

CITY OF ALLEGAN  
MUNICIPAL POLICY

**ALLEGAN MUNICIPAL POLICY**  
**Chapter A**  
**AIRPORT**

**ARTICLE I**  
**HANGAR RENTALS**

Sec. A-1.      Rental Rates

Hangars 1-16:	\$135.00 per month
Red Hangars 17-20 & 22-25:	\$185.00 per month
Corporate Hangars 21&26:	\$240.00 per month
Tie-downs:	\$20.00 per month
Transient Hangar Rental	\$25.00 per day

(Resolution 05.27, 9/26/05; Resolution 95.52, 12/26/95; Resolution 03.11, 7/1/03;  
Resolution 06.18, 6/12/06; City Council approved 08/08/11; Resolution 12.43, 08/13/12;  
Resolution 15.26, 07/13/15)

Sec. A-2.      Lease

On all future leases, the lease will require the lessee to pay the first and last months hangar rent upon signing the lease with no deposit required.

A written thirty (30) day notice stating party's intent must be given to the City prior to leaving the hangar.

Sec. A-3.      Fees

The lessee shall pay to the City a late fee of five percent (5%) or \$10, whichever is greater on any payment which is more than fourteen (14) days delinquent.

**ALLEGAN MUNICIPAL POLICY**  
**Chapter B**  
**CEMETERY**

**ARTICLE I**  
**PRICES AND FEES**

Sec. B-1. Grave Spaces.

- (a) City Residents/Taxpayers:  
 Full Size Grave Spaces.....\$240.00 each  
 Half Size Grave Spaces.....\$120.00 each
  
- (b) Non-Residents:  
 Full Grave Spaces.....\$800 each  
 Half Size Grave Spaces.....\$400 each

(Resolution 96.47, 11/11/96; Resolution 08.01, 01/28/08)

City Code Reference -- Sec. 8-5. Purchase of lots; City Council approved 08/08/11)

Sec. B-2. Perpetual Care. A perpetual care endowment must be paid with the purchase of each grave space.

- Full size grave space.....\$120.00 each
- Half size grave space.....\$60.00 each

(Resolution 87.19, 08/24/87 City Code Reference - Section 8-8. Cemetery  
 Perpetual Care Fund; City Council approved 08/08/11)

Sec. B-3. Burial Fees. No interments are allowed on Sundays or Holidays. Burials that begin after 2:00 PM will have \$200.00 added to the fee. The beginning time of the burial is the time when the staff begins the task of burial, which may be later than the beginning of a grave side memorial service.

<u>Internment</u>	<u>With Tent</u>	<u>Without Tent</u>
Monday through Friday (adult)	\$510.00	\$410.00
Saturday (adult)	\$710.00	\$610.00
Infant, Monday - Friday	\$360.00	\$260.00
Infant, Saturday	\$560.00	\$460.00
Cremation, (Monday – Friday)	\$330.00	\$230.00
Cremation, (Saturday)	\$530.00	\$430.00

(Resolution 87.19, 08/24/87; Resolution 96.47, 11/11/96; Resolution 00.19, 11/13/00;  
 Resolution 03.14, 4/28/03; Resolution 05.10, 2/28/05; City Council approved 08/08/11;  
 Resolution 15.35, 11/09/15)

Sec. B-4. Miscellaneous Fees.

Disinterment.....Full: \$450.00.....Infant: \$360.00.....Cremation: \$200.00  
Foundations.....\$.42 per square inch

**ARTICLE II  
CEMETERY REGULATIONS**

Sec. B-5. In General.

- (a) No person shall interfere with any city employee in the discharge of his duties, or refuse to obey any lawful command of a city employee or law officer.
- (b) Cemetery hours are from dawn to dusk (City Code Reference - Sec.8-15).
- (c) Walking or driving through the cemetery grounds to destinations outside the cemetery for the purpose of saving time or distance is strictly prohibited.
- (d) No person shall sit or stand on monuments or headstones.
- (e) No person shall possess or consume any intoxicating liquor, including but not limited to, beer and wine, in the cemetery. No person shall sell, use or have in his possession, any controlled substance for sale or use that is prohibited by law.
- (f) It shall be unlawful for any person or engage in any violent, abusive, loud, vulgar, lewd, wanton, obscene, or otherwise disorderly conduct; or to lounge, sit, or lie upon walks, roads or as to obstruct free passage of others. It shall be unlawful for any persons to be intoxicated and to directly endanger the safety or another or of property or to act in a manner causing a public disturbance.
- (g) The maximum speed limit for all vehicles shall be 15 mph, except where otherwise posted. Motor vehicles shall be driven only on designated cemetery roads and in designated parking areas.
- (h) All vehicles shall be parked only in areas so provided and designated by the City. Parking in places contrary to posted regulations is prohibited, except when directed to do so by a city employee or law enforcement officer.
- (i) No person shall injure, deface, disturb, or befoul, nor in any manner destroy or cause to be destroyed, any part of the cemetery nor any building, sign structure, equipment, or other property.
- (j) No person shall remove any object whatsoever, including but not limited to, trees, plants,

shrubs, monuments, headstones, vaults or ornaments from the cemetery grounds.

- (k) No person shall deposit any household trash, garbage, litter, or discarded flowers on any cemetery property.
- (l) Glass jars, dishes or clay pots used as flower containers are not permitted.
- (m) No person shall operate a motorcycle or motor-driven cycle in the cemetery, except for entrance to and departure from the cemetery.
- (n) Pets must be leashed and cleaned up after.  
(City Code - Sec. 8-17).
- (o) Headstones can be no longer than 36 inches at the ground on a single grave and 72 inches on a double grave.
- (p) Any exceptions to these rules must be approved by the City Manager, or an authorized representative.

(Resolution 87.19, 08/24/87; Resolution 08.01, 01/28/08; City Council approved  
08/08/11; Resolution 11.31, 09/26/2011; Resolution 12.03, 01/09/2012)

City Code Reference -- Chapter 8. Cemeteries.

## **ALLEGAN MUNICIPAL POLICY**

### **Chapter C**

### **PARKS**

#### **ARTICLE I**

#### **GAZEBO**

Sec. C-1. Pavilion and Gazebo Fees at Jaycee Park, Mahan Park, Hanson Park, Pavilion at the Sports Complex and the Riverfront Stage.

- (a) In order to balance costs related to maintaining the gazebo and pavilions, a rental fee is charged. The ½ day rate is \$75.00 with a refundable deposit of \$25.00 and the all day rate is \$150.00 with a refundable deposit of \$50.00. Electric is available at each location for a charge of \$10.00 additional, with no refund given. Further, at the discretion of the City of Allegan, proof of liability insurance, in the amount to be determined by the City of Allegan, may be required, depending on the event.
- (b) Reservations must be made at City Hall 48 hours in advance of use.
- (c) If the pavilion/gazebo is in the same condition as found the security deposit will be returned after an inspection of the facility is performed. If a mess is found upon arrival, please report it by calling City Hall at 269-673-5511. No refunds will be processed that are 60 days after the event date.
- (d) The renter is responsible for damage, litter and appropriate refuse disposal.
  - No nails, tacks, or writing is to be placed on or in the Pavilion/gazebo.
  - No rice or confetti may be used in the area. Bird seed is allowed.
  - Pavilion/gazebo must be left as found. All litter removed and tabled arranged as found.
  - Bags of refuse must be deposited into the dumpsters. Bags will be provided by the city upon request.
- (e) The use of grills, camp stoves or other cooking appliances is prohibited from use under the pavilion/gazebo.
- (f) Parks open at dawn and close at dusk.
- (g) Electricity is available upon request. An additional fee of \$10.00 is required to cover the cost of the electricity. The City of Allegan is not responsible for electrical damage or injury due to improper use.
- (h) Any exceptions to these rules must be approved by the city manager prior to the time of use.

- (i) No smoking allowed in Jaycee Park and the Playground at Hanson Park.

(Resolution 87.19, 08/24/87; Resolution 03.05, 3/10/03; Resolution 07.52, 12/10/07;  
City Code Reference -- Chapter 18. Parks and Recreation; City Council approved  
08/08/11; Resolution 12.02, 01/09/2012: Resolution 15.35, 11/09/15)

## **ARTICLE II RECOMMENDED TREES**

### Sec. C-2. For Street and Park Plantings

#### Small Trees (<25 feet tall) (4-6 foot tree lawn)

- Crabapple (selected strains that are scab resistant and have few fruit)
- Dogwood, Kousa
- Hawthorne, thornless
- Serviceberry or Shadbush
- Maple, Amur
- Redbud
- Cherry, (Kwanzan)
- Plum, ornamental
- Japanese Tree Lilac

#### Medium Trees (25-60 feet tall) (6-8 foot tree lawn)

- Golden Rain Tree
- Honey Locust, thornless
- Pear, ornamental (Bradford, Chanticleer, Cleveland)
- Red Sunset Maple
- Maple, Hedge
- Autumn Blaze Maple
- Hornbeam, American
- Birch, River (does well in wet areas)

#### Large Trees (60-100 feet tall) (>8 foot tree lawn)

- Black Gum
- Ginkgo (male trees only)
- Linden, Little leaf (subject to Japanese Beetle defoliation)
- London Plane Tree (Sycamore)
- Oak (subject to gypsy moth infestation)
- Tulip Poplar or Yellow Poplar
- Maple (Red, Scarlet, Crimson, Sugar, Norway, Silver Maple -grows fast, but is prone to heart rot in older trees)

Columnar Trees (for narrow spaces)

- Maple, Hedge
- Ginkgo, (Lakeview)
- Sargent Cherry
- Callery Pear, (Chanticleer or Cleveland Select)
- Maple, Norway (columnar)
- Hornbeam, European

Trees for Fast Growth (but short life)

- Hybrid Poplar

Park Trees (in addition to any street tree)

Evergreens

- Hemlock, Canadian
- Pine, White
- Pine, Austrian
- Spruce, White
- Spruce, Serbian
- Douglass Fir
- Concolor Fir

Deciduous

- Sweetgum
- Bald Cypress (very good for wet or moist areas)
- Beech (may be a problem with new scale insect)
- Hophornbeam
- Cottonwood

Recommended Downtown Trees

- Callery Pear Tree
- Japanese Tree Lilac
- Service Berry
- Trident Maple
- Tatarian Maple
- Prairie Fire Crabapple
- Kousa Dogwood
- Red Maple varieties
- River Birch

Any exceptions to these rules must be approved by the City Manager, or an authorized representative.

(Resolution 10.03, 1/11/2010; City Council approved 08/08/11; Resolution 12.02, 01/09/2012)



**ARTICLE III  
SPECIAL EVENTS**

Sec. C-3. Rules and Regulations

- (a) Any special event sponsored by any person(s) that involves the use of City streets, parking lots, parks or rights-of-way shall be conducted in accordance with a written agreement between the City of Allegan and the event's sponsor.
- (b) The written agreement shall state the date(s) of the event and the specific hours during which public property will be occupied.
- (c) The promoter shall agree to provide liability insurance in an amount acceptable to the City Manager and furnish proof of such, to defend, indemnify and hold harmless the city, its officials, agents and employees.
- (d) The promoter shall agree that there shall be no excessive noise or disturbances emanating from the event(s), and that the promoter will take adequate steps to prevent such occurrence.
- (e) The promoter shall provide adequate security and sanitary facilities in conjunction with the event(s).
- (f) The promoter shall clean and maintain the area in a manner satisfactory to the City Manager.
- (g) Any sales of alcoholic beverages will be in accordance with the law and with rules and regulations of the Michigan Liquor Control Commission.
- (h) The promoter shall insure that all laws, ordinances, rules and regulations are followed.
- (i) The agreement shall be temporary and revocable at the will of the city, specifically the City Manager, without prior notice or cause. Furthermore, the City Manager may limit the activities taking place at his discretion.
- (j) The promoter shall pay a fee in an amount necessary to reimburse the city for reasonable expenses incurred in protecting the health, safety, and welfare of the public or persons attending the special event, which shall be determined by the City Manager and which is subject to change by the City Council.
- (k) The City Manager is hereby authorized to sign an agreement between the City of Allegan and the promoter, provided such an agreement satisfies the conditions of this City Policy.
- (l) Any exceptions to these rules must be approved by the City Manager, or an authorized representative.

(Resolution 87.19, 08/24/87; Resolution 12.02, 01/09/2012)  
City Code Reference - Chapter 5. Amusements and Entertainments.

**ARTICLE IV**  
**PARK REGULATIONS**

Sec. C-4. Rules and Regulations

- (a) No person shall interfere with any city employee in the discharge of his duties, or refuse to obey any lawful command of a city employee or law officer.
- (b) The city parks are open from dawn to dusk
- (c) No person shall possess or consume any intoxicating liquor, including but not limited to, beer and wine, in any city park. No person shall sell, use, or have in his possession any controlled substance for sale or use, that is prohibited by law.
- (d) It shall be unlawful for any person to engage in any violent, abusive, loud, vulgar, lewd, wanton, obscene, or otherwise disorderly conduct; or to lounge, sit or lie upon walks, roads, or as to obstruct free passage of others. It shall be unlawful for any persons to be intoxicated and to directly endanger the safety of another or of property or to act in a matter causing a public disturbance.
- (e) The maximum speed limit for all vehicles shall be 15 mph, except where otherwise posted. Motor vehicles shall be driven only on designated park roads and in designated parking areas.
- (f) All vehicles shall be parked only in areas so provided and designated by the city. Parking in places contrary to posted regulations is prohibited, except when directed to do so by a city employee or law enforcement officer.
- (g) No person shall injure, deface, disturb, or befoul, nor in any manner destroy or cause to be destroyed, any part of a park nor any building, sign structure, equipment or other property.
- (h) No person shall deposit any household trash, garbage, or litter on any city park property.
- (i) No person shall possess, use, explode, expose for sale, offer for sale, or sell, fireworks or any device or container containing gun powder in a city park. (This section shall not apply to law enforcement officers).
- (j) No person shall operate a motorcycle or motor-driven cycle in the city park, except for entrance to and departure from a park.

- (k) Any exceptions to these rules must be approved by the City Manager, or an authorized representative.

(Resolution 87.19, 09/24/87; Resolution 12.02, 01/09/2012; Resolution 11.39, 12/12/2012;)  
City Code Reference -- Chapter 18. Parks and Recreation.

#### Sec. C-5. Sports Complex User Fee

In order to balance costs related to maintaining the Sports Complex, a \$15.00 user charge per player will be required to the organized league to use the fields. Further, proof of liability insurance will be issued, in amounts determined by the City of Allegan.

(Resolution 07.52, 12/10/07)

#### Sec. C-6. Downtown Adopt-a-site Program

In order to maintain the downtown planting sites, the adopt-a-site will charge \$50.00 per site.

(Resolution 07.52, 12/10/07)

**ALLEGAN MUNICIPAL POLICY**  
**Chapter D**  
**LICENSE AND PERMIT FEES**

**ARTICLE I**  
**BUILDING PERMITS**

Sec. D-1. Building Permit Fees

(Resolution 87-19, 08/24/87; Resolution 01.40, 11/26/01; Resolution 07.52, 12/10/07;  
Resolution 16.06, 03/14/16)

(Resolution 87-19, 08/24/87; Resolution 01.40, 11/26/01;  
City Council approved 08/08/11; Resolution 16.06, 03/14/16)

Sec. D-3. Sign Permit Application (if Building Permit not required)

The sign permit application shall be \$50.00

(Resolution 02.06, 03/11/2002; City Council approved 08/08/11; Resolution 16.06,  
03/14/16)

Sec. D-4. Temporary Signage/Banner Installation Guidelines

All applications shall be submitted to the City of Allegan (269) 673-5511 for processing no later than the Wednesday prior to the City Council meeting (2<sup>nd</sup> and 4<sup>th</sup> Monday of each month)

Use of the site must be permitted by City Council. Please include this approved application when submitting event to Council

The signage/banner shall be four (4) feet in height and eight (8) feet in width

A signage/banner shall be commercially printed and a copy of the design shall be submitted to the City Council as part of the approval process

The permit number shall be printed on the banner to show that formal approval has been given by the City Council

No permit for this location shall be issued that exceeds 30 days of use

If you would like more than one (1) space on the banner, check with the City of Allegan 10 days before placing banners. If spaces are available, more may be awarded.

(Resolution 15.35, 11/09/15)

Sec. D-5. Fence Permit

The fence permit application shall be \$25.00

(Resolution 14.29, 08/25/14; Resolution 16.06, 03/14/16)

Sec. D-6. Other Construction Related Permits

Residential Site Plan Reviews.....	\$25.00
Land Divisions.....	\$75.00
Agricultural Buildings.....	\$50.00
Residential driveway, Curb Cut & Sidewalk permit.....	\$20.00
Commercial Driveway, Curb Cut & Sidewalk permit.....	\$35.00
Industrial Driveway/Curb Cut.....	\$35.00
Irrigation in right of way.....	\$20.00
Inspections outside of normal business hours.....	\$42.00/hr
Re-inspection fees based on (inspection when work is not completed).....	\$42.00/hr
For use of outside consultants for plan checking, Inspections, etc.....	Actual cost
Inspections for which no fee is specifically indicated.....	\$42.00/hr
Application to Construction Board of Appeals.....	\$75.00

(Resolution 01.40, 11/26/01; City Code Reference -- Sec. 7-18. Fees;  
City Council approved 08/08/11; Resolution 16.06, 03/14/16)

**ARTICLE II  
BUILDING DEMOLITION AND MOVING PERMITS**

Sec. D-7. Building Demolition and Moving Permit Fee

Residential Permit Fee.....	\$25.00
Commercial Permit Fee.....	\$50.00
Industrial Permit Fee.....	\$75.00

(Resolution 89.18) City Code Reference--Sec. 7-18. Fees.

Sec. D-8. Building Demolition and Moving, Bond Required

Residential.....	\$2,000
Commercial.....	\$5,000, or the amount of a contract with a licensed contractor, whichever is less.

Industrial.....\$10,000, or the amount of a contract with a licensed contractor,  
whichever is less.

(Resolution 89.18, 03/27/89)

City Code Reference -- Sec. 7-289. Applicant's Cash Deposit or Bond.

**ARTICLE III  
ENTERTAINMENT PERMITS**

Sec. D-9. Entertainment Permit Fee

Permit Fee.....\$75.00

(Resolution 87.19, 08/24/87)

City Code Reference -- Sec. 5-33. Fee.

**ARTICLE IV  
GARBAGE LICENSES**

Sec. D-10. Garbage License Fee

License Fee.....\$100.00

(Resolution 87.19, 08/24/87)

City Code Reference -- Sec. 12-38. Fee.

Sec. D-11. Garbage Licenses, Insurance Required

<u>General Liability</u>	<u>Each Occurrence</u>	<u>Aggregate</u>
Bodily Injury	\$1,000,000	\$1,000,000
Property Damage	\$1,000,000	\$1,000,000
 <u>Automobile Liability</u>		
Bodily Injury and Property Damage Combined	\$1,000,000	
 <u>Worker's Compensation</u>	 Statutory	

(Resolution 87.19, 08/24/87)

City Code Reference -- Sec. 12-40. Insurance.

Sec. D-12. Garbage Licenses, Bond Required

Surety Bond Amount..... \$10,000

(Resolution 87.19, 08/24/87)  
City Code Reference -- Sec. 12.40. Insurance.

**ARTICLE V  
CONSTRUCTION, MAINTENANCE AND REPAIR OF MAINS, SERVICE PIPES,  
CONDUCTORS, CONDUITS, POLES OR OTHER APPLIANCES**

Sec. D-13. Permit Fee

Permit Fee.....\$25.00

(Resolution 87.19, 08/24/87)  
City Code Reference -- Sec. 25-45. Permit Fees.

Sec. D-14. Insurance Required

The permittee shall agree to provide general liability, automobile liability, and workers compensation insurance in an amount acceptable to the City Manager and furnish proof of such, and to defend, indemnify, and hold harmless the city, its officials, agents and employees.

(Resolution 98.19, 08/24/87)  
City Code Reference -- Sec. 25-46. Public Liability and Property Damage Insurance.

**ARTICLE VI  
PEDDLERS LICENSES**

Sec. D-15. Peddlers License Application Fee

Application Fee.....\$25.00, non-refundable

(Resolution 87.19, 08/24/87)  
City Code Reference -- Sec. 19-37(b). Application.

Sec. D-16. Peddlers License Fee

License Fee.....\$25.00

The Application Fee shall be applied toward the payment of the License Fee.

(Resolution 87.19, 08/24/87)  
City Code Reference -- Sec. 19-40. Fees.

**ARTICLE VII  
SNOW PLOWING LICENSES**

Sec. D-17. Snow Plowing License Fee

License Fee.....\$15.00

(Resolution 87.19, 08/24/87)  
City Code Reference -- Sec. 28-138. Fee.

Sec. D-18. Snow Plowing Licenses, Insurance Required

The permittee shall agree to provide general liability, automobile liability, and workers compensation insurance in an amount acceptable to the City Manager and furnish proof of such, and to defend, indemnify, and hold harmless the city, its officials, agents and employees.

(Resolution 87.19, 08/24/87)  
City Code Reference -- Sec. 28-139. Insurance.

Sec. D-19. Brush/Bagged Leaf/Grass Pick-up

Rules and Regulations for Brush Pick-Up:

The City will pick up brush on all City streets two times per month beginning the Monday of the first full week and following third Monday of the month. If a Monday is a holiday, pick up will begin on Tuesday. If a large windstorm or ice event occurs, additional brush pick will begin on the weekday following the event.

Pick-ups will begin in April and go through November (weather permitting).

Brush Must:

1. Be at least 2' long but not longer than 10'
2. Not exceed 4" diameter.
3. Not include loose leaves, twigs, etc. These materials must be placed in City approved composting bags. Bags must not weigh more than 50 pounds.
4. Not include trash, vines, building materials, plants, dirt, stumps or roots.
5. Be stacked in one direction only.
6. Not be tied with string, twine, wire or similar materials.
7. Be placed on the public right-of-way, between the street and the property line, **not** on private property and **not** on the pavement.



8. Items may ***not be set out prior to 3:00 PM*** on the Friday immediately prior to the pick-up date.
9. Brush and bags combined may not exceed the amount that can be loaded on a one ton dump truck per property per month. Please do not place brush and bags in the same pile.

(Resolution 15.35, 11/09/15)

#### Bagged Leaf/Grass Pick-Up:

The City will pick up bagged leaves and yard wastes on all City streets two times per month beginning on the Monday of the first full week and following third Monday of the month. If the first Monday is a holiday, pick up will begin on Tuesday.

Pick-ups will begin on the same dates as brush pick up.

The following rules apply:

1. Yard waste must be in approved paper yard waste bags. Bags may be purchased at most hardware or grocery stores.
2. Bags must contain *only* grass, leaves or other foliage.
3. Bags must ***not*** weigh more than 50 pounds each.
4. Bags must be placed on the public right-of-way, between the street and the property line; ***not*** on private property and ***not*** on the pavement.
5. NO ROOTS, STUMPS, STONES, DIRT, GARBAGE, METAL, BROKEN CONCRETE, LUMBER OR OTHER BUILDING MATERIALS.
6. Items may ***not be set out prior to 3:00 PM*** on the Friday immediately prior to the pickup date.
7. Brush and bags combined may not exceed the amount that can be loaded on a one ton dump truck per property per month. Please do not place brush and bags in the same pile.

City residents can drop off leaf bags and brush anytime at the Public Works Garage, 691 Airway Drive.

(Resolution 15.35, 11/09/15)

#### Fall Leaf Pickup:

Beginning the last two weeks of October until the end of November the City will pick up leaves with the leaf vacuums (weather permitting). During this time leaves can be raked to the right of way for vacuum pickup. No bags are required during this time. The leaves need to be raked to the edge of the roadway. Please do not cover up storm water inlets with your leaves.

(Resolution 12.43, 08/13/12; Resolution 15.35, 11/09/15)

Christmas Tree Pickup:

The City will pick Christmas Trees at the curbside on all City streets during the first two weeks of January (weather permitting). Trees should NOT be in wrapped in bags.

(Resolution 15.35, 11/09/15)

**ARTICLE VIII  
SOLICITORS LICENSES**

Sec. D-20. Solicitors License Application Fee

Application Fee.....\$25.00, Non-refundable

(Resolution 87.19, 08/24/87)

City Code Reference -- Sec. 19-77(b). Application.

Sec. D-21. Solicitors License Fee

License Fee.....\$25.00

NOTE: The Application Fee shall be applied toward the payment of the license fee.

(Resolution 87.19, 08/24/87)

City Code Reference -- Sec. 19-79. Fees.

**ARTICLE IX  
TRANSIENT MERCHANTS LICENSES**

Sec. D-22. Transient Merchants License Application Fee.

Application Fee.....\$25.00, Non-refundable

(Resolution 87.19, 08/24/87)

City Code Reference -- Sec. 19-117(b). Application.

Sec. D-23. Transient Merchants License Fee

License Fee.....\$25.00

NOTE: The Application Fee shall be applied toward the payment of License Fee.

(Resolution 87.19, 08/24/87)

City Code Reference -- Sec. 19-119(a). Fees.

**ARTICLE X  
LIST OF REGISTERED VOTERS**

Sec. D-24. Fee

Complete list of all registered voters, in all precincts.....\$30.00  
(No partial lists will be printed).

(Resolution 88.27, 06/27/88)  
City Code Reference -- Sec. 19-119(a). Fees.

**ARTICLE XI  
ZONING AND SIGN ORDINANCE FEES**

Sec. D-25. Sign Ordinance and Appeal Fees

An appeal on decisions of the building official in accordance with Sec. 23-13- of the Allegan City Code shall require a filing fee of \$150.00.

Sec. D-26. Zoning Ordinance Fees

- (a) The application fee to be filed with the request for a zoning variance shall be \$350.00.
- (b) The application fee to be filed with the request for a zoning change shall be \$350.00.
- (c) The filing fee to be submitted with the application for special use permit shall be \$350.00.
- (d) An appeal on decisions under said ordinance shall require a filing fee of \$350.00.
- (e) The filing fee to be submitted with the application for a site plan permit shall be \$200.00.
- (f) In regard to any of the above itemized requests, should the City Council, the City Planning Commission, or the Zoning Board of Appeals, deem it appropriate to require the use of a court reporter, attorney, engineer, planning consultant, or any other professional service, the applicant shall be required to pay for the actual expense therefore in addition to said filing fee.

(Resolution 97.12, 04/28/97; Resolution 07.52, 12/10/07; City Council approved 08/08/11)

**ARTICLE XII  
RENTAL LICENSING**

Sec. D-27. Rental Licensing Fees

Fees for the applications and required registration for the licensing of rental dwellings shall be those

which are provided for by City of Allegan Ordinance Number 434 as amended (Chapter 7).

The registration fee as indicated under Section 7-38 (h) and (w) will be \$85.00 per unit for Non-State and Federally inspected units, which are four (4) units and less. For Non-State and Federally inspected units, five (5) or more, the costs of the fees are \$190 per building + \$40/unit. If the owner provides satisfactory documentation as determined by the building official that the Federal and State government has conducted equivalent inspections within three years of the previous registration of a unit, the City shall charge \$50.00 per building for administration, but no charges for inspections of that unit. These fees are every three years.

Per Section 7-38 (k), (x), and ((y)(3)), after notification is provided through the US mail to the last known owner, the City shall charge a late fee of 5% of the total bill beginning 30 days after its billing date, accumulated monthly.

Per Section 7-38 (y) (1) the occupant(s)/tenants of the rental unit will be charged \$50.00, if the building official determines that a violation was caused by the occupant(s)/tenants.

Per Section 7-38 (y) (2) if a complaint is made by a person other than the owner, and the inspection reveals to the building official no violation of this code, the complainant(s) shall be charged \$50.00.

(Resolution 92.2, 02/06/92; Resolution 02.07, 03/11/02; Resolution 03.21, 06/09/03; Resolution 07.52, 12/10/07; Resolution 13.27, 06/24/2013)

#### Sec. D-28. Tattoo and Body Piercing Establishment Fee

Annual License Fee beginning July 1 of each year per Ordinance 331 of 1997, Section 5-40(d), \$50.00.

(Resolution 00.18, 11/13/00)

**ALLEGAN MUNICIPAL POLICY**  
**Chapter E**  
**SMOKING IN PUBLIC BUILDINGS**

Sec. E-1. Rules and Regulations

Purpose. In the interest of providing a safe and healthy environment for employees, customers and visitors and in accordance with the Michigan Clean Indoor Air Act, P.A. 198 of 1986, the following policy on smoking has been adopted:

Smoking in Prohibited Areas:

- Any area not specifically designated “smoking permitted”
- Any area in which a fire or other safety hazard exists.
- Confined areas of general access such as elevators, copy rooms, conference and meeting rooms, classrooms and auditoriums, libraries, and medical facilities.
- Restrooms, unless there is more than one restroom available for each sex.

Smoking is prohibited throughout our facilities except in designated smoking areas identified by “Smoking Permitted” signs. This policy takes effect January 1, 1987.

Designation of “Smoking Permitted” Areas.

“Smoking Permitted” areas may be designated on request. Employees who are interested in having such an area designated should discuss the matter with their supervisor.

- Locations that may be considered for designation as “smoking permitted” include: outdoor areas, empty rooms, infrequently used hallways, and other areas which are not generally used by non-smokers.
- A private enclosed room or office occupied exclusively by a smoker, may be designated as “smoking permitted.”
- In a single room where smokers and non-smokers work together, and in areas used by the general public that consist of a single room, a “smoking permitted” area may be designated, provided the following conditions are met:
  - Seating is arranged to provide, as nearly as practicable, a smoke free area. Existing physical and spatial barriers should be taken into consideration.

- The “no smoking” area must be located closest to the source of fresh air (i.e., near supply air grills). The “smoking permitted” area should be located downwind of the “no smoking” area (i.e., near return air grills or exhaust fans.)
- Special consideration is given to individuals with a hypersensitivity to tobacco smoke. That is, reasonable steps are taken to assure that individuals are not adversely affected by tobacco smoke.

Enforcement. The success of this policy will depend upon the thoughtfulness, consideration and cooperation of smokers and non-smokers. All employees share in the responsibility for adhering to and enforcing the policy.

Conflicts should be brought to the attention of the appropriate supervisory personnel, and, if necessary, referred to the City Manager for a final decision. The right of a non-smoker to protect his or her health and comfort should prevail over an employee’s desire to smoke.

Employees who are found smoking outside of designated “smoking permitted” areas will be considered in violation of City Policy and will be subject to discipline in the same manner and magnitude as violations of other City Policy.

Copies of this policy will be distributed to all employees. Signs displaying the following statement will be posted at all building entrances: “Smoking prohibited except in designated smoking areas pursuant to Part 126 of the Public Health Code, P.A. 368 of 1978.

Cessation Programs. Surveys reveal that nine out of ten smokers would like to quit smoking. When smoking is restricted in the work place, many individuals report that they can more easily quit smoking. The city will offer smoking cessation programs for employees. Contact the City Manager for information.

**Chapter F**  
**STREET AND SIDEWALKS**

**ARTICLE I**  
**BICYCLE REGISTRATION**

Sec. F-1. Registration

As a community service, the City of Allegan Police Department offers a bicycle registration program, free of charge, to city residents. Although not required, bicycle owners are encouraged to register their bicycle with the City Police Department and obtain a license that can be displayed on the bicycle. Registration will assist police in the event the bicycle is lost or stolen.

(Resolution 87.26, 11/23/87) City Code Reference - Chapter 28, Article II, Uniform Traffic Code.

**ARTICLE II**  
**SIDEWALK CONSTRUCTION**

Sec. F-2. New, Initiated by Resident(s)

In a case of new sidewalk construction at the request of residential property owners in established residential areas (no participation in a new development), the city shall share fifty percent (50%) of the cost, whether by special assessment or by agreement with property owner(s).

If the City Council, in its sole and absolute discretion, determines that the sidewalks are constructed for the primary purpose of public safety, the city shall then pay one hundred percent (100%) of the cost of construction.

(Resolution 87.26, 11/23/87)  
City Code Reference -- Sec. 25-20. City's Participation in cost.

Sec. F-3. New, Initiated by City

If the City Council, in its sole and absolute discretion, determines that the sidewalks are constructed for the primary purpose of public safety, the city shall then pay one hundred percent (100%) of the cost of that construction.

(Resolution 87.26, 11/23/87)  
City Code Reference - Sec. 25.20 Participation in Cost.

Sec. F-4. Replacement

In case of replacement of existing sidewalk at the request of property owners, the owner may choose to have the request placed on a repair list maintained by the city for construction at the convenience of the city (to be constructed as soon as the budget allows), or the owner may request that the city share fifty percent (50%) of the cost. The city's share shall not exceed \$2.75 per square foot, however.

If the City Council, in its sole and absolute discretion, determines that the sidewalks are constructed for the primary purpose of public safety, the city shall then pay one hundred percent (100%) of the cost of that construction.

(Resolution 87.26, 11/23/87; Resolution 08.01, 01/28/08; Resolution 15.35, 11/09/15)

City Code Reference -- Sec. 25-20. City's Participation in Cost.

**ARTICLE III  
DRIVEWAY APPROACH**

Sec. F-5. Paving Unpaved Driveway Approaches, City's Participation in Cost

In case of a residential property owner who lives on a paved street and paves a previously unpaved driveway approach within the city's right-of-way, the owner may request within sixty (60) days after the work is complete that the city share fifty percent (50%) of the cost. The city's share shall not exceed \$2.75 per square foot, and shall only be paid upon satisfactory proof of actual cost acceptable to the City Treasurer.

(Resolution 89.22, 04/10/89; Resolution 15.35, 11/09/15)

**ARTICLE IV  
PAVING UNPAVED STREETS**

Sec. F-7. Paving Unpaved Streets

Property owners wishing to have their unpaved street paved are urged to submit a petition containing the signature of fifty-one percent (51%) of the property owners who own frontage on the street to be paved. The city will fund fifty percent (50%) of the cost of the project as soon as funds are available.

(Resolution 87.26, 11/23/87)



**ARTICLE V  
STREET LIGHTS**

Sec. F-8. Installation Request

Street lighting installation requests are received by the City Manager as petitions from property owners or staff initiatives. After receipt of a request, the City Manager reviews the request based on generally accepted standards for the location of streetlights. The request, if approved, is placed on a waiting list for future funding on a first-made, first-served basis. If, in the discretion of the City Manager, a request is determined to be a public safety priority, that request may be placed at the top of the list.

(Resolution 87.26, 11/23/87)

**ARTICLE VI  
YARD LITTER/GRASS VIOLATION NOTICE**

Sec. F-9. Yard Litter Policy

In order to reduce the environmental hazard of disposing of yard litter in plastic bags, only yard litter that is placed in city approved bags shall be collected by the city. Yard litter is defined as grass clippings, leaves, twigs, garden wastes, and the like, but specifically excludes brush and tree limbs.

Approved paper bags can be purchased from most hardware or grocery stores.

(Resolution 88.26, 06/27/88; Resolution 88.28, 07/11/88; Resolution 90.14, 04/09/90;  
Resolution 08.01, 01/28/08; Resolution 15.35, 11/09/15)

Sec. F-10. City Mowing Charge

Per the Code of Ordinances, the City will charge a flat \$150.00 fee to abate noxious weeds, grasses and other undergrowth, per notice procedures listed under Sec. 30-42.

(Resolution 15.35, 11/09/15)

Sec. F-11 Unpaid Mowing Bills

Sixty (60) days past due on July 1<sup>st</sup> of each year will be transferred to the tax bill for collection automatically.

(City Council approved 08/08/11)

**ARTICLE VII**  
**SUBDIVISION SPECIFICATIONS STREET AND SIDEWALKS**

Sec. F-12. Subdivision Requirement and Specifications for Development Policy

The City of Allegan adopts the Allegan County Road Commission requirements and specifications for subdivision development.

- (1) The minimum standard of all city streets shall be (30) thirty feet wide.
- (2) A minimum standard for street surface material shall be three and a half (3 ½) inches bituminous or six (6) inches of concrete.
- (3) Curb and gutter as referred to in the Allegan County Road Commission shall be constructed on all newly constructed streets.
- (4) The construction of (5) foot wide sidewalk shall be required on at least one side of all newly constructed streets as designated by the developer of the subdivision, recommended by the Planning Commission, and approved by the City Council.
- (5) Topsoil, seeding and mulching shall meet the requirements of the MDOT Spec. 6.53. All disturbed areas shall be covered with a minim of three (3) inches of fertile topsoil.
- (6) All submittals, reviews, and approvals shall be conducted by the City of Allegan. Any reference to the County of Allegan or its departments and the townships shall be known as the “City of Allegan.”
- (7) The city may allow storm sewer to be built, after review and approval by staff, with polyethylene, concrete or other material having the strength characteristics equal to or greater than the requirements listed in the Standard Design 9A.
- (8) All plans and specifications shall be prepared by a State of Michigan registered professional engineer.
- (9) Upon written request, any applicant, after recommendation from the Planning Commission and approval from the Council, may be given an exception to the provisions of the requirements and specifications.

(Resolution 94.09, 02/28/94; Resolution 08.01, 01/28/08)

**ALLEGAN MUNICIPAL POLICY**

**Chapter G  
UTILITIES**

**ARTICLE I  
UTILITY STATEMENTS**

**Sec. G-1. Rendered, Due, and Payable**

Utility statements are rendered on the first day of the month for all utility customers. Utility statements are due and payable on or before the fifteenth of each month. Payment may be received at City Hall, by mail or by online payment. If the fifteenth day falls on a weekend or holiday, the due date shall be the following business day, and payment may be made on that day without penalty. Failure to pay a utility statement on or before the due date will result in a late penalty of five percent (5%) or a minimum of \$2.50.

(Resolution 87.26, 11/23/87; Resolution 01.40, 11/26/01;  
City Council approved 08/08/11; Resolution 15.35, 11/09/15)

The City may periodically deem it necessary to estimate water and/or sewer service usage. The City of Allegan hereby establishes that in periods when the utilities have been estimated, when a customer is subject to a water and/or sewer turn off, the normal shut-off and turn-on assessments will be waived and a delinquency fee of forty dollars (\$40.00) will be assessed. Turn-off's will not occur on months that the utilities are estimated.

(Resolution 03.04, 2/24/03)

**Sec. G-2. Turn-off for Non-payment**

The city shall have the right to discontinue service for non-payment of water and sewer charges. Any amount billed in arrears must be paid by the date indicated on the shut-off notice attached to the bill, or a water service turn-off order will be issued. If payment is made after 3:30PM, water will not be turned on until the next day (water will not be turned off on Friday, however).

**Non-Payment Procedure.** All shut off notices are stamped for the fifteenth day of each month. Run delinquency report for customers to be turned off after all payments from previous day have been entered and committed. If payment is not received by the due date, a forty dollar (\$40.00) delinquency fee will be applied to every account that is delinquent. Customer must pay all fees plus delinquent bill to have water turned back on. There is a twenty dollar (\$20.00) fee for an extension on a delinquent account. If payment is not received by the due date, a forty dollar (\$40.00) delinquency fee will be applied to every account that is delinquent.

(Resolution 87.26, 11/23/87; Resolution 01.40, 11/26/01; Resolution 08.01, 01/28/08; City Council approved 08/08/11; Resolution 15.35, 11/09/15)

#### Sec. G-3. Delinquent Bills

If a utility statement is delinquent for a period of two months or more, the City Treasurer shall certify on or before the first day of June of each year that the statement is delinquent, and the City Assessor shall enter such charge on the tax roll.

(Resolution 87.26, 11/23/87; Resolution 01.40, 11/26/01)

#### Sec. G-4. Final Statements

Upon request for a final utility statement, a final water meter reading and statement shall be prepared. If the city has collected a deposit(s) from the customer, the amount of the deposit(s) will be applied to the final statement and either a net amount will be charged to the customer, or a check will be issued if any credit remains. In the event that the owner of the property is other than the customer (such as a landlord-tenant relationship), the property owner will be mailed a copy of the final statement. According to state law, the landlord may withhold a tenant's damage deposit to cover the cost of unpaid bills for which the property owner will be held responsible, such as is the case with a utility bill. Water will not be turned on for new tenants until the previous tenants' utility statement is paid in full.

(Resolution 87.26, 11/23/87)

#### Sec. G-5. Returned Check Charge/NSF Fees

Accounts paid by a check or Automatic Check Handling payment that is returned to the city for insufficient funds shall be charged a twenty five dollar (\$25.00) for the first occurrence, subsequent occurrences within twelve (12) months shall be fifty dollars (\$50.00) returned check charge in addition to any turn-off and turn-on charges resulting from the lack of payment within seven (7) days of the City being notified with the returned check.

(Resolution 87.26, 11/23/87; Resolution 01.31, 11/01/01; Resolution 08.01, 01/28/08)  
Cross Reference: City Code Chapter 29 – Utilities; City Council approved 08/08/11)

#### Sec. G-6. No Meter Readings

When the city is unable to obtain meter readings from a customer for a period in excess of four months, the owner shall be contacted and provisions made for access or installation of a remote reader at city expense. In the event that the owner cannot be reached to make arrangements for a meter reading, service may be discontinued until such arrangements are complete.

(Resolution 87.26, 11/23/87)

Sec. G-7. Read and Change

When one utility customer is transferring ownership of property to another owner, the city will consent to a final water meter reading for the previous owner and then change the account over to the new owner's name without discontinuing service. Per site visit fee for the amount of twenty dollars (\$20.00) will be charged to the new owner. Failure to pay the required deposit may result in service being discontinued.

(Resolution 87.26, 11/23/87; Resolution 01.40, 11/26/01; Resolution 08.01, 01/28/08;  
Resolution 15.35, 11/09/15)

Sec. G-8. Institutional Accounts

Accounts labeled "Institutional," including, but not limited to, governmental agencies, not-for-profit organizations, and churches, shall be exempt from penalties and interest resulting from unpaid utility bills. The city reserves the right, however, to discontinue service for non-payment of water and sewer charges by institutional customers.

(Resolution 87.26, 11/23/87)

**ARTICLE II  
WATER**

Sec. G-9. Tap Fee

The new service basic charge for connection of water shall be eight hundred dollars (\$800.00) plus time and materials to install the service line from the water main to the property line, for any new service connection to the city water system. Each new building shall have its own water service and each metered water service shall have its own outside shut off valve. All meters must have a valve on the inlet and outlet side. All main taps and lead installations will be done by city crews. Customers requesting that a contractor be allowed to do this work must receive written approval from the Director of Public Works or the City Manager.

(Resolution 87.26, 11/23/87; Resolution 01.40, 11/26/01; Resolution 08.01, 01/28/08;  
Resolution 15.35, 11/09/15)

Sec. G-10. Deposit

A deposit of one hundred (\$100.00) per water account as security for the payment of utility bills shall be required of each tenant, renter, or lessee, in addition to any deposit required for sewer usage.

(Resolution 87.26, 11/23/87; Resolution 01.40, 11/26/01;  
City Council approved 08/08/11)

## Sec. G-11. Frozen Lines

The city is only responsible for the maintenance of the service line from the water main to the property line or the curb-stop (whichever is closest to the water main). In case of a frozen service, if water is available at the property line or curb stop and the problem lies within the private portion of the service, the owner must arrange to thaw the private portion of the service as soon as possible to prevent freezing of the city's service lead, and assume the resulting liability for thawing the frozen city service.

The city shall not be responsible for interruptions of service due to natural calamities, equipment failures or actions of the system users. It shall be the responsibility of the customer that all connected equipment remains in good working order. No claim shall be made against the city by reason of the breaking away of any pipe or service cock, or for any other interruption of the water supply. The city will inspect water services under suspicion of freezing at no cost to the customer during normal business hours.

Allegan's Department of Public Works, Water Division, will from time to time consider assisting property owners with frozen lines if there is a concern that the public service lead is in danger of freezing due to the private line's inability to keep water moving. The property owner is required to sign a waiver of liability releasing the city, its officers, agents and employees from any property damage or resulting liability. Persons taking water must keep their private service line and the city meter protected from frost at their own expense. Where the service line is damaged by frost, the service line shall be repaired by the customer or a licensed contractor employed and paid by the customer. Damaged meters will be repaired by the city the first time, all cost associated with damage to a meter; the second time will be paid by the customer. The expense of repairing the meter shall be collected with the next bill presented for water used. Unpaid bills will result in the customer's water to be shut off until the repair bill is paid.

(Resolution 90.3, 01/08/90; Resolution 03.30, 2/24/03; Resolution 08.01, 01/28/08)

## Sec. G-12. Rates

### Rates Inside of City Limits

The readiness to serve charge imposed herein shall be charged to all water services connected to the City's water system during requested shut-off periods unless such shut-offs are requested to be permanent. The charge shall remain in effect until the property owner requests in writing a permanent disconnect from the water system. If a future connection is requested to the same property all connection charges will be assessed.

(Resolution 00-08, June 12, 2000; Resolution 08.01, 01/28/08;  
City Council approved 08/08/11; Resolution 15.35, 11/09/15)

<b>Current Water Rates</b>				
<b>Commodity</b>	<b>Readiness to Serve (RTS)</b>		<b>Fire Sprinkling System</b>	
<b>Rate</b>	<b>Meter Size</b>	<b>Rate</b>	<b>Meter Size</b>	<b>Rate</b>
\$3.53	<1"	\$16.04	4"	\$36.35
	1"	\$32.04	6"	\$45.43
	1.5"	\$64.10	8"	\$63.61
	2"	\$112.19	10"	\$81.78
	3"	\$192.25		
	4"	\$322.79		
	6"	\$801.17		

(Resolution 04.06, 05/10/04; Resolution 00.08, 06/12/00; Resolution 01.02, 01/22/01;  
 Resolution 02.24, 06/24/02; Resolution 03.25, 7/14/03; Resolution 07.51, 11/26/07;  
 Resolution 11.08, 02/28/2011; City Council approved 08/08/11)

Rates Outside of City Limits

Any rate, charge, levy, or assessment shall be the same of that charged in-city users.

(Resolution 88.37, 12/12/88, Resolution 90.19, 06/25/90; Resolution 90.40, 10/22/90; Resolution  
 08.01, 01/28/08; Resolution 11.08, 02/28/2011;  
 City Council approved 08/08/11)

Sec. G-13. Lawn Sprinkling Systems

Lawn sprinkling systems shall be permitted to have separate service. Full cost to be paid by property owner. Twenty dollar (\$20.00) turn-on and twenty dollar (\$20.00) turn-off charge will be imposed. If a separate meter is installed for sprinkling all costs are to be born by property owner for meter and installation. Sprinkling meters must have an accessible outside shut off value.

(Resolution 87.26, 11/23/87; Resolution 01.40, 11/26/01; Resolution 08.01, 01/28/08)

Sec. G-14. Sprinkler Account Billing

All Sprinkler accounts will be activated every year in the handheld and billing systems for the April cycle, with the first meter read done at the beginning of May and the first bill generated would be in June.

All Sprinkler accounts will be de-activated every year in the handheld and billing systems after the October cycle, with the last meter read done at the beginning of October and the last bill generated would be in November.

No RTS charges will be assessed for the de-activated months of November, December, January,

February and March.

Turn-On and Turn-Off fees will remain at \$20.00 each.

If customers no longer wish to utilize their sprinkler systems, a permanent disconnection would be necessary in order to discontinue the RTS charges from being assessed. Any subsequent reconnection would be assessed the appropriate reconnection fees.

(adopted by City Council at a Special Council meeting 10/27/08; Resolution 11.08, 02/28/2011; City Council approved 08/08/11)

#### Sec. G-15. Emergency or Requested Shut-Offs

Effective January 1, 2002, if a building is to be vacant for one month or more, the water and sewer billing may be stopped by arranging to have the water shut off. Requested turn offs for emergency or repair purposes, the fees are as follows:

<u>Regular Hours</u> (8:00 am to 4:00 pm)	<u>After Hours</u> (After 4:00 pm, Holidays & Weekends)
Turn-off water: \$20.00	\$40.00
Turn-on water: \$20.00	\$40.00

(Resolution 01.40, 11/26/01; Resolution 08.01, 01/28/08)

#### Section G-16 Water Testing Fees

A fee of \$18.00 shall be charged for Laboratory Services for enumeration of Total and Escherichia Coliform Bacteria.

(Resolution 07.52, 12/10/07; Resolution 11.08, 02/28/2011;  
City Council approved 08/08/11)

#### Section G-17 Water Testing Fees

A fee of \$18.00 shall be charged for Laboratory Services for enumeration of Total and Fecal Coliform Bacteria.

(City Council approved 08/08/11)



**ARTICLE III  
WATER EXTENSION**

Sec. G-18. Water Service Extension

That as long as there is determined to be an excess capacity to provide additional water within the existing distribution system, water may be extended outside the city limits if the following criteria are met:

- (1) A request is made by the property owner endorsed/approved by the township.
- (2) A main/line is available with the required capacity to meet the requested need.
- (3) All costs for hook-up are borne by the requesting party.
- (4) No main or distribution extensions are required of the city to fill the request.
- (5) All hook-ups must comply with city requirements and be inspected and approved prior to service being implemented.
- (6) All additional rules and fees are regulated by agreements as approved by the City Council.

(Resolution 92.13, April 27, 1992; Resolution 08.01, 01/28/08)

**ARTICLE IV  
SEWER**

Sec. G-19. Connection Fee

The new service basic charge for connection to sewage disposal shall be eight hundred dollars (\$800.00), plus time and material to install the sewer lead from the sewer main to the property line, for any new service connection to the city sewer system. Each structure utilizing sanitary sewer must be connected to a city maintained sewer, and approved by the city if sewer is available within 200 feet of the property

(Resolution 01.40, 11/26/01; Resolution 08.01, 01/28/08; Resolution 11.08, 02/28/2011;  
City Council approved 08/08/11; Resolution 15.35, 11/09/15)

Sec. G-20. Deposit

A cash deposit of one hundred dollars (\$100.00) per sewer account, as security for the payment of utility bills shall be required of each tenant, renter, or lessee, in addition to any deposit required for water usage.

(Resolution 01.40, 11/26/01; Resolution 11.08, 02/28/2011;  
City Council approved 08/08/11)

Sec. G-21. Rates

All customers whose property line is within 200 feet of a sewer main within the city and are connected to that main shall be charged the ready to serve charge. The charge shall remain in effect until the property owner requests in writing a permanent disconnect from the sewer main.

All customers connected to the City Sewer system shall be charged the ready to serve charge. The ready to serve charge will be in effect until a written request to permanently disconnect the service from the sewer is received. If a future connection is requested to the same property all applicable connection charges will be assessed.

(Resolution 97.43, 9/22/97; Resolution 00.17, 11/13/00; Resolution 03.25, 07/14/03;  
Resolution 04.06, 5/10/04; Resolution 08.01, 01/28/08; Resolution 15.35, 11/09/15)

<b>Current Sewer Rates</b>				
<b>Commodity</b>	<b>Readiness to Serve (RTS)</b>		<b>Fire Sprinkling System</b>	
<b>Rate per 1,000g</b>	<b>Meter Size</b>	<b>Rate</b>	<b>Meter Size</b>	<b>Rate</b>
\$3.95	<1"	\$16.45	4"	\$36.35
	1"	\$29.32	6"	\$45.43
<b>Commodity</b>	1.5"	\$53.00	8"	\$63.61
<b>Flat Rate</b>	2"	\$81.82	10"	\$81.78
\$31.79	3"	\$198.62		
	4"	\$320.06		
	6"	\$662.76		

<b>Excess Charges for Industrial Waste Water</b>	
<b>Per Lb. Of Pollutant</b>	<b>Current</b>
Biochemical Oxygen Demand (BOD)	\$0.432
Suspended Solids	\$0.339
Phosphorus	\$0.537

(Resolution 10.20, 6/28/2010; City Council approved 08/08/11;  
Resolution 15.35, 11/09/15)

Out-of-city rates are the same as the above rates. The readiness to serve charge imposed herein shall be charged to all meters connected to the city's sanitary sewer system during requested shut-off periods unless such shut-offs are requested to be permanent.

(Resolution 00.08, 6/12/00; Resolution 08.01, 01/28/08; City Council approved 08/08/11)

**Sec. G-22. Lawn Sprinkling Discount.**

During each of the months of June, July, August, and September, eligible customers will be charged their sewer commodity charge only on the number of gallons used on average during the previous October through March plus thirty percent (30%). Any water used in excess of this amount will not be charged a sewer commodity charge. (Readiness-to-Serve charges remain unchanged). The average home uses 5,000 gallons per month, which would equate to 6,500 after the thirty percent (30%) is added. Only owner occupied, single family homes shall be eligible for a lawn sprinkling discount. Exceptions shall be made only after a written application has been presented for approval to the City Manager by the occupant of the home or apartment building for which the discount is requested.

(Resolution 92.09, 04/27/92; Resolution 01.40, 11/26/01)

**Sec. G-23. Property Damage as a Result of a Sewage Disposal System Event**

Public Act 170 of 1964, as amended by Public Act 22 of 2001, requires that if the property owner is seeking compensation for personal injury or property damage, they must show that the sewage disposal system had a defect; that an appropriate government agency knew, or reasonably should have known about the defect; that the defect was not remedied by the government agency in a reasonable time; that the property damage or personal injury resulted because of the defect; and that property damage or personal injury resulted because of the defect; and that the property owner owns and has related the value to the damaged personal property.

The property owner is required to comply with the notice requirements of the Act. Any claim the property owner makes must be made in writing within 45 days after the date the damage or physical injury was discovered. The written notice must contain the property owners name, address, telephone number, the address of the affected property, the date of discovery of any property damages or physical injury, and a brief description of the claim.

(Resolution 02.52, 11/11/02)

**ARTICLE V  
INDUSTRIAL PRE-TREATMENT PROGRAM**

Sec. G-24. Fees and Charges

Any fees or expenses related to an industry's wastewater discharge, or to determine acceptability of an industry's wastewater, to enter the city's wastewater system shall be charged directly to that industry as follows:

1. Permit Set-up Charge for reviewing the "Industrial User Survey Form".....\$200.00
2. City Monitoring:
  - (a) Sample analysis for surcharged compounds. Sample analysis based on outside laboratory cost to the city.
  - (b) Grab samples. Sample analysis based on outside laboratory cost to the city.
  - (c) Composite samples. Sample analysis based on outside laboratory cost to the city.
3. Inspection:
  - (a) Time and equipment basis.....\$75.00 per hour
4. Surveillance:
  - (a) Non-Surcharged industries .....\$250.00 per month
  - (b) Surcharged industries.....\$500.00 per month
5. Construction or Procedures Review:  
Based on time and materials.
6. Surcharges for Compatible Wastes:  
Remains as established.
7. Permit Application Fees:
  - (a) Initial Application.....\$500.00
  - (b) Renewal without Change.....\$200.00
  - (c) Renewal with Change.....\$500.00
8. Appeals:  
Based on time and equipment.

(Resolution 90.50 and 92.09, 04/27/92, and Resolution 94.17, 04/25/94;  
Resolution 07.52, 12/10/07; City Council approved 08/08/11; Resolution 15.35, 1/09/15)

**ARTICLE VI  
ALLEGAN WASTEWATER PLANT  
AND SEPTAGE RECEIVING FACILITY  
SEPTAGE RECEIVING OPERATIONAL PLAN 2014**

Sec. G-25. General

**Resolution 13.40/November 28, 2013**

This plan has been developed in accordance to the regulatory requirements of Part 117, Septage Waste Servicers, of the Natural Resources and Environmental Protection Act, 1994 PA 451. The Allegan Wastewater Plant has been operating a septage receiving station since April 5, 2010. The Allegan Wastewater Plant will be opening a second receiving station adjacent to the first in January 2014. The second station will provide redundancy, reliability and faster offloading for septage disposal at the Allegan facility. Since the first receiving station opened, it has provided an invaluable service to the Allegan area. This Septage Receiving Operation Plan has been prepared pursuant to the requirements of Section 324.11715b.

**Location**

The Allegan Septage Receiving Facility is located at the Allegan Wastewater Plant located at 350 North St. Allegan, MI 49010, see attached map on page 6. The wastewater office phone number is (269) 686-1117, plant superintendent is Doug Sweeris.

**Background**

The Allegan Wastewater Plant average raw sewage loadings and design parameters are shown in the following chart.

	Design	Average
Flow	1.2 MGD - NPDES, 1.8 MGD Max Day	.87 MGD*
CBOD5	23,000 lbs / day	3,667 #/day *
TSS	6,005 lbs/day	3,595 #/day *

\* Averages are January 2011 through July 2013.

The Allegan Wastewater Plant is a secondary aeration treatment process plant, updated in 2009 with biological nutrient removal capabilities, new headworks equipment, larger aerated sludge storage tanks, UV disinfection and a new septage receiving station. The Allegan Wastewater Plant updated treatment basin 3 in 2012 with new aeration equipment and biological nutrient removal capabilities. The Allegan Waste Water Treatment Plant is regulated by the DEQ under NPDES permit MI0020532.

**Septage Receiving Stations Location and Description**

The septage receiving stations will be accessed by entering the Allegan Wastewater Plant facility through the East gate. This gate is equipped with remote operation that will be able to track each

truck as it enters the facility. Once the truck passes through the gate it will continue around the outside drive, around basin 3, between the facility garage and UV disinfection chamber. The receiving stations are located behind or to the West of the garage. The truck will turn left and pull up along the front of one of the receiving buildings. There the driver will see the receiving port and control panel for the receiving equipment and park his truck accordingly to unload. The receiving equipment consists of a rock trap, automatic flow control valve, flow meter and fine screen. Both, old and new stations will be equipped with a grinder in the receiving pipe, these will be located prior to the control valve and be operated by the septage receiving equipment control panel. The equipment was designed so an auto sampler could be added. The fine screen will convey and dewater the screenings into a receptacle for disposal at a landfill. Each truck will be issued an individual card to activate this equipment. The equipment will then track each truck load and volume discharged. The screened septage is then discharged to the waste solids mix tank. Both receiving stations will be equipped with a positive displacement blower and hose that can be connected to the suction port on the truck tank. This blower could then be turned on once the receiving equipment is activated, the blower would be used to assist in offloading the liquid in the truck tank by pressurizing the tank up to 10 psi. All the receiving equipment including the blower can be shut down by pressing either the equipment stop button on the control panel, the emergency stop button on the control panel or the emergency stop button located on the receiving screen tank. Once the septage is offloaded and the equipment stop button has been pushed, the pressure should be relieved from the tank and the hoses disconnected. The entire WWTP facility from the entrance gate to the septage receiving area will be under video surveillance and recorded at all times.

### **Septage Truck Cleanout**

The Allegan Septage Receiving Stations have a truck cleanout site available. This site is an old drying bed located in the Southwest corner of the facility, access to the cleanout site is by the South service road alongside the underground storage tanks, drive around the drying bed and the septage truck would back up to the drying bed to clean out. This cleanout area is provided to the septage haulers to serve as an area were the hauler may clean out the sand and dirt that collects in the bottom of the tank and is not removed through normal offloading procedures. Prior to using the cleanout site the driver must offload all the liquid material in the tank at one of the receiving stations. The driver would then drive around to the cleanout site, back the truck up to the drying bed and proceed to clean out the tank of the truck. The back of the tank where the material will be removed must be over the drying bed so that the removed contents are disposed of in the drying bed, the driver is responsible for cleanup of any material that comes from the truck and does not make it into the drying bed. The driver assumes all responsibility for cleaning out his truck; the Allegan Wastewater Plant and Septage Receiving Station are only providing a place for the contents of the tank being cleaned and proper disposal in a landfill of material collected in the drying bed and assumes no responsibility of the truck or driver during the cleanout process. Water to rinse the tank after the material is shoveled out is available at either of the septage receiving stations. The septage truck cleanout site is only available for use during normal weekday business hours of Monday – Friday, 7 a.m. – 3 p.m. Misuse of the cleanout site or failure to notify the City that the cleanout site was used will result in the termination of use at the Allegan Septage Receiving Stations.

### **Septage Treatment Process**

The Allegan Wastewater Plant Septage Receiving Facilities will have a 400 (+/-) gpm max. unloading rate per station with an anticipated 50,000 gallons per day. Domestic septage is anticipated at 6,500mg/l BOD and 13,000mg/l TSS. The Allegan Wastewater Plant Septage receiving does not place the initial loading of the septage into the treatment process. Instead the septage is mixed with the waste activated sludge from the secondary clarifiers. This mixture of waste sludge and septage is jet aerated in two (2) 90,000 gallon tanks. This mixture is then transferred to an aerated sludge storage tank where the sludge is aerated, mixed and thickened by settling. The decant from the aerated sludge storage tanks is then taken back to the head of the treatment process. The thickened sludge which will be a mixture of waste sludge from the treatment process and septage solids will be disposed of by land application twice per year in accordance with the state of Michigan Biosolids Part 24 Rules. See attached flow diagram on page 5.

### **Septage Receiving Hours of Operation**

The operating hours for the receiving stations will be 24 hours per day and 7 days a week with an approved application for discharge and issuance of the proper access remote and key card for operation of the receiving equipment. Each hauler will be required to fill out a credit application for proper billing, provide proof of proper insurance and provide a performance bond if required by the City. Upon approval of this the hauler will be issued a remote to access the WWTP facility and a swipe card to operate the receiving equipment. Haulers that do not go through this process will only have access to the receiving station during normal business hours of Monday – Friday, 7 a.m. – 3 p.m., and weekends from 7 a.m. – 11 a.m., no holiday (as defined by the City Municipal Policy manual) dumping. Individual dumping of recreational vehicle holding tanks will only be allowed during normal business hours. The septage truck cleanout site is only available for use during normal weekday business hours of Monday – Friday, 7 a.m. – 3 p.m.

### **Septage Accepted**

Septage and hauled waste can be a high variety of materials, which may include grit, organics, suspended solids, and grease. The Allegan Wastewater Plant Septage Receiving facilities will accept the following: (a) domestic septage pumped from home septic tanks, recreational vehicles (RV's), cesspools, portable toilets, type III marine sanitation devices or similar storage; (b) domestic treatment plant septage; (c) sanitary sewer cleanout septage.

Every load that is brought to the Allegan Septage Receiving stations must be accompanied by a "Hauled Waste Tracking and Discharge Ticket." The information required shall include identification of the hauling company, truck and driver I.D., origin of septage discharge, including address of each location pumped in the truck load and date the septage tank(s) were pumped out.

### **Other Wastes Accepted**

The Allegan Waste Water Treatment Plant Septage Receiving Stations will accept the following wastes under the following conditions:

Recreational Vehicle (RV) holding tanks, directly from the RV, will be accepted during normal



Wastewater Plant operating hours of Monday – Friday 7:00 a.m. – 3:00 p.m., no holidays or weekends.

Food establishment septage (FES) will only be accepted if it is mixed with domestic septage at a ratio of not less than 1 part grease trap waste to 3 parts domestic septage and approved by the Wastewater Plant Superintendent prior to discharge. Properly mixed food establishment septage will only be accepted during normal Wastewater plant hours of Monday – Friday 7:00 a.m. – 3:00 p.m., no holidays or weekends. These loads will need to have a sample of not less than 1,000ml taken during offloading.

Industrial Waste will be accepted from a licensed industrial waste hauler (Part 121 license from the DEQ’s Waste and Hazardous Materials Division) only. Each load of industrial waste must be approved by the Allegan Wastewater Superintendent prior to delivery to the receiving station. The industrial waste may only be disposed of during normal wastewater plant operating hours Monday – Friday 7:00 a.m. – 3:00 p.m., no holidays, unless special approval is given for afterhours discharge on a per load basis. All industrial waste will be sampled during offloading. A copy of all manifests for industrial waste load will be provided to the Allegan Waste Water Treatment Plant at the time of discharge.

### **Sampling**

The sampling of domestic septage will be on a random basis. The City of Allegan reserves the right to sample any and all domestic septage discharged to the Allegan Waste Water Treatment Plant. Sampling is required for each load of domestic septage that is mixed with food establishment waste. Sampling is required for each load of industrial waste.

### **Regulatory Structure**

Septage haulers are regulated by the Septage Receiving Station Ordinance and the Sewer Use Ordinance. The Allegan Septage Receiving Station and Sewer Use Ordinance are posted on the City of Allegan website, [www.cityofallegan.org](http://www.cityofallegan.org) . On the web site click on Ordinances, select code of ordinances, select chapter 29 - Utilities, Article V is the septage receiving ordinance and Article III, Division 3 is the Sewer Use Ordinance.

### **Fee Structure**

The fee structure will be set in the Allegan Municipal Policy. The basis for the fee structure will be as follows:

- 1) Individual Recreational Vehicle will pay a per time dump fee comparable to the local campground dumping station. Charge will be \$10.00 per dump.
- 2) Haulers of domestic septage as described above will pay a per gallon charge based on annual OM&R (operation, maintenance and debt repayment) this includes costs of the receiving station, a portion of the treatment facility that is handling the solid’s disposal, and the

processing of supernatant from the solids handling. In addition, the rates are structured to include debt repayment from the loan in 2009 to build the receiving station and the loan in 2013 to build the second receiving station. The base rate will be set at \$0.07 per gallon. The rate per gallon will decrease as the total gallons delivered for each hauler increases in a calendar year, per the chart below:

0-100,000gal.	101k-250k gal.	251k-500k gal.	501k-750k gal.	751k-1M gal.	> 1.001M gal.
\$0.070	\$0.068	\$0.066	\$0.064	\$0.062	\$0.060

Decreased rates will only be valid if invoices are paid within thirty (30) days.

- 3) Industrial hauled waste (pre-approved before discharge) shall be a combination of \$0.07 per gallon and shall also include a surcharge for excess BOD and/or suspended solids. This excess shall be based on the defined strength of domestic septage of BOD = 6,500 mg/l, TSS 13,000mg/l. Any amount over these will be charge at a rate of \$0.07/# BOD and \$0.04/# TSS. If several loads of similar industrial waste are delivered and both the hauler and the receiving station agree, a per gallon fee may be set based on the average of past load charges.
- 4) The fee for the truck cleanout is \$25.00 per cleanout time, billed monthly with the septage invoice.

The City of Allegan reserves the right to change any and all fees for the septage receiving facility, any increase in rates will be posted a minimum of 30 days prior to increase.

**Service Area**

The service area is 25 radial miles from the geographic center of the plant. This service area for the Allegan Septage Receiving Facility will include Allegan County and portions of Barry, Kalamazoo, Kent, Ottawa, and Van Buren counties. The service area will cover the 25 mile geographic area that came into effect October 1, 2010. See attached map showing service area coverage's on page 7. The Allegan Septage Receiving Stations will except waste from outside of the 25 radial mile boundary line.

(Resolution 13.40 November 28, 2013, effective January 1, 2014)

**ALLEGAN MUNICIPAL POLICY**  
**Chapter H**  
**MISCELLANEOUS**

**ARTICLE I**  
**CRIMES AGAINST CITY PROPERTY**

Sec. H-1. Rewards for Information Leading to the Arrest and Conviction of Crimes Against City Property

WHEREAS, the City of Allegan spends thousands of tax dollars needlessly each year for the repair and replacement of city property damaged by vandals, and

WHEREAS, the Allegan City Police Department seeks help in apprehending and convicting persons guilty of crimes against city property,

NOW, THEREFORE, BE IT RESOLVED, that the City of Allegan hereby offers up to a Two Hundred Dollar (\$200.00) reward for information leading to the arrest and conviction of any person or persons found guilty of any crime against city property.

BE IT FURTHER RESOLVED that the determination of the amount of reward to be granted to any person shall be at the sole discretion of the Chief of Police and that decision shall be final.

(Resolution 88.30, 07/11/88)

**ARTICLE II**  
**ESTABLISHING COST RECOVERY FEES RELATED TO AN**  
**EMERGENCY RESPONSE**

Sec. H-2. Fees and Charges

WHEREAS, in accordance with the Ordinance providing for the Collection of Expenses Relating to an Emergency Response, Section 28, (150-157) of the Code of Ordinances, it is necessary to adopt a schedule of the costs included within the expense of an emergency response.

NOW, THEREFORE, BE IT RESOLVED, that the following fee schedule is adopted for the Emergency Response Cost Recovery Program:

WAGES

POLICE OFFICER	Per Adopted Union Contract
COMMAND	Per Adopted Union Contract
PUBLIC WORKS	Per Adopted Union Contract

(Wages are subject to adjustments in accordance with the effective bargaining agreement of the position)

VEHICLE COSTS

POLICE VEHICLE	Total cost of \$20.00 per hour
DPW EQUIPMENT	Per Adopted MDOT Schedule C Rental Rates
BLOOD TESTS	Actual costs incurred or charged by the service provider.
LEGAL COSTS	Actual costs incurred or charged by the service provider.

(Resolution 95.32, 7/11/95; Resolution 08.01, 01/28/08; Resolution 15.35, 11/09/15)

**ARTICLE III  
GRISWOLD RENTAL POLICY GUIDELINES**

Sec. H-3. Rental Rates and Charges

In as much as the Griswold Auditorium is substantially supported by city residents, the City of Allegan encourages the use of the facility at all times. To help insure that the Griswold is used and maintained properly, certain user fees deemed appropriate are to be paid by the groups using the facility.

Classification of users groups and examples:

NON-PROFITS

501 c 3's  
Community Service Organizations  
Churches  
Governmental Units

PROFIT

Commercial  
Industrial  
Unions  
Private Citizens

PROCEDURE FOR RENTAL USE

- A responsible adult, acting as representative for the group, shall complete the rental use form.
- The Griswold will maintain the reservation calendar for scheduled use of the building.
- Notification of cancellation of any scheduled events shall be made to the Griswold staff no later than 24 hours prior to the event.
- The client shall be responsible for the proper use of the facility, furnishings and equipment, and shall be responsible for damages that may incur as a result of misuse by the client or their guests. Further, the client shall be responsible for leaving the facility in clean condition.
- All users will be required to sign/date a written agreement/contract, to be submitted to the Finance Department, before use of the facility.
- A liability waiver will be required and the client must provide the city with a copy of insurance (if applicable).
- No work shall be performed in lieu of payment for rental.
- City employees may rent the Griswold at the equivalent cost to the City.
- Groups requesting regular use of the building at no charge or at a discount must make a request on an annual basis and/or per event to City Council.
- Payment in full is required 30 days prior to the date of use unless other arrangements have been made with the Finance Department.
- The Finance Department will be responsible for billing all accounts. Accounts shall be due upon receipt unless stated otherwise on the billing.

- If deemed appropriate, waiving of rental fees will be made by the City Council. Requests for waivers shall be presented in writing to the Griswold Manager, who in turn will make a recommendation in writing to the City Council.
- A Griswold staff shall be on duty at all times when the facility is in use unless approved in advance by the City Manager.
- No client shall use the auditorium lighting or sound equipment without approval of the Griswold staff.
- The Griswold Memorial Auditorium & the City of Allegan are not liable for loss, theft or damage to property belonging to event participants.
- All functions shall cease and all clean up must be accomplished by 1:00am.
- Client is responsible for the immediate and complete removal of all decorations and all devices used to attach decorations following the function.
- The Client is responsible for the supervision of any participating minor children at all times.
- There shall be no nails, screws or other objects driven into the stage floor. The Griswold will keep a supply of tape to be used on the stage floor. No other tape may be used.
- The deposit of \$150.00 and a complete (signed/dated) Rental Use Form (contract/agreement) are required to secure the date. The balance is due 30 days prior to the first date of use or event. If the total balance is less than \$150.00 the entire balance is due at the time the contract/agreement is signed.
- Banquet Room: Decorating will be allowed the day prior to the event at no charge from 2:00pm - 4:30pm. Table and chair set-up must be submitted in writing 2 weeks prior to event.

GRISWOLD AUDITORIUM RENTAL RATES

Performance Auditorium Only:

Events:

Hourly Rate.....	\$ 60.00
Six Hours:.....	\$250.00
Additional Hourly Rate (after first 6 hours).....	\$ 50.00
Hourly rate if rented in conjunction with Banquet Room....	\$ 25.00
Sound and Lighting Technician.....	City Cost

Social Gathering:

Gazebo:

Rate.....	\$25.00
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Banquet Room:

Hourly Rate.....	\$115.00
Six Hours:.....	\$650.00
Six Hours (with décor).....	\$750.00

Additional Hourly Rate (after first 6 hours):..... \$ 50.00  
Linens available.....Market Rate

Conference Rooms:

Marilla Lounge & Corporate Lounge:

Hourly Rate..... \$ 30.00  
Hourly Rate if rented in conjunction  
With Auditorium or Banquet Room..... \$ 15.00

Cancellation policy:

In the event of a cancellation, the deposit is non-refundable.

(Resolution 06-06 February 13, 2006; Resolution 07-28 May 24, 2007;  
City Council approved 08/08/11; Resolution 15.35, 11/09/15, Resolution 16.02,  
01/25/2016)

**ARTICLE IV  
REGENT POLICY GUIDELINES**

Sec. H-4. Regular Showings

The Regent will provide movies at the following times: Monday –Sunday at 7:00pm, and Saturday and Sunday at 2pm. The Regent sells a variety of concession items ranging in cost from \$.25 to \$3.50 per item. Price adjustment may be made from time to time to maintain profit margin.

Ticket Prices:  
Weekend Matinees.....\$3.00/ea  
Evening Shows..... \$4.00/ea

Sec. H-5. Special Discounts

Regent specials include 2-for-1 admission on Monday 7pm show, Free Popcorn Tuesday 7pm show, coupons for Regent Facebook fans on Wednesday 7pm show, Regent “Reel Deal” Punch cards are sold seasonally, and Annual Memberships are available. Staff reviews these and recommended changes for approval by the City Manager.

Sec. H-6. Rental Rates and Charges

To help insure that the Regent is used and maintained properly, certain user fees deemed appropriate are to be paid by the groups using the facility.

In the event of a "special show" outside of the Regent’s regularly scheduled movie, a sponsor will be required to cover the cost of the "special" film's rental fee.

PROCEDURE FOR RENTAL USE

- A responsible adult, acting as representative for a group, shall complete the rental use form.
- The client shall be responsible for the proper use of the facility, furnishings and equipment, and shall be responsible for damages that may incur as a result of misuse by the client or their guests.
- Further, the client shall be responsible for leaving the facility in clean condition.
- The Regent Theater & the City of Allegan are not liable for loss, theft or damage to property belonging to event participants.
- All users will be required to sign/date a written agreement/contract, to be submitted to the Finance Department, before use of the facility.
- A liability waiver will be required and the client must provide the city with a copy of insurance (if applicable).



- No work shall be performed in lieu of payment for rental.
- Groups requesting regular use of the building at no charge or at a discount must make a request on an annual basis and/or per event to City Council.
- Payment in full is required 30 days prior to the date of use unless other arrangements have been made with the Finance Department.
- The Finance Department will be responsible for billing all accounts. Accounts shall be due upon receipt unless stated otherwise on the billing.
- If deemed appropriate, waiving of rental fees will be made by the City Council. Requests for waivers shall be presented in writing to the Regent Coordinator, who in turn will make a recommendation in writing to the City Council.
- The deposit of \$50.00 and a complete (signed/dated) Rental Use Form (Contract/Agreement) are required to secure the date. The balance is due 30 days prior to the first date of use or event. If total balance is less than \$50.00 the entire balance is due at the time the contract/agreement is signed.
- Regent staff shall be on duty at all times when the facility is in use unless approved in advance by the City Manager.
- The client is responsible for the supervision of any participating minor children at all times.

REGENT RENTAL RATES

Hourly Rate:..... \$50.00

Cancellation policy:

60 days or more notice	Full Deposit Refund
45-60 days notice	Fifty Percent Refund
30-45 days notice	Twenty-five Percent Refund
30 days or less	No Refund

(Resolution 12.41, 07/23/12; Resolution 15.35, 11/09/15)

Sec. H-7. Pre-Show On Screen Advertising

Standard 3 month Rate.....	\$200.00
DDA 3 month Rate.....	\$100.00
Non-profit 3 month Rate.....	\$ 75.00
Event 1 month Rate.....	\$ 30.00

**ARTICLE V**  
**FREEDOM OF INFORMATION ACT PROCEDURES & GUIDELINES**

Sec. H-8.1. General Administration

1.1. Purpose. These Procedures and Guidelines provide for the administration of the Michigan Freedom of Information Act, 1976 PA 442, as amended, MCL 15.231 *et seq.* (the “FOIA”), within the City of Allegan.

1.2. FOIA Coordinator and Designees. The City’s Deputy Clerk is the FOIA Coordinator for the City. The Chief of the Police Department is a designee of the FOIA Coordinator, and may act on the FOIA Coordinator’s behalf with respect to records held by that department. The FOIA Coordinator may designate other City staff to respond to FOIA requests from time to time. When used in the remainder of these Procedures and Guidelines, the term “FOIA Coordinator,” includes all authorized designees.

1.3. Administrative Rules and Forms. The FOIA Coordinator may implement additional administrative rules and promulgate forms to be used by the City in processing FOIA requests, provided those rules and forms are consistent with the FOIA and these Procedures and Guidelines. In accordance with the FOIA, the FOIA Coordinator shall promulgate: (1) a Detailed Itemization of Costs Form to be used whenever the City charges FOIA fees, and (2) a Public Summary of these Procedures and Guidelines.

1.4. Public Inspection. Reasonable facilities and opportunities will be provided for examination and inspection of public records during normal business hours. The FOIA Coordinator may promulgate rules regulating the inspection of records so as to protect against loss, alteration, mutilation, or destruction and to avoid excessive interference with City operations.

1.5. Records Retention. The FOIA Coordinator shall ensure that City departments follow appropriate records retention policies, in compliance with applicable state requirements. Further, the FOIA Coordinator shall keep a copy of all written requests for public records received by the City for a period of at least one year.

1.6. Availability of Policies and Forms. The following documents are posted on the City’s website and available in all City offices: (1) these Procedures and Guidelines; (2) the Detailed Itemization of Costs Form; and (3) the Public Summary of these Procedures and Guidelines.

Sec. H-8.2. Requests for Public Records

2.1. Requests in Writing. A person making a request pursuant to the FOIA to inspect or obtain copies of public records prepared, owned, used, possessed or retained by the City must do so in writing. The request must sufficiently describe a public record so as to enable City personnel to identify and find the requested public record. There is no required form for submitting requests.

2.2. Method of Submission. To ensure proper receipt, the City prefers that FOIA requests be made by one of the following methods:

Record Type	Mail / Hand Delivery	Email	Facsimile
General City	Allegan City Hall Attn: FOIA Request 112 Locust Street Allegan, MI 49010	lvanderclay@cityofallegan.org	(269) 673-2869
Police	Allegan Police Department 170 Monroe Street Allegan, MI 49010	rhoyer@cityofallegan.org	(269) 673-5170

However, requests may be submitted in person or by mail to any City office, and shall be forwarded to the FOIA Coordinator or appropriate designee.

2.3. Receipt of Emails and Facsimiles. If the City receives a request for a public record by facsimile or email, the request is deemed to have been received on the following business day. If a request is sent by email and delivered to a City spam or junk-mail folder, the request is not deemed received until one day after the FOIA Coordinator first becomes aware of the request. The FOIA Coordinator shall note in the FOIA log both the date the request was delivered to the spam or junk-mail folder and the date the FOIA Coordinator became aware of the request. The FOIA Coordinator shall review his or her spam and junk-mail folders on a regular basis, no less than once a week.

2.4. Requesting Non-Paper Disclosure. A person may request that public records be provided by email or on non-paper physical media. The City will comply with the requests for the use of non-paper physical media only if it has the technological capacity to do so, without acquiring additional hardware. Police records will not be provided by email when doing so would violate state or federal law.

2.5. Subscriptions to Public Records. A person may request to subscribe to future public records that are created, issued, or disseminated by the City on a regular basis (*e.g.* agendas, minutes, and other periodic reports). A subscription is valid for up to 6 months and may be renewed by the subscriber.

2.6. Incarcerated Persons. The City is not obligated under the FOIA to respond to records requests from persons serving a sentence of imprisonment in a local, state or federal correctional facility. However, in the interest of transparency, the City may choose to respond to requests from incarcerated persons if there are compelling reasons to do so. An incarcerated person who receives a response from the City is not entitled to the appeal rights or legal causes of action provided in the FOIA.

### Sec. H-8.3. Responding to a Request

3.1. No Obligation to Create New Records. The FOIA does not require the City to create a new public record, make a compilation or summary of information which does not already exist, or answer questions contained in requests for public records. The City's response obligations are as described in this Section.

3.2. Time Period for Responding. Unless otherwise agreed to in writing by the person making the request, the FOIA Coordinator will either: (1) issue a response to a FOIA request within 5 business days of receipt, or (2) issue a notice indicating that, due to the nature of the request, the City needs an additional 10 business days to respond. The City's normal procedure is to respond within 5 days, and to issue a 10-day extension only in unusual circumstances such as when the FOIA Coordinator is unavailable, or when legal counsel is required to determine whether requested information is exempt from disclosure.

3.3. Form of Response. A response granting a FOIA request may be delivered in any form acceptable to or specified by the requester. A response denying a FOIA request shall be delivered in writing and signed by the FOIA Coordinator. The FOIA Coordinator shall deliver a copy of these Procedures and Guidelines and the City's Public Summary thereof simultaneously with all responses or, if responding by email, shall include a link to those documents on the City's website.

3.4. Options for Disposition. The City will respond to a request by:

- A. Granting the request;
- B. Issuing a written notice denying the request;
- C. Granting the request in part and issuing a written notice denying the request in part; or
- D. Issuing a written notice indicating that the public record requested is available at no charge on the City's website.

3.5. Delivery or Inspection of Records After Grant. A response granting a request in whole or in part shall do one of the following: (1) provide the requested records; (2) provide information as to when and how the requester can inspect the requested record in a City facility, if the requestor asked for an opportunity for inspection; (3) inform the requester that payment of applicable fees is required before the City will provide the requested records; or (4) inform the requester that the City is requiring a fee deposit before searching for the requested records and separating exempt material. Certified copies of public records shall be provided at no additional cost upon request.

3.6. Contents of Denial Notice. If request is denied or denied in part, the FOIA Coordinator will issue a denial notice which shall provide, as applicable:

- A. An explanation as to why the record (or material redacted from the record) is exempt from disclosure; or
- B. A certification stating that the requested record does not exist under the name or description provided by the requestor, or another name reasonably known by the City; and
- C. A description of any material redacted from the record; and
- D. An explanation of the person's right to submit an appeal of the denial to the City Manager, or to seek judicial review in the Allegan County Circuit Court; and
- E. An explanation of the right to receive attorneys' fees, costs, and disbursements as well actual or compensatory damages, and punitive damages of \$1,000, should they prevail in Circuit Court.

3.7. Denial of Deficient Requests. If a request does not sufficiently describe a public record, the FOIA Coordinator may issue a denial notice seeking clarification. The requester's clarification will be considered a new request subject to the timelines described in this Section.

3.8. Receipt of Requests by Non-Designated Employees. Any employee receiving a written communication that conveys a request for information shall forward the communication to the FOIA Coordinator. City employees are not generally obligated to respond to verbal requests for information, but if the employee knows that requested information is available on the City's website, the employee shall inform a verbal requester of that fact.

#### Sec. H-8.4. Fee Calculations

4.1. Fee Categories. Subject to the terms and conditions in this Section, the City may charge for the following costs associated with processing a FOIA request:

- A. Labor costs directly associated with searching for, locating and examining a requested public record (only when failure to charge a fee would result in unreasonably high costs).
- B. Labor costs associated with a review of a record to separate and delete information exempt from disclosure of information which is disclosed (only when failure to charge a fee would result in unreasonably high costs).
- C. The actual cost of computer discs, computer tapes, thumb drives, or other similar non-paper media.
- D. The cost of the duplication, not including labor, of paper copies of public records.
- E. The cost of labor associated with duplication or publication, including making paper copies, making digital copies or transferring digital public records to non-paper physical media or through the Internet or other electronic means.
- F. The actual cost of mailing or sending a public record.

4.2. Labor Fees. Fees for labor costs will be calculated in accordance with the following:

- A. All labor costs will be estimated and charged in 15 minute increments with all partial time increments rounded down.
- B. Labor costs for employees will be charged at the hourly wage of the lowest-paid City employee capable of doing the work in the specific fee category, regardless of who actually performs the work.
- C. If using contract or outside labor to separate and delete exempt material from non-exempt material, the public body must clearly note the name of person or firm who does the work and total labor fee for the work may not exceed an amount 6 times the state minimum hourly wage. No fee shall be charged for contract or outside laborers performing any function other than those specified in this paragraph (e.g. no fee shall be charged for contract information technology personnel performing electronic searches for records).
- D. Labor costs may be charged to cover or partially cover the cost of fringe benefits for employees. The City may add up to 50% to the applicable labor charge to cover or partially cover the cost of fringe benefits, but the charge shall not exceed the actual cost of fringe benefits.

- E. Overtime wages may not be included in labor costs unless agreed to by the requestor. Overtime costs will not be used to calculate the fringe benefit cost.

4.3. “Unreasonably High Cost” Requirement. When charging a fee for the categories of labor described in 4.1.A and 4.1.B above, the FOIA Coordinator shall specifically identify why the failure to charge a fee would result in unreasonably high costs to the City, which are costs greater than those incurred in the typical or usual request received by the City. The following factors may be relevant:

- A. The volume of the public record requested
- B. The amount of time spent to search for, examine, review and separate exempt from non-exempt information in the record requested.
- C. Whether public records from more than one City department or various City offices is necessary to respond to the request.
- D. The available staffing to respond to the request.
- E. Other similar factors identified by the FOIA Coordinator.

4.4. Non-Paper Media Fees. Fees for providing records on non-paper physical media are calculated based on the actual cost of procuring the non-paper physical media used. In order to ensure the integrity and security of the City's technology infrastructure, the City will procure the requested non-paper media and will not accept non-paper media from the requestor. The City will procure the needed non-paper media at the most reasonably economical cost.

4.5. Copying Fees. The fee for paper copies made on standard letter (8 1/2 x 11) or legal (8 1/2 x 14) sized paper is \$.10 per sheet. Copies for nonstandard sized sheets of paper will reflect the actual cost of reproduction. The City may provide records using double-sided printing, if cost-saving and available.

4.6. Mailing Fees. Fees for mailing records to the requestor are based on the actual cost of mailing, using a reasonably economical and justified means. The City may charge for the least expensive form of postal delivery confirmation, but shall not charge for expedited shipping or insurance unless requested.

4.7. Fee Reductions. The FOIA Coordinator shall reduce the amount of the applicable fee for labor costs by 5% for each day the City exceeds the applicable deadline for responding to a FOIA request, up to a maximum reduction of 50% of such fee, if any of the following applies:

- A. The late response was willful and intentional;
- B. The written request, within the first 250 words of the body of a letter facsimile, e-mail or e-mail attachment conveyed a request for information; or
- C. The written request included the words, characters, or abbreviations for “freedom of information,” “information” “FOIA,” “copy,” or a recognizable misspelling of such, or legal code reference to MCL 15. 231 *et seq.* or 1976 Public Act 442 on the front of an envelope or in the subject line of an e-mail, letter or facsimile cover page.

The FOIA Coordinator shall fully note any fee reduction in the Detailed Itemization of Costs Form.

### Sec. H-8.5. Fee Deposits

5.1. Good Faith Deposit. If, based on a good faith calculation by the City, the cost of processing a FOIA request is expected to exceed \$50, or if the requestor has not fully paid for a previously granted request, the City will require a good-faith deposit before processing the request. In making the request for a good-faith deposit the FOIA Coordinator shall provide the requestor with a detailed itemization of the allowable costs estimated to be incurred by the City to process the request and also provide a best efforts estimate of a time frame it will take the City to provide the records to the requestor. The best efforts estimate shall be nonbinding on the City, but will be made in good faith and will strive to be reasonably accurate, given the nature of the request in the particular instance, so as to provide the requested records in a manner based on the public policy expressed by Section 1 of the FOIA.

5.2. Deposits Due to High Estimated Fees. If a deposit is charged because the fee estimate is expected to exceed \$50.00, the deposit shall not exceed one half of the total estimated fee.

5.3. Deposits Due to Prior Non-Payment. If a deposit is charged because the requester has not fully paid the City for copies of public records made in fulfillment of a request, a deposit of 100% of the estimated processing fee may be charged if:

- A. The prior request was made within the last 365 days;
- B. The final fee for the prior request is not more than 105% of the estimated fee;
- C. The public records made available contained the information sought in the prior request and remain in the City's possession;
- D. The public records were made available to the individual, subject to payment, within the time frame estimated by the City to provide the records;
- E. 90 days have passed since the FOIA Coordinator notified the individual in writing that the public records were available for pickup or mailing;
- F. The individual is unable to show proof of prior payment to the City; and
- G. The FOIA Coordinator has calculated a detailed itemization that is the basis for the current written request's increased estimated fee deposit.

### Sec. H-8.6. Fee Waivers

6.1. Public Interest Waiver. The FOIA Coordinator may, in his or her sole discretion, waive or reduce FOIA fees upon determining that the request is in the public interest.

6.2. Indigency Waiver. The FOIA Coordinator shall generally waive the first \$20.00 of a FOIA fee if the requester submits a sworn affidavit stating that the requester is indigent and receiving specific public assistance, or otherwise demonstrating an inability to pay because of indigence. However, fees shall not be waived if:

- A. The requestor has previously received discounted copies of public records from the City two times during the calendar year; or

- B. The requestor requests information in connection with other persons who are offering or providing payment to make the request.

6.3. Waiver for Certain Nonprofit Organizations. The FOIA Coordinator shall waive the first \$20.00 of a FOIA fee if the requester is a nonprofit organization designated to by the State to carry out activities under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 200 and the Protection and Advocacy for Individuals with Mental Illness Act, or their successors, if the request is:

- A. Made directly on behalf of the organization or its clients;
- B. Made for a reason wholly consistent with the mission and provisions of those laws under Section 931 of the Mental Health Code, MCL 330.1931; and
- C. Accompanied by documentation of its designation by the State.

#### Sec. H-8.7. Appeals

7.1. Appeals to City Manager. A requester may appeal a decision of the FOIA Coordinator on the grounds that: (1) all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure; or (2) the fee charged to process a FOIA request exceeds the amount permitted by state law. Appeals shall be filed with the City Manager, who is the administrative head of the City pursuant to the City Charter. The appeal must be in writing, specifically state the word “appeal” and identify the reason or reasons the requestor is seeking a reversal of the denial. If no appeal is taken within the applicable timeframe, the decision of the FOIA Coordinator shall be deemed to be the final decision of the City.

7.2. Decision on Nondisclosure Appeals. Within 10 business days of receiving an appeal asserting that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, the City Manager will respond in writing by:

- A. Reversing the disclosure denial;
- B. Upholding the disclosure denial; or
- C. Reversing the disclosure denial in part and upholding the disclosure denial in part.

Under unusual circumstances, such as the need to examine or review a voluminous amount of separate and distinct public records or the need to collect the requested records from numerous facilities located apart from the office receiving or processing the request, the City Manager may issue not more than 1 notice of extension for not more than 10 business days to respond to the appeal.

7.3. Decision on Fee Appeals. Within 10 business days after receiving an appeal asserting that the fee charged to process a FOIA request exceeds the amount permitted by state law, the City Manager will respond in writing by:

- A. Waive the fee;
- B. Reduce the fee and issue a written determination indicating the specific basis that supports the remaining fee, accompanied by a certification by the City Manager that the statements



in the determination are accurate and the reduced fee amount complies with these Procedures and Guidelines and Section 4 of the FOIA;

- C. Uphold the fee and issue a written determination indicating the specific basis under Section 4 of the FOIA that supports the required fee, accompanied by a certification by the City Manager that the statements in the determination are accurate and the fee amount complies with these Procedures and Guidelines and Section 4 of the FOIA; or
- D. Issue a notice detailing the reason or reasons for extending for not more than 10 business days the period during which the City Manager will respond to the written appeal.

7.4. Deadline for Circuit Court Actions. The requestor may file a civil action in Allegan County Circuit Court to challenge the City's response to a FOIA request within: (1) 180 days after the City's final decision, if challenging nondisclosure; or (2) 45 days after the City's final decision, if challenging a requested fee. Notably, a requestor may challenge a determination of the FOIA coordinator in civil action in without first appealing to the City Manager, if the challenge is based on nondisclosure.

7.5. Circuit Court Remedies in Nondisclosure Cases. If a court determines that a public record is not exempt from disclosure, it will award the appellant reasonable attorneys' fees, costs, and disbursements. If the court determines that the appellant prevails only in part, the court in its discretion may award all or an appropriate portion of reasonable attorneys' fees, costs and disbursements. If the court determines that the City arbitrarily and capriciously violated the FOIA by refusing or delaying the disclosure of copies of a public record, it will award the appellant punitive damages in the amount of \$1,000.

7.6. Circuit Court Remedies in Fee Cases. If the court determines that the City required a fee that exceeds the amount permitted, it shall reduce the fee to a permissible amount. If the appellant in the civil action prevails by receiving a reduction of 50% or more of the total fee, the court may award all or appropriate amount of reasonable attorneys' fees, costs and disbursements. If the court determines that City has acted arbitrarily and capriciously by charging an excessive fee, the court will also award the appellant punitive damages in the amount of \$500.

#### Sec. H-8.8. Miscellaneous

8.1. Effective Date. These Procedures and Guidelines shall take effect on July 1, 2015.

8.2. Repealer. As of their effective date, these Procedures and Guidelines repeal and supersede all previous FOIA policies promulgated by City Council or City staff.

8.3. Modifications by FOIA Coordinator. If any provision of these Procedures and Guidelines is found to be in conflict with any State statute, or if the FOIA is amended in a manner that creates a conflict, the FOIA Coordinator is authorized to modify the affected provisions of these Procedures and Guidelines. The FOIA Coordinator shall inform the City Council of any change.

**ARTICLE VI  
CITY COUNCIL  
RULES OF PROCEDURE**

**I. Scope**

These rules shall govern the City Council proceedings unless amended or suspended by a vote of four (4) Councilmembers. No amendment of a rule shall be effective until the next regularly scheduled meeting of the City Council. An amendment of these rules shall appear in the minutes of the meeting at which adopted and the text of the amendment and this date shall be certified by the City Manager/Clerk on an addendum to the official set of rules held by that official. Copies of the amended text shall be furnished to each Councilmember, the Mayor, the City Manager/Clerk and the City Attorney.

All references to "Charter Sections" are to Sections of the Revised Charter of the City of Allegan effective January 1, 1989.

**II. Council Meetings**

A. **Notice.** All Council meetings shall be conducted in accordance with the Open Meetings Act. Public notice of all meetings shall be given as provided in the Act, by the City Manager/Clerk.

B. **Regular Meetings.** Regular Meetings shall be held on the second and fourth Monday of each month unless adjourned by the Council or unless that day is a legal holiday, in which case the meeting shall be held on the next day which is not a legal holiday. (Charter Section 5.11)

C. **Special Meetings.** Special Meetings shall be called by the City Manager/Clerk after written request of the Mayor or any two Councilmembers. Written notice stating each matter to be considered at the Special Meeting shall be given each Councilmember and the Mayor. (Charter Section 5.12)

D. **Meeting Packet.** The City Manager/Clerk shall prepare a meeting packet for each regular council meeting. The agenda and packet shall be sent electronically or delivered to the Mayor, each Councilmember and the City Attorney at their residence or place of business on Friday, Saturday, or Sunday of the weekend preceding the meeting. The packet pertaining to a special Council meeting shall be delivered by at least the day before the meeting. The packet for all meetings shall contain the proposed meeting agenda and all matters proposed to be considered at the meeting plus their supporting documents.

(Amended February 13, 2012)

E. **Quorum.** A quorum of the Council is established when four (4) or more members are present in person at a meeting. (Charter Section 5.15)

**F. Attendance at Meetings.**

1. Mayor and Council. The Mayor and members of the City Council shall attend all meetings of the Council.
2. City Manager/Clerk. The City Manager/Clerk or representative shall attend all meetings of the Council and keep the minutes. Before each meeting, the City Manager/Clerk shall prepare the agenda and obtain reports for business matters and other items to be presented to the Council.
3. To the extent possible prospective absences and the reason for absence shall be reported to the Mayor before the meeting. The Council by resolution may decline to excuse the absence of any elective official from a meeting.

**G. Minutes.** An account of all proceedings of the Council and minutes of each meeting shall be prepared and kept by the City Manager/Clerk. Minutes shall be available for public inspection within (7) days after a meeting. (Charter Section 5.20)

**H. Closed Sessions.** The Council shall meet in closed session only for the purposes allowed by the Open Meetings Act\* which are:

- The Open Meetings Act is Act 267, Michigan Public Acts of 1976, as amended (MCL 15.261 et seq; MSA 4.1800 (11)et sec)
1. To consider the dismissal, suspension or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, if the named person requests a closed hearing they may rescind the request at any time, in which case the matter at issue shall be considered after the rescission only in open session.
  2. Strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if either negotiating party requests a closed hearing.
  3. To consider the purchase or lease of real property by the City up to the time an option to purchase or lease that real property is obtained.
  4. To consult with the City Attorney or any of his or her assistants regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the City Council.
  5. To review the specific contents of an application for employment or appointment to a public office if the candidate requests that the application remain confidential. All interviews by the City Council for employment or appointment to a public office shall be held in an open meeting.

6. To consider material exempt from discussion or disclosure by state or federal statute.

A closed session may be requested by the Mayor or any two (2) Councilmembers for reasons stated in accordance to the Open Meetings Act at any regular or special meetings. A person requesting a closed session shall state the purpose or purposes of such session. The stated purpose(s) for the session shall constitute the only agenda items.

A roll call vote of the Councilmembers serving is required to call a closed session. The Council by majority vote may adjourn a closed session or open the meeting to the public. Councilmembers may deliberate during closed sessions, but shall not make any decisions, determinations, actions, votes or dispositions upon a proposal, recommendation, resolution, order or ordinance in closed session. A separate set of minutes of the closed session shall be taken by the City Manager/Clerk or other such designated person taking minutes at the closed session. These minutes shall be retained by the City Manager/Clerk and shall not be available to the public and shall only be disclosed if required by a civil action filed under Section 10, 11 or 13 of the Open Meetings Act. The minutes of a closed session shall be destroyed one year and one day after approval of the minutes of the regular meeting.

- I. **Public Participation.** The public is invited and encouraged to attend all City Council meetings and to address the City Council during the period reserved for public comment. The Council shall make every effort to reorder the agenda to encourage public participation. Unless granted more time by the Mayor, each member of the public is limited to between three (3) and five (5) minutes.

## II. **Conduct of Meetings**

- A. **Presiding Official.** The Mayor shall preside at all Council meetings. The Mayor Pro Tem shall preside in the absence of the Mayor. If neither person is present at a meeting, the Council shall select one of its members to preside until the Mayor or Mayor Pro Tem is present and seated. All matters to come before the meeting shall be addressed to the presiding official.

The presiding official shall endeavor to conduct the meeting in a fashion that draws a balance between the informality and congeniality possible in a small community the size of the City of Allegan while also maintaining the decorum and formality necessary to transact business in an orderly fashion.

- B. **Agenda.** All regular meetings shall be subject to an agenda which will be prepared by the City Manager/Clerk. The Mayor or any two Councilmembers can add an item to the agenda. Any item placed on the agenda shall appear on each successive agenda unless disposed of, tabled indefinitely or tabled until a certain date at which time the item shall reappear. The agenda of each regular meeting shall consist of the following:

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. MEETING PRAYER
4. ROLL CALL
5. APPROVAL OF MINUTES
6. MAYOR'S REPORT
7. CITY MANAGER'S REPORT
8. PETITIONS AND PUBLIC COMMENT
9. COMMUNICATIONS
10. HEARING
11. PROGRAMS
12. RESOLUTIONS
13. ORDINANCES
14. PERMITS/LICENSES/AGREEMENTS/GRANTS
15. REQUESTS FOR PAYMENT
16. REQUESTS FOR SERVICES AND EQUIPMENT
17. REPORTS/MINUTES OF BOARDS/COMMISSIONS
18. APPOINTMENTS
19. APPROVAL OF PAYROLL AND ACCOUNTS PAYABLE
20. DEPARTMENT SUPERVISOR'S COMMENTS
21. COUNCIL COMMENTS
22. ADJOURNMENT

(Amended February 13, 2012, February 9, 2015)

### **Meeting Prayer**

At every regular meeting, the City Council will have a prayer at the scheduled time as prescribed by the rules. All participation of the meeting prayer is voluntary and people may choose not to participate. The meeting prayer section is intended to reflect a generic, non-sectarian prayer that is not specifically intended to mention any particular deity and may refer to a generic creator or sustainer, a generic god, or in some other way do not refer to Jesus, Allah, or other specific deity. Local clergy will be asked to provide the meeting prayer, invocation, time of reflection, moment of silence, etc. at the meeting. Local clergy that may participate include protestant pastors, rabbis, priests, imams, etc., and may pray as they are comfortable. And by extension, a preference for any religion over another religion or for religion over atheism shall not be allowed. All requests for local clergy to participate can be submitted to City Hall and they will be scheduled. Periodically, notice to the interfaith associations, letters to places of worship listed in a local directory, etc. will be sent to indicate this policy, with notice to contact City Hall if they would like to participate. If others ask to participate they will be allowed to do so.

(Amended February 9, 2015)

## **Voting/Conduct of Councilmembers**

- A. **Required Vote of Members Present.** Unless otherwise stated in these rules, required by ordinance or charter, or by the state or federal law, the passage of all matters before the City Council shall require the affirmative vote of four members present at any meeting. (Charter Section 5.18)
- B. **Calling for the Vote.** In the first instance the Mayor or member presiding over the Council meeting shall call for a voice vote for and against the matter, by “yes” and “no” responses. If on a voice vote no Councilmember states opposition to the motion, it shall be deemed to have passed unanimously. In the event any member votes no to any proposition, it shall be recorded in the minutes of the meeting.
- C. **Abstentions.** Every Councilmember present shall vote on all questions, unless a member has a conflict of interest, in which case the member’s conduct shall be governed by law. A Councilmember may abstain from a vote for approval of minutes if the member did not attend the meeting for which the minutes apply.
- D. Each Councilmember shall conduct himself or herself in a manner consistent with the dignity and decorum of the office and shall act in a manner which accords respect to the public, staff members the Mayor and fellow Councilmembers.
- E. Motions
  - 1. The City Council shall take action by motion. No motion may be acted upon until supported or seconded by a Member of the City Council.
  - 2. A member of the City Council who wishes to make a motion or second a motion must first be recognized by the Mayor. Except where permission is otherwise granted by the Mayor, discussion of a motion before the City Council or other pending business shall be limited to City Council.
  - 3. The Mayor is a member of the City Council and may make a motion and/or support a motion.
  - 4. An agenda item may be presented by the Mayor for discussion before a motion is made.
  - 5. Any motion may be withdrawn by the sponsor at any time before decision or amendment by the City Council.
  - 6. The maker of a motion and the member of the City Council seconding or supporting a motion may consent to modifying the motion at any time before a vote is taken on the motion. Before the vote is taken, the Mayor shall restate the motion as modified.
  - 7. The following motions may be offered:
    - (a) To offer a resolution

(b) To call the question.

(c) To amend or modify a motion made to take action. An amending motion will be disposed of before any other motion to amend or modify the original motion will be in order.

(d) To table for subsequent consideration.

(e) To reconsider a vote (including a vote resulting in a tie) or other action that has been taken by the City Council, but only if no action has been taken in reliance upon such vote or action.

(i) Any City Council Member on the prevailing side on a vote or action may move for reconsideration of such vote or action at the same meeting the vote or action was made or at the next regular meeting of the Board, but at no other subsequent meeting.

(ii) This does not preclude the City Council from again dealing with an issue, policy, decision or other action based upon significant new information unavailable to the Board when the decision or other action was initially taken or based upon a material change in the proposed action.

(f) To go into closed session as permitted by and in accordance with the Open Meetings Act.

(Amended August 25, 2014)

### **Council Standing Committees**

Committees may be established by these Rules to assist the City Council in its work. The Committees are not formed for the purpose of removing prerogatives from the Mayor or the Council granted by the City Charter, but rather to enhance their abilities to perform efficiently and economically.

- A. Committee Structure, Terms of Members. Each standing committee shall consist of three (3) Councilmembers appointed by the Mayor and confirmed by the Council. The specific subcommittee is to be established by the City Council.
  - B. The City Manager/Clerk and/or representative, who shall keep minutes, shall attend meetings of each committee.
  - C. Standing committees shall meet on an as needed basis at a time and location agreed upon by the members. Each committee shall submit minutes of its meetings to the Council.
- 1. Duties of the Finance Committee.
    - a. Meets quarterly or at the discretion of a member of the committee or the City Manager.

- b. Review, advise the City Manager and make recommendations to the City Council on all union contracts.
- c. Review, advise the City Manager and make recommendations to the City Council on benefits/compensation.
- d. Make recommendations to the City Council on the appointment and dismissal of certain positions as stated in the city charter.
- e. Advise the City Manager and make recommendations to the City Council in the development of personnel policies.
- f. Advise the City Manager on personnel issues at the discretion of the City Manager.
- g. Meet in December of each year to make a recommendation to the full council at the annual strategic planning meeting as to an appropriate millage rate to set for the upcoming fiscal year. In reaching this decision, the committee will consider predicted changes in state and federal funding, regular tax revenues, our general fund cash reserves, any new revenues from unusually large industrial/commercial development (initial or expiring abatements), and reductions in bond payments. All these potential changes in available revenues will be viewed in light of continued service and capital needs. Every effort will be made to communicate the committee recommendations to department heads and appropriate committees by March 1, to be used in preparing the next year's budget.
- h. Review any financial matters, including general direction on investments, audits, etc. as requested by the City Manager.
- i. The Finance Director, City Manager and a Member-At-Large from the community shall also be voting members of the committee. Committee membership shall be for a one year term, subject to reappointment.

(Amended August 14, 2006, February 13, 2012, February 9, 2015)

2. Duties of the Public Works Committee

- a. Meets quarterly or at the discretion of a member of the committee or the City Manager
- b. Provides a recommendation to the City Council on the annual multi-year capital improvement plan
- c. Provides a recommendation to the City Council on funding the annual multi-year capital improvement plan and individual projects, including rate increases and fund contributions



- d. Reviews change orders on projects with the City Manager, City Engineer, City Finance Director and assigned department supervisors on capital projects
- e. Review operational changes at the DPW, WTP and WWTP as requested by the City Manager

(Amended November 26, 2007, February 13, 2012)

3. Duties of the Public Safety Committee

- a. Meets quarterly or at the discretion of a member of the committee or the City Manager.
- b. Provides recommendations to the City Council on capital improvement items for either the Allegan Area Fire District, Ambulance Services, Code Enforcement and Police
- c. Provides recommendations on non-personnel contracts which the City Council is required to decide upon in areas related to the Allegan Area Fire District, Ambulance Services, Code Enforcement and Police
- d. Provides recommendations to the City Council on items specifically referred to the committee by either the City Manager or the City Council in the areas related to the Allegan Area Fire District, Ambulance Services, Code Enforcement and Police

(Amended March 24, 2008)

4. Duties of the Development Committee

- a. Meets quarterly or at the discretion of a member of the committee or the City Manager
- b. Provides recommendations to the City Council on the purchase or sale of property owned by the City, at the discretion of the City Council or the City Manager
- c. Provides recommendations to the City Council on development of city owned property, at the discretion of the City Council or City Manager
- d. Provides recommendations to the City Council on private development in the city, if requested by the City Council or the City Manager
- e. Provides recommendations to the City Council on items specifically referred to the committee by either the City Manager or the City Council in the areas related to development

(Amended December 14, 2009)

### **Election of Mayor/Mayor Pro Tem**

The City Council shall elect one member of the City Council to be the Mayor and Mayor Pro Tem. The election shall be held on the first meeting in November. The terms are for one year.

(Amended November 8, 2004)

### **Board/Commission Selection Process**

These rules shall be used to create a uniform process for the filling of vacancies of City Council boards/commissions. The City Council can suspend these rules by a vote of five (5) members.

1. Once an opening is official or a term is near expiration, the City Manager/ Clerk shall announce the vacancy at the next available Council meeting.
2. The Council shall select a committee which shall consist of three members including one (1) councilmember, preferably the one who sits on the board/committee with the vacancy, and (2) additional councilmembers.
3. The City Manager/Clerk shall prepare a notice which provides the minimum information needed to apply.
4. The notice shall be posted at City Hall, on the official city website and at least once in the Allegan County News. The advertising period shall be for twenty-one (21) days.
5. The committee shall select and interview applicants that are most qualified for the board/commission. The committee shall make a formal recommendation to the City Council for final decision.

(Amended January 23, 2006, February 9, 2015)

## **ETHICS POLICY**

Purpose. The purpose of this Policy is to ensure that Allegan city leaders advance common interests rather than their own interests. This Policy does not comprehensively define ethical behavior, but instead establishes minimal ethical standards.

Applicability. This Policy applies to members of the City Council and to members of boards, commissions and other bodies appointed by the Mayor or City Council.

Definitions. The following definitions shall apply to terms used in this Policy:

*Confidential information means information in whatever form obtained by an official during the course of his or her service to the City that is not available to or may be exempted from disclosure to members of the general public under the Michigan Freedom of Information Act, 1976 PA 442, as amended MCL 15.231 et seq. (the "FOIA") or another applicable law, rule, regulation, or court order.*

*Conflict of interest means one or more of the following:*

*A decision to be made by the City body on which the official serves that could result in private gain for the official, a member of the official's household, or a member of the official's immediate family residing outside the official's household.*

*A decision to be made by the City body on which the official serves could result in private gain for (a) client of an attorney, accountant, or other professional, unless the client is only a lender on a project, (b) an entity for which the official serves as an officer, director or, for a limited liability company or partnership, as a member, or (c) unless the interest is held so that the official does not directly control the number of shares, portion of the ownership interest, or its value, an entity in which the official either owns more than 10% of the total stock or has an interest totaling \$50,000 or more in value.*

*Official means a person to who this policy applies, as stated in paragraph 2.*

*Private gain means any direct financial benefit that is different than any financial benefit members of the general public or a significant group of the general public would gain in similar circumstances.*

Confidential Information. An official shall not disclose to anyone any confidential information before it is authorized for release to the general public or use confidential information for private gain.

Representation. An official shall not represent his or her personal views as those of the City or the body on which the official services.

City Resources. Except to the extent they would be available to others in similar circumstances, an official shall not use or attempt to use City personnel resources, property, funds, or information for private gain.

Gifts. An official shall not solicit or accept a gift or a loan of money, goods, services, or other thing of value which tends to influence the manner in which the official performs his or her duties.

Avoiding Private Gain.

An official shall not vote, act upon, participate in any discussion or engage in any communications regarding any matter from which he or she knowingly may realize any private gain or regarding which he or she has a conflict of interest. Instead, the official shall disclose the conflict prior to discussion on the matter and shall leave the area where discussion is to occur.

An official shall not represent any individual or entity before a body on which he or she serves. A City Council shall not represent any individual or entity before anybody subject to this policy. However this does not limit any official's ability to appeal property tax valuations or address zoning or construction matters involving his or her residence or business of which he or she is the sole proprietor.

Voluntary Abstention. An official may request to abstain from participating in matter if he or she believes that, due to a close family or friendship relationship, it would be difficult to objectively participate. The remainder of the body, by a majority vote, may excuse the official's participation.

Enforcement. An official may seek the advice of the City Manager and, with the City Manager's consent, the City attorney, regarding any potential situation addressed by this Policy. The City Council may, by majority vote, censure an official for violation of this Policy.

(Resolution 14.27, 07/14/14)

## **Public Participation Plan for Development Areas and Master Planning Efforts for all Boards Committee and commission for the City of Allegan**

The City Council continues to seek through the community, committees and boards opportunities to engage a diverse set of stakeholders in planning development areas as it is incorporated in the master plan and other plans and reports. The goals of the process are to seek the following in order to maximize community involvement.

- Solicit public participation in each phase of the process
- Seek broad identification and representative involvement of all residents of the community
- Utilize effective and equitable avenues for distributing information and receiving comments
- Provide educational materials and design participation initiatives that will support and encourage effective participation
- Maintain and develop staff expertise in all aspects of participation
- Support and encourage continuous improvement in the methods used to meet the public need for information and involvement
- Record results of public engagement and recount these results back to the public.
- State Regulations on Public Participation

Once development areas and the five year master plan is identified for study, the Council shall require a public participation plan to complete the study which shall incorporate as many of the methods listed as following:

Basic Announcement Methods for Public Meetings- The following methods are often used to advertise public meetings. Many times, this does not result in involvement of all stakeholders, especially those with visual impairments, non-English speakers, the illiterate, youth, citizens with limited mobility and those who work during the time of the public meeting.

- Newspaper posting
- Website posting
- Flier posting on community hall door
- Announcements at council meeting
- Post card mailings
- Attachments to water bills
- Local cable notification

Proactive Practices- The following are some example public participation methods that are less reactive and more focused on education and collaborative visioning. Many of these methods would not be possible without strong partnerships with stakeholders identified earlier in the P<sup>3</sup> and a community that is committed to public input.

- Surveys-Surveys are useful for identifying specific areas of interest or concentration from a broad scope of ideas or issues. These areas of interest can then be further explored using other methods like the ones outlined below. A community may use a survey to identify where to start in the planning process, or the general climate surrounding a topic. Surveys can be useful to get a general idea of something, but should not be used as the sole method of public input. It is helpful for a municipality to administer surveys with partners. For example, schools can send surveys home with children, churches can have them available to fill out and neighborhood groups can put them in mail boxes. As with most public input efforts, it is best to vary the delivery method (mailed, handed out, electronic) and include bilingual language if applicable in your community.

Community workshops- These could be as simple as a series of question and answer sessions or as creative as creating a board game. The P<sup>3</sup> should identify potential venues, considering access for the disabled and citizens without vehicles. In addition, the P<sup>3</sup> should identify how to reach underrepresented groups. For example, holding workshops in different languages to suit your community's demographic and at different locations and times. This section is an ideal place to identify who would facilitate the workshops; whether it is an outside consultant, active citizen or municipal staff. Often workshops are a great way to educate the community surrounding a specific topic and hear concerns, questions and ideas.

Charrettes- The charrette differs from a workshop because it is a multi-day event where designers and planners work on a plan in-between what are called "feedback loops". Usually between three and seven days, citizens can come to the "charrette studio", which is an office on or near the location of the proposed plan or project. Citizens offer ideas while the charrette team facilitates and observes. From these suggestions, the designers and planners change the plan to suit community input and present their creation the next day where the community offers feedback again. This makes up one cycle of a "feedback loop". There can be up to five feedback loops, resulting in a final plan shortly thereafter. This process can be completed with many different budgets, depending on the expertise of municipal staff and local residents. Charrettes take much planning beforehand. The P<sup>3</sup> offers an opportunity to begin planning for how a community would hold a charrette and who would be involved. For more information, visit <http://www.charretteinstitute.org>.

- Walkabouts- Walkabouts offer candid feedback from a variety of stakeholders when discussing a specific area. They can be paired with community workshops or charrettes to measure the perceived safety and comfort of pedestrians in a downtown, neighborhood or corridor. Walkabouts are also useful for identifying desired design, problem properties or safety concerns. The P<sup>3</sup> should identify how citizens will be notified of a walkabout, keeping in mind the limitations of just one notification method. In addition, the P<sup>3</sup> should determine if community partners and staff can facilitate the sessions, or if a consultant will be necessary.

\*One-on-one interviews- Interviews are a great way to get specifics on a topic. In the stakeholder section of the P<sup>3</sup>, specific community leaders may have been identified, making them ideal candidates for an interview. Some communities have individuals that are very vocal about issues in the community. Interviewing them may give some perspective on how to address their concerns. It is

important to remember that one interview reflects the opinion of one individual and should not be considered the standing of the entire community.

- Focus groups- Like interviews, focus groups can help to narrow down concepts or get a specific side of the story. Stakeholders groups identified earlier in P<sup>3</sup> make ideal participants of a focus group.
- Standing committees- These are focus groups that repeatedly meet and will differ depending on the needs of a community. They are perfect for concerned residents, underrepresented groups, or groups that may have specific needs in a community, such as students or seniors. This is an opportunity for a municipality to draw from the expertise of residents, perhaps organizing a standing committee of real estate professionals, business owners and brokers to offer feedback.
- Social networking- Technology offers a unique opportunity to give and receive information to a mass of people. Municipalities can post events, share information and even solicit feedback. This public participation method is best used in conjunction with other methods because it excludes those who do not use social media. The P<sup>3</sup> should identify the social media venues a community will use, the target audience of these venues and who will be responsible for making posts and monitoring the posts of others. The ability to spread misinformation or post disrespectful comments makes it important to plan for the use of social media.

## Communicating and Evaluating Results

After the plan has been developed, it is important to communicate and receive evaluations through a variety of methods for not only the content, but the public process. One or more of the following methods shall be employed to assure effectiveness:

Public Meetings- The results of the report and inquires on how effective the process was shall be conducted at a public meeting. These efforts will be recorded in the minutes of record.

Surveys-Surveys will be distributed to inform the community of the report, but to also solicit feedback on the content as well as the process.

Community Workshops – Additional Charrettes- If the report requires additional steps, the Council encourages more public input and charrettes. These efforts will be announced at a minimum at public meetings as well as through the community e-newsletter (Connector), Allegan news, and on the city website.

One-on-one interviews- Interview results will be sought for individual comfort

Referral to Committees – Because of the extensive citizen representation in the committee process developed by the City Council, and depending on the content of the report and feedback, the report may be referred back to a committee for follow-up and recommendation. Meeting minutes will be taken by person, posted online, and a copy shall be provided to the City Council.

Amended April 28, 2015



**ARTICLE VII**  
**BYLAWS OF THE CITY OF ALLEGAN PLANNING COMMISSION**

The following rules of procedure are hereby adopted by the City of Allegan Planning Commission to facilitate the performance of its duties as outlined in the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, and the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

**ARTICLE 1 – OFFICERS**

**1.1 SELECTION**

At the first regular meeting of each year, the Planning Commission shall select, from its membership, a chairperson, a vice-chairperson, and a secretary. The ex officio member representing the City Council shall not serve as chairperson.

**1.2 TENURE**

The chairperson, vice-chairperson, and secretary shall take office immediately following their selection and shall hold office for a term of one (1) year or until their successors are selected and assume office. All officers are eligible for reelection.

**ARTICLE 2 – DUTIES OF ELECTED OFFICERS**

**2.1 CHAIRPERSON**

The chairperson shall preside at all meetings, shall appoint committees, and shall perform such other duties as may be ordered by the Planning Commission.

**2.2 VICE-CHAIRPERSON**

The vice-chairperson shall act in the capacity of the chairperson in her/his absence. In the event the office of the chairperson becomes vacant, the vice-chairperson shall succeed to this office for the unexpired term; and the Planning Commission shall select a successor to the office of vice-chairperson for that unexpired term.

**2.3 SECRETARY**

The secretary shall execute documents in the name of the Planning Commission, shall perform the duties hereinafter listed, and shall perform such other duties as the Planning Commission may determine necessary. The secretary shall be responsible for the minutes of each meeting and shall have them recorded in suitable volumes. All communications, petitions, and reports shall be addressed to the Planning Commission and shall be delivered or mailed to the secretary.

**ARTICLE 3 – MEMBER ETHICS**

**3.1 CONFLICT OF INTEREST**

Each member of the Planning Commission shall avoid conflicts of interest and/or incompatibility of office. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:

- A. Issuing, deliberating on, voting on, or reviewing a case concerning him or her.
- B. Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by him or her.
- C. Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company, partnership, or any other entity in which he or she is a part owner, or any other relationship where he or she may stand to have a financial gain or loss.
- D. Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a monetary benefit to him or her.
- E. Issuing, deliberating on, voting on, or reviewing a case concerning his or her spouse, children, step-children, parents, siblings, grandparents, parent's in-law, grandparent's in-law, or members of his or her household.
- F. Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is:
  - (1) an applicant or agent for an applicant, or
  - (2) has a direct interest in the outcome.
- G. If there is a question whether a conflict of interest exists or not, the question shall be put before the Planning Commission. Whether a conflict of interest exists or not shall be determined by a majority vote of the remaining members of the Planning Commission.
- H. When a conflict of interest exists, the member of the Planning Commission shall do all of the following immediately, upon first knowledge of the case and determining that a conflict exists:
  - (1) declare a conflict exists at the next meeting of the Planning Commission,
  - (2) cease to participate at the Planning Commission meeting, or in any other manner, or represent one's self before the Planning Commission, and
  - (3) during deliberation of the agenda item before the Planning Commission leave the meeting until that agenda item has been concluded.
- I. If a member of the Planning Commission is appointed to another office, which is an incompatible office with his or her membership on the Planning Commission, then on the effective date of the appointment to the other office, that shall result in an automatic resignation from the Planning Commission. If a member of another office is appointed to the Planning Commission that shall result in an automatic resignation from the other office.

### 3.2 NOT VOTING ON THE SAME ISSUE TWICE

Any member of the Planning Commission shall avoid situations where they are sitting in judgment and voting on a decision which they had a part in making. As used here, sitting in judgment and voting on a decision which they had a part in making, at a minimum shall include, but not necessarily be limited to, the following:

- A. When the appeal is of an administrative or other decision by the Planning Commission and the member of the Planning Commission sits both on the Planning Commission and Zoning Board of Appeals.
- B. When the case is an administrative decision which was decided by the Planning Commission and sent to the City Council for further action, and the member of the Planning Commission sits both on the Planning Commission and the City Council. In such case the member's primary duty is, as an elected member of the City Council and the member shall abstain from voting on any recommendation to the Council at a Planning Commission meeting.

## ARTICLE 4 – MEETINGS

### 4.1 REGULAR MEETINGS

Meetings of the Planning Commission will be held the third Monday of each month at the Griswold Auditorium at 7:00 p.m. When the regular meeting day falls on a legal holiday, the Planning Commission shall select a suitable alternate date in the same month. An annual notice of regularly scheduled Planning Commission meetings shall comply with PA 267 of 1976, as amended, being the Michigan Open Meeting Act, MCL 15.261 et seq.

### 4.2 SPECIAL MEETINGS

Special meetings shall be called in the following manner:

- A. By the chairperson.
- B. By any two members of the Planning Commission.
- C. By the Chairperson at the request of any non-member of the Planning Commission, upon payment of a non-refundable fee to cover costs of the special meeting. The fee shall be set by the City Council and included in the schedule of fees adopted by the Council.
- D. Notice of special meetings shall be given by the Secretary to members of the Planning Commission at least forty-eight (48) hours prior to such meeting and shall state the purpose, time, day, month, year, and location of the meeting (the Secretary may delegate this function to the Zoning Administrator or City Clerk).

### 4.3 PUBLIC RECORDS

All regular and special meetings, hearings, records and accounts shall be open to the public. All matters shall be conducted at a public meeting held in compliance with P.A. 267 of 1976, as amended, being the Michigan Open Meeting Act, MCL 15.261 et seq.

### 4.4 PUBLIC NOTICE

Public notice of the time, date, and place of a regular or special meeting shall be given in the same manner as required by P.A. 267 of 1976, as amended (Michigan Open Meeting Act); and as required by P.A. 33 of 2006, as amended, being the Michigan Zoning Enabling Act, MCL 125.3101 et seq.

#### 4.5 QUORUM

More than half the total number of seats for members of the Planning Commission, regardless if vacancies exist or not, shall constitute a quorum for the transaction of business and the taking of official action for all matters before the Planning Commission. Whenever a quorum is not present at a regular or special meeting, those present shall adjourn the meeting to another day.

#### 4.6 PUBLIC COMMENTS

Comments from the public shall be limited to 5 minutes per person unless specifically given additional time by the chairperson. Persons may speak only once unless all others have been given a chance to speak, in which case the chairperson may grant additional opportunities to speak. Speakers shall address all comments and questions to the chairperson and must speak from the audience.

#### 4.7 WORKING SESSIONS

The chairperson may designate special meetings for the exclusive purpose of discussing portions of the master plan.

#### 4.8 MOTIONS

Motions shall be restated before a vote is taken. The name of the maker and supporter of a motion shall be recorded.

#### 4.9 VOTING

Voting shall be by voice and shall be recorded by yeas and nays. Roll call votes shall be taken only upon request of a member of the Planning Commission.

#### 4.10 PLANNING COMMISSION ACTION

Action by the Planning Commission on any matter on which a hearing is held shall not be taken until the hearing has been concluded.

#### 4.11 PARLIAMENTARY PROCEDURE

Parliamentary procedure in Planning Commission meetings shall be governed by Robert's Rules of Order (newly revised), except where state statute or local ordinance directs otherwise.

#### 4.12 MINUTES

The Planning Commission Secretary shall keep, or cause to be kept, a record of Planning Commission meetings, which shall at a minimum include an indication of the following:

- A. Copy of the meeting positing pursuant to P.A. 267 of 1976, as amended, being the Michigan Open Meeting Act, MCL 15.261 et seq.
- B. Copy of the minutes, and all its attachments which shall include a summary of the meeting, in chronological sequence of occurrence:

1. Time and place the meeting was called to order.
  2. Attendance.
  3. Listing of the names of those present and/or a count of those present.
  4. Summary of the points of any reports given at the meeting, who gave the report and in what capacity, or attach a copy of such report.
  5. Summary of all points made in public participation with the name of each person speaking, or attach a copy of any comments, petition, or letter offered in writing.
  6. Full text of all motions, whether seconded or not, who made the motion and who seconded the motion.
  7. Type of vote and outcome. If roll call, indicate who voted and how. If not a roll call, then state "The motion [passed/failed] after a voice vote".
  8. When a voting member enters or leaves the room.
  9. When a voting member has a conflict of interest, when that member ceases and resumes participation, voting and deliberation at the meeting.
  10. The start and end of a recess.
  11. Time of adjournment.
- C. Records of any action, support documents, maps, site plans, photographs, correspondence received, shall be attached as an appendix to the minutes.
- D. Retention. Planning Commission records shall be preserved and kept on file in the Township Hall permanently.

## ARTICLE 5 – ORDER OF BUSINESS

### 5.1 AGENDA

The chairman or the zoning administrator shall prepare an agenda prior to each meeting.

### 5.2 ORDER OF BUSINESS

The order of business shall be as follows:

- A. Roll call.
- B. Matters pertaining to the general citizenry. Citizens present at the meeting will be heard in the following order:
  1. Citizens wishing to speak regarding an advertised public hearing. The chairperson will declare such a public hearing open and shall state its purpose. The petitioner or proponent of the action advertised will be heard first.
  2. Any communications delivered to the Planning Commission regarding the advertised public hearing will be entered into the minutes. The writers of communications delivered to the Planning Commission or their representatives who are present in the audience may give additional information or explanation to the written statements.

3. Citizens requested by the Planning Commission to attend the meeting for discussion of a local issue or to make presentation of information on an issue previously considered may then speak.
- C. Business sessions when formal decisions are made by the Planning Commission shall be handled in the following order:
1. Approval of the agenda.
  2. Approval of the minutes.
  3. Unfinished business.
  4. Public comment on non-agenda items
  5. Consideration of matters heard under B., above.
  6. Other communications
  7. Reports.
  8. New business.
  9. Public comment.
  10. Commissioner's comment
  11. Adjournment.

## ARTICLE 6 – HEARINGS.

### 6.1 MASTER PLAN AND ZONING HEARINGS

Before adopting any part of or any amendment to the master plan or recommending action on the zoning ordinance or an amendment to the zoning ordinance to the City Council, or any other action requiring public hearing, the Planning Commission shall hold a public hearing on the matter. Notice of the time and place of the hearing shall be given as required in the appropriate enabling legislation.

### 6.2 SPECIAL HEARINGS

Notice of special hearings for the purpose of presenting preliminary elements of the master plan, obtaining public opinion on an issue, or discussing a particular issue with interested parties will be given in the most practical manner and to persons or group representatives most interested. All such notices shall be made in full compliance with P.A. 267 of 1976, as amended (Michigan Open Meeting Act, *op. cit.*) and P.A. 110 of 2006, as amended (Michigan Zoning Enabling Act, *op. cit.*)

### 6.3 NOTICE OF DECISION

A copy of the minutes of the meeting containing the decision of the Planning Commission will be sent to petitioners and originators of a request of the Planning Commission to study a special issue.

## ARTICLE 7 – RESPONSIBILITIES

7.1 MASTER PLAN

The Planning Commission shall make and adopt a master plan as a guide for the development of the City. As a basis for the plan, the Planning Commission shall assemble and analyze data and formulate plans for the proper conservation and uses of resources, including a determination of the probable future need for various land uses, facilities, and utilities required to serve those lands.

7.2 CONSULTATION

The Planning Commission may consult with representatives of adjacent governmental units, with the county planning commission (if any), and with the regional planning commission. The Planning Commission may make use of expert advice and information that may be furnished by appropriate federal, state, county, and municipal officials, departments, and agencies.

7.3 ZONING ORDINANCE

The Planning Commission shall make recommendations to the City Council regarding adoption and amendments to the City Zoning Ordinance and shall conduct all public hearings and make all decisions as required in the zoning ordinance.

7.4 ADDITIONAL RESPONSIBILITIES

The following additional matters shall be considered by the Planning Commission:

- A. All planning-related reports and documentation for the City
- B. A capital improvement program for the City
- C. Selection of consultants and determination of basis for compensation
- D. Such other matters as the Planning Commission and/or the City Council shall find advisable or essential.
- E. At least annually, adopt a list of priorities for the Planning Commission's plan of work
- F. Annually, prepare an annual report to the City Council concerning the Planning Commission's operations and the status of planning activities, including recommendations regarding actions to be taken by the City Council related to planning and development
- G. Annually, prepare the Planning Commission's budget requirements for the fiscal year and request for appropriation to the City Council.

ARTICLE 8 – FINANCIAL

8.1 PLANNING COMMISSION STAFF

The Planning Commission may appoint such employees as it may deem necessary for its work, as may be authorized by the Planning Commission after the budget for the same is approved by the City Council.

8.2 PROFESSIONAL ASSISTANCE

The Planning Commission may also contract with planners, engineers, architects, and other consultants for such services as it may require by the Planning Commission after the budget for the same is approved by the City Council.

## 8.2 EXPENDITURES

The expenditures of the Planning Commission, exclusive of gifts, shall be within the amounts appropriated by the City Council, which shall provide the funds, equipment, and accommodations necessary for the Planning Commission's work.

## ARTICLE 9 – MISCELLANEOUS

### 9.1 AMENDING RULES

These rules may be amended at any regular or special meeting by a two-thirds (2/3) vote by the members present.

(Resolution 12.41, 07/23/2012)



## **ARTICLE VIII ELECTRONIC MAIL RETENTION**

### **POLICY**

In order for government to function administratively, undergo periodic audits, provide for its legal requirements and document its heritage, it must manage its records properly. Therefore, the City of Allegan requires its employees to retain and destroy e-mail messages that are sent and received in the course of conducting official business in accordance with an approved records Retention and Disposal Schedule.

### **PROCEDURES**

#### **Definitions:**

- **Electronic mail (e-mail):** is a means of exchanging messages and documents using telecommunications equipment and computers. A complete e-mail message not only includes the contents of the communication, but also the transactional information (dates and times that messages were sent, received, opened, deleted, etc.; as well as aliases and names of members of groups), and any attachments. Transactional information can be found and printed or saved from the e-mail system (see the software manual for instructions).
- **Records Retention and Disposal Schedules:** are listings of records or records series that are maintained by government agencies in the course of conducting their official business that identify how long the records must be kept, when they may be destroyed and when certain records can be sent to the Archives of Michigan for permanent preservation. In accordance with Michigan law, records cannot be destroyed unless their disposal is authorized by an approved Retention and Disposal Schedule. Retention and Disposal Schedules are developed by the Department of History, Arts and Libraries, Records Management Services, through consultation with an agency about its records. These schedules are then approved by the Michigan Historical Center, the Attorney General, the Auditor General and the State Administrative Board.

#### **Employee Responsibilities:**

- Senders and recipients of e-mail messages shall evaluate each message to determine if they need to keep it as documentation of their role in a business process.
- Senders are generally considered to be the person of record for an e-mail message. However, if recipients of the message take action as a result of the message, they should also retain it as a record.
- It is recommended that employees retain only the final message in a communication string that documents the contents of all previous communications. This is preferable to retaining each individual message, containing duplicate content.
- Shall evaluate the content and purpose of each e-mail message to determine which Retention and Disposal Schedule defines the message's approved retention period.
- Employees shall retain e-mail that has not fulfilled its legally-mandated retention period by: Referring to the adopted Retention and Disposal Schedule for the City of Allegan.

- Shall retain transactional information (see definition of e-mail above) with the e-mail message if there is a substantial likelihood of relevancy to litigation.
- Shall organize their e-mail messages so they can be located and used.
- Shall dispose of transitory, non-record and personal e-mail messages from the e-mail system.
- Shall dispose of e-mail messages that document the official functions of the agency in accordance with an approved Retention and Disposal Schedule. Note: Records, including e-mail, shall not be destroyed if they have been requested under FOIA, or if they are part of on-going litigation, even if their retention period has expired.
- Shall provide access to their e-mail to the FOIA or Litigation Coordinator upon request.
- Shall retain all work-related appointments, tasks and notes stored in the e-mail system for 2 years.
- Recognizing that e-mail messages that are sent and received using the City of Allegan's e-mail system are not private, employees are encouraged to manually delete personal appointments (such as sick leave or annual leave) from the e-mail system after the event takes place.

**City of Allegan Responsibilities:**

- Shall ensure that its records are listed on an approved records Retention and Disposal Schedule.
- Shall ensure that all employees with e-mail accounts are aware of and implement this policy.
- Shall notify CTS (Clark Technical Services) when the accounts of former employees can be closed.
- Shall ensure that the e-mail messages (and other records) of former employees are retained in accordance with approved Retention and Disposal Schedules.
- Shall notify the litigation or FOIA coordinator when an agency becomes involved in litigation or receives a FOIA request.
- Exceptions to the procedures in this document may be granted in writing by the City Manager.

**FOIA and Litigation Coordinator Responsibilities:**

- Shall identify if the records that are requested by the public are stored in e-mail, even if the public does not specifically request e-mail.
- Shall notify affected employees that a FOIA request involving e-mail was received to prevent the destruction of relevant messages.
- May in appropriate instances notify CTS (Clark Technical Services) that a FOIA request involving e-mail was received to prevent the destruction of relevant messages.
- Shall identify all records relevant to litigation to which the agency is a party that are stored in e-mail.
- Shall notify CTS (Clark Technical Services) that e-mail related to litigation cannot be destroyed until after the case is closed.

(Resolution 13.11, 03-25-2013)

**ARTICLE IX  
CITY COUNCIL  
GUIDELINES FOR SELLING, TRANSFERRING, OR LEASING REAL PROPERTY**

1. Purpose. These Guidelines provide standards and procedures to be used by the City of Allegan when selling, transferring, or leasing real property for development or business use. These Guidelines do not apply to the sale or lease of residential dwellings to individuals who intend to occupy them.
2. Advertisement of Available Parcels. The City will provide public notice that a property is available and will provide at least 30 days for interested parties to submit proposals. All proposals will remain confidential until the expiration of the time for submission, as provided in Section 13(1)(i) of the Michigan Freedom of Information Act.
3. Proposals. A party interested in acquiring or leasing an available property from the City should submit a proposal to the City Clerk that includes the following information, to the extent applicable and feasible:
  - a. The intended use of the property.
  - b. The size and scope of the intended uses (e.g. square footage of commercial space, number and size of residential units, etc.).
  - c. A narrative description of the proposed design and benefits to the community.
  - d. Site plans or other sketches of the proposed project.
  - e. Information regarding the interested party and the architects, engineers, financial institutions, funding entities, or other professionals that would be involved in the project.
  - f. A pro forma statement including financial projections regarding for the project, and describing any financial assistance that would be needed from the City or other government agencies.
  - g. A proposed project schedule that includes time for design, securing financing, construction, and other critical milestones. The project schedule should describe any potential contingencies that could delay the project.
  - h. Proposed price for the property.
4. Consideration of Proposals. The City's Development Committee will evaluate all proposals submitted prior to the established deadline and will make recommendations to the full City Council. The Development Committee and City Council may request additional information or interviews with interested parties as needed. Proposals will be evaluated based on the following factors (but the City is not under any obligation to sell, transfer, or lease the property to any of the submitting parties):
  - a. Public benefit of the project and advancement of the City's goals.
  - b. The proposed purchase price or rental rate, if any.

- c. The developer's experience and level of commitment to the local community.
- d. The developer's ability to secure financing and other relevant financial information.
- e. The architectural and design quality of the project.
- f. Conformity with building and zoning requirements.
- g. Compatibility of the project with surrounding buildings and neighborhoods.
- h. Potential of the project to create jobs in the local community.

5. Acceptance of Proposals / Written Agreements. The ultimate decision to sell, transfer, or lease real property will be made by the City Council in conformance with Section 13.9 of the City Charter. The City Council may, in its discretion, require a proposed purchaser, transferee, or lessee to enter into a written agreement imposing conditions on the use of the property and including other terms and conditions to protect the City's interests.

6. Interpretation. These Guidelines are not intended to bind the City Council in the exercise of its discretion in disposing of City-owned property. The City retains the right to vary from these Guidelines from time to time when in the best interest of the City. Further, nothing in these Guidelines shall be construed as prohibiting the City from transferring property for little or no monetary compensation when the City determines that it is in the best interest of the City to do so.

(Resolution 15.35, 11/09/15)