, 15 U.S.C. § 2601 et seq., as amended, replaced or superseded, and the regulations implementing the same; or
- (3) Special nuclear or by-products material within the meaning of the Atomic Energy Act of 1954; or
- (4) Hazardous waste as defined in Public Act No. 64 of 1979, as amended from time to time, and as identified in the reasonable rules and regulations promulgated by the city manager and/or his designee and/or by regulations adopted by the Department of Natural Resources.

Industrial special waste means nonhazardous wastes generated by industrial users, which due to their size or composition, require special handling and/or disposal procedures including, but not limited to, foundry, sand, incinerator/boiler bottom ash, fly ash, sludge, scrap pallets and other wastes from manufacturing processes which require special handling and/or disposal procedures.

Mixed waste means a mixture of rubbish and garbage.

Person means any individual, firm, public or private corporation, partnership, trust, public or private agency or any other entity or any group of such persons.

Premises means any property used for single-family residential purposes as defined in Chapter 35, Zoning, of the Farmington City Code, to which a separate street address, postal address or box or tax roll description or other similar identification has been assigned. Premises shall not include single-family dwellings which do not have a separate distinct individual entrance from the dwelling unit to an open area which abuts a public or private street and/or access easement and shall also not include any property used for multiple-family residential purposes as defined in Chapter 35, Zoning, of the Farmington City Code.

Recyclables means presorted materials that are separated from solid waste prior to collection. Materials may include, but are not limited to, newspapers, tin, glass bottles and jars and plastic containers and any other materials and items designated in the reasonable rules and regulations promulgated and published by the city manager and/or his designee.

Rubbish means miscellaneous materials including, but not limited to, paper, magazines, ashes, glassware, dishes and other items incidental to the usual routine of housekeeping but not including dirt, gravel, sand or construction debris.

Solid waste means garbage, rubbish, yard waste and lawn debris and recyclables and/or a mixture thereof. Solid waste does not include hazardous waste and/or industrial special waste.

Yard waste and lawn debris means the miscellaneous waste materials resulting from landscaping and/or maintenance of a home, including, but not limited to, grass clippings, weed clippings, leaves, shrub clippings, twigs and other items as outlined in the contract between the city and designated waste hauler.

(Ord. No. C-582-91, § 1, 5-20-91; Ord. No. C-731-2008, § 2, 5-19-08)

Sec. 16-22. Collection schedule.

The city manager and/or his designee shall establish a schedule for the collection of solid waste, yard waste and lawn debris and recyclables throughout the city and shall provide or contract for the proper labor and equipment for carrying out such schedule. The city manager may change the schedule for collection of solid waste, yard waste and recyclables in accordance with the terms of any contract between the city and designated waste hauler; however, notice of any such change shall be published at least once in a newspaper of general circulation or notice shall be delivered to the residences or businesses effectuated by the change at least thirty (30) days prior to the change in schedule.

(Ord. No. C-582-91, § 1, 5-20-91; Ord. No. C-731-2008, § 3, 5-19-08)

Sec. 16-23. Disposal/scavenging.

(a) No solid waste, hazardous waste, industrial special waste, animal waste or vegetable waste shall be disposed of within the city by burial or by dumping nor shall solid waste, hazardous or industrial special waste be used as fill. No solid waste or hazardous waste or industrial special waste shall be disposed of into a lake, stream or other body of water.

(b) It shall be unlawful for any person, other than the owner or occupant, his or her employees or agents, city employees and/or the city's contractor to tamper or meddle with, take, carry away, pick through or scavenge any container, bundle or approved container for recyclables and remove the contents thereof from the location where the same has been properly placed pending collection.

(Ord. No. C-582-91, § 1, 5-20-91)

Sec. 16-24. Containers.

It shall be the duty of owners, proprietors or persons in charge of every home or other building authorized by the city to receive solid waste, yard waste and lawn debris and recyclable collection services to place or cause to be placed all solid waste accumulating on the property in suitable containers provided by such owner or such other persons. Those persons who are subject to the mandatory separation of recyclable materials and/or yard waste provisions of this chapter shall use the approved containers provided by the city for the collection of the recyclables and the containers approved by the city for the collection of yard waste. Any solid waste placed outside of buildings, whether it be on public or private property, shall be placed in suitable tightly covered containers or other containers approved by the city. All containers for solid waste shall be watertight containers. Receptacles shall not be larger than thirty-five (35) gallons in size unless approved by the city manager and/or his designee. Containers constructed of rigid materials shall be equipped with handles by which they may be lifted. The combined weight of the container and its contents shall not exceed sixty (60) pounds. All bulk refuse such as cardboard containers, wooden crates and other similar refuse shall be flattened and tied in bundles or packed in suitable containers of a size that may be readily handled by one (1) solid waste collector, and in no case shall such bundle or container be larger than three (3) feet by four (4) feet. Brush shall be cut into lengths not exceeding four (4) feet and tied into bundles not larger than eighteen (18) inches in diameter. Tree limbs exceeding six (6) inches in diameter will not be collected by the city and/or its contractor.

(Ord. No. C-582-91, § 1, 5-20-91; Ord. No. C-731-2008, § 4, 5-19-08)

Sec. 16-25. Owner's duty as to solid waste.

It shall be the duty of the owner, occupant or person in charge of any dwelling unit, manufacturing company or other building where solid wastes accumulate to provide suitable containers and to cause to be placed therein the solid waste created or accumulated on the property owned or controlled by him. It shall be the further duty of such owner, occupant or other person in charge of a dwelling unit or other building that is approved by the city to receive solid waste disposal collection services and/or recyclable and yard waste and lawn debris disposal collection services to place, or cause to be placed, on the day scheduled for collection the required and approved containers containing solid waste and/or where required by this chapter recyclables and/or yard waste and lawn debris at the curbside in front of the building. Such containers shall not be placed out for collection prior to 12:00 noon preceding the day for collection and shall be removed by 12:00 noon the next day following collection, provided that such containers shall not be set out for collection or be allowed to remain at the curbside either before or after collection between the hours of 7:00 a.m. and 7:00 p.m. on Sundays or the following holidays:

New Year's Day

Memorial Day

Independence Day

Labor Day

Thanksgiving Day

Christmas Day

(Ord. No. C-582-91, § 1, 5-20-91; Ord. No. C-731-2008, § 5, 5-19-08)

Sec. 16-25.5. Dumpsters provided upon public parking lots.

The owner, occupant, or manager of a business, office, apartment or other non-single-family building which utilizes public parking lots to meet minimum parking requirements of this Code may be required to utilize dumpsters as placed within the public parking lots as the exclusive means of disposing of solid waste created or accumulated on their property. Such obligation will commence ninety (90) days following the mailing of written notice of the availability of such dumpsters to the address of the owner, occupant or manager shown on the city's registration and/or tax rolls. Said notice shall provide information concerning the location of the dumpster, any restrictions upon its use and may provide the allocation of costs of maintenance of the facility and disposal of the solid waste among its users in the event it is not addressed by private contract. In its determination or allocation of such costs, the city and the owner shall be governed by chapter 11, Special Assessments of the City Charter, section 11.9.

(Ord. No. C-662-2000, § 1, 1-18-00)

Sec. 16-26. Collection business license.

Commencing on July 1, 1992, no person shall engage in the business of collecting, transporting or disposing of solid waste within the city without first obtaining a license therefor. Licenses shall be issued upon application to the city clerk upon forms provided by the city clerk and upon payment of such fee as required by Chapter 8, Business Registration and Licensing, of the Farmington City Code. No such license shall be issued except upon certification by the city manager and/or his designee that the equipment and the ability of the licensee is such that the licensee is able to conduct a solid waste collection business in accordance with the terms of this chapter and rules and regulations adopted by the city manager and/or his designee hereunder. The city manager and/or his designee shall promulgate and publish such reasonable rules and regulations governing the operation of the business of solid waste collection, transportation and disposition as may be deemed necessary to effectuate the intent of this ordinance. The city manager and/or his designee may revoke the license of any solid waste collector who fails to abide by any such rule or regulation promulgated and published by the city manager and/or his designee or any provisions of this chapter after giving the solid waste collector reasonable written notice and an opportunity to be heard.

(Ord. No. C-582-91, § 1, 5-20-91)

Sec. 16-27. Mandatory separation of recyclable materials into approved containers.

(a) Commencing on July 1, 1991, all persons who are owners, lessees or occupants of any premises shall separate all recyclable materials and place them in an approved container at the curb on their designated collection day and in the manner set forth by the provisions of this chapter and the rules and regulations promulgated and published by the city manager and/or his designee.

(b) If a container is lost, stolen or damaged, it shall be the responsibility of the property owner to replace the receptacle with a container approved by the city unless such loss, theft or damage is the fault of the solid waste collection contractor. All containers shall remain the property of the city. Any unauthorized possession of containers shall be a violation of this ordinance.

(c) Nonrecyclable materials shall not be placed in the recycling containers.

(d) Failure to separate recyclables as required in this section excuses the city and/or its contractors from any obligation to remove the solid waste from the curb in addition to the other penalties imposed pursuant to this chapter.

(Ord. No. C-582-91, § 1, 5-20-91)

Sec. 16-27.5. Exemption from mandatory separation of recyclable materials.

The following individuals shall be exempt from the mandatory recycling provisions and requirements of this chapter:

- (1) Individuals who are living alone and who have been determined by a physician licensed in the State of Michigan to be blind to the extent that they are unable to distinguish recyclable materials from nonrecyclable materials.
- (2) Individuals who are living alone and who have been determined by a physician licensed in the State of Michigan to be permanently physically disabled to such an extent to prevent the individual from complying with the mandatory recycling provisions and requirements of this chapter.
- (3) Individuals who are living alone and who have been determined by a physician licensed in the State of Michigan to be temporarily physically disabled to such an extent to prevent the individual from complying with the mandatory recycling provisions and requirements of this chapter shall for the period of their temporary physical disability be exempt from the mandatory recycling provisions and requirements of this chapter.

(Ord. No. C-589-91, § 1, 8-19-93)

Sec. 16-28. Separation of compostables/yard waste.

(a) Commencing on October 1, 2008, all persons who are the owners, lessees or occupants of any detached single-family residences located on acreage parcels, or in subdivisions or in condominium developments wholly comprised of such detached single-family residences, shall participate in the yard waste and lawn debris program and separate yard waste and lawn debris from solid waste. Yard waste and lawn debris must be placed at the curb in either a large capacity kraft or paper bag, or loose in cans appropriately identified with a "yard waste" or "compost" sticker on the can, or otherwise clearly marked as "yard waste" on pick-up day and in the manner set forth by the provisions of this chapter and in accordance with the contract between the city and designated waste hauler.

(b) Failure to separate yard waste and lawn debris as required in this section excuses the city and/or the designated waste hauler from any obligation to remove the solid waste from the curb, in addition to other penalties imposed pursuant to this chapter.

(Ord. No. C-582-91, § 1, 5-20-91; Ord. No. C-731-2008, § 6, 5-19-08)

Sec. 16-29. Construction wastes.

It shall be the duty of the owner, contractor or other person responsible for construction work to remove from the property within a reasonable time after completion of such construction work, all surplus construction material and refuse building material. Such materials shall be removed outside the city limits or disposed of within the city in accordance with the directions of the city manager and/or his designee.

(Ord. No. C-582-91, § 1, 5-20-91)

Sec. 16-30. Uncollectable materials.

It shall be unlawful for any person to place at curb side and/or place in his container for collection any material that might endanger the collection personnel including, but not limited to, hazardous wastes, industrial special waste, hot ashes, gaseous, solid or liquid poisons, ammunition, explosives, concrete, dirt or any other material that possesses heat sufficient to ignite any other collected materials.

(Ord. No. C-582-91, § 1, 5-20-91)

Sec. 16-31. Littering and accumulation.

No paper, lawn cuttings, rakings, leaves, weeds, ashes or any other waste material whatsoever shall be thrown or swept into any street, gutter, intake, alley, vacant lot, park, greenbelt or other property whether public or private. It shall be the duty of every tenant, lessee, owner or occupant of any property at all times to maintain the property in a clean and orderly condition, permitting no deposit or accumulation of materials other than those ordinarily attendant upon the day-to-day use for which the premises are legally intended. It shall be unlawful to deposit, throw or leave solid waste and/or other refuse on the property of any other person.

(Ord. No. C-582-91, § 1, 5-20-91)

Sec. 16-32. Unlawful transportation of waste.

It shall be unlawful for any person, other than a solid waste disposal collector licensed by the city, to transport, cart, carry or convey through or over any of the streets, alleys or public places in the city any solid waste and/or other waste materials except under a permit granted by the city manager and/or his designee.

(Ord. No. C-582-91, § 1, 5-20-91)

Sec. 16-33. Medical waste.

(a) *Disposal.* Needles, syringes, scalpels and intravenous tubing with needles attached which are generated from households, homes for the aged or home health care agencies shall be disposed of in a waste container that is constructed to prevent injury to those person involved in waste collection and/or disposal.

(b) *Breaking.* Needles, syringes, scalpels and intravenous tubing with needles attached which are generated from households, homes for the aged and home health care agencies shall be rendered useless by breaking the needle, syringe, scalpel and/or intravenous tubing with needles attached prior to disposal in an appropriate waste container.

(c) Medical waste as defined in the Medical Waste Regulatory Act, MCL 333.13801 et seq., shall be disposed of pursuant to the procedures and requirements set forth in said Act. (Ord. No. C-582-91, § 1, 5-20-91)

Sec. 16-34. Fees.

A designated waste hauler shall charge fees for collection and disposal of waste and shall bill the city for such services in accordance with the following:

- (a) A designated waste hauler shall charge fees for collection and disposal of waste placed for collection as set forth in the contract between the designated waste hauler and the city. The designated waste hauler will bill the city monthly for services rendered to locations specified in the contract.
- (b) The city may allocate the all or a portion of the costs for collection among all those properties receiving service under the contract in accordance with a resolution adopted by city council, as well as for leaf collection and the household hazardous waste collection program. The costs allocated for these services shall be certified to the assessor and assessed against the premises served and shall be collected or returned in the same manner as other municipal taxes are certified, assessed, collected, and returned. The assessments shall represent payment in advance for those services specified in this subsection.
- (c) Unpaid assessments for solid waste disposal and collection and other services provided pursuant to this ordinance shall be a lien against the property for which the services have been provided. The lien shall be enforced in the same manner as provided for in the collection of taxes assessed upon the tax roll and the enforcement of the lien for unpaid taxes. This lien remedy does not preclude any other remedy provided for by law.

(Ord. No. C-582-91, § 1, 5-20-91; Ord. No. C-731-2008, § 7, 5-19-08)

Sec. 16-34.5. Waiver of recycling fees.

Except as otherwise provided in this chapter, the following individuals if subject to the mandatory recycling provisions of this chapter shall comply with said mandatory recycling provisions, but shall be eligible to receive a waiver of recycling fees:

- (1) An individual that has an annual gross household income classified as "extremely low income" by the U.S. Department of Housing and Urban Development in its current

community development block grant program, and who timely files with the city clerk an application for waiver of recycling fees along with proof of annual gross household income from the previous year shall receive a waiver of all of the recycling fees required by this chapter for the year for which the application for waiver of recycling fees as filed.

- (2) An individual that has an annual gross household income classified as "very low income" by the U.S. Department of Housing and Urban Development in its current community development block grant program, and who timely files with the city clerk an application for waiver of recycling fees along with proof of annual gross household income for the previous year shall receive a waiver of one-half ($\frac{1}{2}$) of all of the recycling fees required by the chapter for the year for which the application for waiver of recycling fees was filed.
 - (3) An individual filing an application for waiver of recycling fees pursuant to subsections (1) and (2) of this section shall file said application for waiver of recycling fees each year on or before July 1 to be eligible for the waiver of recycling fees for the following twelve-month period.
 - (4) An individual who does not qualify for a waiver of recycling fees pursuant to subsection (1) or (2) of this section and who is affected by special circumstances or hardships which have substantially reduced the individual's annual gross household income thereby significantly affecting said individual's ability to pay the recycling fees required by this chapter may submit an application for waiver of recycling fees to the recycling board of review. The recycling board of review shall be comprised of three (3) members who shall be the city assessor, city treasurer and assistant city manager and the recycling board of review shall review each application for waiver of recycling fees submitted pursuant to this subsection. The recycling board of review shall have the authority to waive the recycling fees or any part thereof for a period of up to twelve (12) months if it finds that special circumstances or hardships exist which have substantially reduced the individual's annual gross household income thereby significantly affecting said individual's ability to pay the recycling fees.
 - (5) Those persons who pursuant to section 16-27.5(1) and (2) qualify for exemptions from the mandatory recycling provisions and requirements of this chapter shall be exempt from all recycling fees required by this chapter. Those persons who, pursuant to section 16-27.5(3), qualify for a temporary exemption from the mandatory recycling provisions of this chapter shall not be exempt from paying the recycling fees required by this chapter.
- (Ord. No. C-589-91, § 1, 8-1-91; Ord. No. C-689-2001, § 1, 1-7-02)

Sec. 16-35. Promulgation of rules.

The city manager and/or his designee shall have the authority to promulgate and publish rules and regulations concerning the implementation of this ordinance.

(Ord. No. C-582-91, § 1, 5-20-91)

Sec. 16-36. Authority to delegate.

The city may by resolution of the city council transfer, assign and/or delegate the administration and/or implementation of the collection and disposal of solid waste, recyclables and compostables/yard waste and the collection of fees and billings with respect thereto to the Resource Recovery and Recycling Authority of Southwest Oakland County and/or other similar body and/or agency and may further transfer, assign and/or delegate any contract between the city and a contractor for the collection and disposal of solid waste, recyclables and compostables/yard waste to the Resource Recovery and Recycling Authority of Southwest Oakland County and/or other similar body and/or agency.

(Ord. No. C-582-91, § 1, 5-20-91)

Sec. 16-37. Enforcement.

Authorized employees and representatives of the public safety department, department of public services and code enforcement officer are herein authorized to issue citations to any person violating the provisions of this ordinance.

(Ord. No. C-582-91, § 1, 5-20-91)

Sec. 16-38. Penalties.

Any person violating any of the provisions of this ordinance shall be subject to the penalties set forth in section 1-8 of the Farmington City Code.

(Ord. No. C-582-91, § 1, 5-20-91)

CODE COMPARATIVE TABLE—ORDINANCES

Ordinance Number	Date	Section	Section this Code
		2	Added 20-255 Rnbd 20-206 as 20-221
C-706-2005	5- 2-05	1	20-229
C-707-2005	5- 2-05	1	2-376—2-427
C-710-2006	1-17-06	1	35-101—35-103 Added 35-104, 35-105 Rnbd 34-104 as 35-106
C-711-2006	1-17-06	1	35-162
C-712-2006	1-17-06	1	35-174
C-713-2006	1-17-06	1	35-24
		2	35-28(b)
		3	35-42
		4	35-45
		5	35-48
		6	35-51
		7	35-53
		8	35-158(b) Dltd 35-158(i), (m) Rltd 35-158(j)—(aa) as 35-158(i)—(x)
C-715-2006	4-17-06	1	Dltd 2-456—2-460 Added 2-456—2-459 Added 2-461—2-463
		2	
C-717-2006	9- 5-06	1	35-34
C-718-2006	9- 5-06	1	7-1
C-720-2006	9-18-06	1	Added 2-386(c)
		2	Added 2-393b
C-721-2006	11-20-07	1	35-102(Table), (b)
C-725-2007	10-15-07	1	Added 14-26—14-30
		2	Rpld 14-26, 14-27
C-727-2007	11-19-07	1	28-1
		2—9	Added 28-2—28-9
		10	Rnbd 28-2—28-4 as 28-10—28-12
		11	Added 28-13
C-728-2007	1-22-08	1(30.5-13)	30.5-33
C-731-2008	5-19-08	1	Added 16-20
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		3	16-22
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		6	16-28
		7	16-34
C-732-2008	8-18-08	1	Added 15.5-1—15.5-7

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C-734-2008	8-18-08	1	Added	2-393c
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		3		11-57
		4		11-59

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***Note**—The adoption, amendment, repeal, omissions, effective date, explanation of numbering system and other matters pertaining to the use, construction and interpretation of this Code are contained in the adopting ordinance and preface which are to be found in the preliminary pages of this volume.

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