

AGENDA

Committee on Public Safety August 12, 2025 at 4:00 PM



Lansing City Hall, City Council Conference Room
124 W. Michigan Avenue, 10th Floor

To provide input or ask questions on any item that is listed on the agenda,
members of the public may contact the City Council at city.council@lansingmi.gov or (517) 483-4177 prior to the meeting.
To view the meeting live and participate in virtual public comment: <https://www.lansingmi.gov/1212/Council-Committee-Meetings>

Council Member Pehlivanoglu, Chairperson
Council Member Hussain, Vice Chairperson
Council Member Kost, Member

1. **Call to Order**
2. **Roll Call**
3. **Minutes**
 - A. August 11, 2025
4. **Public Comment on Agenda Items (Up to 3 Minutes)**
5. **Discussion/Action:**
 - B. ORDINANCE - Adoption of the 2021 International Fire Code - Chapter 1610, Section 1610.10
 - C. DISCUSSION/RESOLUTION - Support and Encouragement for HB 4260 & 4261
 - D. DISCUSSION - Ordinance Amendments to Chapter 654- Noise
 - E. DISCUSSION/RESOLUTION - Introduction & Set Public Hearing; Zoning Ordinance Amendment; 1240.04 Define "Liquor Store"
 - F. DISCUSSION/RESOLUTION - Introduction & Set Public Hearing; Zoning Ordinance Amendment; 1250.02; Liquor License Location Proximity
 - G. DISCUSSION/RESOLUTION - Introduction & Set Public Hearing; Ordinance Amendment Chapter 1060, Section(s) 1060.02, 1060.04, 1060.06, 1060.09, 1060.14 & 1060.17, and add Section 1060.18; Establishing the City as the provider of all curbside collection
6. **Other**
7. **Adjourn**

Persons with disabilities who need an accommodation to fully participate in these meetings should contact the City Council Office at 517-483-4177 (TTY 711) 24 hour notice may be needed for certain accommodations. An attempt will be made to grant all reasonable accommodation requests.

DRAFT



MINUTES

Committee on Public Safety Special Meeting Monday, August 11, 2025 @ 5:00 p.m. City Council Conference Room, 10th Floor City Hall

CALL TO ORDER

Council Member Pehlivanoglu called the meeting to order at 5:00pm

PRESENT

Council Member Trini Pehlivanoglu, Chair
Council Member Adam Hussain, Vice Chair
Council Member Kost, Member

OTHERS PRESENT

Renee Richmond, Council Staff
Lisa Hagen-Lawrence, OCA
Joanne Galloway

MINUTES

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE MINUTES FROM JULY 22, 2025 AS PRESENTED. MOTION CARRIED 3-0.

PUBLIC COMMENT

Ms. Galloway spoke in support of the resolution for the relocation fees, and feels it is a good thing.

DISCUSSION

RESOLUTION – Establishing Tenant Relocation Fees

Councilmember Pehlivanoglu recapped the resolution and said that the fee would be \$85 per day up to a 30 day window. Councilmember Kost stated this accompanies the other piece and was accidentally overlooked and not included. Councilmember Hussain asked for the record why the amount is \$85. Councilmember Pehlivanoglu indicated it is the same current rate that HRCS does to assist residents. Councilmember Kost noted this is being done by resolution and not in the ordinance to account for future changes and adjustments if needed.

MOTION BY COUNCIL MEMBER KOST APPROVE THE RESOLUTION TO ESTABLISH TENANT RELOCATION FEES IN CONJUNCTION WITH ORDINANCE 1337 ADOPTED JULY 28, 2025.
MOTION CARRIED 3-0.

OTHER

ADJOURN

Adjourned at 5:03p.m.
Submitted by Renee Richmond Recording Secretary
Lansing City Council
Approved by the Committee on

ORDINANCE NO.

An Ordinance of the City of Lansing, Michigan, to amend the Lansing Codified Ordinances by amending Chapter 1610, Section 1610.01 by updating the International Fire Code (IFC) and standards (adopted by reference) from the 2018 IFC to the 2021 IFC and amending Section 1610.02 by renumbering IFC section to the 2021 code.

The City of Lansing ordains:

Section 1. That Chapter 1610 – Uniform Fire Code, Section 1610.01 – Adoption of the International Fire Code, of the Codified Ordinances of the City of Lansing, Michigan, be and is hereby amended to read as follows:

1610.01. - Adoption of **2021** ~~2018~~ International Fire Code.

(a) For the purpose of establishing the minimum requirements consistent with nationally Recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises and to provide safety to firefighters and emergency responders during emergency operations, the City hereby adopts the **2021** ~~2018~~ International Fire Code, including Appendices B, C, D, E, F, G, H, I, and N published by the International Code Council, Inc. with the additions, deletions, and revisions contained in this chapter.

A copy of this Code is on file in the Office of the City Clerk.

(b) References throughout these Codified Ordinances to the International Fire Code shall be deemed to mean the International Fire Code adopted in subsection (a) and it may be so cited. References throughout these Codified Ordinances to the Fire Prevention Code of the City of Lansing shall be synonymous with this International Fire Code, including its amendments adopted herein.

1 (c) Unless otherwise expressly provided, in the event of a conflict between any of the
2 provisions of the International Fire Code, herein adopted, and a provision of this chapter, or any
3 other provision of these Codified Ordinances, or any other local ordinance, resolution, rule or
4 regulation, the local provision shall control. In the event of a conflict between any of the provisions of
5 the International Fire Code, herein adopted, and State law, including rules and regulations promulgated
6 pursuant to State law, the State law shall control. In the event of a conflict between any of the provisions
7 of the International Fire Code, herein adopted, and a provision of any other standard technical code
8 adopted by reference by the City of Lansing, the stricter or higher standard shall control.

9 **(d) The readoption of the fire code by adoption of the 2021 International Fire Code shall not**
10 **be construed to affect the right or liability accrued or incurred under any legislative provision**
11 **prior to the effective date of such readoption, or an action or preceding for the enforcement of**
12 **such right or liability. Such readoption shall not be construed to relieve any person from**
13 **punishment for an act committed in violation of any such legislative provision, nor to affect an**
14 **indictment or prosecution therefore. For such purposes, any such legislative provision shall**
15 **continue in full force notwithstanding its repeal for the purpose of revision and codification.**

16 **(e) Any violation of any of the provisions of this chapter shall be deemed a public nuisance and**
17 **may be abated by any court of competent jurisdiction. This remedy shall be in addition to the**
18 **penalty provided in Section 1610.99.**

19 1610.02. - Amendments.

20 *I.F.C. Section 102.7 Referenced Codes and Standards* is hereby amended by including the following
21 language:

22 The codes and standards referenced in this code shall be those that are listed in Chapter **80 47** and
23 such codes and standards shall be considered part of the requirements of this code to the prescribed

1 extent of each such reference. This code and standards referenced in this code shall be the most recently
2 published edition or version. Where differences occur between the provisions of this code and the
3 referenced standards, the provisions of this code shall apply.

4 *I.F.C. Section 111 ~~409~~ Board of Appeals* is hereby deleted and replaced with the following language:
5 *Appeals*

6 The Board of Appeals for appeals made under the Fire Prevention Code of the City of Lansing shall
7 be the Building Board of Appeals established in Section 113 the Michigan Building Code adopted
8 in Section 1420.01 of the Codified Ordinances of Lansing. The Board shall determine the suitability
9 of alternative materials and the type of construction and provide reasonable interpretations of the
10 provisions of this code. The Board shall render all decisions and findings in writing to the Fire Chief,
11 with a duplicate copy to the appellant, and may recommend to the executive body such new legislation
12 for engaging in the following activities, operations, practices or functions:

13 (1) *Fire suppression systems.* To design, install, modify, test, service and maintain any and all
14 fire suppression systems in accordance with any and all codes that apply to this installation.

15 (2) *Fire alarm systems.* To design, install, modify, test, service and maintain any and all fire alarm
16 systems in accordance with any and all codes that apply to this installation.

17 (3) *Open burning.* To ignite or burn material of any type on private land or on publicly owned or
18 controlled land, except as provided in this code.

19 (4) *Fireworks.* To conduct a public display or to use for agricultural or pest control purposes as
20 permitted by State law.

21 *I.F.C. Section 112.4 ~~410.4~~ Violation Penalties* is hereby deleted in its entirety.

22 *I.F.C. Section 113.4 ~~412.4~~ Failure to Comply* is added to read as follows:

23 Any person who shall continue any work after having been served with a stop work order, except such

1 work as that person is directed to perform to remove a violation or unsafe condition shall be subject to
2 the penalties codified in Section 1610.99 of this code.

3 *I.F.C. Section 503 **Fire Apparatus Access Roads** ~~Fire apparatus access roads~~* is hereby added as
4 follows:

5 (1) *Authority.* The Fire Department may establish fire apparatus access roads on both public and
6 private property within the City. The following criteria shall be used in determining the necessity of fire
7 apparatus access roads:

8 (a) Fire apparatus access roads shall be established as deemed necessary.

9 (b) The necessity of access from public thoroughfares shall be considered when establishing fire
10 apparatus access roads.

11 (c) The necessity of traffic lanes that are free from parked vehicles, both to and around affected
12 establishments, and that are capable of handling City fire vehicles, shall also be considered.

13 This determination shall be made whenever the Fire Department deems that such lanes are necessary for
14 the safety of occupants and property of such establishments or when, after being petitioned by a private
15 landowner to have fire apparatus access roads established on his or her property, the Fire Department
16 declares fire apparatus access roads necessary thereon in accordance with the above criteria. The Fire
17 Chief or his or her designee shall notify the landowner of any such property whereon fire apparatus
18 access roads are established, by mailing notice of the same to the address of the owner as identified in
19 the records of the City Assessor.

20 (2) *Records.* The Fire Department shall keep an accurate up to date record of all fire apparatus access
21 roads established within the City.

22 (3) *Signs.* All fire apparatus access roads shall be conspicuously posted with uniform fire apparatus
23 access road signs prescribed by the Fire Chief or his or her designee and erected not more than 100 feet

1 apart in all areas designated as fire apparatus access roads. The erection and maintenance of such signs
2 shall be the responsibility of the property owner. Any owner who, upon notification that a fire apparatus
3 access road has been established on his or her property and within thirty days thereof, fails to erect
4 uniform fire apparatus access road signs, shall be in violation of this section and subject to the penalty
5 provided in Section 1610.99 of the Codified Ordinances of the City. Further, when such signs are not
6 erected within 30 days of notification, Council may direct such signs to be erected, and the cost thereof
7 assessed against the property on the next general assessment roll of the City.

8 (4) *Permitted parking.* The Fire Chief or his or her designee may grant permission for parking of
9 certain vehicles, objects or trailers in designated fire apparatus access roads for limited periods where
10 such parking will not interfere with the use of the fire apparatus access road by emergency vehicles.
11 Whenever such permission is granted, a record of the same shall be kept by the Fire Department. In
12 conjunction with such permission, the Fire Department shall furnish a sign to be posted conspicuously
13 on the vehicle, object or trailer stating that permission to so park has been granted and stating the duration
14 that it may remain so parked.

15 (5) *Guidelines for fire apparatus access roads at construction sites.* The Fire Chief or his or her
16 designee shall establish guidelines for use by the Building Safety Division in determining the need for
17 fire apparatus access roads at all new construction sites and at sites where existing structures are being
18 modified. These guidelines shall include minimum dimensions for such fire apparatus access roads so as
19 to provide adequate maneuverability for City fire vehicles. The Fire Department shall make a final check
20 of all plans for such building or alteration upon submission of the same by the Building Safety Division.
21 The Fire Department shall either approve or reject such plans within 20 days of such submission and, if
22 rejected, shall state the reasons for the same. After rejection, such plans may be resubmitted for approval
23 after the necessary changes have been made.

1 (6) *Removal of vehicles, etc., from fire apparatus access roads.* When any member of the Fire
2 department or the Police Department observes any vehicle, trailer or other object parked in a fire
3 apparatus access road as herein established, and such vehicle, trailer or other object is not in such fire
4 apparatus access road under authority of subsection (4) hereof, he or she shall remove such vehicle,
5 trailer or other object or cause the same to be removed at the expense of the owner. If any vehicle, trailer
6 or other object is so located within a fire apparatus access road at a time the Fire Department is responding
7 to an alarm which necessitates use of such fire apparatus access road, then any member of the Police
8 Department or the Fire Department may move such vehicle, trailer or other object or cause the same to
9 be moved by any means possible without liability for damage.

10 (7) *Prohibited parking; citations.*

11 (a) No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other
12 traffic or in compliance with the directions of a law enforcement officer, fire-fighter or traffic control
13 device, within 15 feet of a fire hydrant.

14 (b) No person shall stop, stand or park a vehicle, whether occupied or not, in an area designated as a
15 fire apparatus access road, on public or private property, except when necessary to avoid conflict with
16 other traffic or at the direction of a law enforcement officer, fire-fighter or traffic control device.

17 (c) The Fire Marshal and other members of the Fire Department shall have the power and authority
18 to issue uniform traffic citations for a violation of any of the provisions of this section pursuant to Section
19 257.675d of the Michigan Motor Vehicle Code.

20 (8) *Appeals.* Notwithstanding the provisions of Section ~~111~~ 409 of this code, the following shall be
21 the method of appeal from any decision of the Building Board of Appeals as it may pertain to this section:
22 If any land owner is aggrieved by any decision as to the establishment of fire apparatus access roads, he
23 or she shall, within 30 days of the date of mailing of the fire apparatus access road establishment notice

1 as provided for in subsection (c) hereof, or within 30 days of the denial of a petition to establish a fire
2 apparatus access road, file with the Board of Appeals a written exception to such decision, together with
3 his or her reasons for the same. During the next scheduled meeting of the Board of Appeals, or a special
4 meeting set for hearing the exception, it shall, after consideration of the reasons for the exception, affirm,
5 modify or rescind its original decision.

6 *I.F.C. Section **605.8** ~~603.8~~ Incinerators* is hereby deleted and a new section **605.8** ~~603.8~~ is added
7 as follows:

8 *Incinerators*

9 (1) *General.* Free-standing noncommercial incinerators not connected to buildings are not permitted.
10 Permitted incinerators shall be in accordance with other governing agencies' requirements regulating
11 emissions. For other requirements, see the Michigan Building Code, as adopted in Section 1420.01 of
12 the Codified Ordinances of the City of Lansing, and the Michigan Mechanical Code, as adopted in
13 Section 1426.01 of the Codified Ordinances of Lansing.

14 (2) *Maintenance.* Incinerators shall be maintained in good condition at all times.

15 (3) *Discontinuance.* The Fire Chief and his or her designee authorized to require incinerator use to
16 be immediately discontinued if the Fire Chief or his or her designee determines that smoke emissions are
17 offensive to the occupants of surrounding property or if the use of the incinerator is determined by the
18 Chief or his or her designee to constitute a hazardous condition.

19 *I.F.C. Section **907.2.13** ~~907.2.12~~ High Rise* buildings is hereby amended to include the following:

20 This section shall include the adopted State of Michigan Bureau of Construction Codes Amendments to
21 the International Building Code.

22 *I.F.C. Section **905.12** ~~905.11~~ Existing Buildings* is hereby deleted in its entirety.

23 *I.F.C. Section **5504.3.1.1.3** ~~5504.3.1.1~~ Location* is hereby deleted and a new section **5504.3.1.1.3**

1 ~~5504.3.1.1~~ is added as follows:

2 Stationary containers shall be located in accordance with section **5504.3.1.1.3** ~~55.4.3.1~~

3 Containers of cryogenic fluids shall not be located within diked areas containing other hazardous

4 materials. The geographic limits in which the storage of flammable cryogenic fluids in stationary

5 containers is prohibited are to be determined by the Fire Chief or his or her designee in accordance with

6 NFPA 30 Flammable and Combustible Liquids Code, ~~Department of Environmental Quality~~ **Michigan**

7 **Department of Environment, Great Lakes, and Energy (EGLE)**, sections **5504.3.1.1- 5504.3.1.1.5**,

8 ~~5504.3.1.1.1 5504.3.1.1.5~~ **Table 5504.3.1.1**, and any other applicable code or standard recognized by the

9 Fire Chief or his or her designee.

10 *I.F.C. Section 5704.2.9.6.1* ~~3404.2.9.6.1~~ *Locations Where Above-ground Tanks are Prohibited* is hereby

11 deleted and a new section **5704.2.9.6.1** ~~3404.2.9.5.1~~ is added as follows:

12 The geographic limits in which the storage of class I and class II liquids in above-ground tanks outside

13 of buildings is prohibited is to be determined by the Fire Chief or his or her designee in accordance with

14 NFPA 30 Flammable and Combustible Liquids Code, Department of Environmental Quality, and any

15 other applicable code or standard recognized by the Fire Chief or his or her designee.

16 *I.F.C. Section 5706.2.4.4* ~~3406.2.4.4~~ *Locations Where Above-ground Tanks are Prohibited* is hereby

17 deleted and a new section **5706.2.4.4** ~~3406.2.4.4~~ is added as follows:

18 The geographic limits in which the storage of class I and class II liquids in above-ground tanks is

19 prohibited are to be determined by the Fire Chief or his or her designee in accordance with NFPA 30

20 Flammable and Combustible Liquids Code, Department of Environmental Quality, and any other

21 applicable code or standard recognized by the Fire Chief or his or her designee.

22 *I.F.C. Section 6104.2* ~~3804.2~~ *Maximum Capacity Within Established Limits* is hereby deleted and a new

23 section **6104.2** ~~3804.2~~ is added as follows:

1 The geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of
2 heavily populated or congested areas is to be determined by the Fire Chief or his or her designee in
3 accordance with NFPA 58, the Liquefied Petroleum Gas Code, the Michigan Mechanical Code, and any
4 other applicable code or standard recognized by the Fire Chief or his or her designee. The aggregate
5 capacity of any one installation shall not exceed a water capacity of 2,000 gallons (7,570 liters).

6 Exception: In particular installations, this capacity limit shall be determined by the Fire Chief or his or
7 her designee, after consideration of special features such as topographical conditions, nature of
8 occupancy, and proximity to buildings, capacity of proposed containers, degree of fire protection to be
9 provided and capabilities of the local fire department.

10 ~~Sections 1101-1105 are deleted and replaced with the following language:~~

11 ~~Construction requirements for existing buildings shall meet the requirements of the Michigan Building~~
12 ~~Code adopted in Chapter 1420.~~

13 Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with
14 these provisions are repealed.

15 Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall
16 not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to
17 be invalid.

18 Section 4. This ordinance shall take effect on the 30th day after enactment, unless given immediate
19 effect by City Council and shall expire on **December 31, 2034.**

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Approved as to form:

City Attorney

PASSAGE OF ORDINANCE

An Ordinance of the City of Lansing, Michigan, to Amend the Lansing Codified Ordinances amending Chapter 1610, Section 1610.01 by updating the International Fire Code (IFC) and standards (adopted by reference) from the 2018 IFC to the 2021 IFC and amending Section 1610.02 by renumbering IFC section to the 2021 code.

Is read a second time by its title. The Ordinance was reported from the Committee on Public Safety and is on the order of immediate passage.

COUNCIL MEMBER	YEAS	NAYS
Brown	☐	☐
Carter	☐	☐
Garza	☐	☐
Hussain	☐	☐
Jackson	☐	☐
Kost	☐	☐
Pehlivanoglu	☐	☐
Spadafore	☐	☐
	_____	_____
☐ ADOPTED	☐ FAILED	

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolution in Support of House Bills 4260 AND 4261

WHEREAS, the safety and well-being of Lansing residents remain a top priority of the Lansing City Council, and addressing the root causes of violence is essential to building healthy, thriving communities; and

WHEREAS, violent crime continues to affect neighborhoods across Michigan, including in Lansing, and cities need sustained resources to support not only law enforcement, but also evidence-based violence prevention and intervention strategies; and

WHEREAS, House Bills 4260 and 4261 propose the creation of a dedicated Public Safety and Violence Prevention Fund, allocating \$115 million annually from existing sales tax revenues to fund a balanced and comprehensive approach to public safety; and

WHEREAS, the funding structure in these bills would provide local governments with critical resources for crime victim compensation, community-based violence intervention programs, law enforcement support, and strategies to improve violent crime clearance rates—thereby strengthening both justice and prevention outcomes; and

WHEREAS, improving clearance rates directly builds community trust and deters future crime, yet many local law enforcement agencies lack the capacity and resources to adequately investigate and resolve cases, particularly violent offenses; and

WHEREAS, these bills recognize that enhancing public safety is not solely about policing, but must also involve investments in prevention, intervention, and community engagement to reduce cycles of violence, trauma, and harm; and

WHEREAS, the funding made available through HB 4260 and HB 4261 would provide local governments such as the City of Lansing with flexible and direct support to deploy strategies tailored to our community's unique needs, while ensuring accountability and equity in distribution; and

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council strongly supports Michigan House Bills 4260 and 4261, and urges the Michigan Legislature to pass these bills into law to establish a long-term funding commitment for public safety, violence prevention, and intervention strategies across Michigan.

BE IT FURTHER RESOLVED, that the Lansing City Clerk is directed to transmit copies of this resolution to the Governor of Michigan, the Speaker of the Michigan House of Representatives, the Senate Majority Leader, and members of the Lansing delegation of the Michigan House of Representatives and Michigan Senate.

**SUBSTITUTE FOR
HOUSE BILL NO. 4260**

A bill to amend 1933 PA 167, entitled
"General sales tax act,"
by amending section 25 (MCL 205.75), as amended by 2023 PA 20.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 25. (1) All money received and collected under this act
2 must be deposited by the department in the state treasury to the
3 credit of the general fund, except as otherwise provided in this
4 section.

5 (2) Fifteen percent of the collections of the tax imposed at a
6 rate of 4% must be distributed to cities, villages, and townships
7 pursuant to the Glenn Steil state revenue sharing act of 1971, 1971
8 PA 140, MCL 141.901 to 141.921.

9 (3) Sixty percent of the collections of the tax imposed at a

1 rate of 4% must be deposited in the state school aid fund and
 2 distributed as provided by law. In addition, all of the collections
 3 of the tax imposed at the additional rate of 2% approved by the
 4 electors on March 15, 1994 must be deposited in the state school
 5 aid fund.

6 (4) Except as otherwise provided in this subsection, not less
 7 than 27.9% of 25% of the collections of the general sales tax
 8 imposed at a rate of 4% directly or indirectly on fuels sold to
 9 propel motor vehicles upon highways, on the sale of motor vehicles,
 10 and on the sale of the parts and accessories of motor vehicles by
 11 new and used car businesses, used car businesses, accessory dealer
 12 businesses, and gasoline station businesses as classified by the
 13 department must be deposited each year into the comprehensive
 14 transportation fund. For the fiscal year ending September 30, 2021
 15 only, the amount deposited into the comprehensive transportation
 16 fund under this subsection must be reduced by \$18,000,000.00 and
 17 that \$18,000,000.00 must be deposited into the transportation
 18 administration collection fund.

19 **(5) Beginning with the 2025-2026 fiscal year and each fiscal**
 20 **year thereafter, \$115,000,000.00 of the collections of the tax**
 21 **imposed at a rate of 4% for the immediately preceding fiscal year**
 22 **must be deposited in the public safety and violence prevention fund**
 23 **created under section 11a of the Michigan trust fund act, 2000 PA**
 24 **489, MCL 12.261a, and distributed as provided by law.**

25 **(6)** ~~(5)~~ Beginning October 1, 2016 and the first day of each
 26 calendar quarter thereafter, an amount equal to the collections for
 27 the calendar quarter that is 2 calendar quarters immediately
 28 preceding the current calendar quarter of the tax imposed under
 29 this act at the additional rate of 2% approved by the electors on

1 March 15, 1994 from the sale at retail of aviation fuel must be
2 distributed as follows:

3 (a) An amount equal to 35% of the collections of the tax
4 imposed at a rate of 2% on the sale at retail of aviation fuel must
5 be deposited in the state aeronautics fund and must be expended, on
6 appropriation, only for those purposes authorized in the
7 aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.1
8 to 259.208.

9 (b) An amount equal to 65% of the collections of the tax
10 imposed at a rate of 2% on the sale at retail of aviation fuel must
11 be deposited in the qualified airport fund and must be expended, on
12 appropriation, only for those purposes authorized under section 35
13 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL
14 259.35.

15 (7) ~~(6)~~—The department shall, on an annual basis, reconcile
16 the amounts distributed under subsection ~~(5)~~—(6) during each fiscal
17 year with the amounts actually collected for a particular fiscal
18 year and shall make any necessary adjustments, positive or
19 negative, to the amounts to be distributed for the next successive
20 calendar quarter that begins January 1. The state treasurer or the
21 state treasurer's designee shall annually provide to the operator
22 of each qualified airport a report of the reconciliation performed
23 under this subsection. The reconciliation report is subject to the
24 confidentiality restrictions and penalties provided in section
25 28(1)(f) of 1941 PA 122, MCL 205.28.

26 (8) ~~(7)~~—An amount equal to the collections of the tax imposed
27 at a rate of 4% under this act from the sale at retail of computer
28 software must be deposited in the Michigan health initiative fund
29 created in section 5911 of the public health code, 1978 PA 368, MCL

1 333.5911, and must be considered in addition to, and is not
2 intended as a replacement for any other money appropriated to the
3 department of health and human services. The funds deposited in the
4 Michigan health initiative fund on an annual basis must not be less
5 than \$9,000,000.00 or more than \$12,000,000.00.

6 **(9)** ~~(8)~~—In addition to the money deposited in the state school
7 aid fund under subsection (3), an amount equal to the sum of the
8 following, as determined by the department, must be deposited into
9 the state school aid fund:

10 (a) All revenue lost to the state school aid fund as a result
11 of the exemption under section 4a(1)(u).

12 (b) All revenue lost to the state school aid fund as a result
13 of the exemption under section 4ee. A person that claims an
14 exemption under section 4ee shall report the sales price of the
15 data center equipment as defined in section 4ee and any other
16 information necessary to determine the amount of revenue lost to
17 the state school aid fund as a result of the exemption under
18 section 4ee annually on a form at the time and in a manner
19 prescribed by the department. The report required under this
20 subdivision must not include any remittance for tax, and does not
21 constitute a return or otherwise alleviate any obligations under
22 section 6.

23 (c) All revenue lost to the state school aid fund as a result
24 of the exclusion under section 1(1)(d)(xv).

25 **(10)** ~~(9)~~—The balance in the state general fund shall be
26 disbursed only on an appropriation or appropriations by the
27 legislature.

28 **(11)** ~~(10)~~—As used in this section:

29 (a) "Aviation fuel" means fuel as that term is defined in

1 section 4 of the aeronautics code of the state of Michigan, 1945 PA
2 327, MCL 259.4.

3 (b) "Comprehensive transportation fund" means the
4 comprehensive transportation fund created in section 10b of 1951 PA
5 51, MCL 247.660b.

6 (c) "Qualified airport" means that term as defined in section
7 109 of the aeronautics code of the state of Michigan, 1945 PA 327,
8 MCL 259.109.

9 (d) "Qualified airport fund" means the qualified airport fund
10 created in section 34(2) of the aeronautics code of the state of
11 Michigan, 1945 PA 327, MCL 259.34.

12 (e) "State aeronautics fund" means the state aeronautics fund
13 created in section 34(1) of the aeronautics code of the state of
14 Michigan, 1945 PA 327, MCL 259.34.

15 (f) "State school aid fund" means the state school aid fund
16 established in section 11 of article IX of the state constitution
17 of 1963.

18 (g) "Transportation administration collection fund" means the
19 transportation administration collection fund created in section
20 810b of the Michigan vehicle code, 1949 PA 300, MCL 257.810b.

21 Enacting section 1. This amendatory act does not take effect
22 unless House Bill No. 4261 of the 103rd Legislature is enacted into
23 law.

SUBSTITUTE FOR
HOUSE BILL NO. 4261

A bill to amend 2000 PA 489, entitled
"Michigan trust fund act,"
by amending the title and section 2 (MCL 12.252), the title as
amended by 2005 PA 232 and section 2 as amended by 2023 PA 174, and
by adding sections 11a and 11b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE
2 An act to create certain funds; to provide for the allocation
3 of certain revenues among certain funds and for the operation,
4 investment, and expenditure of certain funds; **to provide for the**
5 **creation and administration of certain grant programs;** and to
6 ~~impose certain~~ **provide for the powers and** duties and requirements
7 ~~on~~ **of** certain state officials ~~and local governmental officers and~~

1 **entities.**

2 Sec. 2. As used in this act:

3 (a) "Community district education trust fund" means the
4 community district education trust fund created in section 12.

5 (b) "Flint settlement trust fund" means the Flint settlement
6 trust fund created in section 11.

7 (c) "Local government reimbursement fund" means the local
8 government reimbursement fund created in section 3a.

9 (d) "Medicaid benefits trust fund" means the Michigan Medicaid
10 benefits trust fund established in section 5.

11 (e) "Medicaid program" means a program for medical assistance
12 established under title XIX of the social security act, 42 USC 1396
13 to ~~1396w-6~~. **1396w-7.**

14 (f) "Medicaid special financing payments" means the Medicaid
15 special adjustor payments each year authorized in the department of
16 health and human services appropriations act.

17 (g) "Michigan merit award trust fund" means the Michigan merit
18 award trust fund established in section 9.

19 (h) "Michigan opioid healing and recovery fund" means the
20 Michigan opioid healing and recovery fund created in section 3.

21 **(i) "Public safety and violence prevention fund" means the**
22 **public safety and violence prevention fund established in section**
23 **11a.**

24 **(j) ~~(i)~~**—"Strategic outreach and attraction reserve fund" means
25 the strategic outreach and attraction reserve fund created in
26 section 4.

27 **(k) ~~(j)~~**—"Tobacco settlement revenue" means money received by
28 this state that is attributable to the master settlement agreement
29 incorporated into a consent decree and final judgment entered into

on December 7, 1998 in *Kelly Ex Rel. Michigan v Philip Morris Incorporated, et al.*, Ingham County Circuit Court, docket no. 96-84281CZ, including any rights to receive money attributable to the master settlement agreement that has been sold by this state.

(l) ~~(k)~~—"21st century jobs trust fund" means the 21st century jobs trust fund established in section 7.

Sec. 11a. (1) The public safety and violence prevention fund is established in the department of treasury. The public safety and violence prevention fund consists of money and other assets credited to the fund from 1 or more of the following sources:

(a) Money deposited in the public safety and violence prevention fund as required by section 25 of the general sales tax act, 1933 PA 167, MCL 205.75.

(b) Donations of money made to the public safety and violence prevention fund from any source.

(c) Interests and earnings from public safety and violence prevention fund investments.

(2) The state treasurer shall direct the investment of the public safety and violence prevention fund.

(3) Money in the public safety and violence prevention fund at the close of the fiscal year remains in the public safety and violence prevention fund and does not lapse to the general fund.

Sec. 11b. (1) Beginning September 30, 2026 and September 30 each year thereafter, subject to appropriation, the state treasurer shall distribute the revenues deposited in the public safety and violence prevention fund in the following manner:

(a) Of the first \$75,000,000.00, as follows:

(i) Two percent to the department of health and human services to create and administer a grant program to provide grants to

1 cities, villages, townships, and counties for intervention
2 solutions to community violence.

3 (ii) Two percent to the crime victim's rights fund created
4 under section 4 of 1989 PA 196, MCL 780.904.

5 (iii) Except as otherwise provided in this subparagraph or this
6 section, after the distributions under subparagraphs (i) and (ii),
7 the remaining amount that is at least proportional to the city's,
8 village's, or township's and, if a city, village, or township
9 contracts to provide services, the recipient city's, village's, or
10 township's average share of the reported statewide violent crimes,
11 as determined by the 3 most recent annual crime reports published
12 by the department of state police as of the first day of the state
13 fiscal year to each city, village, or township that provides or
14 contracts to provide police services and to each county on behalf
15 of each township in that county that does not provide or contract
16 to provide police services, except as follows:

17 (A) For a distribution under this subparagraph made between
18 October 1, 2026 and September 30, 2028, if a city's, village's, or
19 township's rate of violent crime, as determined by the most recent
20 annual crime report published by the department of state police as
21 of the first day of the state fiscal year of the distribution, did
22 not decrease by at least 5% from the base crime level, the state
23 treasurer must reduce the city's, village's, or township's
24 distribution amount, or the amount distributed to a county on
25 behalf of a township, by 5% and proportionally reallocate the
26 reduced amount to the cities, villages, townships, and counties
27 whose distributions are not reduced under this sub-subparagraph.

28 (B) For a distribution made under this subparagraph after
29 September 30, 2028, if a city's, village's, or township's rate of

1 violent crime, as determined by the most recent annual crime report
2 published by the department of state police as of the first day of
3 the state fiscal year of the distribution, did not decrease by at
4 least 5% from the base crime level, the state treasurer shall
5 reduce the city's, village's, or township's distribution amount, or
6 the amount distributed to a county on behalf of a township, by 10%
7 for each state fiscal year for which the city's, village's, or
8 township's rate of violent crime did not decrease by at least 5% as
9 described in this sub-subparagraph and proportionally reallocate
10 the reduced amount to the cities, villages, townships, and counties
11 whose distributions are not reduced under this sub-subparagraph.

12 (C) A city, village, or township, or a county on behalf of a
13 township, is not entitled to receive more than 25% of the total
14 distribution under this subparagraph.

15 (b) From the revenue remaining in the public safety and
16 violence prevention fund after the distributions under subdivision
17 (a), to each county that applies for funding, in a form and manner
18 prescribed by the state treasurer, as prescribed in this
19 subdivision. The amount to be distributed under this subdivision to
20 each county must be proportionate to the total number of employed
21 law enforcement officers as of January 1, 2025 and recalculated
22 based on the total number of employed law enforcement officers on
23 January 1 every 5 years thereafter minus the amount of funding, as
24 applicable, that the county received under subsection (1) (a) (iii) .
25 The amount distributed under this subdivision must be used to
26 enhance and not supplant funding allocated to a county sheriff's
27 office for the purpose of engaging in law enforcement violent crime
28 reduction efforts as identified by the sheriff. As used in this
29 subdivision, "total number of employed law enforcement officers"

means the number of full-time equivalent law enforcement officers, as defined in section 2(f) of the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.602, assigned to the county sheriff's office and identified in the sheriff's office's yearly report to the Michigan commission on law enforcement standards as required under section 3(1) of 1982 PA 302, MCL 18.423.

(2) Both of the following apply to a city, village, township, or county that receives a grant under subsection (1) (a) (i) :

(a) The city, village, township, or county may not use the grant to obtain a vehicle weighing more than 15,000 pounds that is designed or used for a tactical police purpose.

(b) The city, village, township, or county may subgrant all or part of the grant if the subgrant is used for the purpose described in subsection (1) (a) (i) .

(3) All of the following apply to a distribution under subsection (1) (a) (iii) :

(a) Except as otherwise provided in subdivision (b) , a city police department, village police department, township police department, or county sheriff that receives a distribution, and a sheriff's department of a county that is contracted by the city, village, or township to provide police services, shall use the distribution only for operational and capital expenditures that serve the purposes of public safety, violence prevention, or improving clearance rates.

(b) A city, village, township, or county that receives a distribution may not use the distribution to do any of the following:

(i) Replace or supplant its existing reoccurring resources for

1 public safety and violence prevention, unless there is a decline in
2 the estimated total general fund revenue of the city, village,
3 township, or county from the previous fiscal year and there is a
4 reduction in the existing reoccurring resources of the city,
5 village, township, or county that is proportional to the estimated
6 decline in the general fund revenue.

7 (ii) Obtain a vehicle weighing more than 15,000 pounds that is
8 designed or used for a tactical police purpose.

9 (iii) Obtain or use facial recognition technology.

10 (iv) Obtain or use a chemical weapon.

11 (c) A city, village, township, or county may subgrant all or
12 part of the distribution if the subgrant is used for the purpose
13 described in subdivision (a).

14 (4) Money in the public safety and violence prevention fund
15 must not be transferred, expended, withdrawn, or otherwise
16 distributed except as otherwise provided in this section.

17 (5) For each state fiscal year that begins after September 30,
18 2026, the governor and the state budget director shall include in
19 the annual budget for that fiscal year submitted to the legislature
20 under section 18 of article V of the state constitution of 1963 an
21 appropriation directing the state treasurer to distribute funds
22 from the public safety and violence prevention fund as provided in
23 this section.

24 (6) All distributions made to a county for purposes of this
25 section must be made to the county sheriff's department.

26 (7) The department of health and human services shall submit a
27 report to the speaker of the house of representatives, the senate
28 majority leader, and the chairs of the senate and house
29 appropriations committees that includes all of the following

1 information at least annually:

2 (a) All persons to which grants were issued under this
3 section.

4 (b) A description of all of the programs for which grants
5 issued under this section were used.

6 (c) Outcomes resulting from programs for which grants were
7 issued under this section.

8 (8) A city, village, township, or county that receives a grant
9 under this section shall annually submit a report to the state
10 police of its clearance rates for homicides and other violent
11 crimes, disaggregated by offenses cleared by arrests as described
12 in subsection (9) (c) (i) and cleared by exceptional matters as
13 described in subsection (9) (c) (ii) .

14 (9) As used in this section:

15 (a) "Base crime level" means the average of a city's,
16 village's, or township's 2 highest annual rates of violent crime,
17 as determined by the annual crime reports published by the
18 department of state police in the 3 calendar years immediately
19 preceding the calendar year in which the amendatory act that added
20 this section takes effect.

21 (b) "Chemical weapon" means a munition or device that is
22 specifically designed to cause death or other harm through a toxic
23 chemical that would be released as a result of the employment of
24 the munition or device.

25 (c) "Clearance rate" means the number of violent crimes
26 cleared through either of the following circumstances divided by
27 the total number of violent crimes reported:

28 (i) Arrest. As used in this subparagraph, "arrest" means that
29 at least 1 individual was arrested, charged of a crime, and subject

1 to a court for prosecution following the arrest, court summons, or
2 police notice.

3 (ii) Exceptional matters, including, but not limited to, death
4 of the suspected offender, refusal of a victim to cooperate, or the
5 denial of extradition because the suspected offender is being
6 prosecuted in a different jurisdiction for another crime.

7 (d) "Existing reoccurring resources" does not include either
8 of the following:

9 (i) Funds that were provided by a voter-approved millage or
10 special assessment that has since expired or has otherwise not been
11 renewed.

12 (ii) A distribution described in subsection (1) (a) (iii) .

13 (e) "Facial recognition technology" means an automated or
14 semiautomated technological process that assists in identifying or
15 verifying an individual based on the individual's face.

16 Enacting section 1. This amendatory act does not take effect
17 unless House Bill No. 4260 of the 103rd Legislature is enacted into
18 law.

CHAPTER 654. NOISE¹

654.01. Findings of fact.

It is hereby found and declared that:

- (a) The making and creation of excessive, unnecessary or unusually loud noises within the City is a condition which has existed for some time and the extent and volume of such noise is increasing.
- (b) The making, creation or maintenance of such excessive, unnecessary, unnatural or unusually loud noises, which are prolonged, unusual and unnatural in their time, place and use, effect and are a detriment to the public health, comfort, convenience, safety, welfare and prosperity of the residents of the City.
- (c) The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted is hereby declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the City and its inhabitants.

(Ord. No. 739, 12-22-86)

654.02. Scope.

This chapter shall apply to the control of all sound originating from nonindustrial property within the City. This chapter shall not and is not intended to exclude industrial property or operations from the application of any other ordinances of the City.

(Ord. No. 739, 12-22-86)

654.03. Definitions.

All terminology used in this chapter, not defined in this section, shall be in conformity with applicable publications of the American National Standards Institute (A.N.S.I.) or its successor body. As used in this chapter:

A-weighted sound level means the sound pressure level, in decibels, as measured on a sound level meter using the A-weighting network. The level so read is designated dBA.

Construction means any site preparation, assembly, erection, substantial repair, alteration or similar action, but excludes demolition for or of public right of ways, structures, utilities or similar property.

¹Cross reference(s)—Legislation re peace disturbances - see CHTR. Sec. 3-310; Motor vehicle horns - see TRAF. 5.80; Noise by motor vehicles - see TRAF. 5.90a, 5.92; Peace disturbances generally - see GEN. OFF. Ch. 664; Disorderly conduct in schools - see GEN. OFF. 680.02; Peace disturbances by street musicians - see B.R. & T. 864.07.

Decibel (dB) means a unit for measuring the volume of sound, equal to twenty times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is twenty micropascals.

Demolition means any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.

Emergency means any occurrence of a set of circumstances involving actual or imminent physical trauma or property damage which demands immediate attention.

Emergency work means any work performed for the purpose of preventing or alleviating the physical trauma of property damage threatened or caused by an emergency.

Gross vehicle weight rating (GVWR) means the value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating (GCWR), which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle, shall be used.

Industrial property means land, land improvements, buildings, structures, other real property and machinery, equipment and fixtures, or any part thereof, whether completed or in the process of construction, comprising an integrated whole, the primary purpose and use of which is the manufacture of goods or materials or the processing of goods and materials by physical or chemical change, and includes agricultural processing facilities. "Industrial property" includes facilities related to the manufacturing operation and under the same ownership or control, provided that such property is contiguous to the manufacturing operation. Such property shall include, but not be limited to, office, engineering research and development, warehousing or parts distribution facilities.

Manufacture of goods or materials or processing of goods or materials means any type of operation that would be controlled by an entity included in the classifications provided by Division D, Manufacturing, of the Standard Classification Manual of 1972, published by the United States Office of Management and Budget, regardless of whether or not the entity conducting such an operation is included therein.

Motor carrier vehicle engaged means any vehicle for which regulations apply pursuant to Section 18 of the Federal Noise Control Act of 1972 (P.L. 92-574), as amended, pertaining to motor carriers engaged in interstate commerce.

Motor vehicle means any vehicle which is propelled or drawn on land by a motor, such as, but not limited to, passenger cars, trucks, truck-trailers, campers, go-carts, snowmobiles, amphibious craft on land, dune buggies, all-terrain vehicles or racing vehicles, but not including motorcycles.

Motorcycle means an unenclosed motor vehicle having a saddle or seat for the use of the operator and two or three wheels in contact with the ground, including, but not limited to, motor scooters, minibikes and motor propelled bicycles.

Muffler or sound dissipative device means a device for abating the sound of escaping gases of an internal combustion engine.

Noise means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

Noise disturbance means any sound which endangers or injures the safety or health of humans or animals, annoys or disturbs a reasonable person of normal sensitivities or endangers or injures personal or real property.

Noise sensitive zone means any area where a school, hospital, house of worship, day care center, nursing home, public library, senior citizen center, residence or court is located, or an area of potential noise disturbance.

Person means any individual, association, partnership or corporation and includes any officer, employee, department, agency or instrumentality of a state or any political subdivision of a state.

Public right-of-way means any street, avenue, boulevard, highway, sidewalk, path, alley or similar place which is owned or controlled by a governmental entity.

Public space means any real property or structures thereon which are owned or controlled by a governmental entity.

Real property means an imaginary line along the ground surface, and its vertical extension, which line separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

Recreational motor vehicle means any motor vehicle or motorcycle which is intended for recreational use or which is being used for recreational purposes, except snowmobiles. Recreational purposes include utilization of such a motor vehicle or motorcycle in competitive events even if engaged in professionally or for compensation.

Residential area means any area designated as an A, A-1, B, C, DM-1, DM-2, DM-3 or DM-4 Zoning District, pursuant to the Zoning Code or upon any plan or district map promulgated thereunder.

RMS sound pressure means the square root of the time averaged square of the sound pressure, denoted PRMS.

Sound means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

Sound level means the weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B or C, as specified in American National Standards Institute Specifications For Sound Level Meters (A.N.S.I. SI.4-1971), or the latest approved revision thereof. If the frequency weighting employed is not indicated, the A-weighting shall apply.

Sound level meter means an instrument which includes a microphone, amplifier, RMS detector, integrator or time average, output meter and weighting networks used to measure sound pressure levels.

Sound pressure means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.

Sound pressure level means twenty times the logarithm to the base ten of the ratio of the RMS sound pressure to the reference pressure of twenty micropascals. The sound pressure level is denoted Lp or SPL and is expressed in decibels.

Weekday means any day, Monday through Friday, which is not a legal holiday.

(Ord. No. 739, 12-22-86)

654.04. Duties and responsibilities of departments.

All departments and agencies of the City shall, to the fullest extent consistent with other law, carry out their programs in such a manner as to further the policy of this chapter.

In the case of motor vehicle enforcement, the Police Department shall be the primary enforcement agency.

(Ord. No. 739, 12-22-86)

654.05. Motor vehicles.

- (a) *On Public Right of Ways.* No person shall operate or cause to be operated a public or private motor vehicle or motorcycle on a public right of way at any time in such a manner that the sound level emitted by the motor vehicle or motorcycle exceeds the level set forth in the following table:

Sound Level in dBA (measured at 50 feet or 15 meters)

	Speed Limit 35 mph or less	Speed Limit over 35 mph	Stationary run-up
Motor carrier vehicle engaged in interstate commerce of GVWR or GCWR of 8,500 lbs. or more	86	90	88
All other motor vehicles of GVWR or GCWR of 8,500 lbs. or more	86	90	—
Any motorcycle	82	86	—
Any other motor vehicle or any combination of vehicles towed	76	82	—

- (b) *Standing Vehicles.* No person shall operate or permit the operation of any motor vehicle, motorcycle or auxiliary equipment attached to such a vehicle for longer than five minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion, on a public right of way or public space within 150 feet (forty-six meters) of a residential area or designated noise sensitive zone, between 8:00 p.m. and 8:00 a.m. of the following day.
- (c) *Recreational Vehicles Operating Off Public Right of Ways.*

- (1) Except as permitted in paragraph (c)(2) hereof, no person shall operate or cause to be operated any recreational motor vehicle or motorcycle off a public right of way in such a manner that the sound level emitted therefrom exceeds the limits set forth in the following table at a distance of fifty feet (fifteen meters) or more from the path of the vehicle when operated in a public space or at or across the boundary of private property when operated on private property. This subsection shall apply to all recreational motor vehicles, whether or not duly licensed and registered.

Vehicle Type	Sound Level, dBA
Motorcycle	Unit manufactured before 1975, 86 dBA
	Unit manufactured after 1975, 84 dBA
Any other vehicle	Unit manufactured before 1975, 86 dBA
	Unit manufactured after 1975, 80 dBA

- (2) Permits for motor vehicle racing events may be obtained from the City according to procedures and criteria set forth in Sections 654.10 and 654.11.

(Ord. No. 739, 12-22-86)

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654.06. Railroads.

No person shall operate or permit to be operated any railroad locomotive or car, rolling stock or equipment so as to cause a violation of the allowable sound levels adopted by the U.S. Environmental Protection Agency under the Noise Control Act of 1972, 42 U.S.C. 4901 to 4918, as amended.

(Ord. No. 739, 12-22-86)

654.07. Prohibited noises generally.

No person shall make, or continue, cause or permit to be made, verbally or mechanically, any unnecessary noise disturbance. Noncommercial public speaking and public assembly activities conducted on any public space or public right of way shall be exempt from this section, except as otherwise provided herein.

The following acts, and the causing thereof, are hereby declared to be violations of this section:

- (a) *Sound Production and Reproduction Systems.* The playing, using or operating, or permitting the playing, using or operating, of any television or radio receiving set, musical instrument, phonograph or other machine or device for producing, reproducing or amplifying sound in such a manner as to create a noise disturbance, or at any time with a louder volume than is necessary for convenient hearing for the persons who are in the room, chamber, vehicle or other place in which such an instrument, machine, set or device is operated and who are voluntary listeners thereto. The operation of any such television or radio receiving set, instrument, phonograph, machine or device between 11:00 p.m. and 7:00 a.m. of the following day in such a manner as to be plainly audible at a distance of fifty feet from the building, structure, vehicle or other place in which it is located shall be prima-facie evidence of a violation of this section. This subsection shall not apply to noncommercial speech.
- (b) *Loudspeakers; Public Address Systems.*
 - (1) The using or operating for any noncommercial purpose of any loudspeaker, public address system, musical instrument or similar device between 10:00 p.m. and 8:00 a.m. of the following day, such that the sound therefrom creates a noise disturbance across a residential real property boundary; or
 - (2) The using or operating for any commercial purpose of any loudspeaker, public address system or similar device so as to be audible in residential areas or in a noise sensitive zone.
- (c) *Street Sales.* Offering for sale or selling anything by shouting or outcry within any residential area of the City, except in connection with auction sales;
- (d) *Animals and Birds.* Owning, possessing or harboring any bird or other animal which frequently or for continued duration makes sounds which create a noise disturbance across a residential real property boundary or within a noise sensitive zone;
- (e) *Loading and Unloading.* Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials or similar objects between 10:00 p.m. and 7:00 a.m. of the following day in such a manner as to cause a noise disturbance across a residential property boundary or within a noise sensitive zone;
- (f) *Motor Vehicle Repairs and Testing.* Repairing, rebuilding, modifying or testing any motor vehicle, motorcycle or motorboat in such a manner as to cause a noise disturbance across a residential real property boundary;
- (g) *Construction.* Operating or permitting the operation of any tools or equipment used in construction, drilling or demolition work between 8:00 p.m. and 7:00 a.m. of the following day on weekdays, or at

any time on weekends or holidays, such that the sound therefrom creates a noise disturbance across a residential real property boundary or within a noise sensitive zone, except for emergency work of public service utilities or by a temporary or special permit issued pursuant to Section 654.10 or 654.11;

- (h) *Places of Public Entertainment.* Operating or playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound in any place of public entertainment so as to produce a maximum sound level of fifty-five dBA on a residential real property boundary;
- (i) *Domestic Power Tools.* Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool or similar device used in residential areas between 8:00 p.m. and 8:00 a.m. of the following day so as to cause a noise disturbance across a residential real property boundary;
- (j) *Burglar Alarms.* Sounding or permitting the sounding of any burglar alarm or other alarm or any safety or warning device on any building or motor vehicle, unless such burglar alarm terminates its operation within fifteen minutes of its being activated. Any vehicle upon which a burglar alarm has been installed shall prominently display the telephone number at which communication may be made with the owner of such motor vehicle. All burglar alarms which emit a sound which is clearly audible at any residential property line shall be equipped and required to automatically shut off the sound not later than fifteen minutes after it has begun.
- (k) *Air Conditioning and Air Handling Devices.* The operation of air conditioning, air handling devices, refrigeration devices or other compressors causing a continuous sound level in excess of fifty-five dBA measured at any property line in residential areas. This subsection shall not apply if the sound from the air conditioner or air handling device produces less than a three dBA increase in the sound level that exists in the absence of such sound.

(Ord. No. 739, 12-22-86)

654.08. Exceptions to chapter.

The following activities and uses shall be exempt from the noise level regulations established by this chapter:

- (a) Noises of public or governmental safety signals, warning devices and emergency relief valves when used as intended for warnings in case of emergency or danger or when tested, and noises of fire alarms;
- (b) Noises resulting from any authorized police, fire or emergency vehicle when responding to an emergency call or acting in a time of emergency;
- (c) Noises resulting from emergency work. Emergency work shall be work which is necessary to restore property to a safe condition following a public calamity or accident, or work required to protect persons or property from an imminent exposure to danger.
- (d) Any noise resulting from activities of a temporary duration, permitted by law and for which a temporary or special permit has been granted in accordance with Section 654.10 or 654.11;
- (e) Any aircraft operated in conformity with or pursuant to Federal law, Federal air regulations and air traffic control instruction and used pursuant to and within the duly adopted Federal air regulations;
- (f) Noise from church bells, chimes or churches, except between 12:00 midnight and 6:00 a.m.;
- (g) Noise from construction activity, except such noise as is specifically prohibited by this chapter;
- (h) Noise resulting from the repair of public utilities;

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- (i) Noise resulting from the operation of snow removal equipment when being used for or in connection with snow removal; and
 - (j) Noise resulting from a City sponsored cultural, ethnic or community activity open to the public.

(Ord. No. 739, 12-22-86; Ord. No. 758, 6-29-87)

654.09. Limitation of responsibility.

The City shall not enforce any noise regulations within the jurisdiction of the Michigan and Federal Occupational Safety and Health Act.

(Ord. No. 739, 12-22-86)

654.10. Temporary permits.

- (a) Upon application of a nonprofit organization, the Mayor or his or her designee may issue a permit for relief of any of the restrictions of this chapter. Such a permit shall not be effective for more than three days and shall not be renewed more than three times. Such a permit shall only be granted if the requirements set forth in Section 654.11(a) are satisfied.
- (b) Any permit granted pursuant to this section may be subject to and prescribe any conditions, limitations or requirements which the Mayor or his or her designee deems necessary to minimize adverse effects upon the community, persons within the community or the surrounding neighborhood.
- (c) Any permit granted pursuant to this section shall contain all conditions upon which the permit has been granted and shall specify the period of time that the permit is in effect.
- (d) Any permit granted pursuant to this section shall be revoked if the conditions to which it is subject are violated or if the conditions set forth in Section 654.11(a) are no longer satisfied.

(Ord. No. 739, 12-22-86)

654.11. Special permits.

- (a) Following a public hearing at a regularly scheduled Council meeting, and upon recommendation of the Mayor and approval by an affirmative vote of two-thirds of the members of Council, a permit for relief from any of the restrictions or noise level requirements of this chapter may be granted. Applications for a permit for such relief may be made to the Mayor or his or her designated representative. Such a permit for relief may be granted if it is found:
 - (1) That additional time is necessary for the applicant to alter or modify its operation to comply with this chapter, or that the activity, operation or noise source will be of temporary duration and cannot be done in a manner that would comply with the other requirements of this chapter;
 - (2) That no reasonable alternative is available to the applicant; and
 - (3) That the noise created will not unreasonably damage or endanger the health, safety or welfare of the public.
- (b) Residents living within 500 feet of the real property boundary line of the noise emitter applying for such a permit must be given notice of the application 12 days in advance of the hearing thereon. Such notice shall be delivered by mail to all such residents. Unintentional failure to notify any such resident as required in this subsection shall not invalidate a permit issued pursuant to this section.

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- (c) Any permit granted pursuant to this section may be subject to and prescribe any conditions, limitations or requirements which Council deems necessary to minimize adverse effects upon the community, persons within the community or the surrounding neighborhood.
 - (d) Any permit granted pursuant to this section shall contain all conditions upon which the permit has been granted and shall specify a reasonable time that the permit shall be effective, not to exceed two years.
 - (e) Any permit granted pursuant to this section shall be revoked if the conditions to which it is subject are violated, or when issued pursuant to subsection (a) hereof, if the conditions set forth in such subsection are no longer satisfied or fulfilled.
 - (f) If it is decided to revoke any permit granted pursuant to this section, written notice of revocation shall be served upon the permittee or his or her agent or officer personally or by certified mail, return receipt requested. If the activities being conducted or the noise created pursuant to such a permit endangers the public health or safety, such revocation will be effective immediately; otherwise the revocation will be effective ten days after service of the notice of revocation.
 - (g) If a permittee wishes to appeal the revocation of a permit issued pursuant to this section, an appeal may be initiated by filing a written notice of appeal at the office of the City Clerk. The notice must state specifically the reasons and facts upon which the permittee bases the appeal. The notice of appeal must be filed within ten days of the service of the notice of revocation of the permit or of the denial of the permit. If such a notice of appeal has been filed in a timely fashion, and if the revocation of the permit was not given immediate effect based on danger to public health and safety, the revocation of the permit will be suspended until such time as the permittee's appeal is decided or until such time as Council finds that the activities engaged in or the noise produced pursuant to the permit endangers the health or safety of the public.
 - (h) If an appeal of the revocation or denial of a permit granted pursuant to this section is made, the appellant shall be granted a hearing before Council or such persons as Council, by resolution, may designate. If the permit involved has been revoked and such revocation has not been suspended, the hearing shall be conducted and a decision on the appeal rendered as soon as reasonably possible. At any hearing conducted pursuant to this section, the appellant shall be permitted to be represented by counsel of choice, to present such pertinent testimony and other proof as he or she desires and to confront any witness or evidence submitted in the support of the revocation. The decision on the appeal shall be rendered in writing and a copy of the decision shall be supplied to the appellant. In the appeal, the appellant shall have the burden of proof as to all matters.
 - (i) Fees shall be established by resolution of Council for the permits, appeals or variances granted pursuant to this section. Such fees shall reflect the costs of granting and investigating the permit or variance request, or, in the case of an appeal, the cost of conducting the hearing of the appeal, and shall be approved by Council.

(Ord. No. 739, 12-22-86; Ord. No. 1210, § 1, 5-8-17)

654.12. Regulations.

The administration may establish regulations governing permits, exceptions and appeals provided for in this chapter. No such regulation shall be effective until it is approved as to form by the City Attorney and approved by Council.

(Ord. No. 739, 12-22-86)

654.13. Additional violations.

Except as provided in Section 654.08, no person shall:

- (a) Make or continue, or cause to be made or continued, any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the City;
- (b) Discharge the exhaust of any steam engine, stationary internal combustion engine, motor boat or motor vehicle into the open air, except through a muffler or other device which will effectively prevent loud or explosive noises;
- (c) Use any drum, loudspeaker or other instrument or device for the purpose of attracting attention, by the creation of noise, to any performance, show or sale or display of merchandise; or
- (d) Knowingly permit a minor under his or her guardianship, custody or control to violate any noise regulation contained in this chapter.

(Ord. No. 739, 12-22-86)

654.14. Remedies cumulative.

No provision of this chapter shall be construed to impair any common law, statutory or other cause of action, or legal remedy therefrom, of any person, for injury or damage arising from a violation of any of the provisions of this chapter or of any other law.

(Ord. No. 739, 12-22-86)

654.99. Penalty.

Editor's note(s)—See Section 202.99 for general Code penalty if no specific penalty is provided.

INTRODUCTION OF ORDINANCE

Council Member Pehlivanoglu introduced:

An ordinance of the City of Lansing, Michigan, to amend Section 1240.04 of the Lansing Codified Ordinances to define the term “liquor store” within the Zoning Code.

The Ordinance is read a first time by its title and referred to the Committee on Public Safety.

By the Committee on Public Safety
Resolved by the City Council of the City of Lansing

Resolved by the City Council of the City of Lansing that a public hearing be set for , 2025 at 7 p.m. in the Tony Benavides Lansing City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of amending Section 1240.04 of the Lansing Codified Ordinances to define the term “liquor store” within the Zoning Code.

**CITY OF LANSING
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that a Public Hearing will be held on Monday, , 2025 at 7:00 p.m. in the Tony Benavides Lansing City Council Chambers, 10th Floor Lansing City Hall, 124 W. Michigan Ave., Lansing, MI for the purpose of considering:

An Ordinance of the City of Lansing, Michigan, to amend Section 1240.04 of the Lansing Codified Ordinances to define the term “liquor store” within the Zoning Code.

Persons with disabilities who need an accommodation to fully participate in these meetings should contact the City Council Office at 517-483-4177 (TDD (517) 483-4479) 24 hour notice may be needed for certain accommodations. An attempt will be made to grant all reasonable accommodation requests.

For more information, please call 517-483-4177. If you are interested in this matter, please attend the public hearing or send a representative. Written comments will be accepted between 8 a.m. and 5 p.m. on City business days if received before 5 p.m., on the day of the Public Hearing at the City Clerk’s Office, Ninth Floor, City Hall, 124 West Michigan Ave., Lansing, MI 48933 or email city.clerk@lansingmi.gov.

Chris Swope, Lansing City Clerk, MMC/MiPMC
www.lansingmi.gov/Clerk
www.facebook.com/LansingClerkSwope

ORDINANCE NO. _____

An ordinance of the City of Lansing, Michigan, to amend Section 1240.04 of the Lansing Codified Ordinances to define the term “liquor store” within the Zoning Code.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 1240, Section 1240.04, of the Codified Ordinances of the City of Lansing, Michigan, be and is hereby amended to read as follows:

1240.04.02. Definitions.

As used in this Zoning Ordinance, unless otherwise provided:

Accessory building or structure means a detached structure on the same lot with, and of a nature customarily incidental and subordinate to, a principal structure, and occupied or devoted exclusively to an accessory use.

Accessory use means a use which meets all of the following criteria:

- (1) It is clearly incidental to the principal use.
- (2) It is customarily found in connection with the principal use.
- (3) It is subordinate to the principal use.
- (4) It is located on the same lot as the principal use, except as otherwise permitted in this Zoning Code.

Adjacent residential district means the residential district to which the majority of the subject site is contiguous, abutting or located directly across a public right-of-way.

Adult care facilities means:

- (1) *Adult care facilities, state-licensed.* A facility for the care of adults, over 18 years of age, as licensed and regulated by the State under Michigan Public Act 218 of

1979, and rules promulgated by the State Department of Human Services, providing foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis, but do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, or a residential center for persons released from or assigned to a correctional facility.

(2) *Adult day-care facility.* A facility other than a private residence, which provides care for more than six adults for less than 24-hour period.

(3) *Adult foster care family home.* A private home with the approved capacity to receive six or fewer adults to be provided with foster care for 24 hours a day for five or more days a week and for two or more consecutive weeks. This may include adult day care for six or fewer adults. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

(4) *Adult foster care large group home.* A private home with approved capacity to receive at least 13 but not more than 20 adults to be provided supervision, personal care, and protection, in addition to room and board, for compensation, for 24 hours a day, five or more days a week, and for two or more consecutive weeks. This may include adult day care for 20 or fewer adults.

(5) *Adult foster care small group home.* A private home with the approved capacity to receive more than six but not more than 12 or fewer adults who are provided

supervision, personal care, and protection in addition to room and board, for 24

hours a day, five or more days a week, and for two or more consecutive weeks for

compensation. This may include adult day care for 12 or fewer adults.

(6) *Adult congregate care facility.* A private home with the approved capacity to

receive more than 20 adults for 24 hours a day, five or more days a week, and for

two or more consecutive weeks.

(7) *Convalescent or nursing home.* A structure with sleeping rooms, where persons

are housed or lodged and are furnished with meals, nursing and limited medical

care.

Adult uses. See definitions related to adult uses in Chapter 1250.

Alley means any dedicated public right-of-way affording a secondary means of access to
abutting property.

Animal hospital means a structure or lot where animals are given medical or surgical care
or treatment.

Applicant means a person having a legal, equitable or leasehold interest in a lot, or a
representative of such person, who is making a request pursuant to this Zoning Code.

Architectural elements means physical features that relate to building architecture and
character such as, but not limited to:

(1) Belt courses;

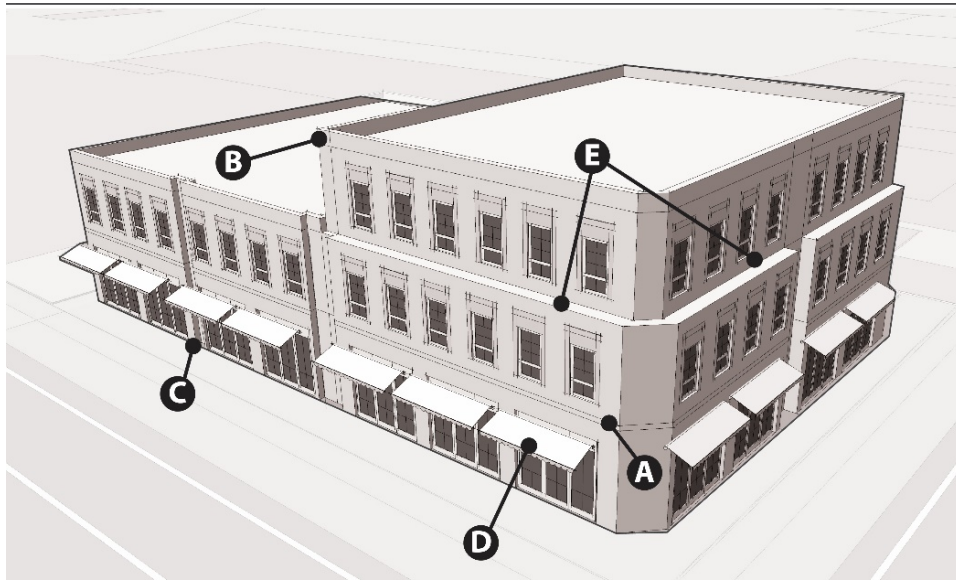
(2) Cornices/moldings;

(3) Columns or recesses;

(4) Awnings/canopies; and

(5) Step-backs; as depicted below.

Figure 1



Articulation means architectural variations in a building wall that accentuates details of the building design and can define a building base, middle and top, and variety along the facade. Horizontal and vertical articulation is achieved by using changes in architectural elements to promote varied front building lines and interesting, non-uniform and non-repetitive facade designs.

Bar. See "Restaurant: Bar/lounge/tavern."

Basement or cellar means that portion of a structure between floor and ceiling which is partly below and partly above grade. A basement is so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling. A cellar is that portion of a structure between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

1 *Bed and breakfast inn* means any dwelling in which overnight accommodations are
2 provided or offered for transient guest for compensation, including provision for a morning meal
3 only for the overnight guest only. A bed and breakfast is distinguished from a motel in that a bed
4 and breakfast establishment shall have only one set of kitchen facilities, employ only those living
5 in the house or up to one additional employee, and have facade style that is compatible with
6 surrounding homes.

7 *Bedroom* means a room within a dwelling unit that meets the following criteria:

- 8 (1) It is intended to be used, or is used, for sleeping purposes.
9 (2) It contains a floor area of not less than 70 square feet.
10 (3) It is not the only room in the dwelling unit (e.g.: an efficiency dwelling unit).

11 *Berm* means an earthen mound designed to separate one area from another.

12 *Block face* means the cumulative property on one side of a street exhibiting one of the
13 following characteristics:

- 14 (1) The property lying between two intersecting streets or public rights-of-way;
15 (2) The property lying between an intersecting street and railroad right-of-way, river
16 or stream; or
17 (3) The property lying between a public right-of-way, railroad right-of-way, river or
18 stream and the corporate boundaries of the City.

19 *Boundary line* means the dividing line between zoning districts and/or subdivisions.

20 *Buffer* means a land area that separates one land use from another. Such area may be
21 landscaped and may also contain a berm, fence or other screening material.

1 *Building* means an independent structure having a roof supported by columns or walls,
2 intended and/or used for shelter or enclosure of persons or chattels. When any portion of a
3 structure is completely separated from every other part by division walls from the ground up, and
4 without openings, each portion of such structure shall be deemed a separate structure. This refers
5 to both temporary and permanent structures, and includes tents, sheds, garages, stables,
6 greenhouses or other accessory structures. A building does not include such structures with
7 interior areas not normally accessible for human use, such as gas holders, tanks, smoke stacks,
8 grain elevators, coal bunkers, oil cracking towers or similar structures.

9 *Building Code* means the Stille-Derossett-Hale-Single State Construction Code Act, Act
10 230 of 1972, known as the Michigan Building Code, with amendments, adopted by reference as
11 part of these Codified Ordinances.

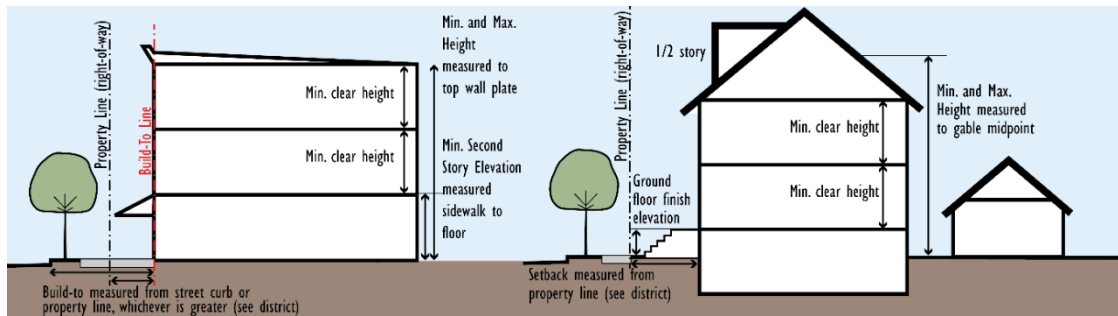
12 *Building frontage* means the percentage of the building facade that adjoins the front
13 setback or build-to line.

14 *Building height* means the vertical distance from the grade at the front of a structure to
15 the highest point of the coping of a flat roof; the average height between the eaves and a ridge or
16 to the deckline of a mansard roof; or the average height between the plate and ridge of a gable,
17 hip or gambrel roof; in all cases, excluding minor projections such as finials, chimneys, vent
18 pipes, aerals, or other appurtenance of similar scale.

19 *Build-to line* means the building line to which a building must be constructed as
20 measured from the property line. When a front parking lot is present on site, the build-to line is
21 measured from the rear edge of the parking lot including the sidewalk used to access the
22 building. Similar to setback, a build-to line runs parallel to the right-of-way and is established to

1 create a generally consistent building line along a street. The build-to line designates the specific
2 location or range within which the front building line must be located.

3 Figure 2



9 *Business* means an office, commercial or industrial use entered into for the purpose of
10 financial gain, earning a livelihood or improving a person's economic conditions and desires.

11 *Canopy* means an ornamental or roof-like structure which is fastened to a structure and
12 used for protection.

13 *Carport* means an accessory structure used primarily to shelter private motor vehicles. A
14 carport is attached to the principal structure and is completely open on not less than two sides.

15 *Child care/residential care facilities* means:

16 (1) Child care facility. A facility for the care of children under 18 years of age, as
17 licensed and regulated by the State under Michigan Public Act 116 of 1973 and
18 the associated rules promulgated by the State Department of Human Services.

19 (2) Child care centers, nursery schools, and day nurseries. A facility, other than a
20 private residence, receiving pre-school or school age children for group care for
21 periods of less than 24 hours a day, and where the parents or guardians are not
22 immediately available to the child. It includes a facility which provides care for

not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care center" or "day care center" does not include a Sunday school conducted by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

(3) Family day care home (six or fewer children less than 24 hours per day). A private home in which not more than six minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

(4) Group day care home (seven to 12 children less than 24 hours per day). A private home in which more than six but not more than 12 children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

(5) Foster family group home. A private home in which more than four but less than seven children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for 24 hours a day, for four or more days

1 a week, for two or more consecutive weeks, unattended by a parent or legal
2 guardian.

3 (6) Foster family home. A private home in which one but not more than six minor
4 children, who are not related to an adult member of the household by blood,
5 marriage, or adoption, are given care and supervision for 24 hours a day, for four
6 or more days a week, for two or more consecutive weeks, unattended by a parent
7 or legal guardian.

8 *Church.* See "Places of assembly."

9 *Clear height,* within a structure, means the distance between the floor and ceiling. For
10 entrances and other external building features, the unobstructed distance from the ground to the
11 bottom of the lowest element above.

12 *Clinic* means an establishment where human patients who are not lodged overnight are
13 admitted for examination and treatment by physicians, dentists, or similar professionals. A
14 medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary
15 for its operation or to the service of its patients, but may not include facilities for overnight
16 patient care or major surgery. A clinic includes, but is not limited to, a medical/drug testing
17 facility and blood/plasma donation centers.

18 *Comprehensive plan* means a master plan described by Public Act 33 of 2008, as
19 amended.

20 *Construction* means the putting together of materials to build a new structure or to
21 restore, reconstruct, extend, enlarge or repair an existing structure. This definition does not apply
22 to Section 1250.06.

1 *Construction, start of* means the first placement of permanent construction of a structure,
2 other than a mobile home, on a site, such as the pouring of slabs or footings or any work beyond
3 the stage of excavation. "Permanent construction" does not include land preparation, such as
4 clearing, grading and filling; the installation of streets and/or walkways; excavation for a
5 basement, cellar, footings, piers or foundations or for the erection of temporary forms; or the
6 installation on the property of accessory structures, such as garages or sheds, not occupied as
7 dwelling units or part of the main structure. For a structure, other than a mobile home, without a
8 basement, cellar or poured footings, "start of construction" includes the first permanent framing
9 or assembly of the structure or any part thereof on its piling or foundation. For premanufactured
10 homes, "start of construction" means the affixing of the premanufactured home to its permanent
11 site. For mobile homes within mobile home parks or mobile home subdivisions, "start of
12 construction" is the date on which the construction of facilities for servicing the site on which the
13 mobile home is to be affixed, including, at a minimum, the construction of streets, either final
14 site grading or the pouring of concrete pads and the installation of utilities is completed.

15 *Contiguous* means abutting.

16 *Cumulative* means increasing or enlarging by successive addition through all points in
17 time.

18 *Damaged* means an item that still functions as it was intended, but is missing parts or has
19 parts that have suffered some degree of destruction.

20 *Department* means the Department of Economic Development and Planning, or its
21 successor.

1 *Deteriorated* means an item which still functions as it was intended, but is missing parts
2 or requires substantial maintenance.

3 *Development agreement* means a contract between a local jurisdiction and a property
4 owner within the jurisdiction detailing a development plan for the property.

5 *Drive-through [thru] business* means a business establishment so developed that its retail
6 or service character is wholly or partly dependent on providing a driveway approach and service
7 windows or facilities for vehicles in order to serve patrons food and beverages in a ready-to-
8 consume state from a drive-through window to patrons in motor vehicles. A drive-through
9 restaurant may or may not also have indoor seating.

10 *Driveway* means that space specifically designated and used for the movement of motor
11 vehicles, trailers, and watercraft to or from a lot.

12 *Duplex*. See "Dwelling, two-family."

13 *Dwelling, multiple* means a structure or portion of a structure which contains three or
14 more dwelling units, including fraternities and sororities.

15 *Dwelling, one-family* means a structure designed and/or used exclusively for residential
16 purposes for one family only and containing one dwelling unit.

17 *Dwelling, two-family* means an attached or semidetached structure used for residential
18 occupancy by two families living independently of each other. Such dwelling is also known as a
19 "duplex dwelling."

20 *Dwelling unit* means a structure or a portion of a structure on a permanent foundation
21 with one or more rooms, including a bathroom and complete kitchen facilities, which rooms are
22 arranged, designed or used as living quarters for one family.

1 *Dwelling unit, efficiency* means a dwelling unit of not more than one room in addition to
2 a kitchen and bathroom.

3 *Elevation, secondary* means the building elevation built along the build-to line on the
4 secondary frontage.

5 *Emergency services facility*, includes, but is not limited to, public or private civil defense,
6 ambulance or fire service.

7 *Excavation* means any breaking of ground, except for agricultural purposes, ground care
8 and landscaping.

9 *Extension* means an addition to the floor area of an existing structure, an increase in the
10 intensity of a use, an enlargement of land area utilized by a specific use or an increase in the
11 activity of a use.

12 *Facade, primary* means the building elevation built along the build-to line on the primary
13 frontage.

14 *Fair market value* means an estimate of the actual worth of a lot, structure or combination
15 thereof, which estimate is made by a licensed real estate broker or assessor experienced and
16 qualified in the appraisal of real estate using appropriate appraisal techniques, as determined by
17 the City Assessor.

18 *Family* means any one of the following (see also "family, functional" hereof):

19 (1) An individual;

20 (2) An individual or two or more persons related by blood, marriage or adoption,

21 together with not more than two other persons as roomers; or

1 (3) Two or more persons related by blood, marriage, or adoption, with not more than
2 two of the unrelated persons as roomers.

3 *Family, functional* means a group of persons, but not more than three adults, which group
4 does not meet the definition of "family" above hereof, living in a dwelling unit as a single
5 housekeeping unit and intending to live together as a group for the indefinite future. "Functional
6 family" does not include a fraternity, sorority, club, hotel or other group of persons whose
7 association is temporary or commercial in nature.

8 *Fence* means any wall (except a retaining wall), screen, partition or similar structure
9 existing on a yard or parcel of land, which structure encloses land, divides land into distinct
10 portions, separates contiguous properties, obstructs the passage of light or air into adjacent land
11 or obstructs the vision of motorists on or near public roads. Barbed wire shall not be considered
12 part of a fence for purposes of determining the height thereof.

13 *Fenestration* means openings in the building wall, including windows, doors and open
14 areas. When measuring fenestration, framing elements (such as muntins) with a dimension less
15 than one inch are considered part of the opening.

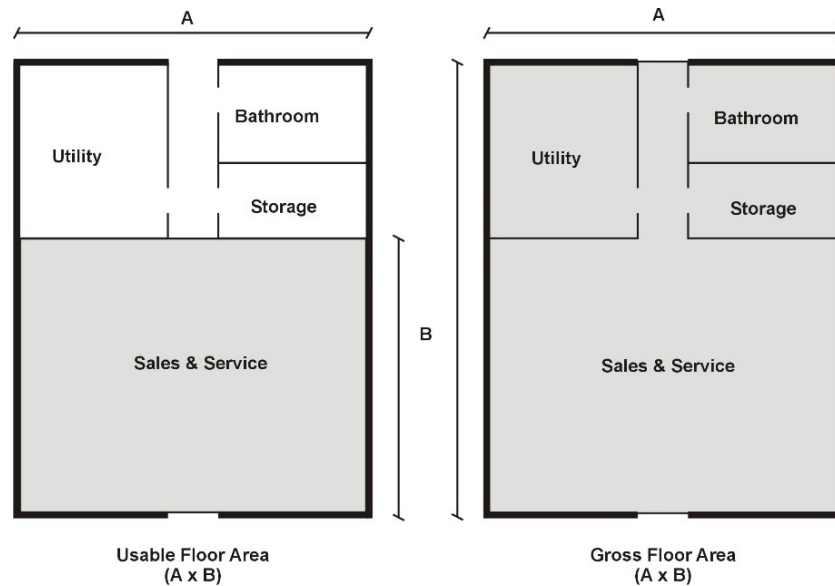
16 *Filling* means the permanent depositing or dumping of any matter onto or into the
17 ground, except for agricultural purposes, ground care or landscaping.

18 *Floor area* means the sum of the horizontal areas of each story of a structure measured
19 from the exterior faces of the exterior walls.

20 *Floor area, usable*, for the purpose of computing parking, means that area used for or
21 intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or
22 customers. Such floor area which is used or intended to be used for hallways, stairways, elevator

shafts, utility or sanitary facilities or the storage or processing of merchandise shall be excluded from this computation of "usable floor area." Measurement of usable floor area shall be the sum of the horizontal areas of each story of a structure measured from the interior faces of the exterior walls.

Figure 3



Footcandle means a unit of luminance amounting to one lumen per square foot.

Frontage means the front part of a property that faces the street, as measured in linear feet.

Frontage, primary means the primary frontage applies to parcels that front on more than one street. The primary frontage shall be considered the property line that abuts the street that either:

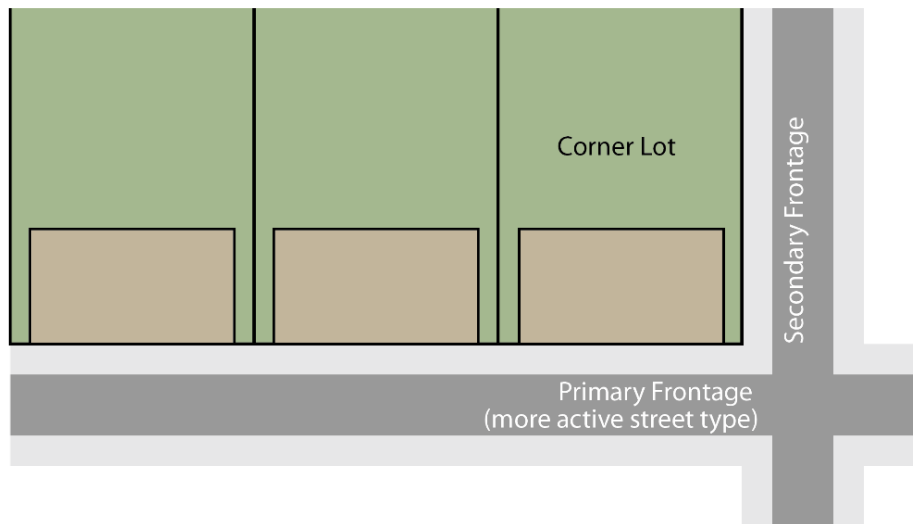
- (1) Is envisioned to be the most pedestrian-oriented, according to the street typologies described in the Comprehensive Plan and defined in this ordinance (see "street

types"). In these cases the primary frontage should be considered the more active street type per the list in Section 1242.03.

- (2) Or, in the case where the above is not clear or where both streets are the same type, the applicant may decide which frontage is the primary.

Frontage, secondary applies to parcels that front on more than one street. The secondary property lines are those which are not the primary frontage (see "Frontage, primary").

Figure 4



Frontage types means the design for the front facade of a building type, as described below:

- (1) *Porch.* A porch is a frontage type applicable to lower density residential buildings and designed to provide covered, outdoor seating space for residents. Porches can project beyond the setback line towards the right-of-way and/or can wrap around the side of the building. An "enclosed porch" is surrounded on all sides by glass,

screen, wood, brick, plastic, or other materials permitted by the Building Code.

An "open porch" is one that is not enclosed.

(2) *Stoop*. A stoop is a small elevated landing space above the sidewalk level which provides entry into the building. Stoops may be covered or uncovered and may project beyond the building setback line towards the right-of-way.

(3) *Storefront*. A frontage type appropriate for the ground floor of commercial/retail buildings. Storefronts provide large windows with transparent views into the building interior. Awnings may be incorporated into the frontage design, projecting beyond the building setback line.

(4) *Permanent outdoor seating*. an area that involves the sale or delivery of any prepared food or beverage for consumption in a defined area on the premises but outside of the building in which it is prepared. Examples of defined areas include, but are not limited to, a deck, patio, mall, garden, or balcony.

Funeral home means a structure used and occupied by a professional licensed mortician for burial preparation and funeral services.

Garage means an accessory structure for the storage of motor vehicles.

Garage, private means an accessory structure which is used primarily for the parking of private motor vehicles operated as accessory uses. A private garage has access through an overhead door and has a hard-surfaced driveway leading to the structure from a property line.

Garage, public means any garage other than a private garage.

Garden means the growing of plants for human consumption, including berries, herbs, vegetables, seeds, or other similar products incorporated into, and used as food and flowers, but

not including plants grown for commercial sale or purposes. Gardens that are accessory to a primary permitted use are allowed by right in all residential districts. Gardens that are the primary use of a lot are permitted in all residential districts, subject to compliance with all applicable standards of the Lansing zoning ordinances and sign ordinance, including, but not limited to setback, building height, placement and lot coverage, landscape, screening and buffering and sign restrictions; and also subject to all other applicable State laws and City ordinances, including, but not limited to, noise and other nuisances as defined by City ordinance, except that vegetation as described in a defined garden may exceed eight inches in height.

Garden structure means a structure used for the purpose of enclosing a garden, including the incidental use and storage of gardening implements, machinery, equipment and appurtenances used in the onsite gardening activities. Garden structures are permitted in all residential districts, subject to compliance with setback, lot coverage, building height and all other applicable requirements of the zoning ordinance and building codes.

Gardening means the growing of a garden or the act of working in a garden.

Golf course means a comparatively large, unobstructed acreage involving enough room over which to walk or ride, point to point, over a generally prescribed course, and to strive to send a ball long distances with variable accuracy, all without unreasonably endangering other players or intruding upon them.

Governmental entity means the Federal Government, this State or any of its instrumentalities; a county, city, township, village, school district, community college district or community hospital district; any agency authorized to exercise a governmental function in a limited geographical area or other political subdivision; any instrumentality of one or more of

such units; or any of such units and one or more other states or political subdivision of such states.

Grade means the lowest point of elevation within the area between the exterior surface of the structure and the property line. If the property line is more than five feet from the exterior surface of the structure, "grade" means the lowest point of elevation between the exterior surface of the structure and a line five feet from the exterior surface of the structure.

Green building means a structure that uses practices and materials that are environmentally responsible and resource-efficient throughout a building's life-cycle, from siting to design, construction, operation, maintenance, renovation, and demolition. Although new technologies are constantly being developed to complement current practices in creating greener structures, the common objective is that green buildings are designed to reduce the overall impact of the built environment on human health and the natural environment by:

- (1) Efficiently using energy, water, and other resources.
- (2) Protecting occupant health and improving employee productivity.
- (3) Reducing waste, pollution and environmental degradation.

Greenhouse, commercial means a glass or less than opaque enclosure which exceeds 150 square feet in floor area and is designed or used for the cultivation or protection of plants; or a glassed enclosure, regardless of size, designed or used for the cultivation or protection of plants for commercial purposes.

Hedge means a dense row of low branching trees, shrubs, vines or other plants which encloses land, divides land into distinct portions, separates contiguous properties, obstructs the

1 passage of light and air into adjacent land or obstructs the vision of motorists on or near public
2 roads.

3 *Home occupation* means a business conducted in a dwelling unit by a person with legal
4 or equitable interest in the dwelling unit.

5 *Hospital* means a health facility offering in-patient, overnight care and services for
6 observation, diagnosis and active treatment of human patients with a medical, surgical, obstetric,
7 chronic or rehabilitative condition requiring the daily direction or supervision of a physician.

8 *Horizontal mixed-use.* See "Mixed-use, horizontal."

9 *Hotel* means a building or part of a building, with a common entrance or entrances, in
10 which the dwelling units or rooming units are used primarily for transient occupancy, and/or in
11 which one or more of the following services are offered: maid service, furnishing of linen,
12 telephone, secretarial or desk service, and bellboy service. A hotel may contain within it a
13 restaurant or cocktail lounge, public banquet halls, or meeting rooms.

14 *Incentive* means regulatory flexibility, reductions, or rewards that may be granted to a
15 development or project that provides certain recognized benefits or elements that go beyond the
16 minimum requirements. The level of incentive granted is relative to the extent of the recognized
17 benefit provided.

18 *Integrated parking* means a feature of a building that utilizes a portion of the ground level
19 for vehicle storage and parking.

20 *Intensity of use* means the amount of activity associated with a specific use. Intensity of
21 use shall be determined by the Economic Development and Planning Department based on the
22 following criteria:

- (1) Amount of vehicular traffic generated;
- (2) Amount of pedestrian traffic generated;
- (3) Noise, odor and air pollution generated;
- (4) Potential for litter or debris;
- (5) Type and storage of materials connected with the use;
- (6) Total residential units and density if residential; and
- (7) Total structure coverage and structure height on the parcel.

Junk means any of the following products which are stored in the open and which are damaged or deteriorated or are in such a condition that the product cannot be used for the purpose for which it was manufactured:

- (1) Machinery;
- (2) Appliances;
- (3) Merchandise with missing parts;
- (4) Scrap metal; and
- (5) Scrap materials, including, but not limited to, rags, paper or building materials.

Junk vehicle means a vehicle which cannot be driven upon the public streets for reasons including, but not limited to, being wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

Junkyard means a lot used to store or process junk and junk vehicles.

Kennel means the keeping on a lot for commercial purposes of four or more dogs, cats or other household pets which are more than six months old. Keeping includes, but is not limited to, boarding, breeding or training.

***Liquor store* means a retail store licensed by the Liquor Control Commission as a specially designated merchant, specially designated distributor, or both, that is primarily engaged in the sale of packaged alcoholic liquor, beer, spirits, and wine for consumption off of the premises of the business. For the purposes of this definition:**

- (1) A retail store is primarily engaged in the sale of alcoholic liquor, beer, spirits, and wine when more than 50 percent of the gross sales of the business are from the sale of any combination of such products as determined by visual inspection, sales records, purchase records, counting of stockkeeping units, or other inventory or accounting recordkeeping methods that are customary or reasonable.**
- (2) Businesses licensed by the Liquor Control Commission as suppliers and manufacturers are not included within the definition of a liquor store.**
- (3) Restaurants, bars, lounges, taverns, hotels, and motels, as those terms are defined by this Section of the Code of Ordinances, are not included within the definition of a liquor store.**
- (4) The terms “specially designated merchant” and “specially designated distributor” are defined by Section 111 of the Michigan Liquor Control Act (MCL 436.1101 et seq); the terms “supplier” and manufacturer” are provided for by Section 603 of the Michigan Liquor Control Act; and the terms “alcoholic liquor,” “beer,” “spirits,” and “wine” are defined by Chapter 830 of this Code of Ordinances.**

1 *Loading space or area* means an off-street space on the same lot with a structure or group
2 of structures for the temporary parking of a commercial vehicle while loading and unloading
3 merchandise or materials, and having direct and unobstructed access to a public street or alley.
4 "Unobstructed" does not preclude the use of security devices.

5 *Lodging facility* means building(s) or part of a building, where by prearrangement
6 transient or extended-stay guests are provided a sleeping room and a bathroom in return for
7 payment. A lodging facility has staff on-site or on-call 24 hours a day and may include, but is not
8 limited to, a boarding or rooming house, hotel, motel or motor lodge, or hostel.

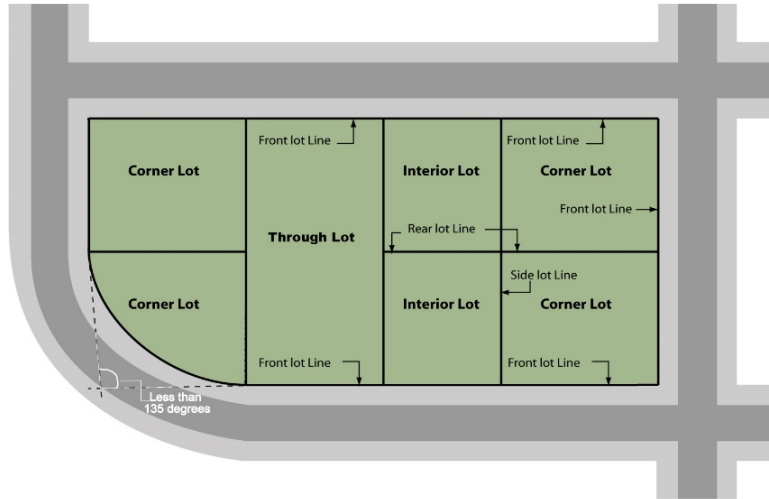
9 *Lot* means a parcel of land consisting of one or more lots of record occupied or intended
10 to be occupied by a principal structure or use and any accessory structure or by any other use or
11 activity permitted on the parcel of land. Lot includes the open spaces and yards required under
12 this Zoning Code and has its frontage on a public street or road either dedicated to the public or
13 designated on a recorded subdivision plat. Corner, interior and through lots are described as
14 follows:

15 (1) *Corner lot.* A lot where the interior angle of two adjacent sides at the intersection
16 of two streets is less than 135 degrees. A lot abutting upon a curved street is a
17 corner lot if the radius of the arc is less than 150 feet and the tangents to the curve
18 at the two points where the lot lines meet the curve or the straight street line
19 extended form an interior angle of less than 135 degrees.

20 (2) *Interior lot.* A lot other than a corner lot.

21 (3) *Through lot.* An interior lot having frontage on two more or less parallel streets.

Figure 5



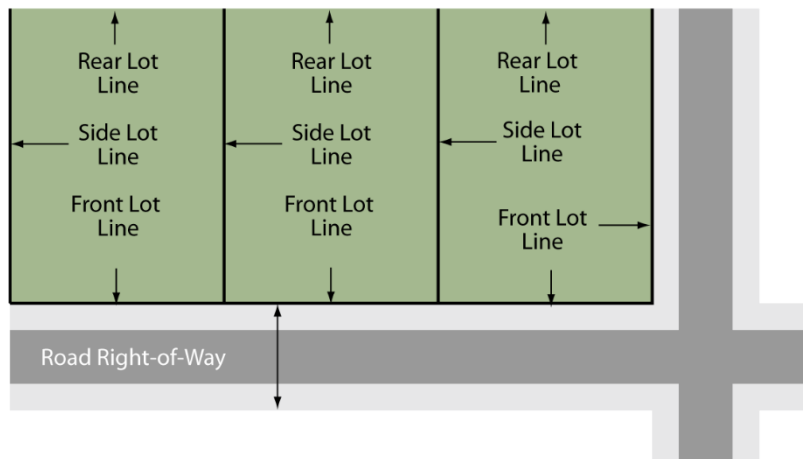
Lot area means the total horizontal area within the lot lines of the lot.

Lot coverage means the part or percentage of lot area, not including right-of-way, occupied by buildings, structures and hard-surfaced parking areas.

Lot depth means the horizontal distance between front and rear lot lines, measured along the median between the side lot lines.

Lot line means any of the lines bounding a lot.

Figure 6



Lot line, front means the line separating a lot from the right-of-way line of a street.

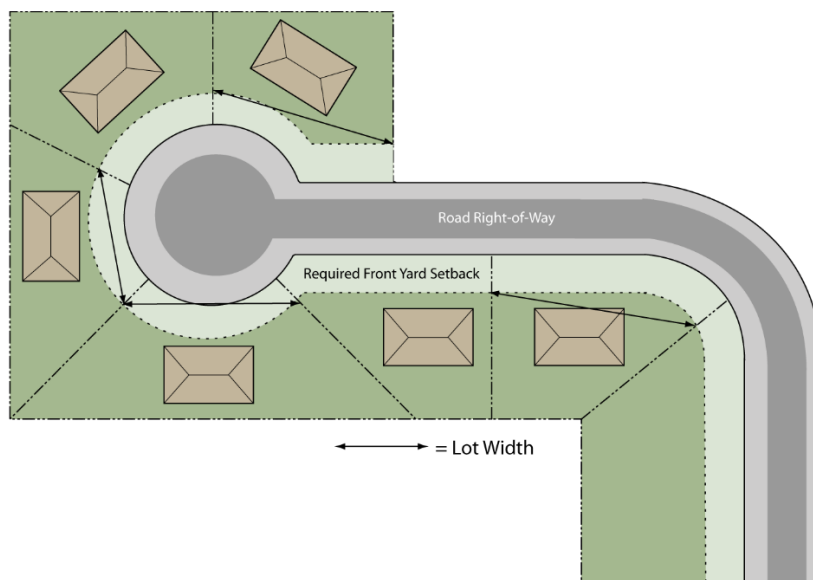
Lot line, rear means a lot line which is opposite the front lot line. In the case of a corner lot, the rear lot line may be opposite either front lot line, but there shall be only one rear lot line. In the case of a lot converging toward the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long and wholly within the lot.

Lot line, side means any lot line not a front lot line or a rear lot line.

Lot of record means a parcel of land which is part of a subdivision, the dimension and configuration of which has been recorded on a map in the office of the Register of Deeds for the appropriate county, or a parcel described by metes and bounds in any instrument of conveyance recorded at the appropriate Register of Deeds.

Lot width means the horizontal distance from one side lot line to the opposite side lot line, beginning and ending where the side lot lines meet the required setback from the front lot line.

Figure 7



1 *Low impact development* means land development that uses nature, through preserving or
2 recreating natural landscape features and minimizing effective imperviousness, to reduce, reuse
3 and/or manage stormwater thereby protecting water quality.

4 *Maintenance of structure* means to keep up, to keep from change, to preserve, to hold or
5 keep in any particular state or condition or to support what has already been brought into
6 existence.

7 *Mid-rise and high-rise* means a medium to large size structure that can incorporate a
8 mixture of uses and may often have integrated parking. Mid-rise buildings are typically four to
9 eight floors in height, and high-rise buildings are nine or more floors in height.

10 *Mixed-use* means a development that blends a combination of residential and
11 nonresidential where those functions are physically and functionally integrated. Mixed-use
12 development typically uses a combination of vertical and horizontal mixed-use development
13 practices.

14 (1) *Mixed-use, horizontal.* Horizontal mixed-use refers to development patterns
15 where uses within a development site or along a block are mixed along the extent
16 of the building and/or development. Horizontal mixed-use can be combined with
17 vertical mixed-use.

18 (2) *Mixed-use, vertical.* Vertical mixed-use refers to development patterns where uses
19 within a building are mixed, often with retail or active commercial uses on the
20 ground and lower floors, and office or residential uses on the upper floors.

21 *Mobile home* means a structure, transportable in one or more sections, which is built on a
22 chassis and designed to be used as a dwelling, with or without a permanent foundation, when

1 connected to the required utilities, and includes the plumbing, heating, air conditioning and
2 electrical systems contained in the structure.

3 *Mobile home park* means a parcel or tract of land under the control of a person upon
4 which three or more mobile homes are located on a continual, non-recreational basis and which
5 is offered to the public for that purpose regardless of whether a charge is made therefor, together
6 with any building, structure, enclosure, street, equipment, or facility used or intended for use
7 incident to the occupancy of a mobile home.

8 *Motel* means a series of attached, semidetached or detached rental units containing a
9 bedroom and a bathroom. A motel provides for overnight lodging which is offered to the public
10 for compensation and caters primarily to the public traveling by motor vehicle.

11 *Motor vehicle* means any self-propelled vehicle, whether operable or not, and includes,
12 but is not limited to, an automobile, bus, truck, pickup truck, truck tractor, van, wrecker or
13 construction equipment such as loaders/backhoes, bulldozers, rollers and forklifts.

14 *Motor vehicle repair station* means a use where minor repairs (as defined in "Motor
15 vehicle service station") are performed and any of the following major repairs are performed:
16 Bumping, vehicle painting, replacement of body parts and collision service, engine repair, engine
17 rebuilding or replacement, replacement of transmission or internal transmission parts, and
18 rebuilding or reconditioning of motor vehicles.

19 *Motor vehicle service station* means a use for supplying gasoline, oil and minor
20 accessories at retail directly to the customer and which performs minor repairs. "Minor repairs"
21 means: Engine tune up, alternator or generator replacement, battery replacement, fan belt
22 replacement, radiator hose replacement, radiator repair or replacement, tire and strut repair or

1 replacement, wheel balancing, oil change, windshield repair or replacement, brake repair or
2 replacement, muffler and exhaust system replacement, front end alignment, and automobile
3 washing and detailing.

4 *Nonconformity* means a use, structure or lot which does not conform with a use or
5 dimensional provision or any combination of a use or dimensional provision of this Zoning
6 Code, but which use, structure or land was lawfully established prior to the effectiveness date of
7 such use or dimensional provision.

8 *Nonresidential* use means any use not a residential use.

9 *Nursery* means any land used to raise trees, shrubs, flowers and other plants for sale or
10 for transplanting.

11 *Nursing home*. See "Adult care facilities."

12 *Occupant* means a person who takes or enters upon possession of all or part of a building,
13 parcel, or lot.

14 *Off-street parking facility* means an off-street parking surface lot or an off-street parking
15 structure.

16 *Off-street parking structure* means a structure which provides for vehicular parking
17 spaces, along with drives and aisles for maneuvering, so as to provide access for entrance and
18 exit for the parking of two or more vehicles.

19 *Off-street parking surface lot* means the use of an area for vehicular parking spaces,
20 along with drives and aisles for maneuvering, so as to provide access for entrance and exit for the
21 parking of more than two vehicles on the surface of a lot.

1 *Office* means a structure in which a person transacts his or her business or carries on his
2 or her stated occupation.

3 *Open space* means the ground area, and the space above such ground area, which is
4 unimpeded from the ground to the sky by any structure, except that the area may be used for
5 landscaping, gardening or recreational purposes such as swimming, shuffleboard, tennis or
6 similar uses. Parking lots and storage areas for vehicles and material shall not be considered as
7 open space.

8 *Open storage* means any of the following items which are stored in the open and which
9 are inoperable, damaged and/or deteriorated in such a condition that any such item cannot be
10 used for the purpose for which it was manufactured, or is not reasonably associated with the
11 principal use of the lot itself, including but not limited to, motor vehicles, machinery, appliances,
12 motor vehicle parts; and other materials, including, but not limited to, metal, pipes, rags, papers
13 or building materials.

14 *Outdoor play space* means the outside area on a lot reserved at a day care or group day
15 care home for outside exercise, large motor skill development and play space of children.

16 *Outdoor storage* means the keeping, in an unroofed area, of any goods, junk, junk
17 vehicles, material, merchandise or vehicles in the same place for more than 24 hours.

18 *Panelized structure* means a structure consisting of preconstructed units for walls, roofs,
19 and floors, which may include structural framing, windows, doors, exterior finishes, interior wall
20 finishes, installed wiring, plumbing and insulation, which is brought on-site and erected thereon
21 on a permanent foundation.

22 *Parcel* means a tract of land officially described and registered under one ownership.

1 *Parking space* means an area of defined length and width for the parking of motor
2 vehicles. Such area shall be exclusive of drives, aisles or entrances giving access thereto.

3 *Peak hour parking demand* means the number of parking spaces required during the
4 highest intensity of use.

5 *Perimeter line or boundary line* means the exterior limits of a lot.

6 *Personal service establishment* means any premises or business in which collaborative
7 creative workspace or services for persons are performed, including, but not limited to,
8 'Makerspace', shoe repair, tailoring, beauty parlors, nail salons, tanning salons, barbershops.

9 *Places of assembly* means any structure wherein persons regularly gather for
10 entertainment, social, educational or recreational activities, or political purposes including, but
11 not limited to, theaters, fraternal organizations, community centers, and trade union halls.

12 *Places of worship* means any structure wherein persons regularly gather for religious
13 activity including, but not limited to, churches, synagogues, mosques, and temples, and the usual
14 accessory structures and uses, such as convents, rectories, parsonages, monasteries, and church
15 halls.

16 *Planned unit development* means an office, residential, commercial, industrial or mixed
17 complex developed as a single entity, which complex contains more than one structure on a lot,
18 not including accessory structures, and which is planned and developed as an integral unit in a
19 single development operation according to the requirements of Chapter 1264.

20 *Plot plan* means a diagram depicting the existing and proposed structures, lot lines,
21 setbacks, parking areas and the location of any known wells.

22 *Porch.* See "Frontage type."

1 *Premanufactured unit* means an assembly of materials or products intended to comprise
2 all or part of a building or structure, and that is assembled at other than the final location of the
3 unit of the building or structure by a repetitive process under circumstances intended to ensure
4 uniformity of quality and material content.

5 *Primary facade.* See "Facade, primary."

6 *Primary frontage.* See "Frontage, primary."

7 *Principal use means* the primary, major, main, leading, outstanding or chief use which a
8 lot serves or is intended to serve.

9 *Probate* means the period of probate, as defined in Public Act 386 of 1998, as amended,
10 being MCL 700.1101 et seq.

11 *Production facilities* means facilities for the production of consumer goods such as food,
12 beverages, art, clothing, textiles, etc. and have a minimum of 20 percent floor area dedicated to
13 retail sales.

14 *Public utility* means electric light and power companies, whether private, public,
15 corporate or cooperative; gas companies; water, telephone, telegraph, oil, gas and pipeline
16 companies; motor carriers; and all public transportation and communication agencies other than
17 railroads and railroad companies.

18 *Real property* means a lot, plot or parcel of land recorded and located in the City of
19 Lansing.

20 *Recognized benefit* means the provision of certain elements or improvements that are
21 desired by the City, as either expressed in the Comprehensive Plan or as stated in the Zoning
22 Ordinance, or that go beyond the minimum requirements.

1 *Reconstruction* means the act of rebuilding a structure to meet the standards of the
2 Building Code or Housing Code.

3 *Recreational equipment* means a watercraft, vehicle, or other conveyance designed to be
4 used primarily off of public streets and roads, and not regulated by the Michigan Vehicle Code,
5 including by way of example, but not limited to: Snowmobiles; boats and boat trailers; jet skis,
6 floats and rafts, including transportation equipment.

7 *Recreational facility* means a structure or open space which provides activities, including
8 but not limited to, swimming, racquet sports, exercise and fitness rooms or areas, and
9 gymnasiums.

10 *Recreational vehicle* means a vehicle primarily designed and used as temporary living
11 quarters for recreational, camping, or travel purposes, including a vehicle having its own motor
12 power or a vehicle mounted on or drawn by another vehicle. This includes by way of example,
13 but is not limited to: Travel trailers; camp trailers; tent trailers; campers, pop-up campers, and
14 pickup campers; folding tent trailers; and utility trailers.

15 *Repair* means to restore to a sound or good state after decay, injury, dilapidation or
16 partial destruction.

17 *Residential use* means a use all or part of a lot, parcel, or building as a single-family, two-
18 family or multifamily residence, or residential child care facility, and accessory uses thereto.

19 *Restaurant* means an establishment serving foods and/or beverages to a customer in a
20 ready-to-consume state. The method of operation may be characteristic of a carry-out, drive-in,
21 drive-through, fast food, standard restaurant, or lounge/tavern, or combination thereof, as defined
22 below:

- 1 (1) *Restaurants with outdoor seating.* A use that involves the sale or delivery of any
2 prepared food or beverage for consumption in a defined area on premises but
3 outside of the building in which it is prepared. Examples of defined areas include
4 an external deck, patio, mall, garden, balcony or sidewalk.
- 5 (2) *Carry-out restaurant.* A use that involves the sale of food, beverages, and/or
6 desserts in disposable or edible containers or wrappers in a ready-to-consume
7 state for consumption mainly off the premises. A carry out restaurant differs from
8 a drive through restaurant in that a customer must park and walk up to the
9 restaurant or an employee must exit the restaurant and deliver the food to a
10 customer in a parked car.
- 11 (3) *Drive-in restaurant.* A use that involves delivery of prepared food so as to allow
12 its consumption within a motor vehicle while parked on the premise.
- 13 (4) *Drive-through restaurant.* A use that involves the delivery of prepared food to the
14 customer within a vehicle, typically passing through a pass-through window, for
15 consumption off of the premises.
- 16 (5) *Standard restaurant.* A standard restaurant is a use that involves either of the
17 following:
- 18 a. The delivery of prepared food by waiters and waitresses to customers
19 seated at tables within a completely enclosed building.
- 20 b. The prepared food is acquired by customers at a cafeteria line and is
21 subsequently consumed by the customers within a completely enclosed
22 building.

(6) *Bar/lounge/tavern.* A bar, lounge or tavern is a type of restaurant that is operated primarily for the dispensing of alcoholic beverages. The preparation and sale of food or snacks to customers may be permitted.

Restoration means to put back into original or historic condition.

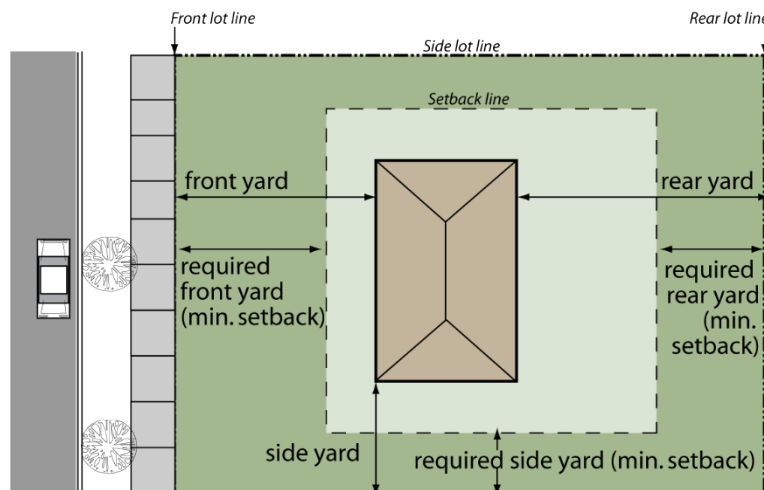
Resumption means to begin the use of a nonconformity after it has been previously discontinued from use.

Retail store means an establishment which primarily serves the surrounding neighborhood and includes, but is not limited to, the following: Limited service food store, drug store, hardware store, laundry or cleaners pickup, jewelry store, florist, gift shop, book store, clothing store, photographer, and bakery whose products are sold only on the premises.

Salvage yard means a lot where any product, including, but not limited to, any of the following, is taken apart in such a way that the usable parts are separated from the nonusable: Motor vehicles, machinery, appliances, fixtures, goods, and merchandise.

Setback means the minimum horizontal distance measured from the lot line, as required under this ordinance, for the front, side, or rear property line as appropriate.

Figure 8



1 *Shared parking* means a parking facility that serves two or more parcels of land or
2 multiple uses under different ownership. A recorded shared parking agreement is generally used.

3 *Sheltered care facility* means a governmental or nongovernmental establishment having
4 as its principal function the provision of supervision, personal care, and protection for more than
5 six adults, in addition to room and board, for up to 24 hours a day, five or more days a week and
6 for two or more consecutive weeks, with or without compensation. "Sheltered care facility"
7 includes, but is not limited to, emergency shelters, facilities for persons who are homeless,
8 parolees, ex-offenders, aged, or developmentally or physically disabled, who may require
9 supervision on an on-going basis but do not require continuous nursing care. A sheltered care
10 facility does not include any of the following:

- 11 (1) A nursing home licensed under Article 17 of Public Act 368 of 1978, as amended,
12 being M.C.L.A. 333.20101 to 333.22181;
- 13 (2) A hospital licensed under Article 17 of Public Act 368; or
- 14 (3) A hospital for the mentally ill or a facility for the developmentally disabled
15 operated by the Department of Mental Health under Public Act 258 of 1974, as
16 amended, being M.C.L.A. 330.1001 to 330.2106.

17 *Shopping center* means a grouping of two or more business establishments developed in
18 accordance to an overall plan and designed and built as an interrelated project. Buildings
19 constructed on outlots shall not be considered part of the shopping center unless access and
20 parking easements are provided.

21 *Site plan* means a plan that conforms to the requirements contained in Chapter 1260.

22 *Stable* means a structure used to keep horses for commercial purposes.

1 *Stoop*. See "Frontage types."

2 *Storage* means the holding or safekeeping of goods to await the happening of some future
3 event or contingency which will call for the removal of the goods.

4 *Storefront*. See "Frontage types."

5 *Street* means a public thoroughfare, avenue, road, highway, boulevard, parkway, way,
6 drive, lane or court which affords the principal means of access to abutting property.

7 *Street, private* means a street which is not public.

8 *Street type* means a classification or typologies for streets that considers the
9 characteristics of vehicle travel (speed and volume), the street's function in the transportation
10 network (types of travel accommodated: Through traffic, cross-town, connections to highways or
11 local), the extent of pedestrian and bicycle accommodation, typical types of land uses served, the
12 design context (block length, building setbacks), and access system design. In many cases, a
13 streets classification may change as it traverses different zoning districts. The following street
14 types are illustrated on the official Street Typology Map:

15 (1) *Expressway*. Restricted access divided Interstate and U.S. highways for motor
16 vehicle use only that are typically under the jurisdiction of the State of Michigan
17 or the Federal Highway Administration.

18 (2) *Non-local streets*:

19 a. *Activity corridor*. An arterial or major street that traverses an area that
20 typically is designed to promote a multi-modal balance between vehicle,
21 pedestrian and bicycle travel. Such streets may have more frequent traffic
22 signals, a higher level of service of public transit, on-street parking, and

1 more abundant locations for pedestrian crossings to encourage activity

2 along the sidewalks.

3 b. *Prime connector*. Major collector streets that link higher class streets with
4 local streets. Prime connector typically traverse residential districts and are
5 designed for moderate traffic speeds and volumes, often with special
6 design features to bicyclists.

7 c. *Suburban corridor*. A class of arterial or major streets that are similar in
8 traffic function as arterial corridors, but typically are lined with more
9 suburban style auto-oriented development with lower density and deeper
10 setbacks.

11 d. *Arterial corridor*. Major streets that, compared to most other types of
12 streets, are designed accommodate higher volumes of vehicle traffic and
13 often are "cross town" routes that are, or may connect with, state
14 trunklines or roads in adjacent communities. May also be referred to as
15 principal or major arterials.

16 e. *Neighborhood connector*. Minor residential collector streets that link local
17 streets with higher classes of streets. Neighborhood connectors are
18 designed for lower traffic volumes and speeds to complement the
19 character of the neighborhoods served. Dedicated bike facilities may be
20 provided.

21 (3) *Local street*. Lowest traffic streets providing access to residents. Lanes are
22 typically unmarked with on-street parking and stop-controlled intersections.

1 *Structural alteration* means any change in the supporting members of a building, such as
2 bearing walls, columns, beams or girders, or any substantial changes in the roof and exterior
3 walls.

4 *Structure* means that which is built or constructed, an edifice or building of any kind or
5 any piece of work artificially built up or composed of parts joined together in some definite
6 manner.

7 *Structure, minor* means a structure having a replacement cost of not more than \$5,000.00.

8 *Structure, temporary* means a structure which is located on a lot for less than one year,
9 or, if the structure is connected with a construction activity on a lot, until the construction
10 activity is completed.

11 *Substitution* means to put in place of another.

12 *Tavern.* See "Restaurant: Bar/tavern."

13 *Temporary use* means any use that is not permitted as a principal use, accessory use or a
14 conditional use in a zoning district, and which is limited in its duration.

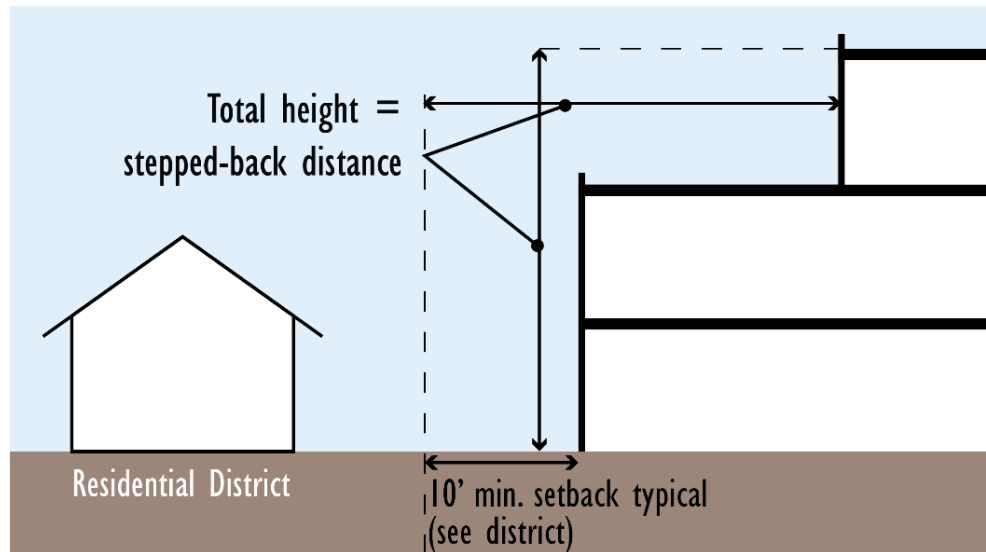
15 *Townhouse* means a group of dwellings having party walls with each other and located
16 side by side.

17 *Trailer* means a vehicle with or without motive power, other than a pole-trailer, designed
18 for carrying property or persons and for being drawn by a motor vehicle and so constructed that
19 no part of its weight rests upon the towing vehicle. As defined in this Code, trailer is not
20 exclusive of recreational vehicles.

21 *Upper floor stepbacks, for the elevation adjacent to a residential district (R-1 through R-*
22 *6),* means the floors above the second story shall be tiered-back so that the highest point of the

building is setback from the adjacent residential district a distance at least equal to the height of the building.

Figure 9



Use means:

- (1) Any purpose for which a structure or lot may be designed, arranged, intended, maintained or occupied; or
- (2) Any activity, occupation, business or operation carried on in a structure or on a lot.

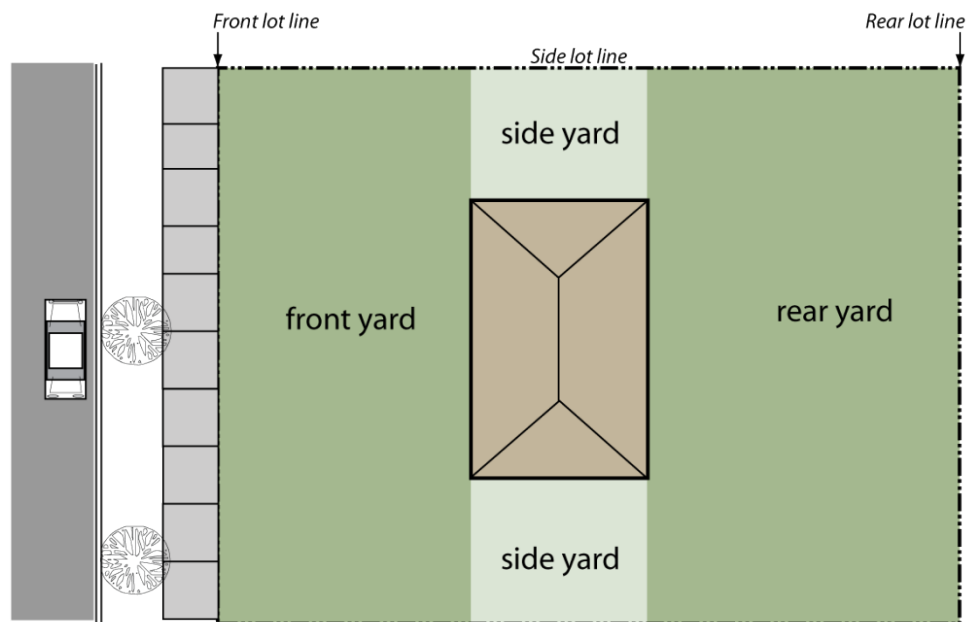
Vertical mixed-use. See "Mixed-use, vertical."

Yard means a space on a lot with a structure, which space is unobstructed and unoccupied from the ground upward, except as occupied or obstructed as permitted in this Zoning Code.

- (1) *Front yard* means a yard extending across the full width of a lot between the front lot line of the structure containing the principal use and the front lot line.

- (2) *Rear yard* means a yard extending the full width of a lot between the rearmost structure containing the principal use and the rear lot line, the depth of which is the least distance between the rear lot line and the rear of the structure containing the principal use.
- (3) *Side yard* means a space within a lot between a side lot line and a structure containing the principal use or an attached accessory structure, whichever is closer to the side lot line. A side yard extends on each side of a lot from the front line of the structure to the rear line of the structure.

Figure 10



Zoning variance means a modification of the strict letter of this Zoning Code granted by the Board of Zoning Appeals when, by reason of exceptional conditions, the strict application of this Zoning Code results in peculiar, exceptional or practical difficulties or unnecessary hardship to the owner of the lot.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

6 Section 4. This ordinance shall take effect on the 30th day after enactment, unless given
7 immediate effect by City Council, and shall expire December 31, 2034.

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City Attorney

Dated: _____

INTRODUCTION OF ORDINANCE

Council Member Pehlivanoglu introduced:

An ordinance of the City of Lansing, Michigan, to amend Section 1250.02 of the Lansing Codified Ordinances to add Subsection 1250.02.13 to provide for a limitation within the Zoning Code of proximity of liquor stores to each other.

The Ordinance is read a first time by its title and referred to the Committee on Public Safety.

By the Committee on Public Safety
Resolved by the City Council of the City of Lansing

Resolved by the City Council of the City of Lansing that a public hearing be set for , 2025 at 7 p.m. in the Tony Benavides Lansing City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of amending Section 1250.02 of the Lansing Codified Ordinances to add Subsection 1250.02.13 to provide for a limitation within the Zoning Code of proximity of liquor stores to each other.

**CITY OF LANSING
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that a Public Hearing will be held on Monday, , 2025 at 7:00 p.m. in the Tony Benavides Lansing City Council Chambers, 10th Floor Lansing City Hall, 124 W. Michigan Ave., Lansing, MI for the purpose of considering:

An ordinance of the City of Lansing, Michigan, to amend Section 1250.02 of the Lansing Codified Ordinances to add Subsection 1250.02.13 to provide for a limitation within the Zoning Code of proximity of liquor stores to each other.

Persons with disabilities who need an accommodation to fully participate in these meetings should contact the City Council Office at 517-483-4177 (TDD (517) 483-4479) 24 hour notice may be needed for certain accommodations. An attempt will be made to grant all reasonable accommodation requests.

For more information, please call 517-483-4177. If you are interested in this matter, please attend the public hearing or send a representative. Written comments will be accepted between 8 a.m. and 5 p.m. on City business days if received before 5 p.m., on the day of the Public Hearing at the City Clerk's Office, Ninth Floor, City Hall, 124 West Michigan Ave., Lansing, MI 48933 or email city.clerk@lansingmi.gov.

Chris Swope, Lansing City Clerk, MMC/MiPMC
www.lansingmi.gov/Clerk
www.facebook.com/LansingClerkSwope

ORDINANCE NO. _____

An ordinance of the City of Lansing, Michigan, to amend Section 1250.02 of the Lansing Codified Ordinances to add Subsection 1250.02.13 to provide for a limitation within the Zoning Code of proximity of liquor stores to each other.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 1250, Section 1250.02, of the Codified Ordinances of the City of Lansing, Michigan, be and is hereby amended to add a new Subsection 1250.02.13 to read as follows:

1250.02.13. -Liquor stores.

No liquor store shall be located within 1,000 feet of another liquor store. The distance between liquor stores shall be measured by the shortest straight line between the respective lots in which each liquor store is located, from the two points of each lot line closest to the other lot.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions are repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance shall take effect on the 30th day after enactment, unless given immediate effect by City Council, and shall expire December 31, 2034.

Approved as to form:

City Attorney

Dated: _____

INTRODUCTION OF ORDINANCE

Council Member Pehlivanoglu introduced:

An ordinance of the City of Lansing, Michigan, to amend Chapter 1060 of the Lansing Codified Ordinances by amending Sections 1060.02, 1060.04, 1060.06, 1060.09, 1060.14, and 1060.17 and to add Section 1060.18, to reduce waste hauler traffic in the City by establishing the City as the provider of all curbside solid waste collection, and to clarify recyclable items to be collected.

The Ordinance is read a first time by its title and referred to the Committee on Public Safety.

By the Committee on Public Safety
Resolved by the City Council of the City of Lansing

Resolved by the City Council of the City of Lansing that a public hearing be set for , 2025 at 7 p.m. in the Tony Benavides Lansing City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of amending Chapter 1060 of the Lansing Codified Ordinances by amending Sections 1060.02, 1060.04, 1060.06, 1060.09, 1060.14, and 1060.17 and to add Section 1060.18, to reduce waste hauler traffic in the City by establishing the City as the provider of all curbside solid waste collection, and to clarify recyclable items to be collected.

**CITY OF LANSING
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that a Public Hearing will be held on Monday, , 2025 at 7:00 p.m. in the Tony Benavides Lansing City Council Chambers, 10th Floor Lansing City Hall, 124 W. Michigan Ave., Lansing, MI for the purpose of considering:

An Ordinance of the City of Lansing, Michigan, to amend Chapter 1060 of the Lansing Codified Ordinances to by amending Sections 1060.02, 1060.04, 1060.06, 1060.09, 1060.14, and 1060.17 and to add Section 1060.18, to reduce waste hauler traffic in the City by establishing the City as the provider of all curbside solid waste collection, and to clarify recyclable items to be collected.

Persons with disabilities who need an accommodation to fully participate in these meetings should contact the City Council Office at 517-483-4177 (TDD (517) 483-4479) 24 hour notice may be needed for certain accommodations. An attempt will be made to grant all reasonable accommodation requests.

For more information, please call 517-483-4177. If you are interested in this matter, please attend the public hearing or send a representative. Written comments will be accepted between 8 a.m. and 5 p.m. on City business days if received before 5 p.m., on the day of the Public Hearing at the City Clerk's Office, Ninth Floor, City Hall, 124 West Michigan Ave., Lansing, MI 48933 or email city.clerk@lansingmi.gov.

Chris Swope, Lansing City Clerk, MMC/MiPMC
www.lansingmi.gov/Clerk
www.facebook.com/LansingClerkSwope

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND THE
LANSING CODIFIED ORDINANCES BY AMENDING CHAPTER 1060, SECTIONS
1060.02, 1060.04, 1060.06, 1060.09, 1060.14, AND 1060.17 AND TO ADD SECTION
1060.18, TO REDUCE WASTE HAULER TRAFFIC IN THE CITY BY ESTABLISHING
THE CITY AS THE PROVIDER OF ALL CURBSIDE SOLID WASTE COLLECTION,
AND TO CLARIFY RECYCLABLE ITEMS TO BE COLLECTED.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 1060, Sections 1060.02, 1060.04, 1060.06, 1060.09, 1060.14,
and 1060.17 and to add Section 1060.18, of the Codified Ordinances of the City of Lansing,
Michigan, be and is hereby amended to read as follows:

1060.02. - Definitions.

As used in this chapter:

Containers means an appropriate bin, cart, bag of plastic or paper, or other vessel specified or
provided by the City or private company for purpose of holding solid waste, yard waste, or
recyclable materials until collected.

***Curbside solid waste collection* means the regularly scheduled collection of solid waste from
residential sites of generation.**

Hazardous substance means any waste (including "hazardous waste" as defined in the
Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended,
and "solid waste" as defined in the Resource Conservation and Recovery Act of 1976, as
amended, and State counterpart laws thereto), substance, pollutant, contaminant, oil petroleum

product, commercial produce or other substance which is listed, regulated or designated as toxic or hazardous (or words of similar meaning and regulatory effect), or with respect to which remedial obligation may be imposed, under any environmental law, or exposure to which may pose a health or safety hazard.

Garbage means rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables, with the exception of fruit and/or vegetable matter properly composted.

Generator means a person generating solid waste.

Industrial recyclable materials means source separated from solid waste fiber, plastic, ferrous or nonferrous metal scrap directed and/or delivered to a scrap processor or to a re-user of ferrous or nonferrous products and slag or slag products directed to a slag processor or to a re-user of slag or slag products.

Licensed waste hauler means any waste hauler licensed by the City pursuant to Chapter 852 of the Business Regulation and Taxation Code.

Multiple residential facility means any multifamily dwelling containing five or more units and any mobile home located in a mobile home park, as defined in the Michigan Mobile Home Commission Act, as amended.

Multiple residential site of generation means any site of generation containing a multiple residential facility.

Nonresidential entity means any person who uses, occupies or possesses a premises, or any part thereof or unit therein, which is not a single-family dwelling, a multifamily residential dwelling

1 containing four units or less or a multiple residential facility. Nonresidential entity includes, but
2 is not limited to, commercial, office, industrial, governmental, educational, religious, medical
3 and food institutions, businesses and establishments, whether for profit or not for profit.

4 *Commercially recyclable materials* means all residential recyclable materials and such other
5 materials as may be recommended by the Public Service Department and established by Council
6 from time to time by resolution.

7 *Nonresidential site of generation* means any site of generation of a nonresidential entity. It is
8 intended that this classification include all non-residential premises and any part thereof or unit
9 therein.

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

12 *Premises* means any enclosed areas which are used for residential, commercial or industrial
13 purposes, separately or in combination, to which a separate street address, postal address or box,
14 tax roll description or other similar identification has been assigned to or is in use by a person
15 having control of the area.

16 *Residential recyclable materials* means materials ~~such as newspaper, clear and brown glass~~
17 ~~bottles and jars, tin (steel) cans, high-density polyethylene (HDPE) plastic bottles and jugs with~~
18 ~~threaded neck, polyethylene terephthalate (PET) bottles, aluminum cans, trays and foil, glossy-~~
19 ~~paged magazines and catalogs, and such other material as may be recommended by the Public~~
20 Service Department and established by Council from time to time by resolution.

21 *Residential site of generation* means any site of generation containing a single-family dwelling
22 or multifamily residential dwelling which contains four units or less.

1 *Right-of-way* means the area between the sidewalk and the curb, or within six feet from the curb
2 if no sidewalk is in place, whichever is applicable.

3 *Solid waste* means garbage; ashes; incinerator ash; incinerator residue; street cleanings;
4 Municipal and industrial sludge; solid commercial and solid industrial waste and animal waste;
5 but does not include human body waste; liquid or other waste regulated by statute; source
6 separated from solid waste fiber, plastic, ferrous or nonferrous metal scrap directed and/or
7 delivered to a scrap processor or to a re-user of ferrous or nonferrous products and slag or slag
8 products directed to a slag processor or to a re-user of slag or slag products.

9 *Site of generation* means any premises in or on which solid waste is generated by any person.

10 *Waste hauler* means any person engaged, in whole or in part, in the business of collecting,
11 transporting, delivering or disposing of solid waste, recyclable materials or yard waste within the
12 City.

13 *Yard waste* means leaves, grass clippings, garden debris, shrubbery or brush or tree trimmings
14 less than four feet in length and two inches in diameter, that can be converted to composted
15 humus. This term does not include stumps, agricultural wastes, animal waste, roots, sewage
16 sludge or garbage.

17 *Acceptable bulk items for collection* means any item which cannot be fully contained within a
18 City collection bag or which exceeds thirty pounds, except as defined in subsection (t) hereof.

19 *Unacceptable bulk items for collection* includes, but is not limited to, logs; stumps; trees (except
20 Christmas trees); buildings or demolition materials; concrete; rocks; abandoned or junk vehicles,
21 including automobiles, trucks and buses; automobile or truck parts (excluding tires); and
22 manufacturing or trade wastes.

1 1060.04. - Yard waste, solid waste and recyclable material container specifications; price.

2 (a) The containers for recyclable materials from a residential site of generation shall be as
3 specified by the Public Service Department. Its contents shall not exceed ~~thirty~~ **XXXX**
4 pounds, ~~excluding the weight of the bagged or bundled newspaper that may be placed on~~
5 ~~top of the container,~~ and shall be properly prepared and separated from the solid waste
6 prior to collection, and maintained in a fly and vermin proof condition. The recycling
7 containers shall be kept in a sanitary condition by the users thereof.

8 (b) The containers for solid waste **materials from a residential site of generation shall**
9 **be as specified by the Public Service Department.** ~~which shall be picked up by Public~~
10 ~~Service Department employees from residential sites of generation, shall be plastic bags~~
11 ~~or carts of City-approved quality. Specifications for City-approved collection bags or~~
12 ~~carts for solid waste shall be promulgated by the City through its Public Service Director.~~
13 **Residential site generators may purchase bag tags for solid waste bags from the City**
14 **for those times when additional solid waste services are needed up and beyond what**
15 **the container will hold.** ~~The contents of the City-approved collection bags for solid~~
16 ~~waste~~ **Any bag, containing solid waste, affixed with a City-approved bag tag and**
17 **containers for yard waste shall not exceed thirty pounds. City collection bags tags shall**
18 **be sold at a price determined by resolution of Council and shall be sold at outlets**
19 **designated by the City. Designated sales outlets shall sell City collection bags tags**
20 **only at the price established by Council. However, the appropriate sales tax may be**
21 **charged by the retail establishment if so required by the laws of the State.**

1 ~~(1) — City collection bags shall be a distinctive color and printed with the City~~
2 ~~seal or appropriate words which will readily indicate to the Public Service~~
3 ~~Department that the collection bags are intended for the weekly City-wide~~
4 ~~residential collection service.~~

5 ~~(2) City collection bags shall be sold at a price determined by resolution of~~
6 ~~Council and shall be sold at outlets designated by the City. Designated sales~~
7 ~~outlets shall sell City collection bags only at the price established by Council.~~
8 ~~However, the appropriate sales tax may be charged by the retail establishment if~~
9 ~~so required by the laws of the State.~~

10 (c) Yard waste in plastic bags will not be picked up by public service department
11 employees from residential sites of generation. Specifications for City-approved
12 collection containers for yard waste shall be promulgated by the City through its Public
13 Service Director. The contents of the containers shall not exceed thirty (30) pounds.

14 (d) All brush shall be neatly bundled in accordance with the City's pre-collection
15 requirements.

16 1060.09. - Licensing of waste haulers.

17 (a) No person shall engage in the business of collecting, transporting, delivering or
18 disposing of solid waste residential recyclable materials and/or commercial recyclable
19 materials and/or yard waste within the City without first obtaining a license issued by the
20 City. A waste hauler license shall be valid from the date of issuance to the following
21 April 30 (unless revoked earlier). It shall be an express condition of each license that the
22 waste hauler shall:

1 (1) Comply with all provisions of this chapter, Federal and State laws;

2 (2) Have suitable types of containers and an appropriate number of containers to
3 provide adequate service;

4 (3) Have a schedule of pick-ups; and

5 (b) Every person required to obtain a waste hauler license shall make application to the
6 City on forms provided by the ~~City Clerk's office. The application shall require such~~
7 ~~information as will enable the Department of Public Service's designee to determine~~
8 ~~whether the applicant, if licensed, will serve the public in compliance with the~~
9 ~~requirements of this chapter, and all other applicable laws, statutes, ordinances, rules and~~
10 ~~regulations. The application for the waste hauler license, or the renewal of the license~~
11 **shall require the following: a general description of materials handled, weight**
12 **and/or volume of materials to be collected, and collection schedule (if applicable),**
13 **and such other information that will enable the City to determine whether the**
14 **applicant, if licensed, will serve the public in compliance with the requirements of**
15 **this Chapter and all other applicable laws, statutes, ordinances, rules, and**
16 **regulations.** The nonrefundable fee for a waste hauler license shall be determined by
17 Council resolution.

18 (c) Upon receipt of an application for a waste hauler license and payment of a
19 nonrefundable license fee established by resolution of Council, the Department of Public
20 Service shall make a recommendation regarding whether to grant the waste hauler
21 license. The City may deny the issuance of a waste hauler license for any of the following
22 reasons:

1 (1) Failure of the applicant to comply with this chapter, and any rules and
2 regulations promulgated by the Department of Public Service and adopted by
3 Council;

4 (2) Violations of this chapter or any other applicable laws, statutes, ordinances,
5 rules and regulations;

6 (3) Prior criminal convictions, other than minor traffic offenses, or prior license
7 revocations, when such criminal conviction or license revocation bears on the
8 ability of the applicant to serve the public as a waste hauler in a fair, honest, safe
9 and lawful manner; or

10 (4) Misrepresentation of any material fact in the application for the license. In the
11 event that the waste hauler license is denied, the City shall provide to the
12 applicant written findings of fact in support of the denial based on the standards
13 described above.

14 (d) Any waste hauler license granted pursuant to this chapter may be suspended or
15 revoked by the City for any of the reasons for denial of such license set forth in
16 subsection (c) hereof. The Public Service Department shall make written findings of fact
17 in support of any license suspension or revocation. A person shall have the right to a
18 hearing before Council on any recommended license suspension or revocation, provided
19 that a written request therefor is filed with the City Clerk within five business days after
20 receipt of notice of such suspension or revocation. In the event that such written request
21 is filed with the City Clerk, Council shall hold a public hearing on such suspension or
22 revocation, and shall have the power to reverse, affirm or modify the decision of the

1 Public Service Department. Council shall, in its determination, make written findings of
2 fact supporting its decision. The determination by Council shall be final, subject to appeal
3 to a court of competent jurisdiction.

4 (e) Any vehicle used by a waste hauler for the collection, transportation, delivery or
5 disposal of solid waste within the City shall have the waste hauler's name, address,
6 telephone number and the number of its license issued pursuant to this chapter, plainly
7 marked upon both sides of the vehicle in letters and figures not less than two inches high.

8 **1060.14. - Conditions for bulk item collection service.**

9 The owner or occupant of a residential site of generation unit qualifying for ~~weekly~~ bulk
10 item collection service under this chapter, and intending to utilize the service, ~~shall place~~
11 ~~a bulk item sticker on each item to be collected.~~ **shall pay the City the collection service**
12 **fee which shall be determined by resolution of Council.** Bulk items intended for
13 collection shall be placed by the owner or occupant of the residential dwelling unit at the
14 curb in front of the residence not earlier than 4:00 p.m. of the day preceding the bulk item
15 collection day, and not later than 7:00 a.m. of the day of collection. ~~Bulk items shall be~~
16 ~~placed at the curb with the sticker facing the roadway.~~ The owner or occupant shall not
17 place or cause to be placed any unacceptable bulk item for collection. No person, other
18 than the owner or occupant, shall place City bulk collection items on the premises of ~~the~~
19 **any** residence or in front of ~~the~~ **any** residence for the City-wide residential bulk
20 collection service.

21 **1060.15. - Bulk item collection schedule; exception for holidays.**

1 The schedule of routes and days for the bulk item collection service established under this
2 chapter shall be determined by resolution of Council. Bulk items shall be collected on a
3 weekly basis, except as otherwise approved by Council. ~~The Department of Public~~
4 ~~Service shall schedule the collection of bulk items on the next working day following the~~
5 ~~regularly scheduled refuse collection. Council, by resolution, may suspend bulk item~~
6 ~~collection service during the months of December, January, February and March.~~

7 1060.17. - Annual collection and enforcement fee; unpaid fees.

8 (a) The City shall establish an annual collection and administrative fee, which fee shall be
9 established by resolution of Council.

10 (1) The annual collection and administrative fee shall ~~only~~ be imposed upon those
11 units of residential site of generation which utilize the Public Service Department
12 to pick up the recyclables, **solid waste**, and yard waste.

13 (2) Any person who is billed for a collection ~~fee~~ and administrative **fee** and who
14 ~~has not used the Public Service Department and exercised another approved~~
15 ~~option~~ **can demonstrate by documentation acceptable to the Public Service**
16 **Department that they are utilizing another legal option** for the ~~picking up~~
17 **disposal** of recyclables, **solid waste**, and/or yard waste shall submit **the**
18 **documentation** to the Public Service Department ~~appropriate documentation;~~
19 and, if the Public Service Department determines that the ~~user~~ **person** has utilized
20 another ~~approved~~ **legal** option, the ~~Public Service Department~~ **City** shall rebate
21 the collection fee and administrative fee.

1 (3) The annual collection and administrative fee shall provide for covering the
2 complete costs, direct and indirect, of administering the enforcement program and
3 picking-up the recyclables, **solid waste**, and yard waste.

4 (b) The annual collection and administrative fee, if unpaid, shall be placed upon the tax
5 roll of the parcel of property on which the unit is located.

6 (c) The Public Service Department shall promulgate rules and regulations which will
7 govern the implementation of the collection of recyclables, **solid waste, and yard waste**
8 by the Public Service Department and the billing procedure.

9 **1060.18. – City of Lansing curbside solid waste collection.**

10 **(a) The City of Lansing, by and through its Public Service Department, shall be**
11 **solely responsible for curbside solid waste collection. The City of Lansing may contract**
12 **with one or more licensed waste haulers to assist in the curbside solid waste collection.**

13 **(b) It shall be a violation of this Chapter for any person, other than a Public Service**
14 **Department employee or contractor designated by the City, to collect or pick up or cause to**
15 **be collected or picked up from residential sites of generation any solid waste which has**
16 **been placed in the right-of-way.**

17 **(c) Nothing in this subsection shall be construed to limit the right of residential**
18 **property owners to have solid waste removed outside of the curbside solid waste collection**
19 **schedule or by the use of commercially available dumpsters, as is otherwise authorized by**
20 **City ordinance, state law, and all applicable zoning ordinances.**

21 Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules
22 inconsistent with the provisions are repealed.

6 Approved as to form:

10
11

Dated: _____