

~~(b) A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.~~

(a) Any violation of any provision of this City of Ionia Zoning Ordinance, or any orders, conditions, approvals, or similar matters authorized hereunder, shall be deemed a municipal civil infraction pursuant to Section 202.99 of these Codified Ordinances.

(b) Unless otherwise specifically provided for in Section 202.99 of these Codified Ordinances, the fine for each such violation shall be not more than one hundred dollars (\$100.00) per day for each violation, plus costs and other sanctions as set forth by law. Each violation, and each day on which any violation continues, shall constitute a separate offense.

(c) These provisions shall not replace or relieve the violating user from injunctive relief, civil penalties, or criminal prosecution where deemed appropriate by the City and authorized by law or otherwise. These provisions shall also be in addition to that relief otherwise authorized in this City of Ionia Zoning Ordinance or by state law.

(d) The Zoning Administrator, City Manager, and any representative designated in writing by the City Manager, is hereby designated as an authorized City official to issue municipal civil infraction citations for any violation of this City of Ionia Zoning Ordinance.

Section 2: Repealer

That all ordinances and parts of ordinances in conflict herewith are repealed to the extent of such conflict.

Section 3: Publication and Effective Date

The City Clerk shall cause a notice of adoption of this ordinance to be published. This ordinance shall take effect seven (7) days after it, or a summary thereof as permitted by law, along with the date of its adoption, is published in the *Daily News*, a newspaper of general circulation in the City unless otherwise provided by law.

Dated: _____

CITY OF IONIA

By: Mary Patrick, City Clerk

**CITY OF IONIA
IONIA COUNTY, MICHIGAN
ORDINANCE NO. 569**

AN ORDINANCE TO AMEND PART TWO, TITLE TWO, CHAPTER 202, SECTION 202.99 ENTITLED “ADMINISTRATION CODE; GENERAL PROVISIONS; CODIFIED ORDINANCES; GENERAL CODE PENALTY; CIVIL INFRACTIONS; EQUITABLE REMEDIES; COMPLICITY” OF THE CODIFIED ORDINANCES OF THE CITY OF IONIA

The City of Ionia Ordains:

Section 1: Amendment

That Part Two, Title Two, Chapter 202, Section 202.99 of the Codified Ordinances of the City of Ionia is amended to read as follows:

202.99 GENERAL CODE PENALTY; MUNICIPAL CIVIL INFRACTIONS; EQUITABLE REMEDIES; COMPLICITY.

(a) Misdemeanors.

(1) Unless a violation of these Codified Ordinances or any ordinance of the City is specifically designated in these Codified Ordinances or any other ordinance as a Municipal civil infraction, the violation shall be deemed to be a misdemeanor.

(2) The penalty for a misdemeanor violation shall be a fine not exceeding five hundred dollars (\$500.00) (plus costs of prosecution), or imprisonment not exceeding ninety-three days, or both, unless a specific penalty is otherwise provided for the violation by these Codified Ordinances or any other ordinance.

(b) Municipal Civil Infractions.

(1) The sanction for a violation which is designated as a Municipal civil infraction shall be a civil fine in the amount as provided by these Codified Ordinances or any ordinance, plus any costs, damages, expenses or other sanctions, ~~or relief~~ as authorized in Chapter 87 of Act 236 of the Public Acts of 1961, as amended, and other applicable laws.

(2) Unless otherwise specifically provided for a particular Municipal civil infraction violation by these Codified Ordinances or any other ordinance, the ~~civil~~ fine for a violation designated as a Municipal civil infraction shall be not more than one hundred dollars (\$100.00), ~~plus-in addition to~~ costs and other sanctions, for each infraction including, without limitation, the costs of prosecution to the full extent and in the manner provided by law.

(3) Increased civil fines ~~may-in excess of one hundred dollars (\$100.00) to the maximum extent permitted by law shall~~ be imposed for repeated violations by a person of any requirement or provision of these Codified Ordinances or any ordinance. As used in this section, "repeat offense" means a second (or any subsequent) Municipal civil infraction of the same requirement or provision committed by a person within any one-year period (unless some other period is specifically provided by these Codified Ordinances or any other ordinance) and for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by these Codified Ordinances or any other ordinance for a particular Municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:

A. The fine for any first repeat offense shall be not more than five hundred dollars (\$500.00), plus costs.

B. The fine for any second repeat offense or any subsequent repeat offense shall be not more than one thousand dollars (\$1,000), plus costs.

(c) Violations Deferred; Separate Offenses.

(1) A violation includes any act which is prohibited or made or declared to be unlawful or an offense by these Codified Ordinances or any other ordinance, and any omission or failure to act where the act is required by these Codified Ordinances or any other ordinance.

(2) Each day on which any violation of these Codified Ordinances or any other ordinance continues and each act of violation constitute a separate offense and shall be subject to penalties or sanctions as a separate offense.

(3) The penalty provided in this section, unless another penalty is expressly provided, shall apply to the amendment of any section of these Codified Ordinances, whether or not such penalty is re-enacted in the amendatory clause.

(d) **Equitable Remedies; Surcharges.**

(1) In addition to any remedies available at law, the City may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of these Codified Ordinances or any City ordinance.

(2) The imposition of any penalty provided for in this section shall be in addition to any surcharges levied for a violation of or noncompliance with the provisions of these Codified Ordinances, or a provision of a technical or other code adopted by reference in these Codified Ordinances, or a rule, regulation or order promulgated or made under authority of either, or under authority of State law, and shall be in addition to any equitable remedy provided by a provision of these Codified Ordinances or a provision of a technical or other code adopted by reference in these Codified Ordinances, or a rule, regulation or order promulgated or made under authority of either, or under authority of State law, including the enforced removal of prohibited conditions.

(e) **Complicity.** Every person concerned in the commission of an offense under these Codified Ordinances, whether he or she directly commits the act constituting the offense or procedures, counsels, aids or abets in its commission, may be prosecuted, indicted, tried or found responsible, and on conviction shall be punished, as if he or she had directly committed such offense.

Section 2: Repealer

That all ordinances and parts of ordinances in conflict herewith are repealed to the extent of such conflict.

Section 3: Publication and Effective Date

The City Clerk shall cause a notice of adoption of this ordinance to be published. This ordinance shall take effect upon its, or a summary thereof as permitted by law, publication in the *Daily News*, a newspaper of general circulation in the City unless otherwise provided by law.

Dated: _____

CITY OF IONIA

By: Mary Patrick, City Clerk

**CITY OF IONIA
IONIA COUNTY, MICHIGAN
ORDINANCE NO. 570**

**AN ORDINANCE TO AMEND PART SIX, CHAPTER 692 ENTITLED
“FIREWORKS” TO ADD NEW SECTIONS 692.07 AND 692.08 REGARDING
APPLICATION PROCESS, REQUIREMENTS, RESTRICTIONS, AND
PROCEDURES FOR DISPLAY OF PROFESSIONAL FIREWORKS, TO THE
CODIFIED ORDINANCES OF THE CITY OF IONIA**

The City of Ionia Ordains:

Section One: Addition

That Part Six of the Codified Ordinances of the City of Ionia is amended to add Sections 692.07 and 692.08 to Chapter 692, entitled “Fireworks” to read in their entirety as follows:

692.07 – Professional Fireworks

(a) Application Form, Site Plan, and Fee

Any person wishing to conduct a professional fireworks display, show or demonstration (hereinafter, “Fireworks Display”), consistent with the Michigan Fireworks Safety Act, Act 256 of 2011, as amended, shall, not less than 60 days prior to the event, submit a completed application to the City on a form furnished by the Michigan Department of Licensing and Regulatory Affairs (currently Form BFS-417) and shall further secure permission from the City Council by means of the approval of said application, resulting in the issuance of a permit prior to the fireworks display. The City Council may waive such 60-day application deadline for good cause shown by the applicant, but in no event will the City approve an application filed with the City less than 14 days before the event.

In addition to the fully completed application form, the applicant must submit:

1. A site plan of the area, showing and titled, “Fireworks Discharge and Display Area.” The site plan shall set forth all structures and buildings in the area and the discharge site fallout area. The site plan shall also set forth all distances separating the equipment used to launch the fireworks from all structures and buildings, and shall also show the distance separating the equipment from the spectators viewing the Fireworks Display, including off-street parking of spectator vehicles. All site plans are subject to review and approval by the City of Ionia Public Safety Department, in accordance with NFPA 1123, Code for Fireworks Display, prior to submittal to or approval of the application by the City Council.
2. Proof of insurance consistent with Section 692.07(b), below.
3. A non-refundable application fee in an amount determined by City Council resolution from time to time.

(b) Permit Requirements

Before a permit for Fireworks Display is issued, the applicant shall furnish proof of financial responsibility by a bond or insurance in an amount, character, and form deemed necessary by the City of Ionia to protect the public and to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of the applicant or an agent or employee of the applicant. The applicant agrees that at all times during the term of this permit it shall maintain a general comprehensive liability insurance policy and/or an excess or umbrella policy or policies protecting against liability for damages to real and personal property and for injuries and death resulting from the Fireworks Display with minimum liability limits of \$1,000,000 per occurrence and \$5,000,000 in the aggregate. The insurance policy or policies shall name the City as an additional insured. A certificate of Insurance showing the required coverages shall be provided by the applicant to the City before the permit is issued. The Certificate shall be sent to the City and marked to the attention of the City Manager.

(c) Competency and Qualifications

Before granting a permit, the City Council shall rule on the competency and qualifications of an articles pyrotechnic and display fireworks operator, as furnished by the operator on the operator’s application form, in accordance with the requirements provided under NFPA 1123, and on the time, place, and safety aspects of the display of articles pyrotechnic or display fireworks.

692.08 - Severability

If any portion of this Chapter is determined to be unenforceable or unconstitutional by a court of competent jurisdiction, then that part shall be deemed severable from the remainder of the Chapter, and such severance shall not affect the remainder of the Chapter, which shall remain in full force and effect.

Section Two: Repealer

That all ordinances and parts of ordinances in conflict herewith are repealed to the extent of such conflict.

Section Three: Publication and Effective Date

The City Clerk shall cause a notice of adoption of this ordinance to be published. This ordinance shall take effect immediately upon publication of a summary thereof as permitted by law, along with the date of its adoption, in the *Daily News*, a newspaper of general circulation in the City.

Dated: _____

CITY OF IONIA

By: Mary Patrick, City Clerk



COUNTY OF IONIA, MICHIGAN

At a regular meeting of the City Council of the City of Ionia, held at the Ionia City Hall, 114 North Kidd Street, Ionia, Michigan, on the 6th of December, 2022, at 7:00 p.m.

PRESENT: Milewski, Winters, Kelley, Lee, Starr, Millard, Gustafson, Waterman, Balice
ABSENT: None

The following preamble and resolution were offered by Councilmember Kelley and seconded by Councilmember Waterman.

RESOLUTION TO APPROVE A PERMIT APPLICATION FEE TO CONDUCT A PROFESSIONAL FIREWORKS DISPLAY

WHEREAS, 2011 Public Act 256 – The Michigan Fireworks Safety Act (the “Act”), as amended, was passed by the State Legislature and made effective January 1, 2012; and

WHEREAS, the Act requires any person wishing to conduct a professional fireworks display to complete an application as prescribed by the Michigan Department of Licensing and Regulatory Affairs and thereby secure permission from the City Council of the City of Ionia for such a display; and

WHEREAS, the City Council of the City of Ionia may charge and collect a fee to issue a permit for a professional fireworks display, after all requirements for such a permit have been satisfied;

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Ionia hereby establishes a fee of \$25 for all applications made to conduct a professional fireworks display, in accordance with the Michigan Fireworks Safety Act.

Upon a call of the roll, the vote was as follows:

AYES: Milewski, Winters, Kelley, Lee, Starr, Millard, Gustafson, Waterman, and Balice
NAYS: None

RESOLUTION DECLARED ADOPTED.



A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IONIA AUTHORIZING AN APPLICATION TO THE MICHIGAN DEPARTMENT OF NATURAL RESOURCES FOR FUNDING FROM THE MICHIGAN SPARK GRANTS PROGRAM TO FINANCE CONSTRUCTION OF THE STEELE STREET SPORTS COMPLEX

At a Regular Meeting of the City Council of the City of Ionia held on Tuesday, December 6, 2022, the following Resolution was offered by Councilmember Milewski, seconded by Councilmember Winters:

WHEREAS, the proposed Steele Street Sports Complex is envisioned as a major community park that serves the residents and visitors of the City of Ionia, providing recreation amenities such as softball fields, beach volleyball courts, pickleball courts, a tee-ball field, play equipment, restroom facilities and public parking in response to increased demand for such facilities following the COVID-19 pandemic; and,

WHEREAS, the City's Five-year Community Parks and Recreation Plan (2019-2024) identified development of a sports complex in the Steele Street corridor (pp 30-31) as a top priority for any funding that may be available to construct parks and facilities; and,

WHEREAS, the City desires to avail itself of the funding available through the MDNR's Michigan Spark Grants Program to fund design and construction of the Steele Street Sports Complex; and

WHEREAS, a hearing was held on the proposed project on December 6, 2022 at Ionia City Hall, following publication of a notice in the Daily News newspaper and on the City of Ionia website, and no written or oral comments were received regarding the project;

NOW, THEREFORE, BE IT RESOLVED that the Ionia City Council hereby:

1. Authorizes submission of an application to the Michigan Department of Natural Resources for funding from the Michigan Spark Grants Program to fund design and construction of the Steele Street Sports Complex, including two lighted softball fields, one tee-ball field, two beach volleyball courts, two pickleball courts, one universal access playground area, one restroom/storage/concessions building, and one public parking lot, with said grant request totaling between \$800,000 to \$1,000,000;
2. Upon receiving notification that the grant has been awarded, agrees to encumber all grant funds by December 31, 2023 and spend all grant funds by December 31, 2026;
3. Agrees to complete all components of the Steele Street Sports Complex in a manner consistent with Michigan Department of Natural Resources grant guidelines.

AYES: Milewski, Winters, Kelley, Lee, Starr, Millard, Gustafson, Waterman, and Balice

NAYS: N o n e

RESOLUTION DECLARED ADOPTED.

transfer of \$160,000 be made from the General Fund to City payroll funds to provide all full-time city employees with the equivalent of a one-time, additional paycheck. Part-time employees would receive a payment reflective of their average hours worked.

3. Transfer \$500,000 to Michigan Employees Retirement System (MERS) – The City of Ionia has made steady progress in recent years toward paying down its pension plan’s unfunded accrued liability (UAL). As of the last actuarial valuation report, the City’s pension program is now funded at 65%, which is above the minimum 60% required by the State of Michigan. The City achieved this current 65% funding level by making several extra contributions above its annual required contribution (ARC). To continue the positive trend of reducing UAL, it was proposed that a transfer of \$500,000 be made from the General Fund to MERS.

Councilmember Starr made a motion, seconded by Councilmember Milewski, to approve the special December budget amendment, to appropriate a total of \$900,000 from General Fund balance to the Water Fund (\$240,000), payroll accounts (\$160,000) and MERS (\$500,000). Councilmember Kelley expressed his opposition to Item #2. Mayor Balice said that he would be interested in learning about the pros and cons of Defined Benefit plans, how to budget for them, effects of the market, costs of a defined contribution plan, and the economics of transitioning. He also expressed appreciation for the job performance of previous and current managers to allow the City to get to this financial position.

Roll Call Vote: AYES: Milewski, Lee, Starr, Millard, Gustafson, Waterman, and Balice
 NAYS: Winters, Kelley

MOTION CARRIED

Upcoming Ward One Council Member Unfinished Term Vacancy (NB#3)

Ward One Council Member Gordon Kelley recently won election to the Ionia County Board of Commissioners (ICBOC). His ICBOC term begins on January 1, 2023. In accordance with the Ionia City Charter, Council Member Kelley is no longer eligible to serve on the Ionia City Council after December 31, 2022. His unexpired term runs through December 31, 2023. In this regard, the City Charter specifically states:

Section 2.05 Prohibitions (a) Holding Other Office – *Except where authorized by law, no Council member shall hold any other elected public office during the term for which the member was elected to the Council.*

The City Charter further prescribes a process for dealing with an unexpired term vacancy:

Section 2.06 Vacancies; Forfeiture of Office; Filling of Vacancies – (c) Filling of Vacancies – *A vacancy in the City Council shall be filled for the remainder of the unexpired term, if any, at the next regular election following not less than 60 days upon the occurrence of the vacancy, but the Council by majority vote of all its remaining members shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. If the Council fails to do so within 30 days following the occurrence of the vacancy the election authorities shall call a special election to fill the vacancy, to be held not sooner than 90 days and not later than 120 days following the occurrence of the vacancy, and to be otherwise governed by law.*

Per the above Section, since there is no regular election scheduled before March 1, 2023, a new Council member must be appointed by January 31, 2023, to fill Council Member Kelley’s unexpired term. If no appointment is made, a special election must be conducted between April 1 and April 31, 2023.

A motion was made by Mayor Balice, seconded by Councilmember Winters to: (1) Solicit applications for consideration from Ward 1 residents by publishing a notice on the City’s website, in the *Ionia Sentinel Standard*, and in the *Daily News* regarding the vacancy and how to apply. An application deadline will be set for 4:00 PM, December 21, 2022; (2) Include the applications with the January 4, 2023, Council meeting packets; (3) The Ward 1 vacancy will be filled at the January 4, 2023, regular meeting of the Council.

Roll Call Vote: AYES: Milewski, Winters, Kelley, Lee, Starr, Millard, Gustafson, Waterman, and Balice
 NAYS: None.

MOTION CARRIED

Emergency Purchases – Ionia Theatre Furnace and S. State Road Watermain (NB#4)

Chapter 212 of the City’s Codified Ordinances addresses purchases, contracts and sales. Specifically, Section 212.07 Emergency Purchases, states, “In the event of any emergency or an apparent emergency endangering the public peace, health and/or safety of the City, the Agent, the Manager or any department head may purchase directly any supplies, materials or equipment that he or she deems immediately necessary. Within one week from the time of purchase, the purchaser shall file, in writing with the Agent a detailed explanation of the necessity for such purchase or purchases and the Agent shall submit such statement to the Council no later than the next regular meeting of the Council.”

Two emergency purchases were recently necessary. Council reviewed the required, detailed statement explaining the necessity for the purchases.

Ionia Theatre – Theatre #2 Furnace – A recent inspection of the furnace in theatre screen #2 (installed 1992) found a cracked heat exchanger. This is a dangerous situation that left unrepaired, could result in carbon monoxide leakage into the heated space. As a result, the furnace was immediately shut down and bids were sought from two local HVAC contractors to replace the furnace as follows:

<u>Contractor</u>	<u>Location</u>	<u>Bid</u>
Wilson Heating, Plumbing & Cooling	Ionia	\$15,500*
Home Experts Heating, Cooling & Plumbing	Ionia	\$12,745**

*Daikin #DBG120 Commercial 10 Ton Heat/Cool Rooftop Unit with Roof Curb & Economizer – 1 to 1.5 week lead time

**Diakin#DFG120 Light Commercial 10 Ton Heat/Cool Rooftop Unit with Roof Curb – 28 week lead time

Given the emergent need to replace this furnace, the bid from Wilson in the amount of \$15,500 was approved.

Water Tap & Loop Opportunity – S. State Rd. – The City recently received a request for a water tap on S. State Rd. to service a new fast food restaurant. City staff determined this tap request also presented an opportunity to add/extend watermain to the east side of S. State Rd., if the tap pipe was upsized from 6” to 8”. Adding/extending watermain on the east side of S. State Rd. is desirable for several reasons. It creates redundancy, improves water quality and can eventually facilitate a looped system in this area, which is required by the Michigan Department of Environment, Great Lakes and Energy (EGLE) to permit future economic growth. A bid was requested from the contractor (CL Trucking) completing the water tap for the cost differential between the 6” and 8” pipe and required extension. The differential was \$11,840. Because time was of the essence regarding ordering materials and completing this work in association with the private water tap, it was determined that the significant potential public and cost benefit associated with this work met the spirit of 212.07 Emergency Purchases and thus, was approved.

Councilmember Millard made a motion, seconded by Councilmember Kelley, to accept the report explaining the emergency purchases made to replace the Ionia Theatre Screen #2 furnace and to upsize the water tap for future enhanced water service capacity on the east side of S. State Road.

Roll Call Vote: AYES: Milewski, Winters, Kelley, Lee, Starr, Millard, Gustafson, Waterman, and Balice
 NAYS: None.

MOTION CARRIED

Resolution 2022-17 to Affirm Policy No. 1-013; Property Taxes—Poverty Guidelines 2023 (NB#5)
City of Ionia Policy No. 1-013 establishes poverty guidelines for property tax exemptions used by the Board of Review in determining if an applicant qualifies for a full or partial exemption. These poverty guidelines for both income and assets are updated and established annually by the City of Ionia.

Councilmember Winters made a motion, seconded by Councilmember Lee, to approve Resolution 2022-17, affirming revised Policy No. 1-013, updating the poverty and asset guidelines to be utilized by the Board of Review for purposes of determining property tax exemptions.

Roll Call Vote: AYES: Milewski, Winters, Kelley, Lee, Starr, Millard, Gustafson, Waterman, and Balice
 NAYS: None.

MOTION CARRIED

Resolution No. 2022-17

At a regular meeting of the City Council of the City of Ionia, held at the Ionia City Hall, 114 North Kidd Street, Ionia, Michigan, on the 6th day of December, 2022, at 7:00 p.m.

PRESENT: Milewski, Winters, Kelley, Lee, Starr, Millard, Gustafson, Waterman, Balice
ABSENT: None.

The following preamble and resolution were offered by Councilmember Winters and seconded by Councilmember Lee.

**RESOLUTION TO ADOPT PROPERTY TAX POVERTY EXEMPTION POLICY
AND ASSOCIATED INCOME AND ASSET LIMITS FOR 2023**

WHEREAS, adoption of a policy and guidelines for granting principle residence property tax poverty exemptions is within the authority of the Ionia City Council, as prescribed by MCL 211.7u; and

WHEREAS, the City of Ionia has established Policy 1-013, Property Taxes – Poverty Exemption Policy to address this matter; and

WHEREAS, this policy is reviewed and updated annually to ensure, among other things, the Federal poverty income guidelines, as published in the prior calendar year in the Federal Register by the United States Department of Health and Human Services are annually updated; and

WHEREAS, Policy 1-013 has been updated to include the most recent income poverty guidelines for evaluating Property Tax Poverty Exemption applications in 2023;

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Ionia hereby reaffirms Policy 1-013, Property Taxes – Poverty Exemption Policy as written and dated December 6, 2022 and that this policy shall be followed by the City of Ionia Board of Review in granting or denying all property tax exemption applications requested on the basis of poverty.

Upon a call of the roll, the vote was as follows:

AYES: Milewski, Winters, Kelley, Lee, Starr, Millard, Gustafson, Waterman, and Balice

NAYS: None.

RESOLUTION DECLARED ADOPTED.

2023 Regular Meeting Schedule for Council and Other Boards (NB#6)

In accordance with the Ionia City Council's, *Rules of Order and Conduct for City Council Meetings*, Section 1.04 states, "No later than the December meeting of each year, City Council shall adopt and publish a meeting schedule for the following year. The regular meetings shall not be moved unless a majority of City Council approves the change and public notice is given with at least 15 days-notice." Following is a proposed 2023 combined meeting schedule, which includes adjustments as noted to accommodate for spring break week and holidays, as necessary. The other noted public bodies will also confirm their meeting schedules, as necessary, in accordance with their bylaws.

Councilmember Winters made a motion, seconded by Councilmember Waterman, to approve the 2023 Combined Meeting Schedule and authorize its publication.

Roll Call Vote: AYES: Milewski, Winters, Kelley, Lee, Starr, Millard, Gustafson, Waterman, and Balice

NAYS: None.

MOTION CARRIED

Appointments to Various Boards and Commissions (NB#7)

ADJOURNMENT

A motion was made by Councilmember Starr, seconded by Councilmember Millard, to adjourn the meeting. MOTION CARRIED BY VOICE VOTE. The meeting was adjourned at 9:20 PM.

Submitted by:

Mary Patrick, Ionia City Clerk