

The Charlevoix City Council met on Monday, June 1, 2020 with Mayor Luther Kurtz presiding. All Councilmembers were present. The following is an excerpt from the official records of said meeting:

**CITY OF CHARLEVOIX  
ORDINANCE NO. 818 of 2020**

AN ORDINANCE OF THE CITY OF CHARLEVOIX REGULATING PLACEMENT OF CONSTRUCTION WASTE, CONSTRUCTION WITHIN THE PUBLIC RIGHT-OF-WAY, AND CONSTRUCTION PARKING AND TRAFFIC

**THE CITY OF CHARLEVOIX ORDAINS:**

**SECTION 1. Title V, Chapter 51.06 of the City Code shall be amended by adding a section (E), subpart 3 to read as follows:**

Containers shall not be placed in the public right-of-way or street except when a permit is obtained from the City Manager pursuant to §151.22. No permit shall be allowed when the container could reasonably be placed on private property.

**SECTION 2. Title VI, Chapter 70.04 of the City Code, section 2.30, subpart 3 shall be amended so that it reads:**

A special request to hood or cover a meter or meters shall be allowed upon approval of the chief of police and on advance payment of a fee as the City Council may from time to time set by resolution. Such approval shall be considered for the purpose of construction, refurbishment or maintenance for an adjacent building or property. Special consideration, at no charge, for the purpose of funerals or other requests deemed proper by the chief of police.

**SECTION 3. Title XV, Chapter 151.02 of the City Code shall be struck and replaced as follows:**

No person shall move, transport or convey any building or other similar bulky or heavy object, including machinery, trucks and trailers, larger in width than eight feet eight inches or higher than 13 feet six inches above the surface of the roadway, into, across or along any street, alley or other public place in the city without first obtaining a house moving permit from the Manager. Such permit shall specify the route to be used in such movement and no person shall engage in such movement along a route other than that specified in the permit. No house moving permit shall be granted until the applicant shall pay for a permit and comply with insurance and performance bond requirements found in a cash deposit in § 151.22 of this chapter; additionally, all costs associated for city services associated for with such action as contemplated in this section shall be assigned to the owner and reimbursed to the City or paid as a deposit in advance of the activity. Such costs shall include but not be limited to utility moving or replacement, traffic control, and damage to infrastructure or property. The Manager shall have the power to regulate the time and date of house moving requests to account for traffic and special event demands of the community.

This chapter shall not be construed as to limit the transportation of wide or oversized loads on the state or federal highway which may be lawfully permitted nor shall this chapter limit the transportation of boats or marine vessels along routes of the City which the Police Chief shall from time to time publish in consultation with other City staff.

**SECTION 4. Title XV, Chapter 151.22 of the City Code shall be struck and replaced as follows:**

(A) Where permits are required, they shall be obtained from the City Manager or his or her designee and shall contain the information necessary for consideration by the City in a manner as the Manager may require. Such permit(s) shall be revocable by the Manager for failure to comply with this code, rules and regulations adopted hereto, and the lawful orders of the Manager. The permit(s) shall only be valid for the period the Manager may designate. Application for a permit under this chapter shall be deemed an agreement by the applicant to promptly complete the work permitted, observe all pertinent regulations of the city in connection with therewith, repair all damages done to the street surface, subsurface, and related structures, over or within such street, including trees, and protect and save harmless the city from all damages or actions at law that may arise or may be brought on account of injury to person or property resulting from the work done under the permit(s) or in connection therewith.

(B) Fees for such permits shall be set from time to time by resolution of Council. Council may vary the fees depending on the season and the times which are or are not preferable for the general benefit of the community to contend with construction in the public streets and rights of way. Such limitations shall not constrain public infrastructure projects which the City or the state of Michigan may from time to time undertake.

(C) Where liability insurance or bonds are required, the City Treasurer shall regularly obtain recommendations from the City's insurance carrier or other valid sources and share the same with City Council in order that it may adopt a resolution specifying minimum insurance coverages, standards, and bonds for work associated with the permits contemplated in this chapter. Similarly, Council may adopt the minimum for performance bonds and the City Manager or his or her designee may set the actual amount required in the bond subject to the minimum set by Council.

**SECTION 5. Severability.**

No other portion, paragraph or phase of the Code of the City of Charlevoix, Michigan shall be affected by this Ordinance except as to the above sections, and in the event any portion, section or subsection of this Ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this Ordinance or of the Code of the City of Charlevoix, Michigan.

**SECTION 6. Effective Date.**

This Ordinance shall become effective thirty (30) days after its enactment pursuant to the City Charter

Ordinance No. 818 was adopted on the 1st day of June, 2020 A.D., by the Charlevoix City Council as follows:

Motion by: Slater  
Seconded by: Oleksy  
Yeas: Bryan, Oleksy, Cole, Kalbfell, Hagen, Slater  
Nays: None  
Absent: None

State of Michigan }  
City of Charlevoix } §

Joyce M. Golding

Clerk

Luther Kurtz

Mayor

**CERTIFICATION**

I, the undersigned, City Clerk of the City of Charlevoix, Charlevoix County, Michigan, do hereby certify that the foregoing is a true and complete copy of Ordinance No. 818 of 2020 adopted by the City Council of the City of Charlevoix, County of Charlevoix, State of Michigan, at a regular meeting held on June 1, 2020 and published in the *Charlevoix Courier* on June 5, 2020, the original of which is on file in my office and available to the public. Public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267 of the Michigan Public Acts of 1876.

Dated: June 2, 2020

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Joyce M. Golding, City Clerk