

~~(a) Any person, firm or corporation violating any of the provisions of this Zoning Code shall, upon conviction thereof, be subject to a fine of not more than five hundred dollars (\$500.00) and the costs of prosecution, or imprisonment in the County Jail for a period not to exceed ninety days for each offense, or both such fine and imprisonment, in the discretion of the court.~~

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That all ordinances and parts of ordinances in conflict herewith are repealed to the extent of such conflict.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

CITY OF IONIA

Dated: _____

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.

CITY OF IONIA

Dated: _____

By: Mary Patrick, City Clerk

Ordinance No. 570—Revision to Chapter 692: Fireworks (NB#2)

The City of Ionia currently addresses the subject of fireworks in a disjointed fashion. Consumer fireworks are addressed in the City’s codified ordinances, specifically in Chapter 692. This chapter was last updated in 2019 to correspond to changes made by the state, when it amended the Michigan Fireworks Safety Act, Act 256 of 2011 with Act 635 of 2018. The main purpose of the 2019 ordinance was to comply with the revised state act and to indicate the dates and times consumer fireworks can be used in the City.

Professional fireworks are currently addressed in the City’s General Policy Manual, specifically in Policy 5-005, “Fireworks/Pyrotechnical Displays.” This policy has not been updated since 2002 and is intended to regulate professional fireworks displays. Such displays are also regulated by the state through the Michigan Fireworks Safety Act (the “Act.”) Since both consumer and professional fireworks displays are all regulated under the same Act, it makes sense that likewise, the City should regulate them under the same chapter of codified ordinances.

The Act requires the City to process an application for professional fireworks display by:

1. Requiring a completed application on forms specifically provided by the Michigan Department of Licensing and Regulatory Affairs (currently Form BFS-417).
2. At its discretion, setting a fee related to the review and processing of the application.
3. Establishing that the person applying for the permit is financially responsible by requiring a bond or proof of liability insurance in an amount, character and form deemed necessary to protect the public.
4. Determining that the applicant is competent and qualified to undertake a professional fireworks display, as demonstrated through information provided on the application form, compliance with NFPA 1123, and other requirements associated with the proposed display (i.e., submitting a site plan subject to Ionia Public Safety Department approval).

Ordinance 570 adds rules for professional fireworks displays to the existing City code regarding consumer fireworks and will create a centralized, updated procedure for addressing all matters involving fireworks. The draft ordinance and proposed resolution establish the application fee for a professional fireworks display at \$25, which is the same rate currently charged for parades and similar special event activities.

Councilmember Winters made a motion, seconded by Councilmember Lee, to introduce and conduct a first reading of Ordinance No. 570, which would amend Part Six, Chapter 692 entitled “Fireworks” to add new sections 692.07 and 692.08 to the Codified Ordinances of the City of Ionia; and, to schedule a Public Hearing regarding the proposed ordinance for **7:00 PM, Tuesday, December 6, 2022 at Ionia City Hall.**

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

MOTION CARRIED

**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.

CITY OF IONIA

Dated: _____

By: Mary Patrick, City Clerk



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 1st day of November, 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 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 & Balice
NAYS: None
ABSENT: None
RESOLUTION DECLARED ADOPTED.

Purchase of Employee Health Care Insurance (NB#4)

The City’s employee health care insurance renews annually at the beginning of the calendar year. Last year, bids were solicited for the health care plan, after receiving a proposed rate renewal of 9.53% from Blue Care Network (BCN), which was preceded by a 10.12% rate increase the prior year. By making the switch to Priority Health, a substantially equivalent plan was retained and 8.2% was saved over the

proposed BCN rate. This year, a renewal proposal from Priority Health was received with rates 5.7% more than the prior year, which compare in detail as follows:

Priority Health - 2022				
	Rate per Month	Certificates	Total Cert/Mo.	Annual Rate
Single	\$ 414.30	6	\$ 2,485.80	\$ 29,829.60
Single (65+)	\$ 574.84	1	\$ 574.84	\$ 6,898.08
Two-Person	\$ 994.32	12	\$ 11,931.84	\$ 143,182.08
Family	\$ 1,242.90	23	\$ 28,586.70	\$ 343,040.40
TOTALS	\$ 3,226.36	42	\$ 43,579.18	\$ 522,950.16
Priority Health - 2023				
	Rate per Month	Certificates	Total Cert/Mo.	Annual Rate
Single	\$ 438.03	7	\$ 3,066.21	\$ 36,794.52
Single (65+)	\$ 621.90	1	\$ 621.90	\$ 7,462.80
Two-Person	\$ 1,051.27	10	\$ 10,512.70	\$ 126,152.40
Family	\$ 1,314.09	24	\$ 31,538.16	\$ 378,457.92
TOTALS	\$ 3,425.29	42	\$ 45,738.97	\$ 548,867.64
HSA Contribution				
Single	\$ 3,000.00	7	\$ 21,000.00	
Two-Person	\$ 6,000.00	10	\$ 60,000.00	
Family	\$ 6,000.00	24	\$ 144,000.00	
			\$ 225,000.00	
				Increase YoY
Total Healthcare Spend			\$ 773,867.64	\$ 25,917.48

Assuming that the City continues to elect 80/20 cost share as it has done since 2011 under PA 152, its actual cost for health insurance in 2023 would be as follows:

\$773,867.64 x 0.80 = \$619,094.11 City share
\$773,867.64 x 0.20 = \$154,773.53 Employee share

Quotes were also obtained for dental and vision insurance coverage. Rates were quoted with no rate increase compared to the prior year (now both holding steady for the past three years), as follows:

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Ionia elects to comply with the requirements of 2011 Public Act 152, the “Publicly Funded Health Insurance Contribution Act”, by adopting the 80/20 option for the medical benefit plan coverage year January 1, 2023 through December 31, 2023.

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

AYES: Milewski, Winters, Kelley, Lee, Starr, Millard, Gustafson, Waterman, Balice
NAYS: None
ABSENT: None
RESOLUTION DECLARED ADOPTED.

Proposed Policy 4-004; Sale of City-Owned Excess Property (NB#5)

The City of Ionia owns a number of vacant lots located throughout the city, appears most of these properties have been acquired through tax reversion or past code enforcement/demolition actions. Retaining such parcels in city ownership serves no public purpose, requires regular maintenance by the public works department (lawn mowing and sidewalk snow removal), and prevents their potential redevelopment and restoration to the ad valorem property tax roll.

Following a review of policies adopted by several other Michigan municipalities regarding sale of city-owned excess property, a draft policy was prepared, along with a request to purchase form. If approved, this policy would be added to Section 4 – Community Development of the City of Ionia’s General Policy Manual. The highlights of this proposed new policy are as follows:

- Excess property would be determined by the city manager. All proposed sales require City Council approval.
- Excess properties available for sale would be listed on the City’s website. Excess property does not include Apple Tree Industrial Park lots.
- Notice of the availability of such properties would be provided to directly adjacent property owners.
- Excess property will be sold only to “qualified purchasers” – those with no outstanding debt due to the City and from whom the property was acquired via foreclosure or condemnation.
- In the event of multiple offers, the highest bid will be selected with preference given to an adjacent property owner.
- Minimum offer of \$300 required; city reserves the right to counter.
- No “flipping” of uncombined lots allowed (minimum 5 year holding period required.)
- Sale will be via quit claim deed; purchaser is required to pay deed recordation costs.

Councilmember Millard made a motion, seconded by Councilmember Starr, to approve Policy 4-004, as amended, Sale of City-Owned Excess Property for inclusion in the General Policy Manual of the City of Ionia.

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

MOTION CARRIED

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

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF IONIA ESTABLISHING REVISED RULES OF ORDER AND CONDUCT FOR CITY COUNCIL MEETINGS

WHEREAS, Sections 2.07 and 2.11 of the Charter of the City of Ionia provide that the City Council may adopt Rules of Order and Conduct for City Council to assure civil and professional work for the residents of the City; and,

WHEREAS, Section 3(5) of the Michigan Open Meetings Act provides that a person shall be permitted to address the City Council under rules established and recorded by the City Council; and,

WHEREAS, the City Council desires to adopt Rules of Order and Conduct for City Council Meetings.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council, pursuant to the City Charter and Section 3(5) of the Open Meetings Act, hereby approves the revised Rules of Order and Conduct for City Council Meeting dated November 1, 2022.

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

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

NAYS: None

ABSENT: None

RESOLUTION DECLARED ADOPTED.

CLOSED SESSION

None

CITY COUNCILMEMBER COMMENTS/GOOD OF THE ORDER

City Manager Precia Garland: (1) The CBG grant has been officially approved in the amount of \$440,000 to complete the two projects; (2) As noted on the schedule posted on the website, leaf pick-up will continue through November 29, with a final pick-up November 30-December 2.

City Clerk Mary Patrick: To date, about 700 Absent Voter ballots have been issued and just under 500 have been returned, a rate of about 70%. Preparing for a heavy turnout on Election Day.

Troy Waterman: The Chili Dawg Challenge was a success. Even though there were only 5 booths selling food, there was a great crowd and people enjoyed being outside. Wished everyone a happy Thanksgiving.

Tom Millard: (1) The building of a dog park is a great thing to be happening downtown, as is installation of the sound system that can be instantly accessed and won't need to be hooked up each time it's needed; (2) The Chili Dawg Challenge was such fun and enjoyed by many; (3) Looking forward to the Christmas Parade on December 2, another great community event and an opportunity for people to gather; (4) Wished everyone a happy Thanksgiving.

Rich Starr: Thanked everyone for the well wishes sent to him during his absence, and wished all a happy Thanksgiving.

Tim Lee: Continues to be impressed with all that is going on downtown—the improvements, upgrades, and community events.

Gordon Kelley: Has received inquiries from several people about their interest in returning to the previous method of leaf pick-up, and asked if the cost of that could be looked into for the future.

Jeff Winters: Appreciates that the step at the side entrance has been repaired, and the light bulbs replaced.

John Milewski: The food booths at the Chili Dawg Challenge nearly all sold out, with the exception of Independent Bank who prepared 1,700 chilidogs and sold all but a few.

Mayor Balice: (1) Sparrow Ionia continues to be appreciative of the Ionia community and, in turn, Sparrow is extremely important to Ionia and surrounding areas. While healthcare is under tremendous financial pressure and a nurse shortage exists. Ionia has expanded its family doctor services and Orthopedic department. Reminded everyone to continue supporting our healthcare workers who have given so much in the last couple of years; (2) The Chili Dawg Challenge was fantastic, with a great crowd; (3) While driving through local streets, he has noticed and appreciates the many people that have been working on improving their houses and yards; (4) Recognized and thanked the Councilmembers for giving their time to the community for little in return, and appreciates serving with a team of dedicated and good people who give their time freely wherever it is needed to serve the community.

ADJOURNMENT

A motion was made by Councilmember Starr, seconded by Councilmember Lee, to adjourn the meeting. MOTION CARRIED BY VOICE VOTE. The meeting was adjourned at 8:01 PM.

Submitted by:

Mary Patrick, Ionia City Clerk