TITLE XV: LAND USAGE

Chapter

CHAPTER 150: BUILDING REGULATIONS

Section

General Provisions

Building Authority

GENERAL PROVISIONS

§ 150.01 PURPOSE.

The purpose of this section shall be to adopt the State Construction Codes which have adopted the International Code Council Codes as the codes in effect and administered in the City of Bangor. These codes include the 2003 codes titled as follows: International Building Code, Vol. 1 and 2; International Existing Buildings Code; International Fire Code; International Fuel Gas Code; International Mechanical Code; International Plumbing Code; International Property Maintenance Code; the International Electrical Code, and the International Residential Code, Vol. 1 and 2. These codes establish minimum regulations for construction and maintenance of new and existing buildings, residential structures and property within the City of Bangor that are essential to ensure safe and sanitary construction, occupation and maintenance of said structures and property.
(Ord. 199, passed 4-19-93; Am. Ord. 222, passed 3-3-97; Am. Ord. 275, passed 3-21-05)

§ 150.02 ELECTRIC CODE ADOPTED.

The *National Electric Code of 1996* as amended, as rules governing the installation, replacement, alteration, relocation and use of electrical systems or material shall be those rules contained in the National Electric Code, current edition as published by the National Fire Protection Association. The National Electric Code of 1996 as amended, is hereby incorporated by reference and is available from the National Fire Protection Association, Battermarch Park, Quincy, Mass. 02269, and also being on file in the office of the City Clerk.
(Ord. 201, passed 4-19-93; Am. Ord. 225, passed 3-3-97)

§ 150.03 CODES ADOPTED; AMENDMENTS.

(A) *Building and Property Maintenance Code Adopted, Amendments and Revisions Adopted.* The City of Bangor adopts the 2003 State Construction Codes which adopt the International Code Council (ICC) Codes known as the International Building Code, Vol. 1 and 2; International Existing Buildings Code; International Fire Code; International Fuel Gas Code; International Mechanical Code; International Plumbing Code; International Property Maintenance Code; and the International Residential Code, Vol. 1 and 2 pursuant to Public Act 230 of 1972, being M.C.L.A. §§ 125.1501 through 125.1531. Future amendments and revisions when they are promulgated and effective are incorporated and adopted by reference.

(B) *References in Codes.*

(1) References in the codes (Section 101.1) to a "governmental unit" or "name of jurisdiction" shall mean the City of Bangor.

(2) References in the codes (Section 103.6, Section 106.6.2 and Section 1612.3) to a "schedule of fees and rates" for fees, permits, penalties, etc. shall mean those adopted from time to time by the City Council as per § 10.99 of the Codified Ordinances, Ordinance 252, Rates and Fees; Ordinance 257 Municipal Civil Infractions; and Ordinance 263, Weeds and Grasses.

(3) References in the codes (Section 303.14) to a "beginning and ending date" for screens to be in place and operable shall mean between May 1 and October 31.

(4) References in the codes (Section 602.3) to a "beginning and ending date" for maintaining a temperature shall mean between October 1 and April 30.

(5) References in the codes (Section 602.4) to a "beginning and ending date" for maintaining a temperature shall mean between October 1 and April 30.

(6) References in the codes (Section 1612.3) to a "date" of the FEMA Flood Insurance Map in effect in the city shall mean the date of latest map (1989).

(7) References in the codes (Section 3409.2) to a "date" of applicability of codes beginning with the first adoption of codes by the municipality shall mean October 23, 1961.

(8) References in the codes (303.2(1)) to a "design criteria" shall mean snow load - C3, basic wind speeds - 90; seismic design – B; weathering probability – severe; frost line depth – per building inspector; termite infestation – moderate to heavy; decay probability – slight to moderate; winter design temperature – 5; and flood hazard – FEMA FIRM 1989.

(9) References in the codes to "location" where a copy of the codes shall be available to viewing shall mean Bangor City Hall, 257 West Monroe Street, Bangor, MI, 49013 by arrangement with the Building Inspector and/or City Clerk.

(10) References in the codes to those authorized to enforce the codes shall mean those identified by the City Council as per §§ 11.01 through 11.07, Rates and Fees; §§ 12.01 through 12.07, Municipal Civil Infractions; and this chapter. These are generally identified as the person or persons holding title as the Building Inspector, the Mechanical Inspector, the Electrical Inspector, the Code Enforcement Officer, the Chief of Police and the City Manager.

(11) References to the Property Maintenance Code in brief means the Code:

(a) Provides for the maintenance of property, structures and equipment located in the city.

(b) Provides notice to owners, occupants or other responsible parties of violations and requirements to correct violations.

(c) Provides for the appointments and outlines the duties and responsibilities of enforcement officials.

(d) Authorizes closing of structures that are not fit for occupancy, the posting of notice of closing and prohibits occupancy of such structures.

(e) Authorizes the building inspector to take emergency action when there is a dangerous condition.

(f) Upon notice by the building inspector, requires owners or persons in control of unsafe or unsanitary structures to repair or remove the structure; allows the city to remove such structure in the event that the owner or person in control fails to do so; and authorizes the city to place a lien upon the property to recover costs of demolition.

(g) Designates a board of appeals and provides the procedures for an appeal of a decision or order of the building inspector.

(h) Requires owners of property to maintain the exterior of such property:

1. In a safe, sanitary and clean condition;

2. Graded to prevent erosion or accumulation of water;

3. By keeping sidewalks in good repair;

4. Free of weeds or plant growth over eight inches in height;

5. By preventing discharge of smoke, odor or gases to adjacent properties;

6. In good repair, including exterior surfaces and structures;

7. By limiting or prohibiting unregistered vehicles;

8. By prohibiting outside storage of vehicles in disrepair;

9. By requiring display of house number;

10. By maintaining windows and screens, and doors in good repair and operable condition.

11. Requires owners to maintain the interior of structures, including interior surfaces and structural members;

12. Requires owners and occupants to keep exteriors and interiors neat and clean, free of accumulation of garbage or rubbish, except in approved containers;

13. Requires owners and occupants to keep property free of rodents;

14. Requires adequate interior and exterior lighting by windows and and/or artificial lighting;

15. Requires adequate ventilation by windows or mechanical exhaust systems;

16. Provides for minimum dimensions of rooms in dwellings and lodging units, egress from bedrooms, accessibility to bathrooms and provides maximum numbers of occupants in a dwelling unit;

17. Requires owners to provide and maintain adequate plumbing, including required bathroom and drinking facilities for dwelling and lodging units;

18. Requires adequate sanitary water supply system for all plumbing fixtures and specifies location and operation of water heaters;

19. Requires all plumbing fixtures to be connected to public sanitary sewer or other approved private sewer system;

20. Prohibits storm drainage that creates a public nuisance;

21. Requires owners to install adequate mechanical facilities and maintain the facilities in good working order, including:

i. Heating facilities in dwelling and indoor spaces;

ii. Fireplaces and stoves

iii. Cooking facilities

22. Requires owners to maintain electrical systems in compliance with the specifications of the code and the state electrical code, free of hazards and requires laundry and bathroom receptacles to be grounded.

23. Requires owners to be responsible for fire safety by:

i. Providing and maintaining unobstructed and adequate means of egress/exit from any building.

ii. Providing and maintaining barriers to resist movement of smoke in certain circumstances.

iii. Providing and maintaining handrails for stairs with more than four steps and on porches or decks of greater than 30 inches above adjoining grade.

iv. Providing and maintaining proper signage of floor numbers and exits for certain buildings.

v. Providing and maintain an emergency exit from sleeping rooms.

vi. Prohibiting storage of combustibles, explosives or hazardous materials except in accordance with fire codes.

vii. Installing and maintaining required fire suppression systems.

viii. Installing and maintaining fire doors and fire resistant materials as required.

ix. Installing and maintaining smoke detectors in sleeping areas in residences and group homes.

(C) *Copy available.* A complete copy of the codes are available to the public at the office of the Clerk for inspection.

(D) *Penalty.* The penalties provided by the codes are found in the codes as well as § 10.99. (Ord. 198, passed 4-19-93; Am. Ord. 221, passed 3-3-97; Am. Ord. 275, passed 3-21-05)

§ 150.04 ENFORCING AGENT FOR STATE CONSTRUCTION CODE ACT.

Pursuant to the provisions of Public Act 230 of 1972, § 9, being M.C.L.A. § 125.1509, the Building Inspector of the city is hereby designated as the enforcing agency to discharge the responsibilities of the city under Public Act 230 of 1972, being M.C.L.A. §§ 125.1501 through 125.1531. The city hereby assumes responsibility for the administration and enforcement of said Act throughout its corporate limits. (Ord. 100, passed 11-12-74)

§ 150.05 HOUSING COMMISSION.

(A) Pursuant to Public Act 18 of 1933 (Extra Session), being M.C.L.A. §§ 125.651 et seq., a commission is hereby created in and for the city to be known as the "Bangor Housing Commission."

(B) The Mayor is hereby directed to appoint the members of the Housing Commission. (Ord. 80, passed 9-13-71)

§ 150.06 CONSTRUCTION OF FALL OUT SHELTERS.

(A) The building of fall out shelters and/or bomb shelters is determined to be in the public interest and welfare.

(B) All persons who build or construct fall out shelters or bomb shelters shall in the event of construction obtain a permit for same from the city and such permit shall be given free of charge provided the construction is approved by the Building Inspector.

(C) The Clerk shall transmit all information received regarding fall out shelters or bomb shelters, to the Director of Civil Defense within ten days from date received. (Ord. 47, passed 10-23-61)

§ 150.07 INTERNATIONAL MECHANICAL CODE ADOPTED.

(A) Certain documents, three copies of which are on file in the office of the City Clerk, being marked and designated as the *International Mechanical Code*, including Appendix Chapters [Appendix A and Appendix B], as published by the International Code Council, be and is hereby adopted as the code of the city for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems in the city and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such *International Mechanical Code, 1996 edition,* published by the International Code Council, on file in the office of the City Clerk are hereby referred to, adopted and made a part hereof as if fully set out in this section.

(B) The following sections are hereby revised:

(1) Section 101.1. Insert: City of Bangor.

(2) Section 106.5.2. Insert: As set in Appendix B.

(3) Section 106.5.3. Insert: 50% and 75%.

(4) Section 108.4. Insert: Misdemeanor - $500.00 - 90 days.

(5) Section 108.5. Insert: $50.00 and $500.00

(6) Chapter 16, Codes. Insert: BNBC-96 and BNFPC-96.

(C) The International Mechanical Code 1996 edition is hereby amended by adopting the 1997 Supplement, three copies of which are on file in the office of the City Clerk.
(Ord. 224, passed 3-3-97; Am. Ord. 231, passed 5-5-97)

(D) Pursuant to the provision of the Michigan Mechanical Code, in accordance with Section 9 of Act 230, P.A. 1972, as amended, the Mechanical Official of the city is hereby designated as the enforcing agency to discharge the responsibility of the city under Act 230, P.A. 1972, as amended, State of Michigan. The city assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.
(Ord. 223, passed 3-3-97; Am. Ord. 238, passed 10-19-98)

BUILDING AUTHORITY

§ 150.35 NAME.

(A) The name of the authority shall be "Bangor Building Authority."

(B) The name of the unit incorporating the authority is the "City of Bangor."
(Ord. 152, passed 11-23-81)

§ 150.36 PURPOSE.

The purpose for which the Building Authority is incorporated is to provide for an authority to acquire, furnish, equip, own, improve, enlarge, operate, and/or maintain a building or buildings, automobile parking lots or structures, recreational facilities, stadium and the necessary site or sites therefor together with appurtenant properties and facilities necessary or convenient for the effective use thereof, for use for any legitimate public purpose of the city, to authorize the execution of contracts pertaining to such property and the use thereof, to provide for the issuance of revenue bonds by such authority, and to provide other powers, rights and duties of the authority, including those for the disposal of its property.
(Ord. 152, passed 11-23-81)

§ 150.37 NUMBER, TERMS AND APPOINTMENT.

The following shall be members of the Building Authority: The City Manager and City Assessor shall be ex-officio members. There shall be five other persons, residents of the city, appointed by the Mayor as follows: One of the members shall be appointed for a term of five years; one of the members shall be appointed for a term of four years; one of the members shall be appointed for a term of three years; one of the members shall be appointed for a term of two years; one of the members shall be appointed for a term of one year. Their successors shall be, in all cases, appointed for a term corresponding to the term of the member who is being replaced or succeeded, and all appointments to fill vacancies shall be for the unexpired term provided that the members of the City Council shall not be eligible for membership or appointment to the Bangor Building Authority Commission.
(Ord. 152, passed 11-23-81)

§ 150.38 COMPENSATION.

The members of the Building Authority shall receive no compensation for their services on the Authority. The Authority shall select one of its members as a Chairman and one as a Secretary to record the proceedings of its meetings.
(Ord. 152, passed 11-23-81)

§ 150.39 POWERS AND DUTIES.

(A) The Building Authority shall be a body corporate, with power to sue and be sued in any court of this state. It shall possess all the powers necessary to carry out the purpose of its incorporation and those incidental thereto. Enumeration of any powers shall not be construed as a limitation upon such general powers. The Building Authority and the city shall have power to enter into contract or contracts whereby the Authority will acquire property contemplated by the terms of its purpose and Public Act 31 of 1948 (First Extra Session), as amended, being M.C.L.A. §§ 123.951 through 123.964, and lease the same to the city for a period not to exceed 50 years. The consideration specified in such contract for such use shall be subject to increase by the Authority if necessary in order to provide funds to meet its obligations. Any rental obligation or consideration applicable to the city under such contract, shall not be considered as indebtedness of the city within the meaning of any statutory or charter debt limitation of the city. With the consent of the Authority as contained in the contract or otherwise secured, any incorporating unit or units to which the property is leased, may sublease the property or any part thereof to any one or more persons, firms or corporations or may contract for the use of the property or any part thereof by any one or more persons, firms or corporations, where the sublease or contract benefits and serves a legitimate public purpose of the sublessor. Any sublease or contract may extend for a period not to exceed 50 years and is not a franchise or grant within the meaning of any statutory or charter provision.

(B) The acquisition of any stadium with appurtenant properties and facilities by any authority and the contracting for the lease thereof by any incorporating unit or units, for the purpose of providing facilities for sports, recreational and other activities and events, with or without admission charges, and furnishing facilities for use or enjoyment by the public and to induce sports and entertainment organizations whether amateur or professional to utilize the facilities for games, contests, and other performances and attractions and thus to increase business activity and employment, constitutes a benefit to and a legitimate public purpose of the Authority and the city. Where any stadium with appurtenant properties and facilities is acquired by the Authority and leased to any incorporating unit or units, the subleasing thereof to, or the contracting for the use thereof by, any sports, entertainment or similar organization or any owner and, if necessary, the league or association to hold, conduct or produce games, contests and other performances and attractions in such stadium, with or without admission charges, constitutes a benefit to and a legitimate public purpose of the city.

(C) The Authority may acquire property by purchase, construction, leased gift, devise or condemnation, and for the purpose of condemnation it may proceed under the provisions of Public Act 149 of 1911, as now or hereafter amended, being M.C.L.A. §§ 213.21 through 213.41, or any other appropriate statute. The City Council by a majority vote of the members thereof may transfer any real property except cemetery owned by the city to the Building Authority established herein.

(D) For the purpose of acquiring, improving, and/or enlarging any such building or buildings, automobile parking lots or structures, recreational facilities, stadiums, and the necessary site or sites therefor together with appurtenant properties and facilities necessary or convenient for the effective use thereof, and furnishing and equipping the same, the Authority may issue self-liquidating revenue bonds in accordance with and subject to, the provisions of Public Act 94 of 1933, as now or hereafter

amended, being M.C.L.A. §§ 141.101 through 141.138, except that the bonds may be either serial bonds or term bonds or any combination thereof as shall be determined by the Authority. Such bonds shall be payable solely from the revenues of such property, which revenues shall be deemed to include payments made under any lease or other contract for the use of such property. Where and to the extent that the bonds are payable from revenues derived from payments to be made pursuant to any lease or other contract obligations, the bonds shall be deemed to be issued in anticipation of contract obligations and such obligations shall be deemed to be contract obligations in anticipation of which bonds are issued, within the meaning of Section 6 or Article 9 of the constitution. No such bonds shall be issued unless the property whose revenues are pledged has been leased by the Authority for a period extending beyond the last maturity of the bonds. For the purposes of Section 33 of said Act, being M.C.L.A. § 141.133, the limits of the authority shall be deemed to coincide with those of the city. If a sufficient referendum petition shall be filed as provided in the section requesting a referendum upon the question of the issuance of revenue bonds by the Authority then such question may be submitted by the Commission of the Authority at any general or special election to be held within the city. All property owned by the Authority shall be exempt from taxation by the state or any taxing unit therein. When all bonds issued pursuant to the provisions of this subchapter shall have been retired, then the Authority shall convey the title to the property acquired hereunder to the city in accordance with the provisions therefor contained in the Articles of Incorporation or, if there be no such provisions, then in accordance with the directions of the City Council, or according to any agreement adopted by the respective governing body of the incorporating unit or units. The powers herein granted shall be in addition to those granted by any statute or charter.
(Ord. 152, passed 11-23-81)

§ 150.40 AMENDMENT TO ARTICLES OF INCORPORATION.

(A) Amendments may be made to the Articles of Incorporation if adopted by the City Council, provided, that no such amendment shall impair the obligations of any bonds or other contract.

(B) Each amendment shall be adopted, executed and published, and certified, printed copies filed in the same manner as provided in Public Act 31 of 1948 (First Extra Session), as amended, being M.C.L.A. §§ 123.951 through 123.964.

(C) The Authority shall adopt by-laws to govern the conduct of its business. The by-laws may be amended from time to time by the Authority.
(Ord. 152, passed 11-23-81)

CHAPTER 151: DOWNTOWN DEVELOPMENT

Section

Tax Increment Financing and Development Plan

Downtown Development Authority

TAX INCREMENT FINANCING AND DEVELOPMENT PLAN

§ 151.01 FINDINGS.

(A) The development plan included in the Tax Increment Financing and Development Plan meets the requirements set forth in Public Act 197 of 1975, § 17(2), being M.C.L.A. § 125.1667(2), and the tax increment financing plan meets the requirements set forth in Public Act 197 of 1975, § 14(2), being M.C.L.A. § 125.1664(2).

(B) The proposed method of financing the development is feasible and the Downtown Development Authority has the ability to arrange the financing.

(C) The development is reasonable and necessary to carry out the purposes of Public Act 197 of 1975, as amended, being M.C.L.A. §§ 125.1651 through 125.1680.

(D) The land included within the development area to be acquired is reasonably necessary to carry out the purposes of the Act in an efficient and economically satisfactory manner.

(E) The development plan is in reasonable accord with the master plan of the city.

(F) Public services, such as fire and police protection and utilities, are or will be adequate to service the development area.

(G) Changes in zoning, streets, street levels, intersections, and utilities, to the extent required by the plan, are reasonably necessary for the project and for the city.
(Ord. 191, passed 7-23-90)

§ 151.02 PUBLIC PURPOSE.

The City Council hereby determines that the plan constitutes a public purpose. The City Council hereby determines that it is in the best interests of the public to halt property value deterioration, increase property tax valuation, eliminate the causes of the deterioration in property values, and to promote growth in the Downtown District to proceed with the plan.
(Ord. 191, passed 7-23-90)

§ 151.03 APPROVAL AND ADOPTION OF PLAN.

The plan, as revised to provide for the development area, that is identical with the D.D.A. district, (description as revised will be identical to the D.D.A. district), a copy of which is on file with the City Clerk and on which she shall note the date of approval by this chapter, is hereby approved and adopted. The duration of the plan shall be as provided in the plan, except as it may be extended by

subsequent amendment of the plan pursuant to Public Act 197 of 1975, as amended, being M.C.L.A. §§ 125.1651 through 125.1680. A copy of the plan and all amendments thereto shall be maintained on file in the City Clerk's office.
(Ord. 191, passed 7-23-90)

§ 151.04 PREPARATION OF ASSESSMENT ROLLS.

(A) Within 60 days of the publication of Ordinance 191, the City Assessor shall prepare the initial base year assessment roll. The base year assessment roll shall list each taxing jurisdiction in the Development Area of the Downtown District on the effective date of Ordinance 191, the initial assessed value of each parcel of property within the Development Area, and the amount of tax revenue derived by each taxing jurisdiction from ad valorem taxes on the property in the Authority jurisdiction.

(B) The City Assessor shall transmit copies of the base year assessment roll to the City Treasurer, County Treasurer, the Authority and each taxing jurisdiction, together with a notice that the base year assessment roll had been prepared in accordance with this subchapter and the tax increment financing plan contained in the plan approved by this subchapter.

(C) Each year within 15 days following the final equalization of property in the Downtown District, the City Assessor shall prepare the tax increment assessment roll. The tax increment assessment roll shall show the information required in the base year assessment roll and, in addition, the amount by which the current assessed value as finally equalized for all taxable property in the Downtown District exceeds the assessed value of the property as shown on the base year assessment roll (the "captured assessed value.") Copies of the annual tax increment assessment roll shall be transmitted by the Assessor to the same persons as the base year assessment roll, together with a notice that it has been prepared in accordance with this subchapter and the plan.
(Ord. 191, passed 7-23-90)

§ 151.05 ESTABLISHMENT OF PROJECT FUND.

The Treasurer of the Authority shall establish a separate fund which shall be kept in a depository bank account or accounts in a bank or banks approved by the Treasurer of the City, to be designated Downtown Development Authority Project Fund. All moneys received by the Authority pursuant to the plan shall be deposited in the project fund. All moneys in the project fund and earnings thereon shall be used only in accordance with the plan.
(Ord. 191, passed 7-23-90)

§ 151.06 PAYMENT OF TAX INCREMENTS TO AUTHORITY.

The City Treasurer and the County Treasurer shall, as ad valorem taxes are collected on the property in the Downtown District, pay that proportion of the taxes, except for penalties and collection

fees, that the captured assessed value bears to the initial assessed value to the Treasurer of the Authority for deposit in the project fund. The payments shall be made on the date or dates on which the City Treasurer and the County Treasurer are required to remit taxes to each of the taxing jurisdictions.
(Ord. 191, passed 7-23-90)

§ 151.07 USE OF MONEY IN PROJECT FUND.

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

(A) First, to pay into the debt retirement fund, or funds for all outstanding series of bonds issued pursuant to the plan an amount equal to the interest and principal coming due (in the case of principal whether by maturity or mandatory redemption) prior to the next collection of taxes, less any credit for sums on hand in the debt retirement fund.

(B) Second, to establish a reserve account for payment of principal of and interest on bonds issued pursuant to the plan to the extent required by any resolution authorizing bonds.

(C) Third, to pay the administrative, auditing and operating costs of the Authority and the city pertaining to the Downtown District, including planning and promotion, to the extent provided in the annual budget of the Authority.

(D) Fourth, to repay amounts advanced by the city for project costs, including costs of preliminary plans, and fees for other professional services.

(E) Fifth, to pay the cost of completing the remaining public improvements as set forth in the Development Plan to the extent those costs are not financed from other sources.
(Ord. 191, passed 7-23-90)

§ 151.08 ANNUAL REPORT.

Within 90 days after the end of each fiscal year, the Authority shall submit to the City Council, with copies to each taxing jurisdiction, a report on the status of the project fund. The report shall include the amount and source of revenue in the account, the amount and purpose of expenditures from the account, the amount of principal and interest on any outstanding indebtedness, the amount in any bond reserve account, the initial assessed value of the Downtown District, the captured assessed value of the Downtown District and the amount of captured assessed value retained by the Authority, the tax increments received and the amount of any surplus from the prior year, and any additional information requested by the City Council or deemed appropriate by the Authority. The Secretary of the Authority

shall cause a copy of the report to be published once in full in a newspaper of general circulation in the city.
(Ord. 191, passed 7-23-90)

§ 151.09 REFUND OF SURPLUS TAX INCREMENTS.

Any surplus money in the project fund at the end of a year, as shown by the annual report of the Authority, shall be paid by the Authority to the City Treasurer or the County Treasurer, as shown by the annual report of the Authority, as the case may be, and rebated by each to the appropriate taxing jurisdiction.
(Ord. 191, passed 7-23-90)

DOWNTOWN DEVELOPMENT AUTHORITY

§ 151.20 CREATION OF AUTHORITY; ARTICLES OF INCORPORATION.

The Articles of Incorporation are signed and acknowledged by the city for the purpose of forming a corporation for the purposes of operating a Downtown Development Authority for the city pursuant to the provisions of Public Act 197 of 1975, as amended, being M.C.L.A. §§ 125.1651 through 125.1680.
(Ord. 133, passed - -79)

§ 151.21 NAME.

The name of the corporation is the Downtown Development Authority of the City of Bangor.
(Ord. 133, passed - -79)

§ 151.22 PURPOSE.

The corporation is organized with reference to Public Act 197 of 1975, as amended, being M.C.L.A. §§ 125.1651 through 125.1680. Its purpose will be to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; and to authorize the use of tax increment financing and to accomplish the foregoing by the following means:

(A) Prepare an analysis of economic changes taking place in the downtown district.

(B) Study and analyze the impact of metropolitan growth upon the downtown district.

(C) Plan and propose the construction, renovation, repair, remodeling, rehabilitation, restoration, reservation, or reconstruction of a public facility, an existing building, or a multiple-family dwelling unit which may be necessary or appropriate to the execution of a plan which, in the opinion of the board, aids in the economic growth of the downtown district.

(D) Develop long range plans, in cooperation with the agency which is chiefly responsible for planning in the municipality, designed to halt the deterioration of property values in the downtown district and to promote the economic growth of the downtown district, and take such steps as may be necessary to persuade property owners to implement the plans to the fullest extent possible.

(E) Implement any plan of development in the downtown district necessary to achieve the purposes of this subchapter, in accordance with the powers of the Authority as granted by this subchapter.

(F) Make and enter into contracts necessary or incidental to the exercise of its powers and the performance of its duties.

(G) Acquire by purchase or otherwise, on terms and conditions and in a manner the Authority deems proper or own, convey, or otherwise dispose of, or lease as lessor or lessee, land and other property, real or personal, or rights or interests therein, which the authority determines is reasonably necessary to achieve the purposes of this subchapter, and to grant or acquire licenses, easements, and options with respect thereto.

(H) Improve land and construct, reconstruct, rehabilitate, restore and preserve, equip, improve, maintain, repair, and operate any building, including multiple-family dwellings, and any necessary or desirable appurtenances thereto, within the downtown district for the use, in whole or in part, of any public or private person or corporation, or a combination thereof.

(I) Fix, charge, and collect fees, rents, and charges for the use of any building or property under its control or any part thereof, or facility therein, and pledge the fees, rents, and charges for the payment of revenue bonds issued by the Authority.

(J) Lease any building or property under its control, or any pact thereof.

(K) Accept grants and donations of property, labor, or other things of value form a public or private source.

(L) Acquire and construct public facilities.

(M) Provide financial assistance, advisory services and reimbursement of certain expenses to persons displaced from real property or deprived of certain rights in real property pursuant to Public Act 227 of 1972, being M.C.L.A. §§ 213.321 through 213.332.

(N) To receive property taken by the city under its power of eminent domain for use in an approved development on terms and conditions that it deems appropriate and as necessary for public purposes and for the benefit of the public.

(O) The activities of the Authority shall be financed from one or more of the following sources:

(1) Donations to the Authority for the performance of its functions.

(2) Proceeds of a tax imposed and funds received from tax anticipation notes.

(3) Moneys borrowed and to be repaid as authorized.

(4) Revenues from any property, building, or facility owned, leased, licensed, or operated by the Authority or under its control, subject to the limitations imposed upon the Authority by trusts or other agreements.

(5) Proceeds of a tax increment financing plan, established pursuant to Public Act 197 of 1975, as amended, being M.C.L.A. §§ 125.1651 through 125.1680.

(P) The Authority with the approval of the City Council may levy an ad valorem tax on the real and tangible personal property not exempt by law and as finally equalized in the downtown district. The tax shall not be more than 2 mills. The tax shall be collected by the city. The city shall collect the tax at the same time and in the same manner as it collects its other ad valorem taxes. The tax shall be paid to the City Treasurer and credited to the general fund of the Authority for purposes of financing only the operation of the Authority. The city may at the request of the Authority, borrow money and issue its notes therefor pursuant to Public Act 202 of 1943, as amended, being M.C.L.A. §§ 131.1 et seq., in anticipation of collection of the ad valorem tax authorized in this section.

(Q) The Authority may borrow money and issue its negotiable revenue bonds therefor pursuant to Public Act 94 of 1933, as amended, being M.C.L.A. §§ 141.101 through 141.138. Revenue bonds issued by the Authority shall not, except as hereinafter provided, be deemed a debt of the municipality or the state. The city by majority vote of the members of City Council may pledge its full faith and credit to support the Authority's revenue bonds.

(R) When the Authority determines that it is necessary for the achievement of its purposes, the Authority shall prepare and submit a tax increment financing plan to the City Council. The plan shall be pursuant to Public Act 197 of 1975, as amended, being M.C.L.A. §§ 125.1651 through 125.1680.

(S) The city may by resolution of City Council authorize, issue and sell general obligation bonds subject to the limitations herein set forth to finance the development program of the tax increment financing plan and shall pledge its full faith and credit for the repayment of the bonds. The bonds shall mature in not more than 30 years and shall be subject to Act No. 202 of the Public Acts of 1943, as amended, and Public Act 197 of 1975, as amended, being M.C.L.A. §§ 125.1651 through 125.1680.

(T) Carry on any activity for the purpose above stated, either directly or as agent for or with public authorities, or in whole or in part through or by means of public authorIties, individuals, corporations or other organizations.

(U) In general, and subject to such limitations and conditions as are or may be prescribed by law, to exercise such other powers which now are or hereafter may be conferred by law upon a corporation organized pursuant to Public Act 197 of 1975, as amended, being M.C.L.A. §§ 125.1651 through 125.1680.
(Ord. 133, passed - -79)

§ 151.23 DIRECTORS AND MANAGEMENT.

The business and affairs of the Corporation shall be under the supervision and control of a Board of Directors except as otherwise provided by statute, by the Articles of Incorporation or by the by-laws.

(A) The Board of Directors of the Downtown Development Authority (Board) shall consist of nine members. These members shall be the Mayor or the Mayor's designee as long as that person is a qualified elector residing in the City of Bangor, one member of the City Council and seven other persons appointed by the Mayor with the approval of a majority of the City Council members at a regularly called meeting of the City Council where a quorum exists. If the Mayor chooses to appoint a designee in his or her place, that designee shall serve in a non-voting capacity. At least five of the members shall be persons having an interest in property within the Downtown Development Authority district. One member shall be a resident of the district if the district has 100 or more residents. Employees of the City of Bangor may be appointed as resource persons adding background and technical information but shall have no vote in matters before the Board. All members of the Board shall serve without compensation. The Mayor nor the Council member who serve on the Board shall not be compensated for their service even though they may be compensated for their service as Mayor or as a Council member. Except for the Mayor's designee and employees of the city, all members shall have the full rights of membership on the Board and may move, support or otherwise vote on all motions and matters before the Board. The Mayor shall serve for the term for which he was elected Mayor. The Mayor's designee shall terminate with the term of the Mayor selecting him or her. The term of the Council member appointed as a member of the Board shall terminate with the term to which he or she was elected. The term of other members shall be for designated terms of four years or until his or her replacements are appointed. Members of the first Board of Directors shall be appointed for staggering terms with two being appointed for one year, two being appointed for two years, two being appointed for three years, and the remaining members appointed for four years. Members of the Board of Directors, except for the Mayor and the Council member appointed to serve on the Board may be removed in accordance with Ordinance 258 - Ethical Standards of Conduct (codified herein as Chapter 36) or for violations of the City Charter. Vacancies occurring otherwise than through expiration of term shall be filled for the unexpired term by the Mayor with the approval of a majority of the City Council members at a regularly called meeting of the City Council where a quorum exists.

(B) Before assuming the duties of office, a member shall qualify by taking and subscribing to the constitutional oath of office.

(C) The Board shall adopt rules governing its procedure and the holding of regular meetings may be held when called in the manner provided in the rules of the Board. Meetings of the Board shall be open to the public.

(D) Pursuant to notice and an opportunity to be heard, a member of the Board may be removed for cause by the City Council. Removal of a member is subject to review by the circuit court.

(E) All expense items of the Authority shall be publicized monthly and the financial records shall always be open to the public.

(F) A director who has a direct interest in any matter before the Corporation shall disclose his interest prior to the Corporation taking any action with respect to the matter, which disclosure shall become a part of the record of the Corporation's official proceedings and the interested director shall further refrain from participation in the corporation's proceedings relating to the matter.
(Ord. 133, passed - -79; Am. Ord. 185, passed 2-13-89; Am. Ord. 269, passed 6-21-04)

§ 151.24 OFFICERS.

(A) The officers of the Corporation shall consist of a Director, Secretary and Treasurer.

(B) The Board may employ and fix the compensation of a Director, subject to approval of the City Council. The Director shall serve at the pleasure of the Board. A member of the Board is not eligible to hold the position of Director. Before entering upon the duties of his office, the Director shall take and subscribe to the constitutional oath, and furnish bond, by posting a bond in the penal sum determined in the ordinance establishing the authority payable to the Authority for use and benefit of the Authority, approved by the Board and filed with the City Clerk. The premium on the bond shall be deemed an operating expense of the Authority, payable from funds available to the Authority for expenses of operation. The Director shall be the Chief Executive Officer of the Authority. Subject to the approval of the Board, the Director shall supervise, and be responsible for, the preparation of plans and the performance of the functions of the Authority in the manner authorized by this subchapter. The Director shall attend the meetings of the Board, and shall render to the Board and to the City Council a regular report covering the activities and financial condition of the Authority. If the Director is absent or disabled, the Board may designate a qualified person as acting director to perform the duties of the office. Before entering upon the duties of his office, the acting director shall take and subscribe to the oath, and furnish bond, as required of the Director. The Director shall furnish the Board with information or reports governing the operation of the Authority as the Board requires.

(C) The Board may employ and fix the compensation of a Treasurer, who shall keep the financial records of the Authority and who, together with the Director, shall approve all vouchers for the expenditure of funds of the Authority. The Treasurer shall perform such other duties as may be delegated by the Board and shall furnish bond in an amount as prescribed by the Board.

(D) The Board may employ and fix the compensation of a Secretary, who shall maintain custody of the official seal of records, books, documents, or other papers not required to be maintained by the

Treasurer. The Secretary shall attend meetings of the Board and keep a record of its proceedings, and shall perform such other duties delegated by the Board.

(E) The Board may retain legal counsel to advise the Board in the propel performance of its duties. The legal counsel shall represent the authority in actions brought by or against the Authority.

(F) The Board may employ other personnel deemed necessary by the Board.
(Ord. 133, passed - -79)

§ 151.25 OFFICE.

Location of the first registered office is:

City Hall
257 West Monroe Street
Bangor, Michigan
(Ord. 133, passed - -79)

§ 151.26 AGENT.

The first resident agent is the City Manager.
(Ord. 133, passed - -79)

§ 151.27 ASSETS AND FINANCING.

The corporation will be financed from donations, gifts, grants and devises, either solicited or unsolicited obtained from public authorities, individuals, corporations and other organizations, by earnings from its activities, borrowings and issuance of its bonds.
(Ord. 133, passed - -79)

§ 151.28 EFFECTIVE DATE.

The corporation shall become effective 30 days after adoption of an ordinance by the City Council authorizing this incorporation, its publication and its final approval as provided by law. The terms of the corporation existence are perpetual.
(Ord. 133, passed - -79)

§ 151.29 EARNINGS; DISSOLUTION.

(A) No part of the net earnings of the corporation shall inure to the benefit of any member, trustee, officer or director of the corporation, or any private individual (except that reasonable compensation may be paid for services rendered to or for the corporation affecting one or more of its purposes) and no member, trustee, officer or director of the corporation or any private individual shall be entitled to share in the distribution of any of the corporate assets or dissolution of the corporation. No part of the earnings shall be used for, nor shall the corporation engage in the carrying on of propaganda, or otherwise attempting, to influence legislation, and the corporation shall not participate in or intervene in (including the publication or distribution of statements) any political campaign on behalf of any candidate for public office.

(B) Upon dissolution of the corporation or the winding up of its affairs, all property and assets of the corporation shall be distributed exclusively to the city or its successor.
(Ord. 133, passed - -79)

§ 151.30 PUBLICATION.

The Articles of Incorporation shall be published in the Bangor Advance in accordance with the provisions of Public Act 197 of 1975, as amended, being M.C.L.A. §§ 125.1651 through 125.1680.
(Ord. 133, passed - -79)

§ 151.31 BY-LAWS.

The initial by-laws of the Corporation shall be adopted by its Board of Directors by majority vote, and approved by the City Council by ordinance. The Board may amend or repeal by-laws or adopt new by-laws subject to the approval of the City Council by ordinance. The by-laws are subject to the approval of the City Council by ordinance. The by-laws may contain any provision for the regulation and management of the affairs of the Corporation not inconsistent with law or the Articles of Incorporation.
(Ord. 133, passed - -79)

CHAPTER 152: PLANNING

Section

Master Plan; Subdivisions

Planning Commission

MASTER PLAN; SUBDIVISIONS

§ 152.01 DUTY OF PLANNING COMMISSION TO ADOPT MASTER PLAN.

It shall be the function and duty of the Planning Commission to make and adopt a master plan for the physical development of the municipality, including any areas outside of its boundaries which, in the Commission's judgement, bear relation to the planning of such municipality. Such plan, with the accompanying maps, plats, charts, and descriptive matter shall show the Commission's recommendations for the development of the territory, including, among other things, the general location, character, and extent of streets, viaducts, subways, bridges, waterways, water fronts, boulevards, parkways, play grounds and open spaces, the general location of public buildings and other public property, and the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power, and

other purposes; also the removal, relocation, widening, narrowing, vacating abandonment, change of use or extension of any of the foregoing ways, grounds, open spaces, buildings, property, utilities or terminals; (the general location, character, layout and extent of community centers and neighborhood units; and the general character, extent and layout of the replanning and redevelopment of blighted districts and slum areas) as well as a zoning plan for the control of the height, area, bulk, location, and use of buildings and premises. As the work of making the whole master plan progresses, the Commission may from time to time adopt and publish a part or parts thereof, any such part to cover one or more major sections or divisions of the municipality or one or more of the aforesaid or other functional matters to be included in the plan. The Commission may from time to time amend, extend, or add to the plan.
(Ord. 46, passed 1-9-61)

§ 152.02 SURVEYS AND STUDIES.

In the preparation of such plan the Planning Commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the municipality and with due regard to its relation to the neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the municipality and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development including, among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements.
(Ord. 46, passed 1-9-61)

§ 152.03 ADOPTION OF PLAN; HEARING.

The Planning Commission may adopt the plan as a whole by a single resolution or may by successive resolutions adopt successive parts of the plan, said parts corresponding with major geographical sections or divisions of the municipality or with functional subdivision of the subject matter of the plan, and may adopt any amendment or extension thereof or addition thereto. Before the adoption of the plan or any such part, amendment, extension, or addition the commission shall hold at least one public hearing thereon, notice of the time and place of which shall be given, not less than 15 days prior to such hearing, by one publication in a newspaper of general circulation in the municipality and in the official gazette, if any, of the municipality, and by registered United States mail to each public utility company and to each railroad within the geographical sections or divisions of the municipality. The adoption of the plan or any such part or amendment or extension or addition shall be by resolution of the Commission carried by the affirmative votes of not less than six members of the Commission. The resolution shall refer expressly to the maps and descriptive and other matter intended by the Commission to form the whole or part of the plan, and the action taken shall be

recorded on the map and plan and descriptive matter by the identifying signature of the Chairman and/or Secretary of the Commission. An attested copy of the plan or part thereof shall be certified to Council and to the County Register of Deeds.
(Ord. 46, passed 1-9-61)

§ 152.04 APPROVAL OF PLANNING COMMISSION FOR DEVELOPMENT.

Whenever the Planning Commission shall have adopted the master plan of the municipality or of one or more major sections or districts thereof no street, square, park, or other public way, ground, or open space, or public building or structure shall be constructed or authorized in the municipality or in such planned section and district until the location, character, and extent thereof shall have been submitted to and approved by the Commission. Provided, that in case of disapproval the Commission shall have communicated its reasons to the Council, which shall have the power to overrule such disapproval by a recorded vote of not less than two-thirds of its entire membership. If the public way, ground, space, building structure, or utility is one the authorization of financing of which does not under the law or charter provisions governing the same, fall within the province of the City Council, then the submission to the Planning Commission shall be by the Board, Commission, or body having such jurisdiction, and the Planning Commission's disapproval may be overruled by the Board, Commission, or body by a vote of not less than two-thirds of its membership. The failure of the Commission to act within 60 days from and after the date of official submission to the Commission shall be deemed approval. For the purpose of furthering the desirable future development of the city under the master plan the Planning Commission, after the Commission shall have adopted a master plan, shall prepare coordinated and comprehensive programs of public structures and improvements. The Commission shall annually prepare such a program for the ensuing six years, which program shall show those public structures and improvements, in the general order of their priority, which in the Commission's judgement will be needed or desirable and can be undertaken within the six-year period. The above comprehensive coordinated programs shall be based upon the requirements of the community for all types of public improvements, and, to that end, each agency or department of such municipality concerned with such improvements shall upon request furnish the Commission with lists, plans and estimates of time and cost of public structures and improvements within the purview of such department.
(Ord. 46, passed 1-9-61)

§ 152.05 PUBLIC WORKS PROJECTS TO BE REFERRED TO PLANNING COMMISSION.

Whenever the City Council shall have ordered the opening, widening or extension of any street, avenue or boulevard, or whenever the Council shall have ordered that proceedings be instituted for the acquisition or enlargement of any park, playground, play field or other public open space, such resolution shall not be rescinded until after the matter has been referred back to the Planning Commission for a report and until after a public hearing shall have been held. The Council shall have

power to overrule the recommendation of the Planning Commission by a vote of not less than two-thirds of its entire membership.
(Ord. 46, passed 1-9-61)

§ 152.06 PUBLICITY AND EDUCATION.

The Planning Commission shall have the power to promote public interest in and understanding of the plan and to that end may publish and distribute copies of the plan or of any report and may employ such other means of publicity and education as it may determine. Members of the Commission, when duly authorized by the Commission, may attend city planning conferences or meetings of city planning institutes, or hearings upon pending city planning legislation, and the Commission may, by resolution spread upon its minutes, pay the reasonable traveling expenses incident to such attendance. The Commission shall, from time to time recommend to the appropriate public officials programs for public structures and improvements and for the financing thereof. It shall be part of its duties to consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and with citizens with relation to the protecting or carrying out the plan. The Commission shall have the right to accept and use gifts for the exercise of its functions. All public officials shall, upon request, furnish to the Commission, within a reasonable time, such available information as it may require for its work. The Commission, its members, officers, and employees, in the performance of their functions, may enter upon any land and make examinations and surveys and place and maintain necessary monuments, and marks thereon. In general, the Commission shall have such powers as may be necessary to enable to fulfill its functions, promote municipal planning, or carry out the purposes of this subchapter.
(Ord. 46, passed 1-9-61)

§ 152.07 PLATS TO BE FILED WITH PLANNING COMMISSION; ADOPTION OF SUBDIVISION REGULATIONS.

(A) Whenever the Planning Commission shall have adopted that sort of a master plan relating to the major street system of the territory within its subdivision, jurisdiction or part thereof, and shall have filed a certified copy of such plan in the office of the County Register of Deeds, then no plat of a subdivision of land within such territory or part shall be filed or recorded until it shall have been approved by such Planning Commission and such approval entered in writing on the plat by the Chairman or Secretary of the Commission.

(B) Before exercising the powers referred to in division (A) above, the Planning Commission shall adopt regulations governing the subdivision of land within its jurisdiction. Such regulations may provide for the proper arrangement of streets in relation to other existing or planned streets and to the master plan, for adequate and convenient open spaces for traffic, utilities, access of fire-fighting apparatus, recreation, light and air, and for the avoidance of congestion of population, including minimum width and area of lots.

(C) Such regulations may include provisions as to the extent to which streets and other ways shall be graded and improved and to which water and sewer and other utility mains, piping, or other facilities shall be installed as a condition precedent to the approval of the plat. The regulations or practice of the Commission may provide for a tentative approval of the plat previous to such installation; but any such tentative approval shall be revocable and shall not be entered on the plat. In lieu of the completion of such improvements and utilities prior to the final approval of the plat, the Commission may accept a bond with surety to secure to the municipality the actual construction and installation of such improvements of such improvements or utilities at a time and according to specifications fixed by or in accordance with the regulations of the Commission. The city is hereby granted the power to enforce such bond by all appropriate legal and equitable remedies.

(D) All such regulations shall be published as provided by law for the publication of ordinances, and before adoption, a public hearing shall be held thereon. A copy thereof shall be certified by the Commission to the recorders of the counties in which the city and territory are located.
(Ord. 46, passed 1-9-61)

§ 152.08 PLANNING COMMISSION TO APPROVE, MODIFY OR DISAPPROVE PLATS.

The Planning Commission shall approve, modify or disapprove a plat within 60 days after the submission thereof to it; otherwise such plat shall be deemed to have been approved, and a certificate to that effect shall be issued by the Commission on demand. The applicant for the Commission's approval may waive this requirement and consent to an extension of such period. The grounds of disapproval of any plat shall be stated upon the records of the Commission. Any plat submitted to the Commission shall contain the name and address of a person to whom notice of a hearing shall be sent and no plat shall be acted on by the Commission without affording a hearing thereon. Notice shall be sent to the address by registered mail of the time and place of such hearing not less than five days before the date fixed therefor. Similar notice shall be mailed to the owners of land immediately adjoining the platted land, as their names appear upon the plats in the County Auditors office and their addresses appear in the directory of the city or on the tax records of the city or county. Every plat approved by the Commission shall, by virtue of such approval, be deemed to be an amendment of or an addition to or a detail of the municipal plan and a part thereof. Approval of a plat shall not be deemed to constitute or effect an acceptance by the public of any street or other open space shown upon the plat. The Planning Commission may, from time to time, recommend to Council amendments of the zoning ordinance or map or additions thereto to conform to the Commission's recommendations for the zoning regulation of the territory comprised within approval subdivisions. The Commission shall have the power to agree with the applicant upon use, height, area or bulk requirements of restrictions governing buildings and premises within the subdivision, provided such requirements or restrictions do not authorize the violation of the then effective zoning ordinance of the city. Such requirements or restrictions shall be stated upon the plat prior to the approval and recording thereof and shall have the same force of law and be enforceable in the same manner and with the same sanctions and penalties and subject to the same power of amendment or repeal as though set out as a part of the zoning ordinance or map of the city.
(Ord. 46, passed 1-9-61)

PLANNING COMMISSION

§ 152.20 CREATION.

A planning commission is hereby created which shall be designated City Planning Commission. (Ord. 46, passed 1-9-61)

Cross-reference:

Traffic Code available in office of Planning Commission, see § 70.01

§ 152.21 MEMBERS.

The Planning Commission shall consist of nine members. These members shall be the Mayor or the Mayor's designee as long as that person is a qualified elector residing in the City of Bangor, one member of the City Council, and seven other persons appointed by the Mayor with the approval of a majority of the City Council members at a regularly called meeting of the City Council where a quorum exists. Persons appointed shall represent in so far as possible, different professions or occupations and shall be qualified electors of the City of Bangor. Employees of the City of Bangor shall not be appointed. Such persons may serve as resource persons adding background and technical information but shall have no vote in matters before the Planning Commission. All members of the Commission shall serve without compensation. The Mayor nor the Council member who serve on the Planning Commission shall not be compensated for their service even though they may be compensated for their service as Mayor or as a Council Member. Excluding the Mayor and the one member of the City Council, the appointed members shall hold no other municipal office except one of the members may also be appointed to the Zoning Board of Appeals. All members shall have the full rights of membership on the Planning Commission and may move, support or otherwise vote on all motions and matters before the Planning Commission. The Mayor shall serve for the term for which he was elected Mayor. The Mayor's designee shall terminate with the term of the Mayor selecting him or her. The term of the Council member appointed as a member of the Planning Commission shall terminate with the term to which he or she was elected. The term of other members shall be for designated terms of three years or until his or her replacements are appointed. Members of the first Planning Commission shall be appointed for staggering terms with two being appointed for one year, two being appointed for two years and the remaining three members appointed for three years. Members of the Planning Commission except for the Mayor and the Council member appointed to serve on the Planning Commission may be removed in accordance with Ordinance 258 - Ethical Standards of Conduct (codified herein as Chapter 36) or for violations of the City Charter. Vacancies occurring otherwise than through expiration of term shall be filled for the unexpired term by the Mayor with the approval of a majority of the City Council members at a regularly called meeting of the City Council where a quorum exists.
(Ord. 46, passed 1-9-61; Am. Ord. 268, passed 6-21-04)

§ 152.22 OFFICERS, MEETINGS AND RULES.

The Planning Commission shall elect its Chairperson from among the appointed members and create and fill such other of its offices as it may determine. The term of the Chairperson shall be one year, with eligibility for reelection. The Commission shall hold at least one regular meeting in each month. It shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record.
(Ord. 46, passed 1-9-61)

§ 152.23 EMPLOYEES AND CONSULTANTS.

The Planning Commission may appoint such employees as it may deem necessary for its work, whose appointment, promotion, demotion, and removal shall be subject to the same provisions of law as govern other corresponding civil employees of the city. The Commission may also contract with city planners, engineers, architects, and other consultants for such services as it may require. The expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the City Council, which shall provide the funds, equipment, and accommodations necessary for the Commission's work.
(Ord. 46, passed 1-9-61)

§ 152.24 PLANNING COMMISSION TO HAVE POWERS OF ZONING COMMISSION.

The Planning Commission shall have all powers heretofore granted by law to the Zoning Commission of the city and, from and after the creation of a Planning Commission in the city, all powers and records of the Zoning Commission shall be transferred to the Planning Commission.
(Ord. 46, passed 1-9-61)

CHAPTER 153: SUBDIVISIONS

Section

§ 153.01 ADOPTION BY REFERENCE.

The subdivision code of the city, as adopted by Ordinance 90, passed 12-26-72, is hereby adopted by reference and made a part of this code as fully as if set out at length herein.
(Ord. 90, passed 12-26-72)

CHAPTER 154: ZONING

Section

General Provisions

Nonconformities

Zoning Map and Districts

Signs

Off-street Parking and Loading

Administration

Zoning Board of Appeals

Plan Commission

Amendments

Special Uses

Planned Unit Development

Wireless Communications

Enforcement

Cross-reference:

Wellhead Protection Overlay Zone, see Ch. 158

GENERAL PROVISIONS

§ 154.001 TITLE.

City of Bangor Zoning Ordinance.
(Ord. 205, passed 1-16-95)

§ 154.002 INTENT AND PURPOSE.

This chapter is adopted for the following purposes:

(A) To promote and protect the public health, safety, morals, comfort and general welfare of the people.

(B) To divide the city into zones or districts, restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for residence, business, manufacturing and other specified uses.

(C) To provide for the gradual elimination of non-conforming uses of land, buildings and structures which are adversely affecting the character and value of desirable development in each district.

(D) And to prescribe the penalties for the violation of the provisions of this chapter or any amendments thereto.
(Ord. 205, passed 1-16-95)

§ 154.003 RULES.

In the construction of this chapter, the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise.

(A) Words used in the present tense shall include the future.

(B) Words in the singular number include the plural number and words in the plural number include the singular number.

(C) The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".

(D) The word "shall" is mandatory.

(E) The word "may" is permissive.
(Ord. 205, passed 1-16-95)

§ 154.004 INTERPRETATION.

(A) *Minimum requirements.* The provisions herein shall be held to the minimum requirements for the promotion, of public health, morals and welfare.

(B) *Relationship with other laws.* When the conditions imposed by any provision herein upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provisions herein or any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive (or which impose higher standards or requirements) shall govern.

(C) *Effect of existing agreements.* The ordinance is not intended to abrogate any easement, covenant or another private agreement, provided that where the regulations of the ordinance are more restrictive, (or impose higher standards or requirements) than such easements, covenants or other private agreements, the requirements herein shall govern.
(Ord. 205, passed 1-16-95)

§ 154.005 SEPARABILITY.

It is hereby declared to be the intention of the city that the several provisions of this chapter are separable in accordance with the following:

(A) If any court of competent jurisdiction shall adjudge any provision of this chapter to be invalid, such judgement shall not affect any other provisions not specifically included in said judgement.

(B) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this chapter to a particular property, building or other structure, such judgement shall not affect the application of said provisions to any other property, building or structure not specifically included in said judgement.
(Ord. 205, passed 1-16-95)

§ 154.006 SCOPE OF REGULATIONS.

(A) *Change in structures or use.* Except as may otherwise be provided, all buildings erected hereafter, all uses of land or buildings established hereafter, all structural alterations or relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter, shall be subject to all regulations herein which are applicable to the zoning district in which such buildings, uses or land shall be located.

(B) *Non-conforming buildings, structures and uses.* Any lawful building, structure or use existing at the time of the enactment of the zoning ordinance may be continued, even though such building, structure or use does not conform to the provisions herein for the district in which it is located and whenever a district shall be changed hereafter, then the existing lawful use may be continued, subject to the provisions in §§ 154.030 through 154.036.

(C) *Building permits.* There a building permit for a building or structure has been issued in accordance with law, prior to the effective date of the ordinance, and provided that construction is begun within 90 days of such effective date and diligently prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit was issued, and further may, upon completion be occupied under a certificate of occupancy by the use for which originally designated - subject thereafter to the provisions of §§ 154.030 through 154.036.
(Ord. 205, passed 1-16-95)

§ 154.007 USE AND BULK REGULATIONS.

(A) *Use.* No building, structure or land shall hereafter be used or occupied and no building or part thereof or other structure shall be erected, raised, moved, reconstructed, extended, enlarged or altered except in conformity with regulations herein specified for the district in which it is located, except as authorized by a pre-existing section of this ordinance.

(B) *Bulk.* All new buildings and structures shall conform to the building regulations established herein for the district in which each building shall be located, except the parapet walls, chimneys, cooling towers, elevator bulkheads, fire towers, stacks and necessary mechanical appurtenances shall be permitted to exceed the maximum height provisions when erected in accordance with all other ordinances of the city.

(C) *Permitted obstructions in required yards.* The following shall not be considered to be obstructions when located in the required yards as specified.

(1) *In all yards:*

(a) Open terraces not over four feet above the average level of the adjoining ground, but not including permanently roofed-over terrace or porch.

(b) Awnings and canopies but not projecting more than ten feet and at least seven feet above the average level of the adjoining ground.

(c) Steps, four feet or less above grade, which are necessary for access to a permitted building or for access to a zoning lot from a street or alley;

(d) Chimneys projecting 18 inches or less into the yard;

(e) Arbors, trellises, flag poles, fountains, sculptures, plant boxes and other similar ornamental objects;

(f) Fences and walls not exceeding four feet in height above natural grade level in front yards and not exceeding six feet in height in side and rear yards.

(2) *In front yards.* One story suspended bay windows projecting three feet or less into the yards; and overhanging eaves and gutters projecting three feet or less into the yard;

(3) *In rear yards.* Enclosed, attached or detached off-street parking spaces, open off-street parking spaces, accessory shed, tool rooms and similar buildings or structures for domestic or agricultural storages; balconies, breezeways and open porches; one story bay windows projecting three feet or less into the yard; overhanging eaves and gutters projecting three feet or less into the yard. In any residential district, no accessory building shall be nearer than five feet to the side lot line nor nearer than five feet to the rear lot line no nearer than ten feet to any principal building unattached.

(4) *In side yards.* Overhanging eaves and gutters projecting into the yard for a distance not exceeding 40 percent of the required yard width, but in no case exceeding two feet.

(D) *Vision clearance - corner lots.* No building or structure hereafter erected and no planting or other obstruction to the vision of drivers or motor vehicles shall be located:

(1) In any residential district exceeding a height of three feet above the street grade within 25 feet of the intersecting street lines bordering corner lots; and

(2) In any manufacturing district within 12 feet of the intersecting street lines bordering a corner lot, provided that this regulation shall not apply to that part of building above the first floor.

(E) *Exception for existing developments.*

(1) Where 40 percent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have observed (within a variation of five feet or less) a front yard greater in depth than required herein, new buildings shall not be erected closer to the street than the average front yard so established by the existing building.

(2) Where 40 percent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have not observed a front yard as herein required, then;

(a) Where a building is to be erected within 100 feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the closest front corners of the two existing buildings.

(b) Where a building is to be erected within 100 feet of an existing building on one side only, it may be erected as close to the street as the existing building.
(Ord. 205, passed 1-16-95) Penalty, see § 154.999

§ 154.008 LOT AREA AND DIMENSION.

(A) *Contiguous parcels.* When two or more parcels of land, one or both of which lack adequate area and dimension to qualify for a permitted use under the requirements of the use district in which they are located are contiguous and are held in one ownership, they shall be used as one zoning lot for such use.

(B) *Lot area and lot frontage restrictions - exemptions.* Lot area and lot frontage restrictions shall not apply to any lots or parcels of land which are part of a recorded plat, and at the time of the adoption of this chapter such plats disclose lot areas or lot frontages of less than those governed by the terms of this chapter.
(Ord. 205, passed 1-16-95)

§ 154.009 NUMBER OF BUILDINGS ON A ZONING LOT.

Except in the case of a planned development, not more than one principal detached residential building, shall be located on a residential lot, nor shall a principal detached residential building be located on the same zoning lot with any other principal building.
(Ord. 205, passed 1-16-95) Penalty, see § 154.999

§ 154.010 ACCESSORY BUILDINGS.

(A) *Location.* When a side yard is required, no part of an accessory building shall be located closer than three feet to the side lot line along such side yard. When a rear yard is required, no part of an accessory building shall be located closer than three feet to the rear lot line or to those portions of the side lot lines abutting such required rear yard.

(B) *Percentage of required rear yard occupied.* No accessory building or buildings shall occupy more than 40 percent of the area of a required yard.

(C) *Height of accessory buildings in required rear yards.* No accessory building or portion thereof located in a required rear yard shall exceed 15 feet in height.

(D) *On reversed corner lots.* On a reversed corner lot in a residential district, no accessory building or portion thereof in a required rear yard shall be closer to the side lot line abutting the street than the required front yard on the adjacent lot to the rear. Further, in the above instance, no such accessory building shall be located within three feet of any part of a rear lot line which coincides with a side lot line or portion thereof or property in a residential district.
(Ord. 205, passed 1-16-95) Penalty, see § 154.999

§ 154.011 TEMPORARY BUILDINGS.

(A) A temporary real estate office may be allowed in conjunction with a new housing development, limited to the selling or renting of new units in such development, but in no case to be in operation for more than one year following completion of construction of said housing development.

(B) Temporary buildings for construction purposes may be allowed in any district for a period not to exceed the completion date of such construction.
(Ord. 205, passed 1-16-95) Penalty, see § 154.999

§ 154.012 EXISTING SPECIAL USES.

Where a use is classified as a special use and exists as a permitted use at the date of the adoption of this chapter, it shall be considered a legal use as a special use, without further action of the City Council, the Zoning Administrator, the Board of Appeals or the Planning Commission.
(Ord. 205, passed 1-16-95)

§ 154.013 SITE PLAN REVIEW AND APPROVAL.

(A) A site plan review procedure is hereby established for the city. The purpose of a site plan review is to determine compliance with the provisions set forth herein and to promote the orderly development of the city, the stability of land values and investments in the general welfare, and to help prevent impairment or depreciation of land values and development by the erection of structures or additions or alterations thereto without proper attention to sitting and appearance.

(B) The following provisions in this section shall apply to all uses requiring site plan review by this chapter, including without limitation, multiple family developments, mobile home parks, cluster commercial developments and industrial developments, single family subdivisions and planned unit developments.

(C) A site plan must be approved by the City Council after having received recommendations from the City Planning Commission, Zoning Administrator, Police Chief, Fire Chief, City Manger, and any other municipal department as the City Manager may deem appropriate as to it's (its) conformance to proper development standards and regulations and it's (its) effect on adjacent property or on the city as a whole. Professional review by approved architect, planner or engineer may be obtained by the city. The cost of review will be passed along to the applicant. Approved plans shall regulate the development on said premises, unless modified in the same manner as the plans were originally approved.

(D) The following provisions in this section shall apply to all site plan review procedures, unless otherwise provided in this chapter. The procedures of this section shall be minimum requirements, and additional procedures may be required by the City Planning Commission, City Council, and/or City Manager.

(1) *General procedure.*

(a) Whenever a site plan review is required by the provisions of this chapter, 15 copies of the site plan to scale, including all items required together therewith, shall be submitted to the City Clerk's office two weeks before a regularly scheduled Planning Commission meeting.

(b) The City Clerk shall then immediately transmit, copies of the site plan to the Planning Commission and other appropriate bodies as herein before designated for review and comment. Bodies receiving plans for review shall submit their findings to the City Clerk within 14 days of receipt thereof.

(c) Then upon receipt of the comments from the Planning Commission and appropriate bodies, the City Clerk shall submit same to the City Manager for submission to the City Council for action at its next regularly scheduled meeting.

(2) *Required information for review.* The following information shall accompany all plans submitted for review:

(a) A legal description of the property under consideration.

(b) A map indicating the gross land area of the development, the present zoning classification thereof, and the zoning classification and land use of the area surrounding the proposed development, including the location of structures and other improvements.

(c) The names and addresses of the architect, planner, designer, or engineer responsible for the preparation of the site plan.

(d) Drawings or sketches of the exterior and elevations, and/or perspective drawings of the building or structures under consideration.

(3) *Site plan requirements.*

(a) The following information shall be included on the site plan:

1. A scale of not less than 1" = 20', if the subject property is less than three acres, and 1" = 100' if it is three acres or more.

2. Date, north point, and scale.

3. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.

4. The siting of all structures on the subject property and abutting properties.

5. The location of each proposed structure in the development area, the use or uses to be contained therein, the number of stories, gross building areas, distances between structures and lot lines, setback lines, and approximate location of vehicular entrances and loading points.

6. The location of all existing and proposed drives and parking areas with the number of parking and/or loading spaces provided.

7. All pedestrian walks, malls and open areas for parks and recreation.

8. Location and height of all walls, fences and screen planting, including a general plan for the landscaping of the development and the method by which landscaping is to be accomplished and be maintained.

9. The location and right-of-way widths of all abutting streets.

10. Types of surfacing, such as paving, turfing or gravel to be used at the various locations.

11. A grading plan of the area.

12. Size and location of proposed sewer and water lines and connections.