



# CITY OF IONIA

## **General City Policy Manual**

Revised December 2025

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# **Section 1**

## **FINANCE**

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# **SECTION 1**

## **FINANCE**

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## **Budget Policy**

### **I. PURPOSE**

The purpose of this policy is to provide guidance and direction on the formation of the City Budget. This policy elaborates the steps necessary to establish an annual budget as mandated by the City of Ionia Charter. The budget results in a prudent allocation of scarce resources to achieve goals and objectives, established by City Council.

### **II. SCOPE**

This policy applies to all department heads, the City Manager, and is intended to result in an annual budget subject to final approval by the City Council.

### **III. POLICY**

1. An operating budget will be prepared for the general fund and each special revenue fund consistent with GAAP and the uniform chart of accounts.
2. The minimum level of legal control will be determined based on the specifications of the Michigan Department of Treasury.
3. In accordance with the Uniform Budgeting & Accounting Act (PA 2 of 1968, as amended), a public hearing on the budget will be held prior to formal adoption by the City Council.
4. The budget will be formally adopted by June 15 by the City Council prior to the commencement of the fiscal year.
5. The City Manager shall prepare a budget message, which shall become part of the budget. The message shall outline the financial goals of the City for the coming year, describe important features of the budget, indicate major changes, list expenditures and revenues, summarize the City's debt position, and include other materials as deemed appropriate. The budget shall be presented by the City Manager to the City Council by May 1.
6. Each department head shall be responsible for preparing and updating a six-year (6 year) Capital Improvement Plan (CIP), and that document shall become part of the budget. The CIP shall be based on and support the adopted goals and objectives of the departments as well as those established by the City Council.
7. The adopted budget will include:

- a. Revenue and expenditure data for the most recently completed fiscal year and estimated revenue and expenditures for the ensuing fiscal year.
  - b. The amount of surplus or deficit that accumulated from the prior fiscal year, along with an estimate of the amount of surplus or deficit expected in the current fiscal year.
  - c. An estimate of the amounts needed for deficiency, contingent, or emergency purposes.
  - d. Other data relating to fiscal conditions that the City Manager deems to be useful.
8. The budget will be amended by the City of Ionia City Council, as directed in Section 5 of the City Charter, throughout the fiscal year. No budget amendments will be allowable after year-end.
  9. In no instance will total estimated expenditures, including an accrued deficit, exceed total revenues, including available unappropriated surplus.
  10. The budget will be posted to the City of Ionia's website within 14 days of formal adoption.
  11. Expenditures exceeding budget at the legal level of compliance will be disclosed in the annual audit.
  12. The original budget, final amended budget, actual expenditures, and excess of expenditures over budget will be included for the general fund and each major special revenue fund in the annual audit.

## Federal Awards Administration Policy

### I. PURPOSE

This policy establishes rules and procedures by which federal awards (i.e. grants, appropriations) are administered by the City of Ionia in order to assure compliance with all applicable OMB Circulars (i.e. OMB Circular A-133 Compliance Supplements, OMB Circular A-87, etc.), grant agreements, Federal awarding agency regulations, and the terms and conditions of such awards.

### II. SCOPE

This policy applies to all City departments and any and all budget centers included in the City of Ionia's annual operating budget.

### III. POLICY

This policy shall be segmented by specific areas of compliance, as enumerated below:

#### A. Grant Administration

##### 1. Grant Development, Application, and Approval –

- i. Legislative Approval – The point at which legislative approval is required is determined by the requirements of the grant program. If the grant must be submitted by “an individual authorized by the legislative body”, then Board approval is required prior to submitting the application. If such legislative approval is not specifically required by the written terms of the grant, then the City Manager may, at his or her discretion, approve grant applications.
- ii. Matching Funds – Grants that require cash local matches must be coordinated through the Finance Department. At a minimum, funds must be identified within the existing budget to provide the match, or a budget amendment will be required. Depending on the nature of the grant, there may also be some policy implications that will bear discussion. (For example, will the grant establish a level of service that cannot be sustained once the grant funds are depleted?)

In all cases involving matching funds, the grant applicant should contact the City Manager to determine the strategy for securing matching funds.

- iii. Grant Budgets – Most grants require the submission of an expenditure budget. The Finance Department should review this portion of the grant request prior to submission. Frequently, a technical review will discover inconsistencies in the calculations, cost centers that might have been overlooked, or identify reimbursable expenses of which program staff may not be aware—particularly in the indirect cost area.

Grant applicants should contact the Finance Director to request a technical review of a grant proposal budget.

## 2. Grant Program Implementation –

- i. Notification and Acceptance of an Award – Official notification of a grant award is typically sent by a funding agency to the program director and/or other official designated in the original grant proposal. However, the authorization to actually spend grant funds is derived from the City Council through the approval of a grant budget, incorporated as part of the City’s Annual Operating Budget.

Adoption of the grant budget as a component of the Government-wide operating budget is deemed to be sufficient approval.

- ii. Establishment of Accounts – The department that obtained the grant will provide the Finance Director with information needed to establish revenue and expense accounts for the project. Ordinarily, this information will include a copy of a summary of the project and a copy of the full project budget.
- iii. Purchasing Guidelines – All other Government purchasing guidelines apply to the expenditure of grant funds. The use of grant funds does not exempt any purchase from normal purchasing requirements. All typical paperwork and bidding requirements apply. All normal staff approvals apply. When in doubt, the program director should contact the City Manager for further assistance.

## 3. Financial and Budgetary Compliance –

- i. Monitoring Grant Funds – Departments may use some internal mechanism (such as a spreadsheet) to monitor grant revenues,

expenditures and budgetary compliance. The Finance Director maintains all this information in BS&A Financial Management software as well, and this is considered to be the Government's "official" accounting system by the granting agencies. Program Directors are strongly encouraged to use BS&A Financial Management software reports provided by the Finance Director for their grant tracking.

If any "off-system" accounting records are maintained, it is the responsibility of the Program Director to ensure that the program's internal records agree to the Government's accounting system.

- ii. Fiscal Years – Occasionally, the fiscal year for the granting agency will not coincide with the Government's fiscal year. This may require adjustments to the Government's internal budget accounts and interim financial reports as well as special handling during fiscal year-end close. It is the responsibility of the Finance Director to bring such discrepancies to the attention of the City Manager and program director at the time the grant accounts are established.

If grant funds have not been totally expended by fiscal year-end, it is the responsibility of the program director to notify the Finance Director that budget funds need to be carried forward to the new fiscal year, and to confirm the amounts of such carry-forwards. Carry-forwards of grant funds will be subjected to maximum allowable amounts/percentages based on the grant award agreement and/or the OMB Circular A-133 Compliance Supplement.

- iii. Capital Assets – The Government is responsible for maintaining an inventory of assets purchased with grant monies. The Government is accountable for them and must make them physically available for inspection during any audit. The Finance Director must be notified immediately of any sale of these assets. Customarily, the proceeds of the sale can only be used on the grant program that purchased them. (Refer to the specific regulations governing the original grant).

The **Finance Director** will coordinate this grant requirement. All proposed transactions that involve the acquisition or disposal of grant funded fixed assets must be immediately brought to the attention of the Finance Director. Refer to the sections of this policy titled "Equipment and Real Property Management" for additional information.

4. Record Keeping –

- a. Audit Workpapers – The Government’s external auditors audit all grants at the end of each fiscal year. The **Finance Director** will prepare the required audit workpapers. Program Directors may be asked to assist in this process, if necessary.
- b. Record Keeping Requirements – Grant record keeping requirements may vary substantially from one granting agency to another. Consequently, a clear understanding of these grant requirements at the beginning of the grant process is vital. The **Finance Director or the Assistant Finance Director** will maintain copies of all grant draw requests, and approved grant agreements (including budgets). The program director should maintain all other records.

**B. Activities Allowed/Unallowed and Allowable Costs/Cost Principles**

Source of Governing Requirements – The requirements for activities allowed or unallowed are contained in program legislation, Federal awarding agency regulations, and the terms and conditions of the award.

The requirements for allowable costs/cost principles are contained in the A-102 Common Rule, OMB Circular A-110 (2 CFR section 215.27), program legislation, Federal awarding agency regulations, and the terms and conditions of the award.

In order to ensure compliance with these requirements, **City of Ionia** has implemented the following policies and procedures:

1. All grant expenditures will be in compliance with OMB Circular A-87, “*Cost Principles for State, Local, and Indian Tribal Governments*”, State law, City policy, and the provisions of the grant award agreement will also be considered in determining allowability. Grant funds will only be used for expenditures that are considered reasonable and necessary for the administration of the program.
2. Grant expenditures will be approved by **Department Director** when the bill or invoice is received. This will be evidenced by signature or initials and date on the invoice. Accounts payable disbursements will not be processed for payment until necessary approval has been obtained by the **Finance Director and one Council Member**.
3. Payroll costs will be documented in accordance with OMB Circular A-87 as described in the section of this manual titled “Payroll and Timekeeping”.

4. An indirect cost rate will only be charged to the grant to the extent that it was specifically approved through the grant budget/agreement.

### C. Cash Management

Source of Governing Requirements – The requirements for cash management are contained in the A-102 Common Rule, OMB Circular A-110 (2 CFR section 215.22), program legislation, Federal awarding agency regulations, and the terms and conditions of the award.

In order to ensure compliance with these requirements, the **City of Ionia** has implemented the following policies and procedures:

1. Unless otherwise specified, grants are awarded on a reimbursement basis. As such, program costs will be expended and disbursed prior to requesting reimbursement from the grantor agency.
2. Cash draws will be initiated by the **Finance Director** who will determine the appropriate draw amount. Documentation of how this amount was determined will be retained and signed/dated.
3. Each cash draw will be reviewed by the **City Manager** who will sign/initial and date the paperwork as evidence of the review.
4. The physical draw of cash will be processed in **BS&A Software** or through the means prescribed by the grant agreement for other awards by the Finance Director.
5. Supporting documentation or a copy of the cash draw paperwork will be filed along with the approved paperwork described above and retained for audit purposes.

### D. Davis-Bacon Act

The Davis-Bacon Act requires the payment of prevailing wage rates, which are determined by the US Department of Labor (DOL), to all laborers and mechanics on federal government construction projects in excess of \$2,000. Construction includes alteration and/or repair, painting and decorating, of public buildings or public works. Davis-Bacon does not apply to the rehabilitation of residential structures containing less than 8 units.

### Regulations

The DOL has published rules and instructions concerning Davis-Bacon and other labor laws in the Code of Federal Regulations (CFR). These regulations can be found in Title 29 CFR Parts 1, 3, 5, 6, and 7.

### Wage Decisions

The Davis-Bacon wage decision, or wage determination, is a listing of various construction work classifications, such as carpenter, electrical, plumber, and laborer. It also lists the minimum wage rates, and fringe benefits where prevailing, that people performing work in those classifications must be paid.

Davis-Bacon wage decisions are established by the DOL for various types of construction such as residential, heavy or highway, to apply to specific geographic areas usually a county or group of counties. Wage decisions are modified from time to time to remain current. In most cases, when the contract is awarded or when construction begins, the wage decision is locked in and no future modifications are applicable to the contract or project involved. All current Davis-Bacon wage decisions can be accessed on line at no cost on the Wage Determinations website.

### Responsibility of the Principal Contractor

The principal contractor, also referred to as the prime or general contractor, is responsible for the full compliance of all employers such as the contractor, subcontractors, and any lower-tier subcontractors with the labor standards provisions applicable to the project. Because of the contractual relationship between a prime contractor and his/her subcontractors, subcontractors generally should communicate with the city's contract administrator only through the prime contractor.

## **E. Eligibility**

Source of Governing Requirements – The requirements for eligibility are contained in program legislation, Federal awarding agency regulations, and the terms and conditions of the award.

**Eligibility Policies and Procedures.** The following policies and procedures will be applied, to the extent that they do not conflict with or contradict the program legislation, regulations, and terms & conditions of award:

1. Federal grants will only benefit those individuals and/or groups of participants that are deemed to be eligible.
2. Initial eligibility determinations will be made by the City Manager with assistance from the program director. Sufficient documentation to support these determinations will be retained and made available to administration, auditors,

and pass-through or grantor agencies, upon request. It is the responsibility of the **Finance Director or the Assistant Finance Director** to maintain complete, accurate, and organized records to support eligibility determinations.

#### **F. Equipment & Real Property Management**

Source of Governing Requirements – The requirements for equipment are contained in the A-102 Common Rule, OMB Circular A-110 (2 CFR section 215.34), program legislation, Federal awarding agency regulations, and the terms and conditions of the award.

In order to ensure compliance with these requirements, the **City of Ionia** has implemented the following policies and procedures:

1. All equipment will be used in the program for which it was acquired or, when appropriate, other Federal programs.
2. When required, purchases of equipment will be pre-approved by the grantor or pass-through agency. **Department Directors** will be responsible for ensuring that equipment purchases have been previously approved, if required, and will retain evidence of this approval.
3. Equipment records will be maintained, a physical inventory of equipment shall be taken, and an appropriate system shall be used to safeguard equipment, as described in the section of this manual titled “Capital Assets”.
4. When equipment with a current per unit fair market value of \$5,000 or more is no longer needed for a Federal program, it may be retained or sold with the Federal agency having a right to a proportionate amount of the current fair market value. Proper sales procedures shall be used that provide for competition to the extent practicable and result in the highest possible return.

#### **G. Matching, Level of Effort & Earmarking**

Source of Governing Requirements – The requirements for matching are contained in the A-102 Common rule, OMB Circular A-110 (2 CFR section 215.23), program legislation, Federal awarding agency regulations, and the terms and conditions of the award. The requirements for level of effort and earmarking are contained in program legislation, Federal awarding agency regulations, and the terms and conditions of the award.

The **City of Ionia** defines “matching”, “level of effort”, and “earmarking” consistent with the definitions of the OMB Circular A-133 Compliance Supplement:

Matching or cost sharing includes requirements to provide contributions (usually non-Federal) or a specified amount or percentage of match to Federal awards. Matching may be in the form of allowable costs incurred or in-kind contributions (including third-party in-kind contributions).

Level of effort includes requirements for (a) a specified level of service to be provided from period to period, (b) a specified level of expenditures from non-Federal or Federal sources for specified activities to be maintained from period to period, and (c) Federal funds to supplement and not supplant non-Federal funding of services.

Earmarking includes requirements that specify the minimum and/or maximum amount of percentage of the program's funding that must/may be used for specified activities, including funds provided to subrecipients. Earmarking may also be specified in relation to the types of participants covered.

In order to ensure compliance with these requirements, the **City of Ionia** has implemented the following policies and procedures:

1. Compliance with matching, level of effort, and earmarking requirements will be the responsibility of the **City Manager**.
2. Adequate documentation will be maintained to support compliance with matching, level of effort, and earmarking requirements. Such information will be made available to administration, auditors, and pass-through or grantor agencies, as requested.

#### **H. Period of Availability**

Source of Governing Requirements – The requirements for period of availability of Federal funds are contained in the A-102 Common Rule, OMB Circular A-110 (2 CFR sections 215.28 and 215.71), program legislation, Federal awarding agency regulations, and the terms and conditions of the award.

In order to ensure compliance with these requirements, the **City of Ionia** has implemented the following policies and procedures:

1. Costs will be charged to an award only if the obligation was incurred during the funding period (unless pre-approved by the Federal awarding agency or pass-through grantor agency).
2. All obligations will be liquidated not later than 90 days after the end of the funding period (or as specified by program legislation).

3. Compliance with period of availability requirements will initially be assigned to the individual approving the allowability of the expense/payment. This will be subject to review and approval in the finance department as part of the payment processing.

#### **I. Procurement, Suspension and Debarment**

Source of Governing Requirements – The requirements for procurement are contained in the A-102 Common Rule; OMB Circular A-110 (2 CFR sections 215.40 through 215.48), program legislation, Federal awarding agency regulations, and the terms and conditions of the award.

The requirements for suspension and debarment are contained OMB guidance in 2 CFR part 180, which implements Executive Orders 12549 and 12689, Debarment and Suspension; Federal agency regulations in 2 CFR implementing the OMB guidance; the A-102 Common Rule; OMB Circular A-110 (2 CFR section 215.13); program legislation; Federal awarding agency regulations; and the terms and conditions of the award.

In order to ensure compliance with these requirements, the City of Ionia has implemented the following policies and procedures:

1. Purchasing and procurement related to Federal grants will be subject to the general policies and procedures of the City (described in the section of this manual titled “Purchasing and Procurement”).
2. Contract files will document the significant history of the procurement, including the rationale for the method of procurement, selection of the contract type, contractor selection or rejection, and the basis of contract price.
3. Procurement will provide for full and open competition.
4. The City is prohibited from contracting with or making subawards under covered transactions to parties that are suspended or debarred or whose principals are suspended or debarred.

“Covered transactions” include those procurement contracts for goods and services awarded under a nonprocurement transaction (i.e., grant or cooperative agreement) that are expected to equal or exceed \$25,000 or meet certain other specified criteria. All nonprocurement transactions (i.e., subawards to subrecipients), irrespective of award amount, are considered covered transactions.

5. The City will include a suspension/debarment clause in all written contracts in which the vendor/contractor will certify that it is not suspended or debarred. The contract will also contain language requiring the vendor/contractor to notify the City immediately upon becoming suspended or debarred. This will serve as adequate documentation as long as the contract remains in effect.
6. Each quarter, the **Finance Director** or designee will be responsible for running a year-to-date transaction report from the Government's accounting system. Any vendor with accumulated transactions equaling or exceeding \$25,000 that is not subject to a written contract including a suspension/debarment clause or for which a signed statement or suspension or debarment is not on file will be subject to additional procedures. The **Finance Director** or designee will check the Excluded Parties List System (EPLS) maintained by the General Services Administration (GSA) for the vendor name. A potential match will be followed-up on immediately. Each vendor searched on EPLS will be initialed on the vendor transaction report and the report will be signed and dated on the first or last page. The vendor transaction report will be retained as evidence of the control.
7. If a vendor is found to be suspended or debarred, the Government will immediately cease to do business with this vendor.
8. Executed contracts and signed quarterly vendor transaction history reports will be retained and filed by the **Assistant Finance Director**

**J. Program Income**

Source of Governing Requirements – The requirements for program income are found in the A-102 Common Rule (**payment**) and (**program income**); OMB Circular A-110 (2 CFR section 215.2 (program income definition), 2 CFR section 215.22 (payment), and 2 CFR section 215.24 (program income), program legislation, Federal awarding agency regulations, and the terms and conditions of the award.

In order to ensure compliance with these requirements, the **City of Ionia** has implemented the following policies and procedures:

1. Program income will include (but will not be limited to): income from fees for services performed, the use or rental of real or personal property acquired with grant funds, the sale of commodities or items fabricated under a grant agreement, and payments of principal and interest on loans made with grant funds. It will not include interest on grant funds unless otherwise provided in the Federal awarding agency regulations or terms and conditions of the award.

2. **The City of Ionia** will allow program income to be used in one of three methods:
  - a. Deducted from outlays
  - b. Added to the project budget
  - c. Used to meet matching requirements

Absent specific guidance in the Federal awarding agency regulations or the terms and conditions of the award, program income shall be deducted from program outlays.

3. Program income, when applicable, will be accounted for as a revenue source in the same program code as the Federal grant.

#### **K. Real Property Relocation and Acquisition**

Source of Governing Requirements – Government-wide requirements for real property acquisition and relocation assistance are contained in Department of Transportation’s single government-wide rule at 49 CFR part 24, Uniform Relocation Assistance and Real Property Acquisition Regulations for Federal and Federally-Assisted Programs.

This requirement has not historically been applicable to any of the Federal grants of the **City of Ionia**. Grant administrators are aware of existence of such compliance requirements and will monitor grant agreements for any change in applicability. Formal policies and procedures will be developed, as needed, to meet changes in circumstances.

#### **L. Reporting**

Source of Governing Requirements – Reporting requirements are contained in the following documents:

A-102 Common Rule – Financial reporting, Performance reporting, OMB Circular A-110 – Financial reporting, 2 CFR section 215, Performance reporting, 2 CFR section 215.51, program legislation, ARRA (and the previously listed OMB documents and future additional OMB guidance documents that may be issued), the Transparency Act, implementing requirements in 2 CFR part 170 and the FAR, and previously listed OMB guidance documents, Federal awarding agency regulations, and the terms and conditions of the award.

In order to ensure compliance with these requirements, the **City of Ionia** has implemented the following policies and procedures:

1. Reports will be submitted in the required frequency and within the required deadlines.
2. Reports will be completed using the standard forms (as applicable) and method of delivery (i.e., e-mail, grantor website, postal service, etc.).
3. Regardless of the method of report delivery, a copy of the submitted report will be retained along with any documentation necessary to support the data in the report. The report will evidence the date of submission in order to document compliance with timeliness requirements.
4. Financial reports will always be prepared based on the general ledger using the required basis of accounting (i.e., cash or accrual). In cases where financial data is tracked outside of the general accounting system (such as in spreadsheets or paper ledgers), this information will be reconciled to the general ledger prior to report submission.
5. Any report with financial-related data will either be prepared or reviewed by the Finance Director.
6. Preparation of reports will be the responsibility of the **Finance Director**. All reports (whether financial, performance, or special) must be reviewed and approved by a knowledgeable administrator or Board member prior to submission. Both the preparer and reviewer will sign and date the report and retain this documentation.
7. Copies of submitted reports with preparer and reviewer signatures and data will be filed with supporting documentation and any follow-up correspondence from the grantor or pass-through agency. Copies of all such reports will be made available to administration, auditors, and pass-through or grantor agencies, as requested.

#### **M. Subrecipient Monitoring**

Source of Governing Requirements – The requirements for subrecipient monitoring are contained in 31 USC 7502(f)(2)(B) (Single Audit Act Amendments of 1996 (Pub. L. No. 104-156)), OMB Circular A-133, A-102 Common Rule, and OMB Circular A-110 (2 CFR section 215.51(a)), program legislation, 2 CFR parts 25 and 170, and 48 CFR parts 4, 42, and 52 Federal awarding agency regulations, and the terms and conditions of the award

This requirement has not historically been applicable to any of the Federal grants of the **City of Ionia**. Grant administrators are aware of existence of such compliance

requirements and will monitor grant agreements for any change in applicability. Formal policies and procedures will be developed, as needed, to meet changes in circumstances.

**N. Special Tests and Provisions**

In order to ensure compliance with these requirements, the **City of Ionia** has implemented the following policies and procedures:

The **City Manager** will be assigned the responsibility for identifying compliance requirements for special tests and provisions, determining approved methods for compliance, and retaining any necessary documentation.

## Credit Card Policy

### I. PURPOSE

To establish a policy regarding the issuance and use of City credit cards by City staff, consistent with the provision of Public Act 266 of 1995, as amended.

### II. OBJECTIVE

To establish a uniform policy that applies to authorized staff for use of City-issued credit cards and to determine credit limits on the cards issued.

### III. POLICY

The City Council, by adoption of this Policy, hereby establishes this Credit Card Policy permitting the use of City-issued credit cards to authorized City personnel.

#### Issuance:

The City has relationships with several financial institutions that issue institution-based credit cards. The City Treasurer is responsible for periodically determining which institution the City selects for obtaining City-issued credit cards.

Credit cards shall be issued to the individuals holding the following positions with the referenced credit limits:

City Manager	\$5,000
Dial-A-Ride Director	\$2,500
DDA Director	\$2,500
Finance Director	\$5,000
Public Safety Director	\$5,000
Public Works Director	\$5,000
Public Utilities Director	\$5,000
Parks & Recreation Director	\$2,500
Theatre Manager	\$2,500

In addition, credit cards, as “floaters” shall be assigned to the following Departments with the referenced credit limits:

City Hall “Floater”	\$2,500 each
Public Safety Department “Floaters” (2)	\$2,500 each

**Internal Control:**

The City Treasurer is the administrator of this policy and shall be responsible for issuance and retrieval of assigned City credit cards to personnel and for overseeing compliance with this policy.

The City Treasurer shall be responsible for:

- a. Accounting and payment of expenses incurred by the City through the use of City credit cards.
- b. Ensuring accuracy of the statement and that activity and account information is noted on the credit card statements for each line of entry.
- c. Payment of credit card statements. In no case shall the balance on the credit card be paid later than sixty (60) days from the date of the statement, as required by Public Act 266 of 1995, as amended.
- d. Compliance with applicable record retention requirements for the safekeeping of statements and receipts, which is currently seven years.

**Cardholder Responsibilities:**

The holder of a City-issued credit card shall be responsible for the care and use of the card in the following manner:

- a. Ensure that the credit card is used in compliance with this Policy.
- b. Ensure that only authorized employees of the City use the credit card.
- c. Ensure use of the credit card for purchase of goods or services for official City business only.
- d. Upon use of the credit card for a purchase, submit receipts and all related documentation detailing the goods or services purchased, date of purchase, cost and an explanation of the purchase. These items/information shall be submitted to the accounts payable clerk within twenty-one (21) days of the purchase so that the purchase can be reconciled with the monthly credit card statement.
- e. The employee issued the credit card is responsible for protection of the credit card and shall immediately notify the City Treasurer if the card is lost or stolen.
- f. Upon use of the credit card, the holder shall notify vendors or merchants that the credit card transaction is exempt from Michigan Sales and Use Taxes if the credit card is used to purchase goods or services in the State of Michigan (IRS Tax Identification #38-6004625).
- g. The credit card may not be used for cash advances, personal use or any other type of purchase not permitted by the City's Purchasing Ordinance.

- h. Upon termination of employment, the holder shall surrender the credit card to the City Treasurer. The City reserves the right to withhold final payroll checks from the holder until the credit card is surrendered.
- i. The holder of a credit card found guilty of illegal or unauthorized use of a City credit card may be subject to penalties permitted by law and/or disciplinary action pursuant to the City's personnel policy, up to and including termination.

**ATTACHMENT A CITY OF IONIA  
CREDIT CARDHOLDER AGREEMENT**

Requirements for the use of City credit cards:

- a. The city credit card is to be used only to make purchases at the request of, and for the legitimate business benefit of the City of Ionia.
- b. The city credit card must be used in accordance with the City of Ionia Credit Card Policy as approved by the City Council and attached hereto.

Violation of the Credit Card Policy may result in revocation of use privileges. Employees found to have inappropriately used a City-issued credit card will be required to reimburse the City for all costs associated with such improper use, including any attorney fees and court costs associated with the matter, through direct payment or payroll deduction. This includes any credit card interest fees incurred by the City. Disciplinary action(s) may be taken per the City's Personnel Policy, up to and including termination. The City shall investigate and commence, in appropriate cases, criminal prosecution against any employee found to have misused the credit card or who violates the provisions of this Credit Cardholder Agreement.

Credit Card Account Number: \_\_\_\_\_

Received By: \_\_\_\_\_  
Name (please print)

I acknowledge receipt of the attached City of Ionia Credit Card Policy and agree to abide by said Policy.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

(Below for Office Use Only)

**Credit Card Returned**

Authorized Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## Debt Management Policy

### 1.0 Background

A Debt Management Policy establishes objectives, parameters, and guidelines for responsibly issuing and administering the City's debt. Financing decisions should be carefully managed to ensure the City maintains a fiscally sound debt position and protects the credit quality of its obligations. This Debt Management Policy applies to all City debt.

### 2.0 Objectives

Prudent management of the City's debt program is necessary to achieve cost-effective access to capital markets and demonstrates a commitment to long-term financial planning. The issuance of municipal bonds to fund public infrastructure is a valuable strategy to consider as part of the City's capital planning process, as it allows the City to meet service needs while spreading the cost over several years this permits future taxpayers who will benefit from the improvements to share in funding the asset. In following this policy, the City shall pursue the following specific goals:

- a. Maintain no less than an investment grade rating from at least one of the major rating agencies (Moody's Investor Services or S&P Global Ratings) for all debt at the time of issue so borrowing costs are minimized and access to credit is preserved.
- b. Maintain the ability to incur present and future debt at minimal interest rates in amounts needed for infrastructure and economic development without endangering the ability to finance essential services.
- c. Effectively utilize debt capacity in relation to City growth and the tax base to manage debt in line with available resources and statutory limits.
- d. Establish reasonable debt level targets that recognize projected inflation and planned capital needs.
- e. Determine amortization schedules that will best fit within the overall debt structure of the City. Consideration will be given to coordinating the length of an issue with the useful life of assets, while also considering repair and replacement costs of those assets to be incurred in future years as an offset to useful life, and the related length of time in the payout structure.
- f. Seek opportunities to finance debt service for general obligation debt with revenues other than property, and/or income taxes.
- g. Consider opportunities such as refinancing or restructuring of general obligation debt that reduces existing debt service.
- h. Utilize "Pay-As-You-Go" funding for capital projects to the extent possible and obtain financing only when necessary.

### **3.0 Governing Authority**

In the issuance and management of debt, the City shall comply with Michigan state law, Ionia City Charter, and all other legal requirements imposed by federal, state, and local rules and regulations, as applicable. The following section highlights the legal framework of the debt issuance process:

#### **3.1 Michigan Compiled Laws**

- a. The Home Rule City Public Act 279 of 1909, as amended, forms the basis for municipal government and includes provisions for borrowing money up to prescribed limits.
- b. Revised Municipal Finance Act, 34 PA 2001, as amended, allows the issuance of short-term debt for the planning and engineering costs of capital improvements. This statute provides for the issuance of Capital Improvement Bonds, Bond Anticipation Notes (BANs), Grant Anticipation Notes (GRANs), and Revenue Anticipation Notes (RANs) in anticipation of funds from these bonds, grants, and revenue sharing.
- c. Public Act 116 of 1923, as amended, provides for the issuance of Unlimited Tax General Obligation Bonds.
- d. Public Act 94 of 1933, as amended – Revenue Bond Act provides for the issuance of revenue bonds to finance public improvements that are self-supporting through use or service fees.
- e. Public Act 57 of 2018, as amended, provides financing options for Downtown Development Authorities, Tax Increment Financing Authorities, Local Development Finance Authorities, Corridor Improvement Authorities, Water Resource Improvement Authorities, and Neighborhood Improvement Authorities.
- f. Public Act 381 of 1996, as amended, provides financing options for Brownfield Redevelopment Authorities.
- g. Public Act 99 of 1933, as amended, provides for the issuance of Installment Purchase Agreements.

#### **3.2 City Charter Article X Borrowing**

The City Council, by proper ordinance or resolution, may authorize the borrowing of money on the credit of the city and the issuing of bonds therefore, for any purpose within the scope of its powers.

#### **3.3 Debt Limitation**

The net indebtedness of the City shall generally not be in excess of 10% of the State Equalized Valuation (“SEV”) of all real and personal property within the City. Obligations that are not included in the computation of legal debt margin include the following:

- a. Special Assessment Bonds
- b. Mortgage Bonds
- c. Michigan Transportation Bonds

- d. Revenue Bonds
- e. Bonds issued, or contracts or assessment obligations incurred, to comply with an order of the Water Resources Commission (now the Department of Environmental, Great Lakes & Energy) or a court of competent jurisdiction.
- f. Other obligations incurred for water supply, sewage, drainage or refuse disposal projects necessary to protect public health by abating pollution.

#### **4.0 Debt Issuance Types**

##### **4.1 Short Term Debt (three years or less)**

The City may issue short-term debt, which allows the City to meet cash flow requirements or provides increased flexibility in financing programs subject to the following:

- a. Bond Anticipation Notes (BANs) may be issued instead of capitalizing interest to reduce the debt service during the construction period of a project or facility. The BANs may not mature more than five (5) years from the date of issuance. BANs will mature within six (6) months after substantial completion of the financed facility.
- b. Revenue Anticipation Notes (RANs) may be issued only to meet cash flow needs consistent with a finding by bond counsel that sizing of the issue fully conforms to Federal IRS requirements and limitations.
- c. Other Short-Term Debt may be used, as allowed by law, when it provides an interest rate advantage or as interim financing until market conditions are more favorable.

##### **4.2 Long-Term Debt (more than three years)**

The City may issue long-term debt when it determines capital improvements will not be financed from current revenues and/or fund balance. Long-term borrowing will not be used to finance current operations. Long-term debt options may include, but are not limited to, the following:

- a. Unlimited Tax General Obligation Bonds are general obligation bonds secured by city property taxes. The City is not limited in the amount of taxes that can be levied to retire the debt in any year. The electorate must vote to approve general obligation bonds prior to their issue.
- b. Limited Tax General Obligation Bonds are general obligation bonds secured by city property taxes. The City is limited by state law and City Charter as to the amount that may be issued. A vote of the electorate is not required.

##### **4.3 Variable Rate Debt**

The City prefers fixed-rate debt, however, in certain instances, the City may consider variable-rate debt. When considering variable rate debt, the City must obtain an analysis from it's

financial advisor, who evaluates and quantifies the risks and returns involved in the variable rate financing. Variable-rate debt may be considered in the following circumstances:

- a. High-interest rates – interest rates are above historic averages.
- b. Variable revenue stream – the revenue stream for repayment is variable and is anticipated to move in the same direction as market-generated variable interest rates, or the dedication of revenues allows capacity for variability.

## 5.0 Bond Debt Structure

The City will establish terms and conditions relating to the issuance of bonds. Unless otherwise authorized by the City, the following will serve as bond requirements:

- a. Term - the term of a debt issue shall not exceed the economic or useful life of the improvement or asset that the issue is financing.
- b. Debt Service Structure - the City shall design the debt financing schedule and repayment of debt so as to take advantage of market conditions and as practical, to recapture or maximize its credit capacity for future use while moderating impact on the taxpayer.
- c. Call Provisions – in general, the City's debt issuance should include a call feature, no later than 10 years from the date of the delivery of bonds.
- d. Derivative Structures – the City will not utilize derivative structures.

## 6.0 Professional Services

The City recognizes that the nature of the municipal bond industry requires retention of specialized consultants. The City will strive to retain consultants who best advise it on individual issues and its overall debt program. In general, a competitive selection process will be used to procure consultants. Required consultants typically include:

- a. *Financial Advisor:* A Financial Advisor is used to assist in the issuance of City debt. The Financial Advisor will provide the City with objective advice and analysis on debt issuance. This includes but is not limited to, monitoring market opportunities, structuring, pricing debt, and preparing official statements of disclosure. In compliance with the 2010 Dodd-Frank Act, municipal advisors must register with the Securities and Exchange Commission (SEC). In addition, the Municipal Securities Rulemaking Board (MSRB) Rule G-23 prohibits a broker-dealer firm from serving as a municipal advisor and the underwriter on the same transaction.
- b. *Bond Counsel:* All debt issued by the City will include a written opinion by bond counsel affirming that the City is authorized to issue the proposed debt. The opinion will include confirmation that the City has met all local and state constitutional and statutory requirements necessary for the issuance, a determination of the proposed debt's federal income tax status, and any other components necessary for the proposed debt.

- c. *Underwriters:* An underwriter will be used for all debt issued in a negotiated sale method. The underwriter is responsible for purchasing negotiated debt and reselling the debt to investors.
- d. *Fiscal Agent:* A fiscal agent will be used to provide accurate and timely securities processing and timely payment to bondholders.

## **7.0 Method of Issuance**

The City will determine with assistance from its financial advisor, the method of issuance on a case-by-case basis. Bonds will be sold on a competitive basis unless it is in the best interest of the City to conduct a negotiated sale or private placement.

- a. *Competitive Sale:* In a competitive sale, the City's bonds will be awarded to the bidder providing the lowest true interest cost of the bid that conforms to the requirements set forth in the official notice of sales.
- b. *Negotiated Sale:* The City recognizes that it may be more beneficial to sell some debt issuances through a negotiated sale process. For example, the City may choose to use a negotiated sale method on financings that require a strong pre-marketing effort, such as a complex transaction or during a period of unstable markets.
- c. *Private Placement:* From time to time the City may elect to privately place debt. Such placement may be considered if this method will result in overall cost savings to the City relative to other methods of debt issuance.

## **8.0 Credit Quality and Credit Enhancements**

The City's debt management activities will be conducted with the goal of obtaining and maintaining the strongest credit rating possible consistent with the City's financial objectives. The City will maintain good communication with bond rating agencies about its financial condition. This effort will include providing periodic updates on the City's general financial condition, coordinating meetings or calls, and presentations in conjunction with new debt issuance. The City will continually strive to maintain its bond rating by improving financial policies, budgets, forecasts, and the financial health of the City.

The City will consider the use of credit enhancements on a case-by-case basis. The City may enter into agreements with commercial banks or other financial entities for the purpose of acquiring letters of credit, municipal bond insurance, or other credit enhancements that will provide the City with access to credit under specified terms and conditions when their use is judged cost-effective or otherwise advantageous. Any such agreements will require City Council approval.

## **9.0 Financial Disclosures**

The City is committed to complete and accurate market disclosure in accordance with the requirements under federal securities laws, including rules and regulations established by the Securities and Exchange Commission (SEC) and the Municipal Securities Rulemaking Board (MSRB). The City will prepare appropriate disclosures as required by the SEC, the federal government, the State of Michigan, rating agencies, underwriters, investors, agencies, taxpayers, and other appropriate entities and persons to ensure compliance with applicable laws and regulations.

- a. Primary: The City will follow professional and market standards in the preparation of official statements and facilitate the distribution of the official statements in a timely manner to enable investments.
- b. Continuing: The Finance Director will be responsible for coordinating annual disclosure required in accordance with SEC Rule 15c2-12 to the MSRB within 180 days after the end of the fiscal year. The City may contract with a third party to assist with compliance of ongoing continuing disclosure obligations. The City will keep current with any changes in both the administrative aspects of filing requirements and the MSRB's national repository to ensure issuer compliance with continuing disclosure requirements. In the event a material event occurs that requires immediate disclosure notification to the parties impacted, the Finance Director will ensure the event is reported in the MSRB system within 10 days of the event, in accordance with SEC Rule 15c2-12.

#### **10.0 Refinancing Outstanding Debt**

The City with assistance from its financial advisor, will regularly analyze outstanding bond issues for refunding opportunities. The City will consider the following issues when analyzing possible refunding opportunities:

- a. Debt Service Savings: Refinancing completed for the main benefit of reducing the cost to the City that results in a net present value debt service savings of at least three percent.
- b. Restructuring: The City may refund debt to restructure its payments to meet unanticipated revenue expectations, achieve cost savings, mitigate irregular debt service payments, release reserve funds or remove unduly restrictive bond covenants.
- c. Term of Refunding Issues: The City will refund bonds within the term of the originally issued debt. However, the City may consider maturity extension, when necessary, provided that such extension is legally permissible.

#### **11.0 Federal Arbitrage Rebate Requirement**

Arbitrage is interest earned on investment of bond proceeds above the debt arbitrage rate. If arbitrage occurs, the City will be required to rebate or pay the amount of arbitrage to the Federal Government unless it qualifies for an exemption from such rebate. The City will establish an appropriate system of accounting to calculate bond investment arbitrage earnings in accordance

with the Tax Reform Act of 1986, as amended or supplemented, and applicable United States Treasury regulations related thereto. Such amounts will be computed annually and transferred to an appropriate reserve account for eventual payment to the United States Treasury. If not exempt, the City will prepare and file on the fifth anniversary of the bond issuance the final arbitrage rebate calculation and submit to the federal government any rebate owed.

#### **12.0 Investment of Bond and Note Proceeds**

Investment of bond proceeds shall be limited as outlined in the City's Investment Policy and may be further limited or restricted in the respective bond documents.

#### **13.0 Ethics and Conflicts of Interest**

Officers and employees involved in the debt issuance process will refrain from personal business activity that could conflict with proper execution of the debt program, or which could impair their ability to make impartial debt issuance decisions.

## Fund Balance Policy – Governmental Funds

### I. PURPOSE

The purpose of this policy is to establish rules for managing fund balance in the City's governmental funds in a manner consistent with GASB Statement No. 54 and Government Finance Officers Association (GFOA) best practices.

### II. DEFINITION

Fund balance is created from excess revenues over expenditures in a fund. A fund's net assets, which mostly contain cash and investments are available for spending, unless otherwise restricted.

### III. CLASSIFICATIONS

GASB Statement No. 54 establishes five classifications of fund balance. They are:

1. Non-Spendable Fund Balance: This is the portion of fund balance that may not be spent because of its form, for example, inventory and non-financial assets, or because of legal or contractual requirements (i.e., the corpus of an endowment).
2. Restricted Fund Balance: This is the portion of fund balance that is restricted to use for a specific purpose by externally imposed requirements or enabling legislation. For example, Act 51 Gas and Weight Taxes are restricted for street maintenance.
3. Committed Fund Balance: This is the portion of fund balance that is designated for a specific purpose, as determined by the City Council. Committed fund balance cannot be used for any other purpose unless City Council takes the same action to remove or change the constraint. An example is fund balance in the City's 420 account committed for payment of capital improvement project contracts.
4. Assigned Fund Balance: In the General Fund, these are funds that are intended to be used for specific purposes, but have not been designated by the City Council. Designation of amounts on the General Fund financial statements as "assigned fund balance" shall be the prerogative of the City Treasurer in consultation with the City Manager.

In governmental funds other than the General Fund, assigned fund balance includes all residual amounts not restricted or committed because the fund is created and maintained to support a specific purpose (i.e., Recreation Fund, Solid Waste Fund).

5. Unassigned Fund Balance: All spendable amounts not contained in the other four classifications. Only the General Fund can report a surplus as unassigned fund balance.

#### IV. POLICY

##### Utilization of Types of Fund Balance:

When multiple classifications are available and appropriate for particular expenditures, fund balance will be utilized first from the most restrictive category, working toward unassigned fund balance. Relative “restrictiveness” of fund balance shall proceed from most to least in order of the five classifications listed in this policy, from one to five above.

##### Minimum Unassigned Fund Balance:

Consistent with GFOA recommended best practice, which recommends maintaining no less than two months of regular general fund operating expenditures, the unassigned fund balance of the General Fund shall be at least 17% of adopted expenditures. Unassigned fund balance in excess of 17% of adopted expenditures may be recommended from time to time based on long-term economic forecasting, future capital project needs, one-time outlays, and other mitigating factors.

##### Utilization of Unassigned Fund Balance:

Unassigned fund balance in the General Fund will be utilized to stabilize the financial position of the City during events such as:

- Unexpected infrastructure emergencies
- Natural disasters
- Unexpected/rapid reduction in normal revenues
- Cuts in state aid
- Matching grant opportunities
- Other unexpected changes in financial condition

##### Fund Balance Replenishment:

When unassigned fund balance falls below 17% in the General Fund, the City will endeavor to replenish it back to 17% within one to three years of use. Factors that may influence this timing include recovering from an extreme event, long term forecasts and economic conditions, external financing expectations, etc.

Strategies that will be utilized to replenish unassigned fund balance include retaining nonrecurring revenues, budget surpluses (when revenues exceed expenditures) and excess resources in other funds (if legally permissible and there is justified rationale).

## Investment Policy

### I. PURPOSE

It is the policy of the City of Ionia to invest its funds in a manner that provide the highest investment return and maximum security while meeting the daily cash flow needs of the City and complies with all state statutes governing the investment of public funds.

### II. SCOPE

This investment policy applies to all financial assets of the City of Ionia. These assets are accounted for in the various funds of the City and include the general fund, special revenue funds, debt service funds, capital project funds, enterprise funds, internal service funds, component units, trust and agency funds, and any new fund established by the City.

### III. OBJECTIVES

Safety, diversification, liquidity and return on investment.

The primary objectives in priority order, of the City's investment activities shall be:

#### Safety:

Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio, while mitigating credit and interest rate risk.

#### A. Credit Risk

The City will minimize credit risk, which is the risk of loss due to the failure of the security issuer or backer, by:

1. Limiting investments to the types of securities listed in Section 1. of this Investment Policy
2. Pre-qualifying the financial institutions, broker/dealers, intermediaries, and advisers with which the City does business in accordance with Section 4
3. Diversifying the investment portfolio so that the impact of potential losses from any one type of security or from any one individual issuer will be minimized.

#### B. Interest Rate Risk

The City will minimize interest rate risk, which is when market values of securities in the portfolio fall due to changes in market interest rates, by:

1. Structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity.
2. Investing operating funds primarily in shorter-term securities, money market mutual funds, or similar investment pools and limiting the average maturity of the portfolio in accordance with this policy (see section 1)

**Diversification:**

Investments will be diversified by security type and institutional in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

**Liquidity:**

The investment portfolio shall remain sufficiently liquid to meet all operating requirements as necessary.

**Return on Investment:**

The investment portfolio shall be designed to obtain a rate of return throughout the budgetary and economic cycles, taking into account investment risk constraints and cash flow characteristics of the portfolio.

**IV. DELEGATION OF AUTHORITY TO MAKE INVESTMENTS**

Management responsibility for the investment program is hereby delegated to the City Treasurer (investment officer), who shall establish written procedures and internal controls for the operation of the investment program consistent with this investment policy. Procedures should include references to: safekeeping, delivery vs payment, investment accounting, repurchase agreements, wire transfer agreements, collateral/depository agreements and banking service contracts. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the City Treasurer. The City Treasurer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials consistent with state law and City Charter.

**V. LIST OF AUTHORIZED INVESTMENTS**

The City is limited in investments authorized by Act 20 of 1943, as amended, and may invest in the following:

Sec 1.

1. Except as provided in Section 5, the City Council authorizes its investment officer to invest city funds in one or more of the following:
  - a. Bonds, securities, and other obligations of the United States, or an agency or instrumentality of the United States.
  - b. Certificates of deposit, savings accounts, deposit accounts or depository receipts of a financial institution, but only if the financial institution complies with subsection (2)
  - c. Commercial paper rated at the time of purchase within the two highest classifications established by not less than two standard rating services and that matures not more than 270 days after the date of purchase.
  - d. Repurchase agreements consisting of instruments listed, in subdivision (a).
  - e. Bankers' acceptances of the United States banks.
  - f. Obligations of the State of Michigan or any of its political subdivisions that at the time of purchase are rated as investment grade by not less than one standard rating service.
  - g. Mutual funds registered under the Investment Company Act of 1940, title I of chapter 686, 54 Stat. 789, 15 U.S.C. 80a-1 to 80a-3 and 80a-4 to 80a-64, with the authority to purchase only investment vehicles that are legal for direct investment by a public corporation. However, a mutual fund is not disqualified as a permissible investment solely by reason of any of the following:
    - i. The purchase of securities on a when-issued or delayed-delivery basis.
    - ii. The ability to lend portfolio securities as long as the mutual fund receives collateral at all times equal to at least 100% of the securities loaned.
    - iii. The limited ability to borrow and pledge a like portion of the portfolio's assets for temporary or emergency purposes.
  - h. Obligations described in subdivisions (a) through (g) if purchased through an interlocal agreement under the Urban Cooperation Act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512.
  - i. Investment pools organized under the Surplus Funds Investment Pool Act, 1982 PA 367, 129-111 to 129.118.
  - j. Investment pools organized under the Local Government Investment Pool Act, 1985 PA 121, MCL 129-141 to 120.150.
2. A public corporation that invests its funds under subsection (1) shall not deposit or invest the funds in a financial institution that is not eligible to be a depository

of funds belonging to the state under a law or rule of this state or the United States.

3. Assets acceptable for pledging to secure deposits of public funds are limited to assets authorized for direct investment under section (1).
4. As used in this section, “financial institution” means a state or nationally chartered bank or a state or federally chartered savings and loan association, savings bank, or credit union whose deposits are insured by an agency of the United States government and which maintains a principal office or branch office in this state under the laws of this state or the United States.

## **VI. PRUDENCE**

The standard of prudence to be applied by the investment officer shall be the “prudent investor” rule, which states “Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.” The prudent investor rule shall apply in the context of managing the overall portfolio.

The investment officer acting in accordance with written procedures and exercising due diligence shall not be held personally responsible for a specific security’s credit risk or market price changes, provided that these deviations are reported immediately and that appropriate action is taken to control adverse developments.

## **VII. ETHICS**

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Employees and investment officials shall disclose to the City auditor any material financial interest in financial institutions that conduct business within this jurisdiction, and they shall further disclose any large personal financial/investment positions that could be related to the performance of this jurisdiction’s portfolio.

## **VIII. MONITORING AND ADJUSTING THE PORTFOLIO**

The investment officer will routinely monitor the contents of the portfolio, the available markets and the relative values of competing instruments, and will adjust the portfolio accordingly.

**IX. INTERNAL CONTROLS**

The City Treasurer is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the City of Ionia are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived and (2) the valuation of costs and benefits requires estimates and judgments by management.

**X. PORTFOLIO DIVERSIFICATION**

**A. Diversification by Financial Institution**

1. Not more than 60% with any one institution
2. Not more than 10% with a savings and loan
3. Not more than 25% in commercial paper
4. Maturities shall not exceed three years

**B. Diversification by Instrument**

	<u>Percent of Portfolio</u>
US Government Securities	100%
Certificate of deposit	
Commercial Banks	100%
Savings and Loans	10%
Repurchase agreements	25%
Commercial Paper	25%

**C. Maturity Scheduling**

Investment maturities for operating funds shall be scheduled to coincide with projected cash flow needs, taking into account large routine expenditures (payroll, bond payments) as well as considering sizeable blocks of anticipated revenue (taxes, state shared revenues), but shall not exceed three years.

Investment maturities for non-operating funds shall be timed according to anticipated need. For example, investment of capital project funds shall be timed to meet contractor payments.

**XI. SAFEKEEPING AND COLLATERALIZATION**

All investment securities purchased by the City shall be held in third-party safekeeping by an institution designated as primary agent. The primary agent shall issue a safekeeping receipt to the City listing the specific instrument, rate, maturity and other pertinent information.

All security transactions, including collateral for repurchase agreements and financial institution deposits, entered into by the City shall be on a cash (or delivery vs payment) basis. Securities may be held by a third-party custodian designated by the treasurer and evidenced by safekeeping receipts as determined by the treasurer.

**XII. REPORTING REQUIREMENTS**

The investment officer shall generate quarterly reports to be presented to City Council which will include data on investment instruments being held, as well as any narrative necessary for clarification.

## **Purchasing Goods or Services Policy**

### **I. PURPOSE**

The City of Ionia will engage in purchasing activities that are fair and equitable, and which provide the maximum purchasing value for public funds. The city will implement procedures designed to maintain a procurement system of quality and integrity. The provisions of this policy conform to the City of Ionia's charter and applicable code, laws and regulations.

### **II. STATUTORY REFERENCES**

The City Council may establish such rules and regulations regarding the business concerns of the city as the council considers necessary and proper. Section 212.02 of the City of Ionia codified ordinances requires rules concerning purchasing to be developed by the city purchasing agent. This policy will satisfy that requirement.

### **III. PROCEDURE**

#### **A. Operational Guidelines**

It is the intent of this Policy to maximize the purchasing power and value of public funds through procurement policy that maintains a system of quality and integrity and promotes efficiency, effectiveness, and equity in public purchasing. It is the goal of this Policy to recognize the obligation to the taxpayers to maximize the purchasing power of public funds to gain the best value for city residents. The city will comply with all applicable federal and state laws concerning public purchasing.

#### **1. Application**

This Policy applies to the procurement of supplies, goods, equipment, services, and construction entered into by the city and its constituent departments and agencies, after the effective date of this Policy. It shall apply to every expenditure of public funds by city irrespective of the source of the funds. When the procurement involves the expenditure of federal or state assistance or contract funds, the procurement shall be conducted in accordance with any applicable federal or state laws and regulations. Nothing in this Policy shall prevent any public agency from complying with the terms and conditions of any grant, gift, or bequest that is otherwise consistent with law.

2. Administration

This Policy shall be administered by the Finance Department. All formal solicitations are administered through the City Manager’s office.

**IV. PURCHASING SUMMARY**

**A. Transactions of \$9,999 or Less**

Department Heads or their designees are authorized to purchase goods, products, contract labor, or services (i.e., "transactions") directly from vendors for any transaction of \$9,999 or less. All such transactions shall be paid via the Accounts Payable process in BS&A. Every effort to obtain the best price will be made.

**B. Transactions Over \$10,000; Competitive Bidding; Requisitions**

For transactions that will cost over \$10,000 Department Heads or their designees shall:

1. Prepare or have prepared precise specifications describing the transaction and submit them to the City Manager for processing through the competitive bid procedure described in Section VI.
2. Upon approval by the City Council, the City Manager or his/her designee shall authorize or prepare paperwork for purchase.

Competitive bidding shall not be required when the City Council determines that the public interest will be best served by purchase from or jointly with another unit of government (including through a state or federal cooperative procurement program), when an emergency exists, or when the public interest will be best served without obtaining bids, such as in the employment of professional services.

Purchase Amount	Purchasing Process
\$0 - \$9,999	<ol style="list-style-type: none"> <li>1. Obtain competitive/best value pricing when possible</li> <li>2. Pay Invoice or Receipt in current accounts payable process</li> </ol>
\$10,000+ single or cumulative purchase with the same vendor across the City	<ol style="list-style-type: none"> <li>1. City Council Approval</li> <li>2. Sign Contract/Agreement</li> <li>3. Pay Invoice or Receipt in current accounts payable process</li> </ol>

### **C. Receipt of Goods**

Goods and products received shall be examined upon receipt to detect any damage or defects and to determine if specifications have been met.

- a. If the item is satisfactory, the related invoice, when received, may be provided to the City Finance Department for processing.
- b. If the item is unsatisfactory, the Department Head shall reject the invoice and include the reasons for rejection. The Department Head shall work with the vendor to resolve any issues.

The Department head or designee shall be solely responsible for rejections but may request assistance from the Finance Director, or the City Manager.

## **V. COMPETITIVE BIDDING PROCEDURES**

### **A. Sealed Bids**

Sealed bids are required in all transactions involving expenditures of more than \$10,000, including cumulative purchases across all City Departments. "Sealed bid" means a written response to a solicitation that requires a public bid opening. Sealed bids shall strictly comply with submission criteria to protect the integrity of the sealed bid process. It is the bidder's responsibility to ensure compliance with submission requirements. The City Manager may disqualify a sealed bid that does not conform to the submission requirements. Telefaxes are not acceptable. If listed as a permissible form of bidding in response to a bid solicitation, electronically submitted bids shall only be submitted to the City Manager or other appropriate staff member opening the bid.

### **B. Initiation of Competitive Bidding Procedure**

The Department Head or designee shall initiate this procedure by discussing with the City Manager and provide a vendor's list and specifications. The Department Head or designee may request the assistance of the City Manager in preparing specifications.

### **C. Specifications**

The City Manager shall review and approve all specifications prior to bidding. Whenever possible, specifications shall include a proposed contract, insurance requirements, and bond requirements, if any.

**D. Publication**

The City Manager shall publish an advertisement for bid on the City website and other locations to increase interest, such as a local newspaper or professional publications, for at least two days. The final publication day should not be later than one week prior to the bid opening date.

**E. Bid Opening**

The City Manager will select the time and place of the bid opening. The City Manager and the requesting Department Head or designee will attend the bid opening and record the bids received. Bid openings shall be public. The Department Head or designee or the City Manager may request clarification of a bid from any vendor attending the bid opening. No bids shall be accepted after the deadline indicated.

**F. Bid Award**

The Department Head or designee shall submit to the City Manager a written request and recommendation of the bid award, along with a requisition (if appropriate). If the bid is more than \$10,000, the City Manager shall submit his or her recommendation to the City Council for approval. After approval by the City Council, the City Manager shall complete the purchase order and agreement/contract. The Department Head or designee shall notify the successful contractor of the award of the bid.

**G. Delegation of Bidding Procedure**

The City Manager may delegate authority to handle a department's competitive bidding process to a department in lieu of handling by the City Manager. A department may adopt additional bidding requirements, not in conflict with these policies and procedures or any federal, state, or local laws.

**H. Exceptions to Competitive Bidding**

Competitive bidding shall not be required when the City Council determines by a simple majority vote that the public interest will be best served by purchase from or jointly with another unit of government (including through a state or federal cooperative procurement program), when an emergency exists, or when the public interest will be best served without obtaining bids, such as in the employment of professional services.

## **I. Sole Bidders**

In the event only one bid is received, the department head may recommend the award of the sole bid if the following conditions have been met:

1. Due diligence has been performed in soliciting bids according to these policies and procedures, and
2. The bid has been evaluated and determined to be reasonable based on past purchases and evaluation of the market.

## **J. Disqualification**

The bid documents shall include a form requiring certification by the vendor that none of the following circumstances have occurred with respect to the vendor, an officer of the vendor, or an owner of a 25% or more share in the vendor's business, within three years prior to the bid:

1. Conviction of a criminal offense incident to the application for or performance of a contract;
2. Conviction of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense which currently, seriously and directly reflects on the vendor's business integrity;
3. Conviction under state or federal antitrust statutes;
4. Attempting to influence a public employee to breach ethical conduct standards; or
5. Conviction of a criminal offense or other violation of another state, local, or federal law, as determined by a court of competent jurisdiction or an administrative proceeding, which in the opinion of the City indicates that the bidder is unable to perform responsibly or which reflects a lack of integrity that could negatively impact or reflect upon the City of Ionia, including but not limited to, any of the following offenses or violations of:
  - i. The Natural Resources and Environmental Protection Act.
  - ii. A persistent and knowing violation of the Michigan Consumer Protection Act.
  - iii. Willful or persistent violations of the Michigan Occupational Health and Safety Act.
  - iv. A violation of federal, local, or state civil rights, equal rights, or non-discrimination laws, rules, or regulations.
  - v. Repeated or flagrant violations of laws related to the payment of wages and fringe benefits.
6. The loss of a license or the right to do business or practice a profession, the loss or suspension of which indicates dishonesty, a lack of integrity, or a failure or

refusal to perform in accordance with the ethical standards of the business or profession in question

In the event that the vendor is unable to certify, the vendor may be disqualified. A disqualified vendor may appeal the disqualification to the City Council by written letter to the City Manager or City Clerk received by either of them within seven (7) calendar days after notice to the vendor of the disqualification. Upon filing such an appeal, the contracting and bidding process shall be stopped or extended as the situation requires to hear the appeal.

## **VI. CONTRACTS**

The City Attorney shall review all contracts for approval as to form. Purchases less than \$9,999 do not require a contract. If a vendor requests a contract for \$9,999 or less, the Department Head may sign after the City Attorney has reviewed all contracts as to form.

**City Council Approval Required:** All contracts over \$10,000 with the City of Ionia must be authorized by the City Council and signed by the Mayor and City Clerk, approved as to substance by the City Manager and as to form by the City Attorney. The City Council may delegate authority to the City Manager to enter into a contract.

## **VII. PAYMENT PROCESSING**

### **A. Payment from Invoices Only**

The Finance Department will make payment only upon receipt of an invoice. No payment shall be made from a statement.

### **B. Payment**

Upon receipt of the appropriate documents, the Finance Director shall verify the availability of funds.

### **C. Sales Tax**

The City is exempt from Michigan sales tax and federal excise taxes, but individual employees are not. Therefore, any employee who purchases on behalf of the City utilizing their private funds will not be reimbursed for any sales/excise tax. If the City does not have an existing tax-exempt credit account with a particular vendor, Department Heads should contact the Finance Department, who will attempt to establish one. The Finance Department's office can provide the necessary exemption documents to any vendor upon request.

VIII. PROVISIONS FOR PROCUREMENTS WITH COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING

**A. General Requirements**

1. Elected officials, staff, or agents are hereby prohibited from personally benefiting from CDBG procurement and will not solicit or accept favors or gratuities from contractors or potential contractors. Penalties for violations of this stipulation by either subrecipients and/or beneficiaries of funds, including officials, staff, or agents, or by contractors or their agents will result in disciplinary action per the City of Ionia's Personnel Policy in the case of city employees, elected official sanction per the Rules of Order of the Ionia City Council, or contract termination in the event of contractors or their agents. Additionally, criminal prosecution may be pursued if warranted.
2. Proposed procurements should be reviewed by city staff to avoid unnecessary and duplicative purchases and to ensure costs are reasonable [2 CFR 200.318 (d-f)].
3. Affirmative efforts must be undertaken to hire women-owned business enterprises, minority firms and labor surplus firms, both by the subrecipients and/or beneficiary of funds and the project's prime contractor [2 CFR 200.321].
4. The method of contracting will follow the City's normal procedure and contract value thresholds. Cost plus a percentage of cost contracting is specifically prohibited if CDBG funds are involved [2 CFR 200.323].
5. Any individual or citizen with a complaint regarding procurements funded with CDBG monies can address their complaint (either verbal or written) to the City of Ionia City Manager's office, which is open Monday through Friday, 8:00 AM to 4:00 PM and can be contacted/addresses as follows: Ionia City Manager, Ionia City Hall, 114 N Kidd Street, PO Box 496, Ionia MI 48846, (616) 527-4104, [ioniamanager@ci.ionia.mi.us](mailto:ioniamanager@ci.ionia.mi.us). The city manager will prepare a written response to all complaints in no less than 15 workings days from receipt. In reviewing each complaint, the city manager will consider the citizens' complaints and in particular, any deficiencies relative to the City's procurement procedures. The city manager will make every attempt to satisfactorily resolve the complaint at the local level.
6. All procurement transactions, regardless of dollar amount, must be conducted to provide maximum open and free competition [2 CFR 200.319 (a-b)]. Some of the situations considered to be restrictive of competition include, but are not limited to:
  - a. Placing unreasonable requirements on firms for them to qualify to do business.
  - b. Requiring unnecessary experience and excessive bonding.

- c. Noncompetitive pricing practices between firms or between affiliated companies.
- d. Noncompetitive awards to consultants that are on retainer contracts.
- e. Organizational conflicts of interest.
- f. Specifying only a brand-name product instead of allowing an equal product to be offered and describing the performance of other relevant requirements of the procurement.
- g. Any arbitrary action in the procurement process.

**B. Selection Procedures**

Selection procedures for procurement transactions must be written prior to securing contract services [2 CFR 200.318]. These procedures must ensure that all solicitations:

1. Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured.
2. List all requirements that the offerors must fulfill.
3. Describe all other factors used in evaluating bids or proposals.

**C. Contracting Procedures to Meet Equal Opportunity Requirements**

CDBG recipients must make affirmative efforts to use small, minority-, and woman-owned firms when possible. 2 CFR 200.321 Regulations recommend the following:

1. Maintain a list of qualified small-, minority-, and woman-owned businesses and place qualified firms on solicitation lists. The MSHDA maintains a Directory of Minority and Women Owned Businesses that can be used by subrecipients and/or beneficiary of funds.
2. Divide total requirements into smaller tasks.
3. Establish delivery schedules that encourage participation.
4. Use Small Business Administration and Minority Business Development Agency services.
5. Require prime contractors to take affirmative steps.

**D. Conflicts of Interest Prohibited**

Except for the use of CDBG funds to pay salaries and other related administrative or personnel costs, the general rule is that no persons (described below under "Persons Covered") who exercise, or have exercised, any functions or responsibilities with respect to CDBG activities or who are in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a CDBG-assisted activity, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year

thereafter. The conflicts of interest provisions apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the State, the unit of local government, or of any designated public agencies or subrecipients that are receiving CDBG funds.

**E. Methods of Procurement by Type**

<b>Procurement Type</b>	<b>Cost Reason-ability/Method</b>	<b>Contract Type</b>	<b>Solicitation Method</b>	<b>Applications</b>	<b>\$ Threshold</b>	<b>Used for</b>
Small purchase (Informal)	Price Analysis	Purchase Order; Fixed Price	Quotes Bids	Produced items; Single Task; Service; Supplies	Up to \$250K for produced items or construction	Administrative ER Consultant
Sealed Bid (Formal)	Price Analysis Cost Analysis	Fixed Price	Bids	Construction; Items; Produced items; designed items	No threshold	Construction
Competitive (Formal)	Price Analysis Cost Analysis	Cost; Reimbursement; Fixed Price; Time & Materials	Proposals	Prof. Services; Multi-task Services; Designated Items	> \$250K for prof. services or multi-task services	RFQ/RFP
Noncompetitive	Cost Analysis	Cost; Reimbursement; Fixed Price; Time & Materials	Proposals	Produced items; Single task service; prof. services; multi-task services; designed item	No threshold, only used when no other method is feasible; must receive prior MSHDA approval	Sole Source

Refer to CDBG Policy Manual (<https://www.michigan.gov/mshda/neighborhoods/community-development-block-grant/cdbg-policy-manual>), Chapter 11 – Procurement

for details and definitions regarding all terms used in the above Methods of Procurement by Type table.

**F. Contract Administration and Records**

24 CFR 200.318 (i-k) requires that subrecipients and/or beneficiary of funds and sub grantees maintain records sufficient to detail the significant history of a procurement. These records must include, but are not limited to:

- Rationale for the method of procurement.
- Selection of contract type.
- Contractor selection or rejection.
- The basis for the contract price.

Subrecipients and/or beneficiary of funds must also maintain a contract administration system to monitor the contractor's performance against the terms, conditions, and specifications of their contracts or purchase orders.

The procurement records should:

- Allow an auditor or other interested party to track the nature of the goods or services bought with public funds.
- Track the entire process used to purchase those goods and services.
- Show that the public body obtained high quality goods and services at the lowest possible price through an open, competitive process.

## Property Tax Collection – Interest Dates

### I. PURPOSE

To establish a policy regarding charging interest on delinquent summer real and personal property taxes (taxes).

### II. AUTHORITY

Section 44, Subsection 7 of Public Act 206 of 1893, the General Property Tax Act, states that the governing body of a municipality shall possess the authority to determine the interest charge and assessment cycle for those not paying real and personal property taxes by the due date.

### III. ASSESSMENT OF INTEREST

Section 8.01 of the City of Ionia City Charter states that summer real and personal property taxes are due and payable on July 1 annually. The City Charter in Section 8.10 further states that summer taxes shall be collected on or before July 31 annually.

All taxes remaining unpaid on August 1 each year are subject to a 3% penalty. In addition to the penalty, all taxes unpaid on September 1 each year are subject to a 1% interest charge. The interest charge increased by an additional 1% on the 1st day of each month thereafter.

#### Examples:

- a. Taxes billed at \$500 are collected August 31
  - Amount due equals original tax multiplied by 3%
  - $\$500 \times 3\% = \$515$
  
- b. Taxes billed at 500 are collected December 31
  - Amount due equals original tax multiplied by 7%
  - (3% + 1% for each month after September 1)
  - $\$500 \times 7\% = \$535$

## Utility Bill Collection Policy

### I. PURPOSE

To document the policies and procedures followed by the Finance Department and Department of Public Utilities while processing all utility bills and payments.

### II. PAYMENT POLICY

A. The City currently accepts the following methods of payment:

- **ACH Auto Pay**
  - Made directly from a checking or savings account on the day the bill is due
- **Credit/Debit Card**
  - Payments online at <https://cityofionia.org/online-bill-payment.php>, in person at the front desk at City Hall, or over the phone
- **Cash**
  - In person at City Hall
- **Personal or Business Checks**
  - Via mail or carrier service, in person at City Hall, and in the drop-box located in front of City Hall

B. The City also accepts installment payments on quarterly bill, PRIOR to the billing date. For example, if a bill is mailed on July 1, the responsible party may make weekly, bi-weekly, or monthly estimated installment payments in May and June to make the quarterly bill more budget friendly.

C. The City does not accept postmarks as date of payment.

D. The City does not take responsibility for any undelivered mail after it leaves City Hall. Not receiving a bill via the United States Postal Service or email does not exempt the responsible party from late penalties or shut-off fees.

E. Any personal or business check payment that is returned to the City will be subject to either a \$25 returned check fee or a \$75 shut-off fee as determined by the Finance Director.

F. If additional assistance is required, The City will direct responsible parties to the following agencies that may be able to assist:

- 8Cap
- Michigan Department of Health and Human Services (Ionia County DHS)

- Michigan State Extension – MIHAF Program

G. **Payment Plans and Payment Extensions (Payment Arrangements)** The Finance Director will review all cases and determine if they meet the minimum qualifications.

[Note: Meeting minimum qualifications does NOT guarantee payment arrangement approval. All payment arrangements are considered on a case by case basis.]

#### **Payment Arrangement Minimum Qualifications**

1. The requesting account has not received the \$75 shut-off fee or been on the shut-off list in the prior two billing cycles
2. The requesting account has not had a payment arrangement in the prior two billing cycles
3. The requesting account has not defaulted on a payment arrangement in the four prior billing cycles
4. The requesting account balance exceeds \$500
5. The requesting account has applied for assistance through DHS, 8Cap or MIHAF and has been denied

### **III. DELINQUENT UTILITY BILLS - SHUT-OFF PROCESS:**

- A. The Finance Department will send a Past Due Notice (see sample at the end of this policies), that will serve as the Shut-Off Notice, no more than five (5) days after the original due date on the 20th of the month. This notice provides the responsible party with the due date, which is the last date in-person payments can be made before the shut-off process begins. This date will always be a **Friday** and shut-offs will begin the following **Monday**. The City does not take responsibility for any undelivered mail after it leaves City Hall. Not receiving a bill via the United States Postal Service or email does not exempt a responsible party from late penalties or shut-off fees.
- B. All responsible parties will receive a minimum of two weeks to pay their original billed total plus a 10% penalty for delinquent payment before shut-off occurs.
- C. **All** delinquent payments are due by start of business on the Monday shut-offs begin.
- D. Any responsible party receiving financial assistance from a human services agency **MUST** provide the Finance Department with written approval from said agency **BEFORE** the Monday shut-offs begin to avoid service interruption and the \$75 fee.
- E. On shut-off Mondays, after processing payments received in the drop box, the shut-off list will be generated and the \$75 shut-off fee will be added to qualifying accounts

- by the Finance Department. The Department of Public Utilities will start shut-offs as soon as it receives the list from City Hall.
- F. Any check payment returned for insufficient funds, that is returned on or after the shut-off date, will be subject to the \$75 shut-off fee. The Finance Department will send a Returned Payment Notice informing the responsible party they have ten (10) days from the post mark to replace the returned payment and bring the account out of delinquent status, before The Department of Public Utilities shuts the water off.
  - G. The Department of Public Utilities will set the schedule for shut-offs. The responsible party takes the risk of having its water shut-off at any time until their delinquent bill is paid.
  - H. **DPU staff does not accept payments.** Water will be shut off, unless a responsible party can show a receipt to the Department of Public Utilities Staff, before the process to shut the water off is started.
  - I. Water service will be restored when the delinquent bill(s) is/are paid, and the remaining balance is at or below the minimum standard (\$100) set by the Finance Director.
  - J. If water service is not restored within two (2) weeks of the date of shut-off, the Finance Department will attempt to contact the property owner by phone to determine occupancy status. If no contact is made the Finance Department will turn the property list over to Public Safety's Code Enforcement Officer to do an onsite inspection to determine occupancy status. The Code Enforcement Officer will inform the Finance Department of the properties perceived as occupied. The Finance Department will then have all trash and recycle receptacles removed and inform the Ionia County Health Department that an occupied residence is without water service. This process usually results in the condemnation of the residence by the Ionia County Health Department.

#### **IV. SCHEDULED SHUT-OFF OF WATER SERVICE**

- A. A responsible party will make arrangements with the Finance Department as to when they want their water service stopped. There will be no fee to shut-off water service.
- B. A responsible party will make arrangements with the Finance Department as to when they want their water service restored. There will be no fee to restore water service.

- C. Work orders will be completed for both Shut-off and Turn-on requests so that all departments know the shut off was due to a scheduled event and not from non-payment.
- D. The responsible party is responsible for all facility maintenance and trash/recycle service fees while the water service is shut-off.

**V. MULTIPLE FAMILY LIVING HOMES:**

- A. In the event a multi-unit structure has separate meters but only one shut-off valve, the Finance Department will notify the property owner of record that this situation is not in compliance with Section 1040.09 (c) shut-offs Required for Each Unit, of the codified ordinances of the City of Ionia. The Finance Department and tenants shall receive a copy of this notice.
- B. Water will not be shut-off during the quarter that the unit appears on the shut-off list for the first time.
- C. The Department of Public Utilities will work with the Finance Department to encourage property owners to upgrade the meters and shut-offs on multi-unit buildings.
- D. The conversion of shut-offs valves will occur as delinquent units are identified.
- E. If after a second quarter the water bill(s) are delinquent again, or still, water will be shut-off to the building until delinquent bill is paid or arrangements are made for installation of separate shut-off valves.

**Sample Notice:**

**NOTICE                      NOTICE                      NOTICE**

**Effective: (date) PROCEDURES FOR NON-PAYMENT OF UTILITY BILLS**

The following procedure applies to all City of Ionia Utility bills:

22nd of the Month – Current quarterly water/sewer bill is mailed to customer/responsible party

15th of the Next Month – Current bills are due. Past Due postcards are mailed to late customers, stating a one-month due date.

16th of the **Month after that** – Unpaid water/sewer accounts are **shut off**.

RED TAGS WILL NO LONGER BE DELIVERED to the delinquent water account home. There will not be a two-day “grace period” before shut-off. Shut-offs will occur on the 16th, or the closest business day to the 16th. If the 16th is a Friday, water **will be** shut off. A \$75.00 fee will be charged to turn-on water due to non-payment.

## Going Out of Business Sales

### I. PURPOSE

To establish a policy regarding sales that are advertised as "going out of business" sales or such other, similar sales as described in Public Act 39 of 1961, as amended, entitled the Regulation of Certain Sales act.

### II. AUTHORITY

Public Act 39 of 1961 states that "no person shall advertise, represent or hold out that any sale of goods is an insurance, bankruptcy, mortgage, insolvent, assignee's, executor's, administrator's receiver's, trustee's, removal or sale, going out of business sale of goods damaged by fire, smoke, water or otherwise, unless he first obtains a license to conduct the sale from the clerk of the city in which he proposes to conduct a sale."

This policy is established to address the requirements for the obtaining of a permit prior to hosting the sale. All sales must be in compliance with federal and state law.

### III. PROCESSING OF REQUEST

Upon receiving an application for a license pursuant to this policy, the City Clerk shall do the following:

1. Issue a license, in duplicate. The license shall contain the license number and date of the expiration of the license. The expiration date may not be for a period longer than 30 days from the start of the sale.
2. Collect the statutorily established license fee of \$50 and deposit in the City's General Fund under miscellaneous revenue.
3. Advise the applicant that a copy of the license to conduct the sale, including the inventory, shall be posted in a conspicuous place in the sales room or place where the inventoried goods are to be sold. The duplicate copy of the license shall be posted on the front door of the premises.
4. Maintain a file or directory of all licenses issued under this policy. The file or directory shall contain the information required by Public Act 39 of 1961 as amended.

#### **IV. LICENSE RENEWALS**

- A. A license to conduct a sale issued under this act may be renewed not more than twice, for a period not to exceed 30 days for each renewal.
- B. A person requesting a renewal under this subsection must provide an affidavit of the licensee that the goods listed in the inventory have not been disposed of and that no new goods have been or will be added to the inventory previously filed pursuant to this act, by purchase, acquisition on consignment, or otherwise.
- C. The application for renewal of the license shall be made not more than 13 days before the time of the expiration of the license and shall contain a new inventory of goods remaining on hand at the time the application for renewal is made, prepared and furnished in the same manner and form as the original inventory.
- D. A renewal shall not be granted if any goods have been added to the stock listed in the inventory since the date of the issuance of the license.
- E. The license fee is required for renewals.

#### **V. RESTRICTIONS ON LICENSES**

In accordance with Public Act 39 of 1961 Section 442.214, a license shall not be issued to any person engaging in the following sale activities:

- A. Conducting a sale in the trade name or style of a person in whose goods the applicant for the license has acquired a right or title thereto within 6 months prior to the time of making application for such a license.
- B. Continuing a sale in the name of a licensee under this act in whose goods such person acquired a right or title while such a sale is in progress.
- C. Conducting a sale, other than an insurance sale, a salvage sale or a sale of damaged goods, on the same premises within 1 year from the conclusion of a prior sale of the nature covered by this act.

These restrictions shall not apply to any person who has acquired a right, title or interest in goods as an heir, devisee or legatee or pursuant to an order or process of a court of competent jurisdiction.

**VI. EXEMPTION**

This policy and the provisions of Public Act 39 of 1961 shall not apply to sheriffs, constables, or other public or court officers, or to any other person or persons acting under the license, direction or authority of any court, state or federal, selling goods, wares or merchandise in the course of their official duties.

## **Fundraising/Gifts**

### **I. PURPOSE**

The purpose of this policy is to provide guidance for fundraising activities by departments of the City of Ionia, and the acceptance of gifts.

### **II. SCOPE**

This policy shall apply to all City departments, managers, and employees as well as volunteers for the City. All fundraising initiatives must first be reviewed and approved by the City Manager.

### **III. FUNDRAISING**

From time to time departments may recognize the need to raise funds to support special projects.

Examples of projects that might qualify or benefit from fundraising, activities include, but are not limited to:

- a. Education program for children conducted in partnership with the schools.
- b. Non-routine items such as K-9 units, defibrillators, downtown murals, etc.
- c. Sponsorship of events such as a special City event, Youth League, Adult Sports, etc.
- d. Gifts/comfort materials provided to juvenile victims of crime or trauma.

### **IV. ACCOUNTABILITY**

Any time funds are raised by a City Department, a request must first be made to the City Manager for approval. Requests for items of a personal nature, firearms, religious items, items that may reflect unfavorably upon the City of Ionia or likewise will not be approved for purchase through fundraising.

The request must be in writing and provide justification for the proposed fundraising to take place. In addition, the request must contain:

- a. Person who will be in charge of the fundraising activity
- b. If collections are to be made on the street, the request will list locations of the solicitation, persons who will be soliciting, and dates and times. If a street collection is to be made, the City Council must also approve of the solicitation.

- c. Reasons for the activity along with justification for the solicitation. Included in this narrative must be an affirmative statement from the department head as well as rationale as to why it cannot be covered in the regular operating budget.
- d. Fundraising goal and a procedure for providing written acknowledgment of all donations received to all donors.
- e. A method to audit and provide accountability for the fundraising. For example, will the funds be collected in canisters? Who will oversee the canisters? Counting and verification procedure?
- f. All money collected must be tallied and then deposited with the City Finance Director. A separate budget account will be established to track all proceeds and a monthly report will be made to the appropriate City Department and City Manager.
- g. All donors will be provided a thank you letter that list the amount of charitable donation, the project to which it will be applied and state no goods or services were exchanged in response to the gift.

#### **V. NAMING RIGHTS**

If a fundraising project is to include naming rights, City Council approval must be obtained before any naming rights are conferred. Examples might be naming of a park, a trail, a public space, an event, or a building. Under no circumstance will the naming of the project be a condition a charitable gift unless it is first approved by the City Council. Council will review the amount to be given in relationship to the final budget, amount to be raised, amount contributed by the business or individual, effort required, etc.

Until Council has acted, no naming right shall take place nor shall any insinuation be made. As a guide, normally 50% or more of the cost of the project must be gifted for such consideration.

#### **VI. TEAM NAMES**

The City understands that the Recreation Department receives funds to sponsor individual teams. It is an accepted practice to name a team after the sponsor but when affixing names to shirts or other outerwear, under no circumstances shall names be offensive to the general public nor shall they be offensive on the basis of any federal or state civil rights protected class. The interpretation for offensiveness shall be made by the Department Head. If the donor chooses to appeal, they shall appeal first to the City Manager and finally to the City Council.

**VII. BONDING**

In cases of large fund raisers, the City may require bonding of individuals participating in the event. Examples might include the Ionia Theatre (additions, major remodel projects), Parks Facilities, etc.

Bonding is available through local insurance companies or the Michigan Municipal League.

**VIII. LENDING OF NAME**

In no cases, shall the City of Ionia or one of its departments lend the name of the City for purposes of a fundraiser without preapproval

Under no circumstance shall phone solicitations be made on behalf of anyone indicating they are working for the City, its Departments, or Volunteer Units.

**IX. GIFTS**

All gifts given to the City shall be documented and become the property of the City. The following process/procedure shall be used for gifts:

- a. Gift giver shall receive a thank you letter from the department head, co-signed by the City Manager expressing thanks as well as confirming that the gift is given to the City and no goods or services were received in exchange for the gift.
- b. A copy of estimated value and description of the gift shall be forwarded to the Finance Department for purposes of listing (if necessary) on the City's fixed asset list.
- c. In cases of large gifts, the donation may include public acknowledgement. If the donor requests anonymity, such request shall be honored.

## **Policy for Automated Clearing House (ACH) Arrangements and Electronic Transactions of Funds**

### **I. PURPOSE**

The following policy was originally approved by the Ionia City Council on December 5, 2007, and revised on October 4, 2023. This policy shall govern the use of electronic transactions and ACH arrangements for the City of Ionia:

### **II. DEFINITIONS**

“Automated clearing house” or ACH means a national, governmental organization that has authority to process electronic payments, including, but not limited to, the national automated clearing house association and the Federal Reserve System.

“ACH arrangement” means the agreement between the originator of the ACH transaction and the receiver of an ACH transaction.

“ACH policy” means the procedures and internal controls as determined under this written policy developed by the City Treasurer, and approved by City Council.

“ACH transaction” means an electronic payment, debit, or credit transfer processed through an automated clearinghouse.

“City Treasurer” means the appointed City Treasurer of the City of Ionia or his or her designee.

### **III. POLICY**

#### **A. Authority to Enter into ACH Arrangements and Electronic Transfers of Public Funds**

The City Treasurer may enter into an ACH arrangement as provided by Public Act 738 of 2002, effective December 30, 2002.

The City of Ionia shall not be a party to an ACH arrangement unless the City Council has adopted a resolution to authorize electronic transactions and the City Treasurer has presented a written ACH policy to the City Council. (first completed December 5, 2007)

An ACH arrangement under PA 738 of 2002 is not subject to the Revised Municipal Finance Act, Public Act 34 of 2001 (MCL 141.2101, et seq.), or to provisions of law or charter concerning the issuance of debt by a local unit.

**B. Responsibility for ACH Agreements**

The City Treasurer is responsible for the City of Ionia's ACH agreements, including payment approval, accounting, reporting, and compliance with the ACH policy.

**C. Internal Accounting Controls to Monitor Use of ACH Transactions Made by the City of Ionia**

The following system of internal accounting controls will be used to monitor the use of ACH transactions made by the City of Ionia:

- 1) The City Treasurer shall prepare a list of vendors/employees authorized to be paid by ACH transaction and provide that list to the City Manager.
- 2) The City Treasurer initiates a transaction upon receipt of an invoice/timesheet included on the authorized ACH approval by the appropriate City official. ACH invoices must be approved before payment.
- 3) The City Treasurer signs the ACH warrant, initiates the electronic transaction with the vendor, and makes the actual transfer of funds.
- 4) The City Treasurer shall retain all ACH transaction documents for audit purposes.
- 5) The City Treasurer shall retain all invoices for audit purposes.

## **Credit Card Payment Policy**

### **I. PURPOSE**

The purpose of this policy is to outline the methods and processes to be used for the acceptance of Credit Card Payments to the City of Ionia.

### **II. AUTHORIZATION**

The City Council authorizes the acceptance of payments through Visa/Mastercard, Discover, American Express and debit card/electronic transfers for the following items:

- Recreation charges and fees
- Water and sewer billings
- Property Tax payments
- Dial-A-Ride punch cards
- Permit fees and other city charges
- Income Tax payments
- Theatre programs

At this time no items with the City of Ionia are exempted from payment by credit card. Cards may be accepted at the Ionia Theater, City Hall and via the City's website.

### **III. OVERSIGHT**

The City Treasurer is responsible with overseeing payment methods and credit card receipts to the City of Ionia. The City of Ionia shall coordinate such methods through the vendor chosen by the City Treasurer. Multiple vendors can be used to achieve the best terms on the behalf of the City.

## Identity Theft Policy

### I. PURPOSE

The purpose of this policy is to comply with the Fair and Accurate Credit Transactions Act of 2003 (FACT Act) in order to detect, prevent and mitigate identity theft by identifying and detecting identity theft “red flags” and by responding to red flags in a manner that will prevent identity theft.

### II. DEFINITIONS

For the purpose of this policy, the following definitions apply:

- a. “City” means the City of Ionia.
- b. “Covered account” means (i) an account that a financial institution or creditor offers or maintains, primarily for personal, family or household purposes, which involves or is designed to permit multiple payments or transactions, such as a credit card account, utility account, checking account or savings account, and; (ii) any other account that the financial institution or creditor offers or maintains where there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation, or litigation risks.
- c. “Identity theft” means fraud committed or attempted using identifying information of another person without permission.
- d. “Person” means a natural person, a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.
- e. “Personal identifying information” means a person’s credit card account information, debit card information, bank account information and drivers’ license information and for a natural person includes his/her social security number, mother’s birth name, and date of birth.
- f. “Red flag” means a pattern, practice, or specific activity that indicates the possible existence of identity theft.
- g. “Service provider” means a person that provides a service directly to the City.

### III. FINDINGS

- a. The City is a creditor pursuant to the Fair and Accurate Credit Transactions Act of 2003 due to its provision or maintenance of covered accounts where payment is made in arrears.
- b. Utility accounts are considered covered accounts pursuant to this policy.

- c. The process of opening a new covered account, restoring an existing covered account and making payments on such accounts has been identified as a potential process in which identity theft could occur.
- d. The City limits access to personal identifying information to those employees responsible for or otherwise involved in opening or restoring covered accounts or accepting payment for use of covered accounts. Information provided to such employees is entered directly in the City's computer system.

#### **IV. PROCESS OF ESTABLISHING A COVERED ACCOUNT**

As a precondition to opening a covered account with the City, each applicant shall provide the City with personal identifying information such as a valid government issued identification card containing a photograph of the customer. Such information will be entered directly into the City's computer system and will not otherwise be recorded.

Each account will be assigned an account number.

#### **V. ACCESS TO COVERED ACCOUNTS**

- a. Access to customer accounts will be password protected and will be limited to authorized City personnel.
- b. Passwords will be changed periodically as directed by the City's Finance Director.
- c. Any unauthorized access to or breach of customer accounts will be promptly reported to the City Manager and the password changed immediately.
- d. Personal identifying information included in customer accounts is considered confidential and any request or demand for such information shall be promptly forwarded to the City Manager.

#### **VI. CREDIT CARD PAYMENTS**

- a. In the event that credit card payments made over the internet are processed through a third-party service provider, such third-party service provider shall certify that it has an adequate identity theft protection program in place applicable to such payments.
- b. All credit card payments made over the telephone are processed immediately and the entry document shredded.
- c. Account statements and receipts for covered accounts shall include only the last four digits of the credit or debit card or the bank account used for payment of the covered account.

## **VII. IDENTIFICATION OF RED FLAGS**

The City identifies the following red flags, in each of the listed categories:

### **A. Suspicious Documents**

1. Identification document or card that appears to be forged, altered or inauthentic;
2. Identification document or card on which a person's photograph or physical description is not consistent with the person presenting the document;
3. Other document with information that is inconsistent with existing customer information (such as if a person's signature on a check appears forged); and,
4. Application for service that appears to have been altered or forged.

### **B. Suspicious Personal Identifying Information**

1. Identifying information presented that is inconsistent with other information the customer provides (i.e. – inconsistent birth dates, for example);
2. Identifying information presented that is inconsistent with other sources of information;
3. Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
4. Identifying information presented that is consistent with fraudulent activity (i.e. – an invalid phone number or fictitious billing address);
5. Social security number presented that is the same as one given by another customer;
6. An address or phone number presented that is the same as that of another person;
7. Failure to provide complete personal identifying information on an application when reminded to do so;
8. Identifying information that is inconsistent with the information on file for the customer.

### **C. Suspicious Account Activity or Unusual Use of Account**

1. Change of address for an account followed by a request to change the account holder's name;
2. Payments stop on an otherwise consistently up-to-date account;
3. Account used in a way that is not consistent with prior use;
4. Mail sent to an account holder is repeatedly returned as undeliverable;
5. Notice to the City that a customer is not receiving mail sent by the City;
6. Notice to the City that an account has unauthorized activity;
7. Breach in the City's computer system security; and,
8. Unauthorized access to or use of customer account information.

**D. Alerts from Others**

1. Notice to the City from a customer, identity theft victim, law enforcement officer or other person that it has opened or is investigating a fraudulent account for a person engaged in identity theft.

**VIII. DETECTING RED FLAGS**

**A. New Accounts**

In order to detect any of the Red Flags identified above associated with the opening of a new account, City personnel will take the following steps to obtain and verify identity of the person opening the account:

1. Require certain identifying information such as name, date of birth, residential or business address, principal place of business for an organization, driver's license or other identification;
2. Match the customer's identity to the information provided (i.e. – review a driver's license or other identification card);
3. Review documentation showing the existence of a business entity; and/or
4. Independently contact the customer.

**B. Existing Accounts**

In order to detect any of the Red Flags identified above for an existing account, City personnel will take the following steps to monitor transactions with an account:

1. Verify customer identity if they request information not readily available to the public (i.e. – in person, via telephone, via facsimile, via e-mail);
2. Verify the validity of requests to change billing addresses; and,
3. Verify changes in banking information given for billing and payment purposes.

**IX. PREVENTING AND MITIGATING IDENTITY THEFT**

In the event City personnel detect any identified Red Flags, such personnel shall take one or more of the following steps, depending on the degree of risk, posed by the Red Flag:

**A. Prevent and Mitigate**

1. Continue to monitor an account for evidence of identity theft;
2. Contact the customer;

3. Change any passwords or other security devices that permit access to accounts;
4. Not open a new account;
5. Close an existing account;
6. Reopen an account with a new number;
7. Notify the City Manager for determination of the appropriate step(s) to take;
8. Notify law enforcement; and/or
9. Determine that no response is warranted under the particular circumstances.

#### **B. Protect Customer Identifying Information**

In order to further prevent the likelihood of identity theft occurring with respect to City accounts, the City will take the following steps with regarding its internal operating procedures to protect customer identifying information:

1. Ensure that its website is secure or provide clear notice that the website is not secure;
2. Ensure complete and secure destruction of paper documents and computer files containing customer information;
3. Ensure that office computers are password protected and that computer screens lock after a set period of time;
4. Keep offices clear of papers containing customer information;
5. Request only the last 4 digits of social security numbers;
6. Ensure computer virus protection is up to date; and,
7. Require and keep only customer information that is necessary for utility purposes.

#### **X. POLICY UPDATES**

This policy shall be periodically reviewed and updated to reflect changes in risks to customers and the soundness of the City from identity theft.

#### **XI. POLICY ADMINISTRATION**

The Finance Director is responsible for oversight of this policy and its implementation. The City Manager is responsible for reviewing compliance with red flag requirements. The Finance Director shall share with the City Manager, from time to time, compliance with red flag requirements. The Finance Director is also responsible for training all employees responsible for or involved in opening a new covered account, restoring an existing covered account or accepting payment for a covered account with respect to the implementation and requirements of the identity theft prevention program.

## User Fees & Fines Policy

### I. PURPOSE

**User fees** support the City of Ionia's ability to provide services to the public. A user fee policy helps make sure that fees are fair, equitable, and cost-effective. Fees generate revenue from a specific service provided to an individual/entity and are meant to cover the cost of providing that service. The City of Ionia will follow all applicable state laws governing fees. The purpose of this policy is to provide additional guidance to ensure the City's fees are fair, equitable, and cost-effective.

**Fines** are intended to provide a disincentive for an individual/entity to engage in illegal or undesirable behavior. The City of Ionia will follow all applicable state laws governing fines. The purpose of this policy is to ensure the City's fines are effective for their intended purpose, cost-effective, and avoid consequences outside their original intent.

### II. SCOPE

This policy shall apply to all user fees and fines established by the City of Ionia.

### III. POLICY

#### A. User Fees – Criteria for charging a fee and cost recovery goals

1. Not all public services are conducive to a fee-for-service approach. Furthermore, with some services that do satisfy a fee-for-service approach, there may be a case for collecting less than the full cost of providing the service.
2. City staff will develop and recommend fees and cost recovery goals based on characteristics of the services provided.
3. Characteristics that suggest a fee is appropriate and where cost recovery is justified include those where:
  - i. The customer receives all or most of the value from the service. This contrasts with a general public service that benefits the entire community. In cases where all or most of the value of a public service goes to a particular customer, cost recovery for that service is justified.
  - ii. The service is similar to a private sector service and/or may be atypical of most public services provided by the City (i.e., code-enforcement ordered activities such as lawn mowing and sidewalk snow removal).
  - iii. The City needs to limit service demand, meaning if the charge is too low, people may use the service too much (i.e., code-enforcement ordered activities such as lawn mowing and sidewalk snow removal).
  - iv. The service provided is regulatory in nature. Some private activities

(i.e., sidewalk cafes) are regulated by the City to ensure proper use and public safety. Individuals/businesses that undertake such activities should pay the cost of the regulation.

4. Characteristics that suggest lower cost recovery goals include:
  - i. Difficult collection – It may not be practical to charge a fee. If charged, collection would cost more than the revenue it generates.
  - ii. Emergency service – The service is provided in an emergency and not pre-planned by the user.
  - iii. Creates the wrong incentive – If a fee is too high, it might discourage people from using a service or following a regulation.

**B. Fines – Criteria for applying a fine**

Fines are not appropriate in all circumstances. Fines may not be appropriate when:

1. The violator is already subjected to other penalties, especially where those penalties have financial consequences for the violator.
2. The fine or potential for a fine may discourage the violator from using a critical public service, where the public is better served when the service is used.
3. The fine is an ineffective disincentive in addressing the underlying problem.
4. The fine is unlikely to be collected at an acceptable cost.

**IV. COLLECTION PRACTICES**

**A. Cost of Collection** – Staff will consider the cost of collection when administering user fees and fines. Costs of collection include:

- Billing system administration
- Cost to apply penalties
- Effort required to collect past due amounts.

If the collection cost for any fee or fine is out of proportion with other fees or fines, staff will investigate options for reducing the cost of collection.

**B. Delinquencies** – If payment for a fee is not received by the due date, a delinquent notice will be provided by the Finance Department, typically within 30 days after the due date. The delinquent notice will request immediate payment and make the recipient aware of payment plan options, if available.

The finance director or his/her designee may arrange payment plans with debtors. Payment plans may be arranged on a weekly, bi-weekly or monthly basis depending on the type of debt and amount owed. For larger debts, a formal written notice will be prepared and include a payment schedule and a statement that renders the arrangement null and void if payments are not made as agreed.

Invoices that remain unpaid, where no payment plan has been established after 60 days, or where a payment plan is delinquent may be subject to penalties and interest as defined by the current ordinances or schedules establishing the fee. A final notice requesting payment will be prepared and sent to the responsible party.

If a debt is still outstanding 90 days past its due date, it may be referred to a certified collection agency, unless other options are available to the City via related ordinance or statute (i.e., adding the debt to a corresponding property tax record).

**C. Write-off of Uncollectible Receivables** – In limited cases and where other statutory remedies are unavailable, it may be appropriate to recommend write-off of past due amounts. Acceptable reasons might include:

1. Discharged Bankruptcy – The account has been discharged through bankruptcy court and the file has been noted with the date filed, number, court district, and date of discharge.
2. Wrong Responsible Party – The account was placed in the name of a company or individual that cannot be held liable for the debt.
3. Deceased – Debtor is deceased with no estate.
4. Invalid Referral – The account was assigned in error. A billing should not have been generated.
5. No Judgment – The debt could not be substantiated in court.
6. Uncollectible – The legal statute of limitations has expired without payment or promise of payment since the last transaction date.
7. Amount does not warrant further effort – No response to demand for payment and further pursuit would not be cost effective.

## **V. REVIEW OF USER FEES AND FINES**

User fees and fines will be regularly reviewed by the department(s) responsible for administering such fees and fines. Updates will be suggested to the finance department and city manager for administrative or legislative (City Council) approval, as required by policy or ordinance. This practice will help ensure fees keep pace with changes in the cost of providing services and that fines are fair, equitable and cost effective.

A comprehensive analysis of the cost of providing a service and associated user fee should be conducted at least every five years. In the interim, each year the finance director and the department that administers the fee in question will recommend any adjustments to user fees or fines as necessary to stay current with known cost increases or other relevant factors.

## **VI. USE OF USER FEE AND FINE REVENUE**

**A. User Fee Revenue** – User fee revenue will be used to offset the cost of providing the service that generated the fee. User fee revenues will be assigned to the City

governmental/enterprise/internal fund, etc. underlying the department responsible for providing the service.

- B. Fine Revenue** – The goal of a fine is not to raise revenue. Therefore, the budget of the department that assesses or collects a fine will not be set in relation to fine revenue, nor will it realize financial benefit from assessing a greater number of fines. Unless otherwise stipulated by statute or ordinance, revenue generated from fines will be considered a general revenue and thus, typically received in the General Fund for benefit to the City as a whole.

## **Section 2**

# **Department of Public Works**

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## **SECTION 2**

### **DEPARTMENT OF PUBLIC WORKS**

- 2-001           Lawn Care and Park Property Maintenance
- 2-002           Community Forestry
- 2-003           Brush and Leaf Pickup
- 2-004           Street Maintenance and Construction
- 2-005           Utilities – Water, Sanitary, Storm, Cable, Phone, Electric
- 2-006           Utilities – Sewer Back-ups
- 2-007           Garbage and Rubbish
- 2-008           Sanitary Sewer Cleaning
- 2-009           Water System Maintenance and Flushing
- 2-010           Placing Memorials in City Parks and Open Space
- 2-011           Oak Hill and Riverside Cemetery Operations
- 2-012           Vertical Light Pole Banner Policy
- 2-013           Drug Free Workplace Policy for Commercial Driver’s License Holders
- 2-014           Fred Meijer Grand River Valley Rail Trail – Pedestrian Bridge Light Display Policy
- 2-015           Downtown Sound System Use Policy

## **Lawn Care and Park Property Maintenance**

### **I. PURPOSE**

The purpose of this policy is to provide guidance and direction for maintaining public property owned by the City, including parks, cemeteries, roadside rights-of-way, and municipal facilities, such as wellfield areas.

### **II. SCOPE**

This work will be performed by personnel from the Department of Public Works.

### **III. POLICY**

It shall be the policy of the City to keep all lawns, flower beds, and other landscaped areas weeded, trimmed, mulched, and mowed as necessary.

- A. To perform this work, City crews shall consist of full-time city employees assigned riding zero-clearance mowers as well as summer employees (youth). The crews shall also: Mow the ISD Softball Complex located on Harwood Road as needed to maintain playing conditions.
- B. City crews shall also be responsible for fall clean-up of publicly owned City property. Fall clean-up activities shall include removal of leaves and fallen brush.
- C. Inspection of park equipment. At least once each week, all park equipment will be inspected and a log filed by staff from the Department of Parks and Recreation. Repairs shall be directed to the Department of Public Works, for completion within seven (7) days of notification. In the case of dangerous situations, equipment shall have a red "no use" tag secured to the structure and a date/time noted on the repair log.
- D. The City shall seal and check all picnic tables and other wood items on a yearly basis. Such work shall be done in the winter months with all tables inventoried at all sites.

## **Community Forestry**

### **I. PURPOSE**

The purpose of this policy is to utilize the City of Ionia Tree Ordinance (Chapter 1024, Part Ten – Streets, Utilities, and Public Services Code of the Codified Ordinances of the City of Ionia) and accompanying ANSI Tree Standards to formulate a policy for protecting the City's tree inventory.

### **II. POLICY**

The City shall strive at all times to protect its public tree inventory. All City Streets shall have trees as specified in the tree ordinance. No one species shall be planted on a given street; rather, a mixture of trees shall be planted so as to prevent deforestation if disease occurs.

### **III. MAINTENANCE**

- A. All tree maintenance shall be in accordance with ANSI Tree standards as adopted by City Council. City crews shall be trained in proper tree trimming and maintenance techniques and shall employ those techniques when maintaining the tree inventory.
- B. All City-owned trees shall be inspected annually during the summer months, with damaged/diseased trees marked for pruning and/or removal. Pruning and tree removal shall occur during the winter months, once trees are dormant.
- C. When boring or performing underground work, care shall be taken to preserve and not disturb the tree root system in compliance with ANSI and the National Arbor Day Foundation guidelines. In cases of root intrusion to sidewalks, care shall be taken so as to not weaken trees when maintaining and improving walks.
- D. Trees in the downtown area shall be trimmed so as to not block street signs or other traffic control devices.
- E. The City of Ionia is a Tree City USA Community. All City employees and any contractor working within the City rights-of-way shall adhere to ANSI and Community Forestry Standards as established by the National Arbor Day Foundation. If contractors do not follow standards, under the city utility permit policy, they are liable for damages up to and including replacement of the tree.

## Brush and Leaf Pickup

### I. PURPOSE

The purpose of this policy is to provide direction for staff as well as City residents for disposal and collection of brush and leaves within the corporate city limits.

### II. SCOPE

The work will be performed by the Department of Public Works.

### III. POLICY

Brush and leaves are collected by the Department of Public Works at the curbside on a regular collection basis.

#### A. Spring

1. In the spring of each year, it shall be the goal of the City to collect leaves and brush from the curbside no later than the final Saturday of April, which is normally reserved for "Earth Day" as well as the city dumpster collection day. Only bagged leaves shall be collected. Leaves must be placed inside paper leaf bags and placed on the curb. Property owners should call 616 527-4170 to alert them that leaves are placed on the berm for pick-up if they have not been collected. Brush shall be placed on the berm and collected according a schedule developed and posted annually by the City. The brush should not be loosely thrown, but rather, should have ends placed in the same directions and neatly piled on the berm area. The collection schedule shall provide for one pass through the entire city. City crews shall collect and haul brush to the City's compost pile. The Director of Public Works shall make arrangements as needed to have brush chipped and hauled from the site by a contractor who may use the material to create compost.

#### B. Fall

1. In the fall, two passes for leaf and brush collection shall be made of the City according to a schedule developed and posted annually by the City. Brush, shall be placed neatly and with ends facing in the same direction. Collection shall be in the same manner as spring.
2. Only bagged leaves shall be collected. Leaves must be placed inside Kraft paper leaf bags and placed on the curb. Property owners should call 616 527-4170 to alert them that leaves are placed on the berm for pick-up if they have not been collected.

3. Two passes shall be made of the entire city according to the schedules developed and posted by the City. Following the second pickup, City crews may make additional rounds, weather permitting.

**C. Burning**

There is no burning of leaves or brush allowed in the City of Ionia. If persons are found burning, Ionia Public Safety should be contacted and appropriate action taken.

**D. Sweeping**

Following collection of bagged leaves, City sweeping equipment shall be used to collect left over remains of leaves in the streets.

## **Street Maintenance and Construction**

### **I. PURPOSE**

The purpose of this policy is to provide guidance and direction for maintenance and repair of the City's major and local street system.

### **II. STREET CONSTRUCTION**

Street construction shall be determined in accordance with the City's Capital Improvement Plan (CIP), which includes all major and local streets to be rebuilt/improved within the next six-year period. The plan will identify estimated costs for each project and the likely sources of funding to cover such expenditures, which may include the Major Street, Local Street, Water, and Sewer Funds, transfers from the General Fund, and grant funding, as available. Should it be necessary to borrow funds to complete any project, such borrowing shall be accomplished in accordance with corresponding City financial policies.

### **III. MAINTENANCE - Snowplowing**

- A. The City of Ionia Department of Public Works is in charge of snow and ice control on all streets within the City. All major streets shall be plowed first with local streets plowed after opening all major roadways.
- B. In the downtown area of Main Street and the side streets of Steele, Depot, Kidd, Hudson, and Library, the snow shall be plowed to the center of the road and removed by heavy equipment.
- C. Plow routes shall be determined by the Director of Public Works.
- D. Monitoring and Notification of Snow and Ice Events
  - 1. The Department of Public Works is not open 24/7. Normal shifts are 7 a.m. to 4 p.m. Monday-Friday. Because of this, the Department of Public Safety shall be an integral part of the notification of snow situations to the DPW.
  - 2. In cases where storm events are predicted, the Director or his/her designee shall prepare schedules and staff for call-back to handle such storm events. In cases where the snow event is gradual or slow to occur, the DPS shall monitor the street conditions and when they become slippery, they shall notify Central Dispatch to alert the on-call worker of DPW.
    - a. The On-Call worker for DPW, as covered in City Contracts with DPW shall have a pager and call-out list. The On-Call worker shall notify the other

employees of DPW of the situation and request them to come back to the department and begin treating the City system.

3. In cases of severe storms, the DPW and DPS director shall confer to determine if the event has reached an emergency level. If so, the City Emergency Management Plan and System shall be activated. In such emergencies, roads may be closed, parking may be prohibited and other actions may be taken without Council Action or approval as covered by this policy and the Emergency Operations Plan.
4. The On-Call worker and the DPW Director shall authorize the level of call-back needed.

#### E. Private Driveways and Property

City equipment will not clear private driveways entrances unless one is situated at a dead end where no appropriate equipment turn around exists. An agreement should be in place to allow such action. The City will assume appropriate responsibilities if equipment damages property in conducting snow removal.

It will be the City's goal to secure adequate property easements and to construct appropriate turn around areas for safety and for mitigating liabilities.

Snow placed in driveways or private walks by the City when performing routine snow maintenance is the responsibility of the property owner to remove.

City equipment will clean only those private parking lots where the City has current agreements and where their use by the general public is permitted. The City may be contracted to salt or sand or haul snow on an hourly basis as determined by the State of Michigan from year to year. In such cases, 50% shall be added for fringe benefits and the hauling/activity will take place only after all city areas have been completed.

#### F. Complaint Procedures

Complaints will be recorded on telephone logs. Calls requiring service will be transferred to a work request form and given to the supervisor. Emergency complaints will be handled from Central Dispatch to DPW on call.

#### G. Mailboxes and Other Obstructions

If a mailbox is damaged by a City employee while snowplowing or conducting other public works, a report shall be made to the supervisor concerning reasons and location. If the mailbox was damaged/destroyed due to City employee error, it will be replaced by Public Works. The City will remove non-permitted obstructions placed within right of ways if, after notifying the owner, no corrective measure has been taken. If obstructions cause damage to city vehicles or injury to personnel, the installer will be held liable for such incident.

**IV. MAINTENANCE – Sweeping**

- A. The DPW shall be in charge of street sweeping of all streets in the city system.
- B. On all local streets and other major streets, the streets shall be swept in the spring and in the fall. In the fall, every attempt shall be made to sweep following leaf pick-up but weather may dictate if this is possible. The street sweeper shall follow the route prepared for removal of brush and leaves as much as possible.
- C. All street sweeping material shall be stockpiled at the Department of Public Works Garage for proper disposal.

**V. MAINTENANCE – Catch Basins**

- A. All catch basins will be cleaned utilizing the city's cleaning truck as needed and as time permits.
- B. The catch basins shall be cleaned utilizing normal standards and operating methods of the catch basin truck.

## Utilities – Water, Sanitary, Storm, Cable, Phone, Electric

### I. PURPOSE

The purpose of this policy is to develop standardized procedures, costs and information for the hook-up and provision of utilities to properties within the City. It is the intent of this policy to allow such work to progress at affordable fees while protecting, maintaining, and guarding the public rights-of-ways and street surfaces. Further, this policy is designed to protect the City from exposure to litigation for improper usage and maintenance of the right-of-way area.

### II. SCOPE

This policy shall be coordinated between the City Manager, Director of Public Utilities, Director of Public Works, and Director of Public Safety.

### III. DEFINITIONS

A. **Right of way** – The publicly owned area which normally includes the street surface, berm, and property to the property-side of the public walkway. Rights of way are normally 66 feet on all new construction; such distance may vary in older parts of the City.

B. **Water main** – The water main that is under City control shall include the main line and the lateral piping to the point it reaches the shut-off box on the private property.

C. **Sewer main** – The sewer main that is under City control and responsibility is the main along with connection to the main. The City responsibility ends at the saddle on the main. All lateral piping from the main is the responsibility and liability of the property owner.

D. **Storm main** – The storm main that is under City control and responsibility is the main and any lateral connections to the right-of-way line.

E. **Application** – All applications shall be made to the City Manager's Office at Ionia City Hall, 114 N. Kidd Street, Ionia. Coordination shall be made by the City Manager's Office with all other agencies.

### IV. WATER

Water taps may be performed both inside and outside of the City limits under the guidelines established by the City Council and as amended by later agreements with the Townships of Ionia, Easton and Berlin. For the most part, however, water hook-ups shall be allowed only within the corporate City limits of Ionia. Portions of Ionia, Easton and Berlin Township covered by franchises for utilities and/or Public Act 425 transfer agreements may be serviced by water at a rate 1 ½ (one and one-half) times the normal

City rates. The 1 ½ rate applies to tap fees, debt service, and operation and maintenance (usage) billings.

A. City Responsibility

1. The City is responsible for all water mains and water service lines up to the water shut-off box.
2. The City of Ionia shall furnish the water meter, yoke, and shut-off box to the property owner or contractor for installation.
3. Only an authorized employee of the City, shall turn on or off any water service, unless written authorization is provided by the City.

B. Contractor/Owner Responsibility

1. The property owner shall make application with the City for all work completed within the right-of-way area. Work shall be done in a manner so as to not interfere with normal traffic and any open cut shall be properly marked utilizing the signage requirements mandated and directed by State and Federal law/policy.
2. All costs, expenses and liabilities incident to the installation, connection and maintenance of the water service line from the shut-off box to the building as well as all inside plumbing shall be borne by the property owner. The property owner shall indemnify and save harmless the City from any loss or damage that may directly or indirectly be occasioned by the installation of the water service line.
3. A detailed site plan shall be drawn up by the contractor or owner before a permit can be issued and a final as-built if such plan is altered in any way.
4. The contractor or owner must call Miss Dig (1-800-482-7171) at least 72 hours prior to the start of construction and the City will mark City utility lines.
5. The contractor or owner shall conform to all state and local ordinances.
6. The contractor or owner shall be responsible for property damage or personal property damage in the right-of-way area with the exception of work performed by the City. All areas shall be returned to the same or better condition as they were prior to construction.
7. The minimum depth of the water line shall be six (6) feet and the distance between the water and sanitary sewer shall be a minimum of ten (10) feet, unless otherwise approved by the Department of Public Works Director.
8. The contractor or owner is responsible for placing the required copper or other acceptable material line pipe from the curb valve to the building where the water meter is to be placed.
9. The contractor or owner must contact the Department of Public Works Director or his representative for inspection before the water line is buried.
10. The contractor or owner shall be responsible for the distance from the right-of-way to the property.

11. The contractor or owner shall be responsible for replacement of sidewalks or other damaged structures within the right-of-way area.
12. If a pump or any similar supplies are needed to give adequate pressure (including pressure reducing valves or devices), it shall be the responsibility of the owner or contractor to provide for such costs and the installation of such items.
13. The contractor or owner shall be responsible for any ground settlement outside of work performed by the City Department of Public Works for a period of one (1) year. If the contractor or owner fails to do so, the City shall perform the work and assess it as a special assessment against the property.
14. Fees and charges: Fees and charges shall be set by resolution of the Ionia City Council as specified in the City Code. Any fees for auguring or boring shall be in addition to any other fees listed.

#### **V. SANITARY SEWER**

Sanitary sewer taps are primarily performed inside the city limits, either within the original corporate boundaries of the City or in areas brought into the City via an Act 425 Conditional Land Transfer Agreement. In most cases, sanitary sewer taps will not be allowed outside the city limits. Areas that desire sanitary sewer to enable new or enhanced economic development will be required to join the city via an Act 425 Conditional Land Transfer Agreement.

Per the City of Ionia Code of Ordinances, specifically Section 1042.16 CONNECTION OF PREMISES LOCATED OUTSIDE THE CITY, premises located outside the City shall be permitted to connect to the sewage collection system only upon the consent of the City. This determination will be made on a case by case basis with the goal of ensuring that City services are provided principally to City taxpayers, which promotes proper funding equity, sound community development, and the long-term financial sustainability of the City and the System.

By way of further guidance for decision-making, properties outside the City to which sanitary sewer taps will be considered for approval will possess all of the following characteristics (use will be either residential or commercial as detailed below):

1. The property will be within 200 feet of an existing City sanitary sewer main that was put into service prior to January 1, 1995.
2. The use of the property is limited to residential only, with no more than two taps per parcel, each utilizing a three-quarter (3/4") meter size or less. The size of the parcel will be limited to one acre or less.
3. The use of the property is limited to commercial only, with no more than one single-occupant structure containing less than 5,000 sq. ft. utilizing a one inch (1") meter size or less. The size of the parcel will be limited to one acre or less.
4. Remaining sanitary sewerage treatment capacity under the Ionia Regional Utilities Authority (IRUA) must exist for the township in which the property is located.

The City explicitly retains all rights to reasonably interpret the above criteria and determine if consent will be granted to permit a sanitary sewer tap outside the city limits.

A. City Responsibility

1. For maintenance of sewer lines, the City shall be responsible for only for the main line in the street. All laterals on older properties and structures that were not installed by or under the City direction shall be the responsibility of the property owner to clean, maintain, and otherwise keep free of obstructions. Any back-up from such line is the responsibility of the property owner.
2. It shall be the duty of the City to maintain, clean and repair as necessary at its expense the sewer collection system. The City may repair or replace any broken or crushed sewer service lateral line at the property owner's expense. The City shall not be responsible for cleaning or maintenance of sewer service lateral lines at the City's own expense.

B. Contractor/Owner Responsibility

1. The property owner shall make application with the City for all work completed within the right-of-way area. Work shall be done in a manner so as to not interfere with normal traffic and any open cut shall be properly marked utilizing the signage requirements mandated and directed by State and Federal law/policy.
2. All costs, expenses and liabilities incident to the installation, connection and maintenance of the sewer service lateral line shall be borne by the property owner. The property owner shall indemnify and save harmless the City from any loss or damage that may directly or indirectly be occasioned by the installation of the sewer service lateral line.
3. The contractor or owner shall call Miss Dig (1-800-482-7171) at least seventy-two (72) hours prior to start of construction and the City will perform the Miss Dig contact and staking of City utilities.
4. Barricades and lighting as specified by state, federal and local codes shall be placed to avoid injuries or damage to other property within the construction area.
5. The minimum depth from the surface of the ground to the sanitary line shall be four (4) feet.
6. A detailed site plan shall be drawn by the contractor or owner before a permit is issued and a final as-built shall be submitted to accompany the permit documents.
7. Only piping as specified in the City of Ionia Municipal Standards shall be used for sanitary sewer lines.

8. The connection and line must be inspected by the Department of Public Works prior to burying such line with soil or other material. If a contractor does not have the line inspected, it shall bear the cost of uncovering such line so that an inspection can take place.
9. The contractor/owner shall be responsible for any ground settling that may occur on or over the line for a period of 1 year following construction. Failure to maintain the soil condition shall result in the City performing the work and billing the property owner. Failure to pay shall result in an assessment against the property.
10. If a catch basin, pump or any other device is needed to properly make the connection or ensure the working of the sanitary sewer, it shall be the responsibility of the property owner/contractor to furnish such device at their cost.
11. The contractor/owner is responsible for all costs beyond the right-of-way line in the case of replacement or new construction. Maintenance is the responsibility of the property owner to the main lateral line on older connections.
12. The contractor or owner shall conform to all applicable local, state, and federal laws.
13. Fees shall be set by the City Council through resolution and in accordance with the City Sewer Ordinance. Any costs for manholes, auguring, pumps, or boring shall be in addition to listed fees.

## **VI. STORM SEWERS**

### **A. City Responsibility**

1. The City is responsible to maintain the storm main and any lateral connections up to the right-of-way line.
2. The City is responsible to enforce the storm water management requirements and controls as established in Chapter 1043 "Storm Water Management" of the City of Ionia Codified Ordinances.
3. Under no circumstances shall a contractor tap the City storm system without a permit and without inspections. Failure to obtain the necessary permits shall result in the connection being removed and a special assessment for all costs levied against the property.

### **B. Contractor/Owner Responsibility**

1. The property owner shall make application with the City for all work completed within the right-of-way area. Work shall be done in a manner so as to not interfere with normal traffic and any open cut shall be properly marked utilizing the signage requirements mandated and directed by State and Federal law/policy.
2. All costs, expenses and liabilities incident to the installation, connection and maintenance of the storm sewer service lateral line shall be borne by the property owner. The property owner shall indemnify and save harmless the City from any

loss or damage that may directly or indirectly be occasioned by the installation of the storm sewer service lateral line.

3. The contractor or owner must call Miss Dig at least seventy-two (72) hours prior to construction.
4. A detailed site plan shall be drawn and presented to the City Manager or his/her designee and the Ionia County Drain Commissioner prior to any work being performed. An as-built shall be submitted following completion of the project.
5. Barricades and lighting in accordance with applicable codes shall be used at all times by the contractor. All open connections shall be barricaded to prevent falls.
6. The minimum depth from the surface of the ground to the storm line shall be four (4) feet and a minimum of ten (10) feet from the water line unless otherwise approved by the Department of Public Works Director.
7. The contractor or owner shall be responsible for all costs for connections. Failure to pay such costs shall result in an assessment against the property owner. In any case, no occupancy permit shall be given until such fees are paid in full.
8. The contractor or owner shall be responsible for settling that may occur for one (1) year following completion of construction. Failure to repair such settling shall result in an assessment against the property.
9. All taps shall be made at catch basins.
10. Materials and other construction shall be in accordance with applicable local, state and federal codes.

## **VII. OTHER UTILITIES**

This classification is designed to include all other utility installations in the public right-of-way, whether franchised or not. These include cable television, electric, telephone and natural gas.

### **A. City Responsibility**

1. The City shall approve all utility installations through the City Manager or his/her designee. Utilities not applying for or receiving a permit prior to work shall be responsible for fees, penalties, and all repairs to all structures within the right-of-way area.
2. The City shall be responsible for inspection of work in the right-of-way. The City shall not be responsible for accidents, injuries, or litigation caused by contractors working within the right-of-way. The City shall be indemnified by the utility and/or its subcontractors for such liability. The City may require the contractor to provide a performance bond, depending on the scope of the utility installation. This bond may be utilized in the event the contractor fails to satisfactorily complete restoration activities. Alternatively, if restoration work following utility installation is not completed by the contractor/utility to the City's satisfaction, the City shall make the repairs and invoice the utility.

Such repairs shall include, but not be limited to: damage or disfigurement of berms, sidewalks, trees, lawns, curb and gutter, or road surface.

3. The City shall be named as an additional insured on certificates of insurance that shall accompany any permit application.

#### B. Contractor/Utility Responsibility

1. The contractor/utility shall contact Miss Dig at least seventy-two (72) hours prior to start of construction.
2. A detailed site plan shall be drawn by the contractor or utility and submitted to the City Manager or his/her designee at City Hall, 114 N. Kidd Street, Ionia MI.
3. Barricades, lighting, and warning signs shall be used at all times and are the responsibility of the contractor/utility to maintain. Such devices shall be in accordance with applicable state, federal and local controls.
4. The contractor shall be responsible for all costs, materials, labor, personal injury, and property damage caused by the placement of utilities within the right-of-way.
5. The construction zone shall be inspected by the Department of Public Works Director prior to commencement of work. All deficiencies in the zone (broken walks, curbs, etc.) shall be marked with spray paint and noted on a pre-construction inspection sheet. The utility is encouraged to have a representative present at such inspection. Failure to perform the pre-inspection shall result in a determination that all defects occurred as a result of construction and were not present prior to starting such work.
6. The contractor/utility shall compact all cuts in the roadway, berm, and on private property. Any ground settling that occurs during a one-year period following construction shall be the responsibility of the contractor to repair.
7. All construction materials present prior to utility work shall be used in repairs. To explain, if a road surface is concrete, it shall be doweled and replaced with concrete; asphalt shall be replaced with asphalt of the same depth and the edges sealed. Concrete sidewalks shall be replaced with four inches in non-drive areas; six inches in drives.
8. A final inspection shall be performed by the Department of Public Works. Any deficiencies noted in the final inspection shall be corrected within 30 days of notice. Failure to correct deficiencies in that time period shall result in the City performing the work and a charge of the costs of the City being levied against the utility. The City reserves the right to ban or not approve contractors who do not perform work in a timely and orderly manner. A review sheet shall be provided to the utility to document sub-standard workmanship by a subcontractor and shall serve as a notice that future work may be disapproved by the City.
9. Should the contractor or utility auger under a roadway or drive, it shall be responsible for any settling that may occur. If auguring is made under trees or

other living matter, the contractor shall assume responsibility of replacing such matter for a one-year period after work is completed. Trees that die because of work shall be replaced by a tree of not less than two (2) inches in diameter of species outlined in the City Tree Ordinance.

10. Trees damaged by excessive or improper trimming shall be replaced by the City and billed to the utility directing the work. All trees shall be trimmed according to American National Standards Institute (ANSI) guidelines.
11. All crossings under roadways shall be a minimum of 24 inches below the ground surface.

## **Utilities – Sewer Back-ups**

### **I. PURPOSE**

The purpose of this policy is to provide guidance and direction to deal with the issue of sanitary and storm sewer back-ups. This policy is designed to guide staff and inform property owners when a back-up occurs while protecting the financial integrity of the City's sewer funds.

This policy is intended to compliment, not supersede, Public Act 222 of 2001 and current case law that clarifies the conditions under which a municipality is liable for a sanitary or storm sewer back-up.

### **II. SCOPE**

This policy is under the general direction of the City Manager with coordination with the Directors of Public Utilities and Public Works Departments. Coordination is also necessary with the City's insurance carrier. The primary point of contact is the Assistant Finance Director whose office is located at City Hall.

### **III. OWNERSHIP OF INFRASTRUCTURE**

As established by the City's various utilities systems related ordinances, the City owns and is responsible for the maintenance and replacement of sanitary and storm sewer mains. The property owner served by these two utilities is responsible for the maintenance and replacement of the laterals that service a building. A service lateral consists of the pipe from the point of connection with the sanitary or storm sewer mains into the building serviced.

The City recommends that property owners, at their expense, have their sewer laterals cleaned once each year by an insured professional cleaner.

### **IV. PUBLIC ACT 222 OF 2001**

Public Act 222 of 2001 clarifies the conditions under which a municipality is liable for a sewer back-up. The Act sets standards to determine the extent to which a municipality is liable for backups and establishes a process that affected property owners must follow to see if they are eligible for compensation when a back-up occurs.

The Act requires any party making a claim for property damage or physical injury to prove that the public utility had a defect that caused the back-up. Further, the Act requires the party making the claim to prove that the municipality knew, or should have known when

exercising due diligence, that the utility had a defect. If a defect is found, the defect must be 50% or more of the cause of the event and the property damage or physical injury.

#### **V. IF A BACK-UP IS EXPERIENCED**

Property owners who are experiencing a back-up of sanitary or storm sewer between the hours of 8:00 am and 5:00 PM – Monday thru Friday should call City Hall at (616) 527-4170. During all other hours, the call should be made to Ionia Central Dispatch by calling (616) 527-0400.

1. When a call is made staff from the City's Public Works Department will respond to the location and immediately check the sanitary or storm sewer line servicing the property.
2. If flows are normal in the sewer line, a record of the time and date of such inspection shall be made and the property owner contacted.
3. If the back-up is being caused by a plug in the line from the main to the home (the lateral), it is the homeowner's responsibility to contract with a private firm to clean from the home to the main.
4. Contractors cleaning the line from the home to the main are to contact the City at the number(s) listed above prior to performing such work.
5. Contractors who perform such work and cause a plug in the City line shall be responsible for the time of City workers to clear the plug from the City line, equipment costs, and any damage to private property.
6. If the back-up is found to be caused by the City line, the date and time of this finding is to be made and City staff is to immediately clear the plug. In addition, the City camera shall be placed in the City sewer line to determine the cause of the blockage. City staff shall also provide the property owner with a copy of the "City of Ionia Utilities Back-Up Packet" so that the property owner is familiar with his or her rights under PA222 of 2001.

If an apparent back-up occurs and City staff is not contacted to respond, City Hall staff shall be responsible for providing the "City of Ionia Utilities Back-Up Packet" upon being contacted by the affected property owner and being informed of the situation. City Hall staff shall complete the "Utilities Back-Up Complaint Intake Form" to document the inquiry and the mailing of the packet.

#### **VI. MAKING A CLAIM**

PA222 of 2001 requires that a property owner who believes he or she has experienced a loss due to a back-up caused by the City sanitary or storm sewer system to file a written notice of claim within 45 days after the back-up is discovered. A claim form is included in the "City of Ionia Utilities Back-Up Packet". Failure to provide the required written claim within the allotted time will prevent recovery of damages.

**VII. PROCESSING A CLAIM**

Upon receiving a written notice of claim, the Assistant Finance Director shall start a file regarding the claim and transmit to the City's insurer, a copy of the written notice of claim along with any related documentation provided by City Public Works staff or by the property owner. Upon receiving the "Damage Inventory Report" from the property owner and associated information, this information shall also be transmitted to the City's insurer.

**VIII. DETERMINATION OF CITY LIABILITY**

City staff does not determine if the City is liable for a loss experienced by a property owner and shall not provide any opinion on the matter to the property owner. This responsibility is handled by the City's insurer after taking into consideration the provisions of PA222 of 2001 and case law.

If the City's insurer determines the City does have liability, it further determines the level of financial exposure. When determining payment levels to the property owner, the insurer takes into consideration the depreciated value of the lost property. Often times, the insurer will send an adjustor to inspect the damage.

Policy History:

Version 1 – July 2, 2002

Revision 1 – April 1, 2008 (after MML review – February 13, 2008)



**SEWER BACK-UP COMPLAINT INTAKE FORM  
First Notice of Claim**

Date call was received: \_\_\_\_\_ Time: \_\_\_\_\_

Caller's Name: \_\_\_\_\_

Caller's Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone Number: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Full Name of Property Owner: \_\_\_\_\_

Address of Property Owner: \_\_\_\_\_

Reason for complaint/description of event: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date of discovery of event: \_\_\_\_\_ Time: \_\_\_\_\_

**Office Use Only**

Yes  No Notice of Claim Packet Sent to Caller? Date mailed: \_\_\_\_\_

Yes  No Caller was informed of the requirement of written notice to be sent to the Assistant Finance Director within 45 days of discovery of event.

Call was taken by: \_\_\_\_\_ Date Received: \_\_\_\_\_

Time Received: \_\_\_\_\_



**SEWER BACK-UP NOTICE OF CLAIM**

In order to make a claim for damages or physical injury arising from a sanitary or storm sewer, all claimants **MUST** provide the following information:

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

\_\_\_\_\_

Email: \_\_\_\_\_

Address of affected property: \_\_\_\_\_

Briefly describe claim: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date of discovery of property damage or physical injury: \_\_\_\_\_

**An individual that has been injured or has suffered property damage as a result of a sewer or water back-up **MUST** provide written notice of the event within 45 days after the date the damage or injury was, or in exercise of reasonable diligence should have been discovered.**

Please return to:  
City of Ionia  
Assistant Finance Director  
114 North Kidd Street  
P.O. Box 496  
Ionia, Michigan 48846

Office Use Only  
Date Received: \_\_\_\_\_  
Forwarded to: \_\_\_\_\_  
Date: \_\_\_\_\_



DATE

Claimant's Name  
Claimant's Address

RE: Utilities Back-Up

Dear Mr./Mrs./Ms.:

On \_\_\_\_\_ you contacted the City of Ionia to claim that on \_\_\_\_\_ you discovered that you had suffered property damage or personal injury as a result of a sanitary or storm sewer back-up. Enclosed, please find the Notice of Claim form and instructions for your use.

You are required to comply with the notice requirements contained in Public Act 222 of 2001. Any claim you make must be made in writing within 45 days after the date the damage or physical injury was discovered or in the exercise of reasonable diligence, should have been discovered. The written notice must contain your name, address, telephone number, the address of the affect property, the date of discovery of any property damage or physical injury, and a brief description of the claim. The enclosed forms should assist you in reporting your claim.

Should you have any questions, please feel free to contact me.

Sincerely Yours,

Assistant Finance Director  
Enclosure



## **Garbage and Rubbish**

### **I. PURPOSE**

The purpose of this policy is to provide guidance and direction concerning the implementation of the City's Rubbish Collection program.

### **II. SCOPE**

The policy is based on Ordinance Number 05-2002, the Code of Codified Ordinances Section 1060, the City Garbage Collection Contract. It is enforced through the office of the City Manager with day to day delegation to the Department of Public Works.

### **III. POLICY**

It is the policy of the City of Ionia that trash collection/recycling service is provided to and paid by each residential unit within the City. City Code and State Law prohibit the burying, burning, dumping of trash on another person's property or in another persons' dumpster, or transporting trash outside the City to another governmental unit.

For that reason, the Ionia City Council has adopted an ordinance that provides trash pick-up to all residential structures with 10 or less units in the corporate city limits. Residential structures with more than 10 units, commercial structures, and industrial structures are required by City Code to provide/contract for their own trash hauling services. No property in the City shall be exempt from trash hauling obligations.

#### **A. Winter off**

During the winter months, some homes are left un-occupied by persons who leave for other states.

1. If the water meter is pulled on the house, thereby guaranteeing no occupancy of the home, no charge shall be made for garbage collection or recycling service.
2. If the water meter remains, the occupant may subscribe to the "recycling only" cost and rely on purchasing bag tags for trash removal.

#### **B. Multiple Units**

1. If a multiple residential structure has less than 10 units, but the owner provides a dumpster at a single location in lieu of individual containers, the following shall be the policy of the City.

2. The City shall bill for each residential unit. The City's contracted trash hauler shall then bill the property owner for any difference between the City billing and the cost of the dumpster.
3. The owner/landlord will not pay more than the cost of the dumpster.
4. When a renter moves and ends his/her utilities contract, he/she will be billed for the trash contracted. While the unit remains vacant, just like in the case of utility bills, the bill reverts to the property owner. Garbage collection will go back as a "bag service only" or \$8.25 per quarter". When the new tenant signs up for collection, a \$5 service fee normally charged for changes in service will be waived.

C. Vacant houses

1. Two different classifications are now offered on utility bills for vacant residential units:
  - a. Minimum Bill
  - b. Vacant and no meter
2. Vacant structures electing a "Minimum Bill" for water and sewer will also receive the minimum bill for garbage collection.
3. Vacant structures electing "Vacant and no meter" will receive no charges posted against the property utility account.
4. The elected classification will remain in effect until the City is notified of a change in status and a new utilities contract is executed.

D. Recycling

All residential structures with 10 units or less shall receive recycling services. One recycling container is provided per unit. Recyclables are to be placed in recycling containers and positioned curbside on the same day as trash pick-up.

E. Dumpsters

Nothing in the ordinance or this policy shall preclude a dumpster from being contracted for a location on a temporary basis. Residents wishing to dispose of bulk items at the curbside may contract directly with the City's waste hauler (currently Granger) for special, bulk item pickup. Unless such arrangements are made, bulk items will not be removed as part of regular waste hauling services.

F. Complaints

The City's current waste hauler, Granger, has a local Ionia number for contact by citizens. In addition, complaints received by the City regarding waste hauling services shall be logged and forwarded to the waste hauler for action.

G. Pickup Schedules

Garbage pickup occurs weekly in accordance with the schedule set by the waste hauler.

No service is provided to customers outside the corporate city limits.

## Sanitary Sewer Cleaning

### I. PURPOSE

The purpose of this policy is to provide guidance and direction concerning the maintenance of the City Sanitary Sewer System as well as areas in the Townships which contract for such service.

### II. SCOPE

The work in this policy shall be performed by the Department of Public Works with notice to the Department of Public Utilities.

### III. POLICY

Sanitary sewers shall be cleaned once each year by the Department. All sanitary sewers in the City shall be inspected and cleaned by DPW personnel with recording made of the work performed.

- A. Utilizing the City's sewer/vacuum truck, crews shall be assigned to zones established by the Public Works Department. Each zone in the City has been identified with flows to the Wastewater Treatment Plant.
- B. Crews will utilize the maps and data inventory sheets that are prepared for each zone. These sheets will be generated by the Utilities Department prior to cleaning.
- C. Crews shall begin at the farthest manhole identified on the mapping sheets and work toward the WWTP. Crews will always go downstream and clean upstream, pulling debris and any roots or other material back to the vacuum truck.
- D. As crews are cleaning each segment and manhole, they shall make notations whether the line is normal cleaning, heavy cleaning, root obstructions, or other debris. If pieces of pipe, brick or any other object is found, it shall be recorded and a the DPW camera used to determine where the material came from. This shall result in repairs to the line as soon as possible.
- E. As each segment and zone is completed, the DPW workers shall finish the log sheets, sign the sheets and furnish them to IT to record the work that was performed.
- F. Standard cleaning practices shall be used with root cutters, cleaners, and any other material used by the DPW. In addition, root treatments may be made to some zones in the city if root intrusion shows to be a problem on cleaning logs.

- G. In all cases, materials generated from sewer cleaning shall be treated as waste and shall be disposed of in the system or at a licensed landfill. Materials removed from sanitary sewers are to be coordinated with the WWTP for disposal at the proper facilities.
- H. Cleaning schedules shall be determined by the Director of Public Utilities with work beginning in the spring and continuing through the summer months. These are coordinated with storm sewers and other work that the department performs as well as work for others.

#### **IV. WORK FOR OTHERS**

In the case of work for other cities or villages; road commissions or drain commissions:

The City shall perform the work on a billable hour as determined by the State of Michigan on a yearly basis as well as the hourly charge plus benefits for city employees.

The materials removed shall belong to the contracting party, who retains responsibility for appropriate disposal. The City shall not assume any liability or responsibility for items removed during contracted cleaning.

#### **V. INFORMATION TECHNOLOGY (GIS)**

The GIS system shall be continually updated with information supplied from the field. This shall serve as the basis for determining the Asset Management Strategy for Sanitary Sewers as well as replacement with street projects. Lines that show repeated intrusions of roots, breaks, or other problems shall be verified and then replaced during reconstruction of streets.

In addition, lining may be ordered if roots or other problems are prevalent in an area. All best practices shall be reviewed by city crews on a yearly basis and shall become part of the long-range and short-range strategy of the City to maintain its sanitary collection system in the best manner possible.

The City's contracted engineer shall assist the DPW and WWTP in mapping and recording of information.

## **Water System Maintenance and Flushing**

### **I. PURPOSE**

The purpose of this policy is to provide guidance and direction concerning maintenance of the City's public water supply system.

### **II. SCOPE**

The work outlined in this policy shall be performed by the Department of Public Utilities with notice to/input from the Department of Public Works.

### **III. POLICY**

The City's public water supply system is derived from ground water pumped from several wells. The water is produced by the City and stored in ground and elevated storage tanks, which provide water reserves and pressurizes the system.

It is the policy of the City to flush the water distribution system a minimum of twice annually to remove mineral build-up and other deposits that can result in reduced water quality. While flushing, the City also conducts valve and fire hydrant inspections.

#### **A. WELLFIELD**

As required by the 1986 Safe Drinking Water Act, the City has prepared a Wellhead Protection Plan, which assists the City in protecting its groundwater supply. The Plan identifies the ten-year time of travel capture area for each City well in order to minimize the threat of groundwater contamination. City staff shall regularly review and update the Plan to assure its compliance with the standards published by the Michigan Department of Environment, Great Lakes & Energy (EGLE).

Wells operated by the City shall be placed on a routine cleaning cycle that is prioritized based on each well's level of production, energy use and other best practices for determining when a well begins to lose production capability and efficiency. The City shall continuously maintain a regular cleaning cycle that will be incorporated into the City's Capital Improvement Plan prepared as part of the City's fiscal year budget.

Storage tanks shall be inspected regularly and cleaned a minimum of once every five years in accordance with standards published by EGLE. The interior and exterior surfaces of the tanks shall be cleaned and coated based on visual inspections and best practices/recommendations provided by the manufacturers

of the coating. The storage tank cleaning and painting cycle shall also be incorporated into the City's Capital Improvement Plan.

#### B. HYDRANTS AND MAINS

1. The City shall flush hydrants and mains at least twice annually. Flushing shall be completed in accordance with established protocols and policies that have been developed for the City by EGLE.
2. Prior to beginning flushing, Public Utilities staff shall cause to be published in the local newspaper and on the City's website, notice of the flushing. The notice shall give descriptive information regarding the flushing process including the dates and times that each pressure area will be flushed. Flushing shall begin at the wellfield and progress through each water pressure area (High to Medium to Low) pursuant to published schedules.
3. Flushing shall normally take place during the months of March/April and September/October (prior to leaf pick-up), weather permitting.
4. Some businesses are directly impacted by the flushing process (i.e., manufacturers/laundries). These businesses shall be notified by Public Utilities staff prior to flushing in the area of the City occupied by such businesses.
5. During the flushing cycle, Public Utilities staff shall inspect each hydrant with any defects, breaks or other problems forwarded to the Department of Public Works for repair. The Department of Public Safety shall be notified of any hydrant problems that could prevent its use in case of fire. The Public Works staff shall make every effort to repair the hydrant as soon as informed of the problem.

#### C. HYDRANT TYPE/MAIN TYPE

The City's municipal standards contain specifications for all hydrants, mains, valves and other water appurtenances.

#### D. HYDRANT PAINTING

All hydrants shall be painted yellow. The caps of all hydrants shall be color coded for easy identification by emergency responders. The following colors shall apply:

- Blue – Class AA: 1500 GPM or greater flows
- Green – Class A: 1000 to 1499 GPM or greater flows
- Orange – Class B: 500 to 999 GPM or greater flows
- Red – Class C: less than 500 GPM flows
- Yellow – Unknown GPM flow.

In addition, hydrants may be designated as “HP” denoting “high pressure” in black letters on the top cap of the hydrant. The identification of the high-pressure hydrants warns emergency personnel that the hydrant is charged and they must take appropriate precautions when connecting hoses to the hydrant.

E. VALVES

In addition to maintaining hydrants, it is necessary for the City to regularly exercise the valves that are part of the water distribution system. When a valve is found to be defective by Public Utilities staff, the Department of Public Works shall be notified of the problem and the valve repaired as necessary.

F. METERS

Water meters shall be read by Public Utilities staff in accordance with reading schedules established by the Finance Department. When meters are found to be defective, plugged or otherwise in need of maintenance, Public Utilities staff shall promptly make repairs or replace the meter.

Policy History:

Version 1 – July 2, 2002  
Revision 1 – June 3, 2008

## **Placing Memorials in City Parks and Open Space**

### **I. PURPOSE**

Parks and public open space areas are to be open, aesthetically pleasing, and usable by the public. Memorials that commemorate or remember a special individual can be part of the open space experience, provided they are designed and located appropriately. However, because public open space is a precious commodity and the integrity of the City's natural and recreational areas must be protected, the design, installation, and maintenance of memorials requires standardized policies.

### **II. SCOPE**

This policy applies to all parks, open space and property otherwise owned by the City of Ionia that has been determined suitable for placing a memorial. Work will typically be performed by the City of Ionia Department of Public Works.

### **III. POLICY**

Requests for placing memorials in City public parks and/or open space areas are to be coordinated through the Director of Parks and Recreation and as directed by the City Manager. Input will be solicited from appropriate City Departments to evaluate the design, site selection, installation, and maintenance of memorials, and to ensure public safety. The City has established the following criteria and options for evaluating memorial requests:

#### **A. Memorial Criteria**

1. A memorial may honor a person deemed to merit such an honor.
2. The location of memorials shall not interfere with maintenance activities, existing and proposed circulation and use patterns in parks or open space, and shall not impact any historic/cultural resource or sensitive habitat/species.
3. The memorial and its location, design, and materials shall be compatible with any adopted master plan for the park or open space, and any cultural or habitat resource considerations.
4. Memorials shall be made of durable materials that will last over time, discourage graffiti, and not require additional maintenance.
5. The cost of fabrication and installation of a memorial shall be the responsibility of the donor. Park memorial furnishings will be purchased through a vendor of the City's choice.

6. The memorial itself, and all artwork contained in it, must be appropriate for viewing by all ages of the general public. Artwork that is obscene or offensive in any way will not be approved.
7. Designated memorial locations may reach a saturation point at which time, the City may consider closing the location to additional memorials, expanding the defined area of memorials at that location, or removing memorials to create room for new memorials and making a reasonable effort to return past memorials to their donors.

## **B. Memorial Options**

1. **Plaques** - Specific areas within public parks and open space areas may be established for the grouped display of memorial plaques involving seating walls, raised planter walls, fences, a defined area on a building wall, contemplative garden paths, etc. The appropriate size and material of the plaques will be specified by the Director.
2. **Trees** - Tree selection and planting locations will be chosen based on species, topography, soil condition, light exposure, mature plant size, maintenance requirements, and appropriateness for placement and will be mutually agreed upon by the applicant and the City. The City does not guarantee the memorial tree's viability.
3. **Park Furnishings** – Memorial text may be included on a park furnishing that is donated by an applicant. Furnishings include benches, picnic tables, trash receptacles, recreational equipment, etc. The Director shall establish the specifications for the furnishings and memorial identification.
4. **Other** – Unique memorials in key locations may be considered for applications that represent broader community values, that meet the intent and criteria of this policy, that provide a public benefit, and that include a maintenance program acceptable to the City.

## **C. Application and Approval Process**

An application for a plaque, tree, park furnishing or other memorial as described above shall be completed in writing on forms provided by the City and shall be submitted to the Parks and Recreation office. Requests will be reviewed for consistency with this policy and the specific details of each memorial shall be determined. An application recommended by the Director of Parks & Recreation shall be forwarded to the City Manager for final approval.

The application has been included as an attachment for reference.



## Memorial for City Park or Open Space

Submit Applications to Department of Parks and Recreation

Street Address: 114 North Kidd Street Ionia, MI 48846

Mailing Address: P.O. Box 496 Ionia, MI 48846

Ph: (616) 527-4170 Website: [www.ci.ionia.mi.us](http://www.ci.ionia.mi.us)

Date of Application: \_\_\_\_\_

Permit Fee: Varies Based on Memorial

This application is for placing a memorial within a park, open space, or property owned by the City of Ionia. Memorial options include benches, plaques, trees, and other park furnishings. The cost of fabrication and installation of a memorial shall be the responsibility of the donor. The location of the memorial must be on the pre-approved list provided by the City.

### DONOR INFORMATION

Name: \_\_\_\_\_ Relationship to Honoree: \_\_\_\_\_

Address: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

### MEMORIAL DETAILS

Honoree's Name: \_\_\_\_\_

Type of Memorial:     Bench     NEW     REPLACEMENT     EXISTING

Plaque    Wording: \_\_\_\_\_  
\_\_\_\_\_

Tree    Requested Type: \_\_\_\_\_

Other    Description: \_\_\_\_\_

1<sup>st</sup> Location Preference: \_\_\_\_\_

2<sup>nd</sup> Location Preference: \_\_\_\_\_

### SIGNATURE

#### Donor Signature:

My signature below states that I will provide a donation to the City of Ionia to cover the costs of fabricating and installing the selected memorial. I understand that this donation is for the useful or physical lifespan of the memorial option purchased, as deemed by the Parks and Recreation Director or designee. In addition, I understand that the City of Ionia is the ultimate authority for determining the location and/or specific details related to the memorial that is purchased and that the memorial may be moved at the discretion of the City.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## MEMORIAL CRITERIA

### Criteria for Placing Memorials in City Parks and Open Space

1. A memorial may honor a person deemed to merit such an honor.
2. The location of memorials shall not interfere with maintenance activities, existing and proposed circulation and use patterns in parks or open space, and shall not impact any historic/cultural resource or sensitive habitat/species.
3. The memorial and its location, design, and materials shall be compatible with any adopted master plan for the park or open space, and any cultural or habitat resource considerations.
4. Memorials shall be made of durable materials that will last over time, discourage graffiti, and not require additional maintenance.
5. The cost of fabrication and installation of a memorial shall be the responsibility of the donor. Park memorial furnishings will be purchased through a vendor of the City's choice.
6. The memorial itself, and all artwork contained in it, must be appropriate for viewing by all ages of the general public. Artwork that is obscene or offensive in any way will not be approved.
7. Designated memorial locations may reach a saturation point at which time, the City may consider closing the location to additional memorials, expanding the defined area of memorials at that location, or removing memorials to create room for new memorials and making a reasonable effort to return past memorials to their donors.

#### OFFICE USE ONLY

Application #: \_\_\_\_\_

#### Parks and Recreation Director

Recommended:    \_\_\_ Yes            \_\_\_ No

Comments: \_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

#### City Manager

**Approved or Denied (Circle One)**

Comments: \_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Oak Hill and Riverside Cemetery Operations

### I. PURPOSE

Oak Hill Cemetery is located on Yeomans Street near Rice Street. It is a 2.87-acre parcel, (34-202-024-000-001.00) that was developed as Ionia's first cemetery and is the resting place of many of Ionia County's founders. There are over 1,400 recorded burials in this cemetery, some dating back to the early 1800's. There are also many unrecorded/unmarked burials. In addition, technically a separate cemetery and visually indistinguishable as such, is an adjacent parcel of 2.66 acres, (34-051-140-000-400-00) located in Easton Township and identified in property tax records as "Cemetery," Ionia, Michigan.

Riverside Cemetery is located on the former Riverside Correctional Facility site, 777 W. Riverside Drive. It is a small, 0.18-acre parcel (34-202-024-000-001.00) that was utilized as the final resting place for unclaimed, deceased patients from the former Ionia State Hospital, which closed in 1975. After its closure, the hospital was then transferred to the Department of Corrections and repurposed as the Riverside Correctional Facility. There are 95 headstones but only four confirmed burials in the Riverside Cemetery.

### II. SCOPE

This policy applies to the Oak Hill Cemetery and adjacent "Cemetery" located in Easton Township, as well as the Riverside Cemetery. The policy dictates maintenance and operations, as well as rules for limited interments and general cemetery rules. Maintenance work will typically be performed by the City of Ionia Department of Public Works.

### III. POLICY

#### A. Maintenance

Oak Hill Cemetery, the adjacent "Cemetery" located in Easton Township, and Riverside Cemetery are provided perpetual care and maintenance by the City of Ionia Department of Public Works. Expenses associated with cemetery maintenance are paid for through the City's General Fund. Maintenance activities will typically include mowing, tree trimming, and leaf and brush removal. Maintenance activities will not include snow plowing of cemetery drives during the winter months.

#### B. Burial Records

According to an article published by the *Ionia Sentinel Standard* in 1996, plot records for Oak Hill Cemetery were mostly destroyed by a turn-of-the-century City Hall fire. However, thanks to the efforts of Ionia resident Marilyn Webster, records listing who is buried where were developed during the first decade of the 2000s. This compilation is now available via the Internet at “Ionia County MIGenWeb,” <http://ionia.migenweb.org/cemetery/oakhill.htm>. A printed copy of the Oak Hill Cemetery information, as posted on the Ionia County MIGenWeb website is available for review at City Hall in the Finance Department. Additionally, Easton Township sent its Cemetery records to the State of Michigan Archives, available at the Michigan History Center, 702 W. Kalamazoo Street, Lansing, MI, (517) 373-3559.

Burial records for the Riverside Cemetery have been compiled in a online database, available via this link: <https://storymaps.arcgis.com/stories/0bc01dca44dc4338a6c3ca17be777ea4> It appears people were buried in this cemetery between the years of 1893 and 1963. There are two individuals noted as Civil War veterans.

### C. Interments

1. Closed to new interments - Given its age, fragility of existing monuments, and incomplete recordation of gravesites, Riverside Cemetery has no plots for sale and is **closed** to new interments or cremains.
2. Oak Hill Cemetery also has no available plots for sale and is **closed** to new interments, with very limited exceptions regarding cremains, as follows:
3. **Cremains** – The City of Ionia will perform burial of cremains at Oak Hill Cemetery when all the following criteria are satisfied:
  - Death certificate is provided for the cremains to be buried.
  - The individual requesting burial of cremains must produce a deed for the lot upon which the cremains are to be buried. Documentation of the decedent’s familial relationship to the individual already interred on the lot shall be provided.
  - Burial of cremains will only take place from April 15 – October 31, subject to severe weather conditions.
  - At least two (2) business days-notice must be given whenever an interment is to be made.
  - Cremains can be, but are not required to be enclosed in an approved vault.
  - A fee of \$250 must be paid to the City prior to interment (or disinterment) of cremains. The City will pour concrete monument foundations at \$0.45 per square inch.

- The City shall record the full name, birth date and death date of the individual's cremains added to a specific lot. This information shall be retained with Oak Hill Cemetery records and notification shall be provided to MIGenWeb.org of the same, so that its records can be updated for Oak Hill Cemetery.

#### **D. Cemetery Rules**

All individuals shall observe the following Oak Hill Cemetery and Riverside Cemetery rules:

1. All memorials, monuments, and grave markers must be cut from quarried granite, marble or cast from genuine bronze.
2. No artificial stone, native boulders or fieldstone will be allowed.
3. Permission must be obtained from the Public Works Director (or his/her designee) to plant trees, shrubbery, set markers, etc.
4. No rose bushes will be allowed.
5. No person other than City personnel will be permitted to dig a grave or open any grave already there.
6. No vehicle shall exceed a speed of 5 MPH.
7. All persons are prohibited from picking or digging up any flowers or injuring any tree, plant or shrub on the Cemetery grounds.
8. All urns, plant material, etc. will be in line with the headstone.
9. The City of Ionia is not responsible for items removed from graves or for vandalism.
10. A single grave site shall be allowed to contain one full burial and one (1) cremains or only two (2) cremains (Oak Hill Cemetery only).

## **Vertical Light Pole Banner Policy**

### **I. PURPOSE**

The purpose of this policy is to enable display of vertical banners on City light poles, as requested by non-profit organizations and governmental units to assist in the promotion of events sponsored by such organizations that contribute to the visual interest of the City.

### **II. ELIGIBILITY**

In order to be eligible to display banners an applicant must demonstrate the following:

- A. The applicant is a non-profit organization or governmental unit;
- B. The proposed banner promotes an event sponsored by the non-profit organization or governmental unit, or highlights activities and interests occurring in or around the City; and
- C. The banner contributes to the visual interest of the City.

### **III. APPLICATION**

- A. Application forms for installation of vertical pole banners will be available at City Hall and the DDA office. Applicants will provide all requested information on the application form.
- B. Completed applications shall be submitted to the City Manager's office for staff routing and placement on the next available City Council meeting agenda.
- C. Applications will be reviewed by City staff for design and content approval. Final review and approval shall rest with the City Council. Only banners sponsored by non-profit organizations and governmental units whose purpose and objectives contribute to the best interest of the Ionia community will be approved for display.
- D. Applications shall not be submitted more than eleven (11) months in advance or less than four (4) weeks before a proposed banner display.

### **IV. BANNER DESIGN & SPECIFICATIONS**

- A. All banners must be professionally manufactured to ensure only quality, well-made banners will be displayed within the City of Ionia. In no way will the City of Ionia be held responsible for banners damaged while on display.

- B. All banners shall be manufactured in accordance with the specifications detailed in **Attachment A**.
- C. Banners shall NOT display:
  - 1. Commercial advertising
  - 2. Political advertising
  - 3. Obscenities or vulgarities
  - 4. Other material incompatible with the purpose of this policy

**V. BANNER CALENDAR & DISPLAY PERIOD**

- A. The calendar for vertical pole banner displays will be kept by the City Manager's office to determine availability.
- B. Applicants may request their banners be displayed for up to six (6) weeks. An additional six (6) week display period may also be requested and approved at the discretion of the City Council. Approved reservation is on a first come first serve basis.
- C. Municipal banners may be displayed during times not otherwise requested by non-profit organizations and outside governmental units.
- D. Banners displayed from November 15 to February 1 will be limited to municipally owned banners to coincide with holiday décor.

**VI. INSTALLATION & REMOVAL**

- A. Banners shall be installed and removed **ONLY** by approved staff of the City of Ionia. Anyone who attempts to install or remove a banner outside these parameters will be charged with a misdemeanor and may jeopardize approval of future associated banner projects.
- B. Approved banners shall be delivered by the non-profit organization/governmental unit to the City of Ionia Public Works Garage at 303 S. Jackson Street no less than three (3) days prior to scheduled installation, and shall be picked up no more than one (1) week after removal, unless other arrangements have been made. Sponsoring groups that do not retrieve banners within thirty (30) days of their removal may be disposed.

**VII. COST**

The cost per banner for installation and removal is \$5 and shall be remitted following notification of an approved application and prior to banner installation.



## Vertical Pole Banner Application

*Submit Applications to City Hall*

Street Address: 114 North Kidd Street Ionia, MI 48846

Mailing Address: P.O. Box 496 Ionia, MI 48846

Ph: (616) 527-4170 Website: [www.ci.ionia.mi.us](http://www.ci.ionia.mi.us)

**Date of Application:** \_\_\_\_\_

**Permit Fee:** \$5.00 per banner

- Applicants are required to supply all needed materials including but not limited to the banners and any needed fastening devices.
- Banners shall be installed and removed only by approved staff of the City of Ionia. Anyone who attempts to install or remove a banner outside of these parameters will be charged with a misdemeanor and may jeopardize approval of future associated banner projects.
- Applicants are required to be a non-profit organization or governmental unit, and the purpose of the banners must be for a general public interest. The use of banners for commercial or political advertising is prohibited.
- Applications are to be submitted no later than four (4) weeks prior to the proposed installation date.

### Applicant Information

Name of Applicant: \_\_\_\_\_

Name of Organization: \_\_\_\_\_ Role within Organization: \_\_\_\_\_

Address: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

### Banner Details

**Please provide a sketch complete with banner specifications and message to be displayed for City Council Review. Applications will be accepted up to eleven (11) months in advance and no later than four (4) weeks prior to proposed installation date.**

1. Brief description of the reason for banners being displayed?

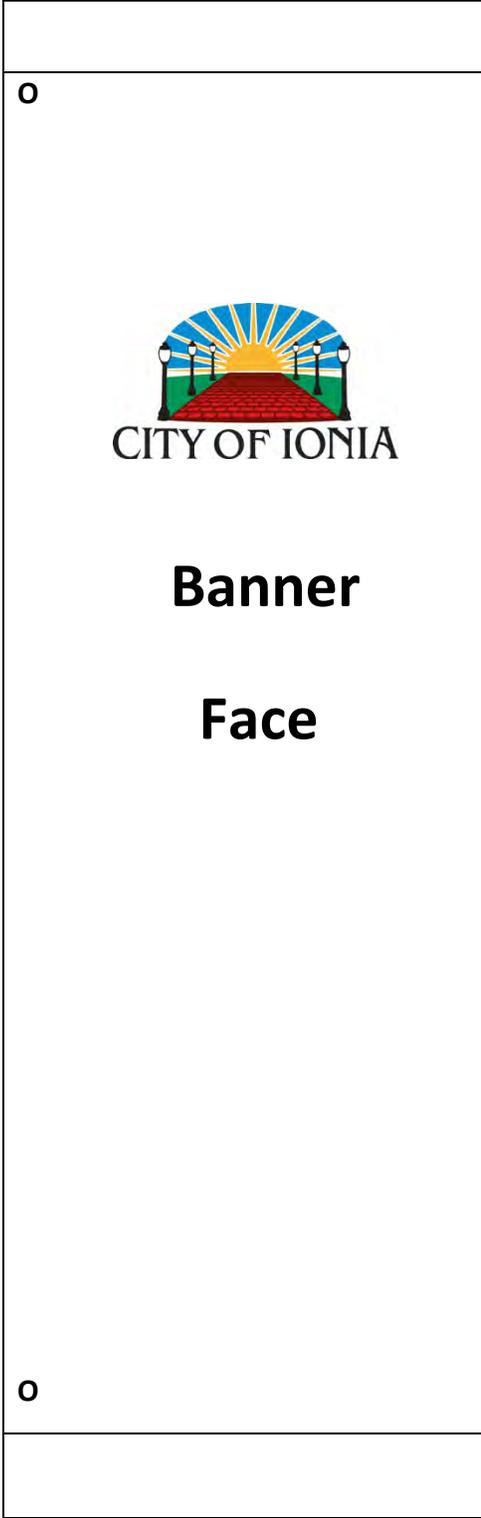
\_\_\_\_\_  
\_\_\_\_\_

2. Total number of banners: \_\_\_\_\_



**ATTACHMENT A – VERTICAL BANNER SPECIFICATIONS**

½ inch  
grommet →



← 3 ½ inch pocket hem

← 48 inches →  
(banner length)

← 24 inches →  
(banner width)

# Drug Free Workplace Policy for Commercial Driver's License Holders

## I. PURPOSE AND SCOPE

The U.S. Department of Transportation (DOT) has issued regulations (49 CFR, Part 40) that govern the use of drugs and alcohol by employees who hold a Commercial Driver's License (COL) and drive a Commercial Motor Vehicle (CMV). The DOT requires the City of Ionia to conduct drug and alcohol testing of drivers at the times and under the conditions described in this Policy. The regulations apply to every person who operates a CMV in interstate, foreign, or intrastate commerce, to all employers of such persons and to all states.

It is the City's intention to comply fully with DOT regulations. In the event DOT regulations are amended, the Policy and the applicable terms, conditions, and/or requirements shall be deemed to have been amended automatically. Redrafting will not be necessary to reflect and regain compliance with DOT regulations. The City reserves the right to apply the amended requirements immediately, without giving prior notice to drivers and/or applicants or other employees covered by this policy, unless the DOT or other applicable law requires such notice.

The goal of the City's Policy and the testing of drivers is to ensure a drug and alcohol-free transportation and work environment, to reduce and eliminate drug and alcohol related accidents, injuries, fatalities, and damage to City property. For this Policy, any employee performing under the definitions described below will be referred to as "driver."

## II. NON-DISCRIMINATION

In accordance with the requirements of the Americans with Disabilities Act, the City of Ionia does not discriminate against employees or applicants who are qualified individuals with a disability who are not currently engaged in use of illegal drugs and who do not otherwise violate the provisions of this Policy, including but not limited to individuals who: 1) have successfully completed or who are currently participating in a supervised rehabilitation program and are no longer engaging in such use; or 2) have otherwise been rehabilitated successfully and are no longer engaging in such use.

## III. POLICY

### CRITERIA FOR EMPLOYEES SUBJECT TO TESTING

All City of Ionia employees working in the Department of Public Works are subject to this policy. Under this Policy and DOT Federal Highway Administration (FHWA) regulations, drivers who hold a CDL and drive a CMV are subject to the drug and alcohol regulations. CMV means a motor vehicle or a combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- has a gross combination weight rating of 11,794 or more kilograms (26,001 or more pounds), inclusive of a towed unit with a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds); or
- has a gross vehicle weight rating of 11,794 or more kilograms (26,001 or more pounds); or
- is designed to transport 16 or more passengers, including the driver; or
- is of any size and is used in the transportation of materials found to be for the purposes of the Hazardous Materials Transportation Act and that require the motor vehicle to have a placard under the Hazardous Materials Regulations.

All applicants for positions as a driver or for a safety-sensitive position, which includes driving, will be notified of the City's Drug-Free Workplace Policy (DFWP) at the time they apply for the position.

#### DEFINITION OF "SAFETY-SENSITIVE"

Safety-sensitive function means all time, from the time a driver begins to work, or is required to be in readiness to work, until the time he or she is relieved from work and all responsibility for performing work.

For this Policy and the City of Ionia's drug and alcohol testing program, employees are subject to drug and/or alcohol testing during the following:

- All time at a City facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the City;
- All time inspecting equipment as required by 49 CFR §392.7 and §392.8 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- All time spent at the driving controls of a commercial motor vehicle in operation;
- All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth;
- All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

#### DEFINITIONS

Definitions as used under this Policy are set forth below and in greater detail in 49 CFR §382.107.

Drugs prohibited by this Policy means a controlled substance, as defined in schedules I through V of Section 202 of the Controlled Substances Act, 21 U.S.C. §812, including, but not limited to, marijuana, cocaine, opiates, opium, heroin, morphine, codeine, amphetamines (sometimes referred to as "speed" or "uppers"), phencyclidine or PCP (commonly called "angel dust"). The term includes prescribed drugs not legally

obtained, prescribed drugs not being used for prescribed purposes, and any prescribed drugs not taken in accordance with a prescription. In other words, medications prescribed for someone other than the driver will be considered unlawfully used under any circumstances.

Confirmation Test:

- Alcohol - A second test, following a screening test with a result of 0.02 or greater, which provides quantitative data of alcohol concentration.
- Drugs - A second analytical procedure to identify the presence of a specific drug or metabolite that is independent of the screening test.

Disabling Damage:

Damage that precludes departure of a motor vehicle from the scene of an accident in its usual manner after simple repairs.

- Included - Damage to motor vehicles that could have been driven but would have been further damaged if so driven.
- Excluded - Damage that can be remedied temporarily at the scene of the accident without special tools or parts.
  - Tire disablement without other damage even if no spare tire is available.
  - Headlight or tail light damage.
  - Damage to turn signals, horn, or windshield wipers, which makes them inoperative.

Driver:

Any person who holds a CDL and operates a CMV that falls under the specific DOT criteria. This includes, but is not limited to full-time, part-time, regularly employed drivers.

Refusal to Submit: (to a drug and/or alcohol test)

- Alcohol: Failure to provide an adequate amount of breath without a valid medical explanation after he or she has received notice of the requirement for alcohol testing in accordance with DOT regulations or engaging in conduct that clearly obstructs the testing process.
- Drugs: Failure to provide an adequate urine sample for drug testing without a genuine inability to provide a specimen (as determined by a medical evaluation) after he or she has received notice of the requirement for urine testing in accordance with DOT regulations or engaging in conduct that clearly obstructs the testing process. Such a refusal constitutes a verified positive drug test result. If an individual is unable to provide the quantity of urine required, the collector shall instruct the

individual to drink up to forty (40) ounces of fluid and, after a period of up to three (3) hours, again attempt to provide a complete specimen using a fresh collection container.

Any driver who refuses to submit to a required drug and/or alcohol test is in violation of this Policy. Any driver who refuses such a test will be subject to the consequences described in the "Consequences for Policy Violations" section.

#### TESTS REQUIRED

In general, the City is required by the DOT to conduct tests under the following conditions or times:

##### 1. PRE-EMPLOYMENT/PRE-PLACEMENT

A drug test is required before any driver-applicant will be hired. A drug test will also be required before any existing worker in a non-regulated position will be assigned, transferred or otherwise permitted to operate a commercial motor vehicle on behalf of the City for the first time. Prior to taking a pre-employment/pre-placement drug test, the applicant will be given forms notifying the applicant to report for a drug test. All offers by the City to hire an applicant for, or to assign or transfer an applicant to a driver position are conditioned upon the applicant doing the following:

- Signing the City's "DFWP Consent & Test Appointment Form" (MF101)
- Taking and providing a negative drug test as directed by the City;
- Authorizing the City to obtain past drug and alcohol test results. The "DFWP Previous Employment Testing History" (MF107) permits the City to obtain past drug and alcohol test results, including any refusals to test, from each company for whom the driver either worked, took, or refused to take, a drug and/or alcohol test during the past two (2) years;
- Passing DOT required physical exam required for driver positions;
- Complying with any other conditions or requirements of which the City advises the applicant at the time of the offer.

The regulations demand that prior employers supply the City with the employee's previous testing information. This information must be in the City's file within fourteen (14) days of the date of hiring. The City must make a "good faith effort" to obtain the information. **Remember: A separate release for each employer must be signed by the candidate for the City to legally receive and utilize information.** The standard PSG Master Form MF107 should be used for this documentation.

Prior to the first time a new employee performs a safety-sensitive function for the City, the employee will undergo a drug test. The City will not allow any employee to perform a safety-sensitive function unless the City has received a negative test result.

##### 2. POST-ACCIDENT

A driver who is performing a safety-sensitive function must submit to a post-accident drug and alcohol test as soon as possible after any occurrence that meets the description of a "DOT Accident." For purposes of this Policy and the City's drug and

alcohol testing program, a "DOT Accident" is defined as an occurrence involving a commercial motor vehicle operating on a public road in commerce which results in:

- A loss of human life; or
- The driver receiving a citation under state or local law for a moving traffic violation arising from the accident if the accident involved:
  - Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; and/or;
  - One or more motor vehicles incurring disabling damage because of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

A driver may be directed to submit to a drug and/or alcohol test at the accident scene by a federal, state, or local law enforcement officer. Whenever a test is conducted by a law enforcement officer, the driver is required to immediately contact the Public Works Director or if unavailable, the City Manager to report the drug and/or alcohol test result and to provide the City with the name, badge number, and telephone number of the law enforcement officer who conducted the test.

Whenever a driver is involved in a DOT accident and is not tested for drugs and/or alcohol by a law enforcement official, the driver is required to immediately contact the Public Works Director or if unavailable, the City Manager and remain available to be tested. The procedures should be followed as detailed on the Driver's Post-Accident Checklist, a copy of which shall be provided to the driver.

A driver who is required to take a post-accident drug and/or alcohol test will, at the City's discretion, be placed on non-disciplinary suspension while awaiting the post-accident test results.

#### Alcohol:

Tests should be administered within two (2) hours of an accident. If unable to test within the two (2) hour time period, the City must document the reason(s) for the time delay. If the test was not performed within eight (8) hours, cease attempts to administer the test and document the reason(s) why the test was not conducted.

The driver must refrain from consuming alcohol for eight (8) hours after an accident and/or until the testing has been completed. A driver who is subject to post-accident testing must remain available or the employer may consider the driver to have refused to submit to testing.

#### Drugs:

Tests should be administered within thirty-two (32) hours after an accident. If the test was not performed within thirty-two (32) hours, the City will cease attempts and prepare and maintain a record stating the reason(s) why the test was not conducted.

A driver who is subject to post-accident testing must remain available or the City may consider the driver to have refused to submit to testing.

3. RANDOM

Every driver shall submit to random testing. All such tests will be unannounced and performed at reasonable intervals throughout the year. Whenever a driver is randomly selected to be tested, he/she will be notified of their selection and instructed to immediately report to the collection site. Drivers are permitted to drive their CMV to the collection site for the purpose of providing a breath sample or urine specimen after being notified of a random selection. A driver who tests positive or refuses to submit to a test is medically unqualified to drive and/or perform any other safety-sensitive function.

If a driver is on vacation, temporary layoff, or medical leave, the employer may select another regulated employee from the alternate list. The employer could also wait until the driver returns. If an alternate driver is selected, the employer must document the reasons for the alternate selection.

Alcohol:

The annual rate for random alcohol testing is set by the Federal Highway Administration. Drivers may be tested just before, during, or just after performing a safety-sensitive function.

Drugs:

The annual rate for random drug testing is set by the Federal Highway Administration. Drivers may be tested at any time while the employee is at work for the employer.

4. REASONABLE CAUSE

Each driver is required to submit to a drug and/or alcohol test whenever the City has reasonable cause (also referred to as "reasonable suspicion") to believe that a driver has used drugs and/or alcohol in violation of the DOT regulations. Reasonable cause will exist when a driver's appearance, behavior, speech, and/or body odors indicate drug and/or alcohol use, or the chronic and withdrawal effects of drugs and/or alcohol. Whenever a driver is notified that there is reasonable cause to be tested, the driver is expected to report to the test site immediately and will be escorted.

A driver who is required to take a reasonable cause drug and/or alcohol test will, at the City's discretion, be placed on non-disciplinary suspension while awaiting the reasonable cause test results.

Alcohol:

Observations must be made just before, during, or just after the driver performs a safety-sensitive function. The person who makes the reasonable cause determination cannot conduct the alcohol test.

Alcohol tests should be administered within two (2) hours of observation. If unable to test within the two (2) hour period, the employer must document the reasons for the time delay. If the test is not performed within eight (8) hours, cease attempts to administer the test and document the reason(s) why the test was not conducted.

If reasonable cause is observed and a test has not yet been performed, a driver will not perform a safety-sensitive function until:

- An alcohol test has been performed and the result is less than 0.02; or
- Twenty-four (24) hours have passed following the reasonable suspicion determination.

Drugs:

Drug testing should be administered as soon as possible after making a reasonable suspicion determination. The documentation of the employee's conduct must be prepared and signed by a witness within twenty-four (24) hours of the observed behavior, or before the results of the drug test are released, whichever is earlier. If unable to drug test within thirty-two (32) hours, the employer must cease attempts and document the reason(s) why the test was not conducted.

5. RETURN-TO-DUTY

A driver who has been removed from his/her safety-sensitive function due to a positive drug and/or alcohol test must provide a negative drug and/or alcohol test before being allowed to return to the safety-sensitive function. This test must be completed after an evaluation by a Substance Abuse Professional (SAP), consistent with any recommended rehabilitation, and before returning to a safety-sensitive function. The result of the alcohol test must be less than 0.02.

The return-to-duty test may not be limited to a specific substance (i.e., drugs or alcohol separately). If the SAP determines that a multiple-substance abuse problem exists, a drug test may be performed in conjunction with an alcohol test.

POST-REHABILITATION/FOLLOW-UP

A driver who tests positive must be evaluated by a SAP and follow the prescribed rehabilitation/treatment program. Following the determination that an employee needs to resolve problems associated with drug abuse and/or alcohol misuse, the City will ensure that the employee is subject to unannounced, follow-up drug and/or alcohol testing as determined by the SAP. The choice of the SAP and the assignment of costs shall be made in accordance with employer/driver agreements and employer policies. Follow-up alcohol testing must only be conducted just before, during, or just after a driver performs a safety-sensitive function.

POLICY PROHIBITIONS

Employee involvement with drugs and/or alcohol can adversely affect the work environment, job performance, and safety of all employees. Violation of the prohibitions of this Policy are considered serious misconduct and may result in termination.

Drug Prohibitions:

The regulations prohibit any drug use that could affect performance of a safety-sensitive function. Listed below are the prohibitions for drug use.

- No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any drugs, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the driver that the drug will not adversely affect the driver's ability to safely operate a CMV.
- If the City has actual knowledge that a driver has used a controlled substance, it shall not permit the driver to perform or continue to perform a safety-sensitive function.
- The City may require a driver to inform it of any therapeutic drug use.
- No driver shall report for duty, remain on duty or perform a safety-sensitive function if the driver tests positive for controlled substances. If the City has actual knowledge that a driver has tested positive for controlled substances, it shall not permit the driver to perform or continue to perform safety-sensitive functions.
- Refusal to submit to a required controlled substances test.

#### Alcohol Prohibitions:

The regulations prohibit any alcohol use that could affect performance of a safety-sensitive function. Listed below are the prohibitions for alcohol use.

- No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. If the City has actual knowledge that a driver has an alcohol concentration of 0.04 or greater, it shall not permit the driver to perform or continue to perform safety-sensitive functions.
- No driver shall use alcohol while performing safety-sensitive functions or within four (4) hours after using alcohol. If the City has actual knowledge that a driver has used alcohol within four (4) hours, it shall not permit a driver to perform or continue to perform safety-sensitive functions.
- No driver required to take a post-accident alcohol test shall use alcohol for eight (8) hours following the accident, or until he/she undergoes a post- accident alcohol test, whichever occurs first.
- No driver shall refuse to submit to an alcohol test as required under this Policy.
- No driver shall perform safety-sensitive functions while the driver possesses wine, beer, and/or distilled spirits.

**NOTE:** A regulated employee found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform, nor be permitted to perform, safety sensitive functions for at least twenty-four (24) hours.

#### CONSEQUENCES FOR POLICY VIOLATIONS

##### **Removal from Safety-Sensitive Function:**

Employees shall not perform, nor be permitted to perform, a safety-sensitive function, including driving a commercial motor vehicle as defined in this Policy, if any of the prohibitions are violated. The driver will be advised by the City of the resources available in evaluating and resolving the drug and/or alcohol problem including the

names, addresses, and telephone numbers of Substance Abuse Professionals (SAPs) and counseling and treatment programs.

**Post-Positive/Return-to-Duty Procedures:**

Upon receipt of a DOT positive drug and/or alcohol test result, the driver must immediately be removed from his or her safety-sensitive position. Before the driver, who has tested positive for drugs or with an alcohol concentration of 0.04 or greater, can return to a safety-sensitive position, he or she must:

- Be evaluated by a Substance Abuse Professional (SAP);
- Properly follow all recommended rehabilitation;
- Take and provide a negative return-to-duty drug and/or alcohol test; and
- Be subject to post-rehabilitation/follow-up testing for up to sixty (60) months, to include a minimum of six (6) follow-up tests in the first twelve (12) months after the return-to-duty test with an alcohol concentration of less than 0.02 and a negative drug test. The SAP may terminate the requirement for the follow-up testing at any time after the first six (6) tests have been administered, if the SAP determines that such testing is no longer necessary.

Employee Discipline:

Employees who engage in any of the prohibited conduct listed above are in violation of this Policy and are subject to discipline, up to and including termination, at the City's sole discretion pursuant to the City's authority independent of federal requirements and subject to any provisions of an applicable labor agreement that do not conflict with Federal requirements.

A driver found to have an alcohol concentration of 0.02 or greater, but less than 0.04, shall not perform nor be permitted to work for at least twenty-four (24) hours.

Any employee who refuses to submit to testing or attempts to adulterate a specimen will be terminated.

SUMMARY OF ALCOHOL TESTING PROCEDURES

The DOT regulations discuss alcohol testing procedures in greater detail in 49 CFR, Part 40.

1. Alcohol testing is done at locations determined by the City in a private setting. The testing technician, who has been trained, will ask test subjects to verify their identity. Drivers must cooperate with that request. Drivers may ask the technician for identification also. The driver's identity will be recorded on a DOT alcohol testing form.
2. A breath or saliva testing device approved by the federal government will be used for all alcohol tests. A screening test will be done first. If a breath testing device is used, drivers will be instructed to exhale forcefully into the mouthpiece of the screening device. If a saliva testing device is used, a swab will be placed in the driver's mouth and saturated with saliva. After the saliva is collected, the swab will be inserted into the saliva testing device.

3. The technician will show the result displayed on the screening device to the driver. If the reading is less than 0.02, the driver has passed the alcohol test and the DOT alcohol testing form will be completed.
4. If the screen test result is more than 0.02, a confirmation breath test, using a federally approved evidential breath testing device, will be performed in 15-30 minutes. During that time, for their own protection, drivers should not eat or drink anything.
5. For the confirmation test, the driver will have to exhale into the evidential breath testing device until the technician tells the driver to stop. The driver will be shown the printed and displayed results.
6. A confirmation test result under 0.02 means the driver has passed. A confirmation alcohol concentration level of 0.02 but less than 0.04 will be reported as positive. The DOT prohibits any driver whose confirmation test registers 0.02 but less than 0.04 from performing or from continuing to perform a safety-sensitive function until the driver's next regularly-scheduled duty period, but for no less than twenty-four (24) hours. If the confirmation level is 0.04 or more, or if the driver refuses to cooperate, the driver is subject to the CONSEQUENCES described above.
7. If a driver tries but fails to provide a breath specimen adequate for testing, the driver will be told to try again. If the driver still does not provide an adequate specimen, the driver's failure will be noted on the DOT alcohol testing form, and the driver's supervisor will be informed. The driver will be suspended immediately and required to see a doctor, acceptable to the City, as soon as possible. If the doctor provides a written statement to the employer concluding that it is highly probable a medical condition prevented the driver from providing an adequate breath specimen, the driver will not be disciplined for refusing to cooperate.

#### SUMMARY OF DRUG TESTING PROCEDURES

The DOT regulations explain testing procedures in greater detail in 49 CFR, Part 40.

1. Drivers subject to drug testing will be directed to provide a urine specimen at a City-designated facility. The driver will be driven or sent to the facility and required to verify his or her identity. In return, a driver may ask collection site personnel to disclose their identity.
2. The driver's urine specimen will be collected by a trained collection site person (the Collector) in accordance with DOT rules, using a DOT Custody and Control Form a/k/a Chain-of-Custody (COC) form. To protect themselves, drivers should ensure that the entries on the form are accurate, that their collected urine specimens have been sealed, and that their specimens are labeled with the same number as appears on the COC form and are placed in a container with copies of the correct COC form.
3. The Collector shall require drivers to remove unnecessary outer garments that might conceal items used to tamper with the collection process. The Collector shall also retain personal belongings like briefcases and purses during the collection process. Drivers may keep their wallets and ask for a receipt for any belongings they surrender.
4. Drivers will be given a collection container and allowed to provide a urine specimen in private unless: they submit a specimen which is abnormally cold or

hot, and not consistent with their oral body temperature; they submit an apparently altered or adulterated specimen; their prior specimens have been abnormal; or they are taking a test after previously failing a test. {In such circumstances, the City will be notified and drivers will be required to provide a specimen while being observed.)

5. If the driver does not provide a large enough specimen for testing {at least 45 mil, the Collector will discard the specimen, tell the driver to drink additional fluids, wait up to three (3) hours and try again to provide a specimen. If the driver refuses to drink those fluids or provide another specimen, the Collector shall notify the City of the driver's refusal to cooperate. If the driver cooperates, but still does not provide an adequate specimen, testing will stop and the driver will be removed from duty, suspended and sent to a doctor acceptable to the City. If that doctor states in writing to the City that it is highly probable that a medical condition prevented the driver from providing an adequate specimen, the driver will not be disciplined on grounds for refusing to provide a specimen.
6. If the driver does not provide an adequate specimen, it will be inspected by the Collector and its temperature will be measured. (If there is a reason to believe an altered or substituted specimen has been provided, the City will be notified and a second, observed specimen will be collected.) Collected specimens will be poured into two bottles. The driver will then be told to initial a label for the bottles and the bottles will be sealed and labeled with a unique specimen number in the driver's presence.
7. Both specimen bottles will be sent to a federally-certified laboratory designated by the City. The lab will review the COC forms and check the specimens for apparent tampering. Any apparent tampering or COC form problems will be reported to the City.
8. If the specimen appears to be in order, the lab will run a screen test on it. If the screen test is negative, the lab will report that the driver has passed the drug test. If the screen test is positive, the lab will analyze the specimen using Gas Chromatography/Mass Spectrometry (GC/MS). It will send the test results to the City's Medical Review Officer {MRO}.
9. The MRO is a trained doctor the City has retained to review test results and to evaluate any explanation a driver may have for positive drug test results. The MRO will telephone drivers at the numbers given on the COC form. If a driver believes a mistake was made at the collection site or lab, or on a COC form, or that drug test results are caused by lawful substance use, the driver should tell the MRO. Drivers should cooperate with the MRO; if a driver does not cooperate, the City will be notified and the driver may be removed from duty and disciplined or discharged pursuant to the City's independent authority {or not hired, if the driver is an applicant}.
10. If a driver wants his or her split specimen to be tested by another certified lab at the driver's expense, the driver should tell the MRO within 72 hours of notice of positive drug test results. The driver will not have the opportunity to provide another specimen. The retest will be conducted on the secondary bottle of the original specimen. The driver's secondary specimen will then be sent to a different City-approved, certified laboratory for re-analysis. If that second lab does not find any evidence of drugs the first lab found or the split specimen cannot be tested,

the MRO will cancel the test results {and the driver will not be subject to discipline). If the second laboratory finds any evidence of the drugs the first laboratory found, the MRO will tell the City the split specimen was positive.

The DOT prohibits any driver who has tested positive for drugs from performing or from continuing to perform a safety-sensitive function until he/she has met the proper DOT requirements as described in the "Post-Positive/Return-to-Duty Procedures" section above under Consequences for Policy Violations.

**Medications prescribed for someone other than the driver, however, will be considered unlawfully used under any circumstance.**

#### EMPLOYEE ASSISTANCE PROGRAM

The City offers an Employee Assistance Program (EAP) for employees and their dependents. The EAP provides confidential assessment, referral, and short-term counseling for employees who need or request it. Costs associated with this benefit may be covered by the employee's medical insurance plan; however, any costs not covered by the employee's medical insurance plan, and which are not otherwise required to be paid by any applicable plan are, entirely the employee's sole responsibility.

These EAP services are available to employees if the City's disciplinary rules have not been violated. Employees may not escape discipline, however, by first requesting EAP services after being selected for testing or violating the City's policies and rules of conduct.

#### EDUCATION AND TRAINING

The City provides information, education and training to employees and supervisors regarding problems associated with drug and alcohol abuse in the workplace and otherwise.

#### CONSENT

As a condition of continued employment, employees must sign a consent form (a copy of which is attached hereto and made a part hereof).

#### RESERVATION OF RIGHTS

This Policy supersedes and revokes any other City practice or policy relating to the use of drugs and alcohol in the workplace and drug and/or alcohol testing. The City reserves the right to interpret and administer this Policy, and at any time and at its sole discretion, amend, or change this Policy, in whole or in part, with or without notice. This Policy automatically incorporates any changes to the Federal Highway Safety Regulations (49 CFR, Part 40) or related regulations or statutes that govern the use of drugs and alcohol by employees who hold a CDL and drive a CMV. This Policy is not an express or implied contract of employment nor is it to be interpreted as such. Additionally, this Policy does not in any way affect or change the status of any at-will employee. Nothing in this Policy is a promise or guarantee or should be construed as a promise or guarantee that the City will follow in any particular circumstances any particular course of action, disciplinary, rehabilitative or otherwise.

## Attachment to FHWA Drug-Free Workplace Policy

### SIGNS AND SYMPTOMS OF A DRUG-ALCOHOL PROBLEM

Drugs and alcohol can result in such work-related problems as absenteeism and tardiness, lower productivity, missed deadlines, poor work quality, unsafe driving, and increased injuries and accidents. Problems relating to or communicating with supervisors, co-workers or customers, following directions, concentrating or remembering things may also indicate a drug or alcohol problem.

Drugs and alcohol slow reaction times, cause confusion, harm coordination and motor skills and can impair decision-making and memory. People misusing alcohol and using illegal drugs may be withdrawn, lethargic, depressed, erratic, "hyper" or unusually anxious, hostile or paranoid.

Drugs and alcohol misuse can also result in health problems like chronic gastritis, headaches, chronic respiratory infections and liver problems. They may also show up as poor hygiene, a sloppy appearance, financial problems, DUIs or family problems.

Evidence of use can include paraphernalia such as pipes, syringes, foil packets, pills, powders and empty alcohol containers. Physical symptoms of use can include:

- Marijuana and alcohol odors
- Puffy or droopy eyelids, bloodshot eyes, dilated or pinpoint pupils
- Nosebleeds, excessive sniffing, chronic sinus problems, nasal sores
- Needle tracks or blood spots on clothing
- Tremors, racing or irregular heartbeats
- Slurred or incoherent speech
- Confusion, anxiety, paranoia
- Coordination problems
- Lethargy and sleepiness

### EFFECTS OF ALCOHOL AND DRUGS

Drugs and alcohol can harm health and the workplace in a variety of ways.

#### Alcohol

Alcohol is a central nervous system depressant that acts like a poison if used in large quantities. Each year the lives of tens of thousands of Americans are shortened or ended by alcohol misuse.

Alcohol quickly reaches the brain after drinking. It impairs self-control and other learned behaviors. This loss of self-control can lead to aggressive driving (or overly cautious driving), as well as the other kinds of aggressive behaviors associated with drinking. Even small doses of alcohol – i.e., a single drink - can harm driving performance. In large doses, alcohol significantly impairs coordination, memory, and judgment.

Over time, alcohol misuse damages the liver, the heart, the digestive system and can cause permanent brain damage. On average, alcoholics shorten their life span by about 10 years.

Alcohol misuse harms the ability to think clearly, harms judgment and can affect the ability to get along with and work constructively with co-workers and customers, Alcoholics often have attendance and work performance problems and get fired because of the consequences of alcohol misuse. Because of its adverse effects on coordination, reflex time, vision, driving ability, judgment and the ability to evaluate and quickly process information, alcohol is especially dangerous for drivers of commercial motor vehicles.

A small glass of wine, a can of beer and a one and one-half ounce shot of liquor all contain about the same amount of alcohol. It takes the body about one hour to metabolize and eliminate each "drink" of alcohol. Coffee, exercise and cold showers do not speed up this process or magically produce sobriety. While individuals differ greatly, each drink on an empty stomach by an average-sized adult male may lead to an alcohol concentration of about .02. Thus, drinking more than two drinks raises a serious risk of having an alcohol concentration more than DOT rules, especially for people with low body weights. Any drinking while on duty or during the 4 hours before working violates DOT rules.

### Cocaine

Cocaine is a powerful stimulant that can be inhaled up the nose, injected or smoked. It greatly increases heart rate and blood pressure. Partly because of its effects on the circulatory system, cocaine use can lead to seizures. Every time cocaine is used, there is some unquantifiable risk of a fatal stroke or heart attack. Cocaine can also cause tremors, convulsions, vomiting and raises body temperature to dangerous levels. Repeated snorting damages nasal tissues, sometimes permanently. Needle use carries risks of infection and overdose.

Initially, cocaine use brings a rush of euphoria and exaggerated over confidence. Sometimes these effects are so strong that safe driving is impossible. Cocaine wears off in about an hour after it is snorted and in just a few minutes after it is smoked. When it wears off, the user may become depressed, anxious, paranoid and exhausted.

Cocaine users may exhibit rapid mood swings and changes in activity level. They may grind their teeth, repeatedly wash their hands or engage in other compulsive behaviors.

### Amphetamines

Amphetamines, also known as "speed," are powerful stimulants that are often abused by truck drivers because they make it easy to stay awake. Amphetamines, however, are dangerous drugs with a high potential for abuse. Amphetamines may also be known as uppers, black beauties, white crosses or dexies.

Use brings feelings of alertness and a loss in appetite. The user may also become very talkative or physically active or feel very strong after ingesting amphetamines. In a few hours however, the amphetamines wear off and restlessness, anxiety, paranoia and headaches set in.

In large doses, amphetamines can produce serious toxic effects. The user's blood pressure can rise to the point where strokes or heart attacks occur. Long-term users often have acne, tooth problems and may exhibit symptoms of permanent brain damage.

### Marijuana

Marijuana is a hallucinogen that alters the user's sense of time and reduces the user's ability to perform tasks requiring coordination, swift reactions and concentration. Taken in large quantities, marijuana can act like a depressant.

While some people may regard marijuana as harmless, there is evidence its use is unhealthy and dangerous for the driver. Marijuana causes significant increases in blood pressure and pulse rate and, thus, can aggravate or cause heart disease. Marijuana smoke also contains a number of known carcinogens. Many experts believe that marijuana is actually more unhealthy to smoke than tobacco.

Studies have shown that smoking marijuana affects the ability to perform tasks like driving, which require both thinking and motor skills, for at least 24 hours. Users, however, often believe that all the impairing effects of smoking have worn off after 4 to 6 hours. Marijuana significantly impairs short-term memory and can harm the user's ability to concentrate or plan for and achieve long-term goals. There is also significant evidence that marijuana harms the reproductive systems of men and women and is dangerous for children and non-smokers who live with the user.

### Opiates

Opiates are a class of narcotics and sedatives derived from the opium poppy plant. Heroin is the strongest opiate. Heroin use has been increasing in recent years because of the availability of cheap, strong heroin from Asia. This new stronger heroin can be smoked or snorted. Heroin can also be injected using needles.

Morphine and codeine are opiates that are often used to relieve pain or induce sleep. They can be stolen from hospitals or pharmacies and abused.

Opiate misuse causes several health problems. Because of variations in dosages and strength, heroin use carries a risk of overdose and death. Addicts who use needles also risk contracting AIDS or hepatitis. Heroin is often contaminated with other drugs or toxins or combined with other narcotics.

Opiate use slows down and depresses several body functions, including brain functioning. Heroin users may act sleepy or euphoric for a while and then become anxious or irritated

after the heroin wears off. Heroin users tend to have several related health problems and to also abuse alcohol and tobacco. Together, these drugs and the unhealthy lifestyles of heroin users result in decreased life expectancy.

### PCP

Phencyclidine, or PCP, is also called angel dust or dust. PCP is an extremely dangerous hallucinogen that has unusual and unpredictable side effects. It was developed as an anesthetic in the late 1950's and used as a tranquilizer both for humans and animals. Because of its dangers, it now has no legal uses and is no longer legally manufactured. Rather, PCP is manufactured in underground laboratories. It often contains dangerous adulterants but is very dangerous all by itself.

PCP can produce violence and bizarre behavior in anyone who uses it. Occasionally, PCP users attack nurses and policemen or jump out of windows because they believe they can fly. PCP somehow scrambles the brain's internal stimuli and seriously changes how users feel, see and deal with their environment.

In low doses, PCP produces a feeling of numbness. Increased doses produce excitement, confusion and delirium. The user's body may become rigid or go into convulsions. Routine activities like driving become dangerous and unpredictable.

Users may walk with strange uncoordinated steps. PCP users may have a blank stare, sweat heavily, have thick slurred speech, or engage in some of the violent and bizarre behaviors mentioned above.

Acknowledgement of Drug Free Work Place (DFWP) Policy Receipt and Consent to Testing

I certify that I have received and understand the City of Ionia's Drug-Free Workplace Policy for Commercial Driver's License holders.

I agree to comply with this policy and understand failure to comply is grounds for disciplinary action, up to and including termination.

I consent to submit to drug and/or alcohol testing as outlined in the DFWP Policy.

I consent to provide specimens at the assigned collection site(s) and further consent to have urine specimens tested for drugs at a U.S. Department of Health and Human Services/ Substance Abuse and Mental Health Services Administration (DHHS/SAMHSA) certified laboratory.

I consent to the release of the drug and/or alcohol test results in accordance with the City's DFWP policy to the selected Medical Review Officer (MRO), to the City's third-party administrator, to and within the City on a need-to-know basis, and to additional parties in accordance with my written authorization or as otherwise required by applicable federal or state law.

I will be given an opportunity to discuss a positive drug test result with the MRO before the result is reported to the City as a verified positive.

In the event of a post-accident test, the drug and/or alcohol test result(s) may also be provided to the workers' compensation insurance carrier.

Employee Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

## Fred Meijer Grand River Valley Rail Trail – Pedestrian Bridge Light Display Policy

### I. PURPOSE

The purpose of this policy is to establish an approved light display schedule for the Fred Meijer Grand River Valley Rail Trail pedestrian bridge (the Bridge) and to further establish eligibility criteria and a process through which requests can be made to alter the approved light display schedule.

### II. POLICY

It is the policy of the City of Ionia that the City Council will establish an approved light display schedule for the Bridge. The schedule will be stated in this policy document and include holidays and other special events that will be officially observed via thematic lighting of the Bridge. Special events selected for observation will be of local/community significance and appeal to the broad and majority interest of City of Ionia residents, as determined at the discretion of the City Council. Eligibility criteria and an application process will be established for Bridge lighting requests not included as part of the official City-approved schedule. Such requests will also require approval by the City Council.

### III. APPROVED LIGHT DISPLAY SCHEDULE

The following approved holidays and special events will be observed via thematic lighting of the Bridge. When a holiday or special event is not being observed, the Bridge lighting shall be blue, in honor of the Ionia Schools Bulldog mascot.

Holiday/Special Event	Dates for Observation	Color Scheme
New Year's Day	January 1	Full spectrum rainbow
Martin Luther King (MLK) Day	3 <sup>rd</sup> Monday in January	Patriotic (red, white, blue)
Valentine's Day	February 14	Red
Presidents' Day	3 <sup>rd</sup> Monday in February	Patriotic (red, white, blue)
St. Patrick's Day	March 17	Green
Earth Day	April 22	Green
Mother's Day	2 <sup>nd</sup> Sunday in May	Pink
Armed Forces Day	3 <sup>rd</sup> Saturday in May	Patriotic (red, white, blue)
Memorial Day	Last Monday in May	Patriotic (red, white, blue)
Ionia Classic Car Show	1 <sup>st</sup> Saturday in June	Blue
Flag Day	June 14	Patriotic (red, white, blue)
Ionia Farm Power Show	3 <sup>rd</sup> Friday, Saturday Sunday in June	Green
Father's Day	3 <sup>rd</sup> Sunday in June	Blue
Juneteenth	June 19	Patriotic (red, white, blue)

Ionia Fireworks Display Day	Thursday before July 4 or as otherwise approved by City Council	Patriotic (red, white, blue)
Independence Day	July 4	Patriotic (red, white, blue)
Ionia Free Fair	2 <sup>nd</sup> Thurs + 9 following days in July	Full spectrum rainbow
Labor Day	First Monday in September	Patriotic (red, white, blue)
Ionia Purple Week	2 <sup>nd</sup> week in September	Purple
Fall Season	October 1 - 31	Yellow, Orange, Red, Brown
Halloween	October 31	Yellow, Orange, Red, Brown
Election Day	2 <sup>nd</sup> Tuesday after the 1 <sup>st</sup> Monday in November	Patriotic (red, white, blue)
Veterans' Day	November 11	Patriotic (red, white, blue)
Thanksgiving	4 <sup>th</sup> Thursday – Friday in November	Yellow, Orange, Red, Brown
Ionia Electric Christmas Parade	First weekend in December	Red & Green
Pearl Harbor Day	December 7	Patriotic (red, white, blue)
Christmas/Holiday Season	December 8 – 30	Red & Green
New Year's Eve	December 31	Full spectrum rainbow

#### IV. ELIGIBILITY FOR ALTERNATE LIGHT DISPLAY

- a. To be eligible to request an alternate light display on the Bridge, an applicant must demonstrate the following:
  - i. The applicant is a non-profit organization or governmental unit;
  - ii. The proposed alternate display promotes an event sponsored by the non-profit organization or governmental unit, or highlights activities and interests occurring in or around the City that appeal broadly to the majority interest of City of Ionia residents.
  - iii. The alternate display will not conflict with holidays/special events on the approved light display schedule, nor will it exceed more than 14 days.

#### V. APPLICATION

- a. Application forms for alternate Bridge light displays will be available at City Hall and the DDA office. Applicants will provide all requested information on the application form.
- b. Completed applications shall be submitted to the City Manager's office for staff routing and placement on the next available City Council meeting agenda.
- c. Applications will be reviewed by City staff for compliance with this policy. Final review and approval shall rest with the City Council. Only alternate light displays, requested by non-profit organizations and governmental units, whose purpose and

- objectives contribute to the well-being and advancement of the Ionia community will be approved for display.
- d. Applications shall not be submitted more than twelve (12) months in advance or less than four (4) weeks before a proposed light display.

**VI. BRIDGE LIGHTING CALENDAR & DISPLAY PERIOD**

- a. The calendar for Bridge lighting displays will be maintained in accordance with this policy and subject to Ionia City Council approval.
- b. Qualified applicants may request alternate Bridge lighting displays for up to a two-week period. An additional two-week period may be approved at the discretion of the Ionia City Council. Such alternate Bridge lighting displays will not supersede any holiday/special event displays as listed in Section III., APPROVED LIGHT DISPLAY SCHEDULE, unless exception is made and approved by the Ionia City Council.

**VII. COST**

Programming the Bridge Light Display is not easy due to the location and configuration of the light controller. Therefore, the cost per approved application to change the Bridge light display is \$50 per application.

## Downtown Sound System Use Policy

### I. PURPOSE

This policy aims to make the downtown outdoor sound system available to event organizers and further establish eligibility criteria and a process through which requests can be made to use the City's downtown sound system.

### II. POLICY

It is the policy of the City of Ionia that to use the Downtown Sound System, event organizers must apply for both a parade/street closure permit and a downtown sound system use permit. The sound system will only be used during the active hours of the event and will not be used earlier than 9 a.m. nor later than 9 p.m. Content to be broadcast over the sound system must be, in the judgment of city staff, appropriate for all ages and audiences. It will only be used for charitable, community, or educational event purposes.

### III. ELIGIBILITY FOR SOUND SYSTEM USE

- a. Applicants eligible to request sound system use must demonstrate the following:
  - i. The proposed use of the sound system is associated with a community or public event;
  - ii. The proposed use is for charitable, community, or educational event purposes;
  - iii. The proposed use may not conflict with annual events or holidays on the schedule below, which are pre-approved, annual community events:

<b>Holiday/Annual Event</b>	<b>Approximate Date of Event</b>
Memorial Day	Last Monday in May
Ionia Classic Car Show	1 <sup>st</sup> Saturday in June
Ionia Free Fair Parade	1 <sup>st</sup> Saturday of the Fair in July
Ionia Community Awareness Cruisin' for a Cause	Saturday in September
Meander on Main	Saturday in September or October
Ionia High School Homecoming Parade	Friday of Homecoming in October
Autumn Celebration	Thursday at the end of October
Tree Lighting/Christmas Parade	First Friday in December
Christmas/Holiday Season	Month of December

#### **IV. APPLICATION**

- a. Application forms for use of the Downtown Sound System will be available at City Hall, the Downtown Development Authority office, and the City's website. Applicants will provide all requested information on the application form.
- b. An application and fee will not be required for pre-approved events and holidays included in Section III of this policy. The hourly rate for a sound technician, if needed for the event, will still be required for pre-approved events unless the event is facilitated by the City or has a trained City staff member or volunteer to work as a sound technician.
- c. Completed applications shall be submitted to the City Manager's office for staff review and coordination. A parade and street closure permit application is also required.
- d. Applications shall not be submitted more than twelve (12) months in advance or less than four (4) weeks before the proposed use of the downtown sound system.
- e. Approval of the application will be handled administratively by the City Manager or his/her designee and must be received prior to the event.

#### **V. COST**

- a. The cost for the application and coordinated use of the downtown sound system for an event is \$25. This fee includes the use of the sound system for pre-approved music only.
- b. If the applicant requests a microphone for use with the sound system, an additional hourly rate will be charged to the applicant for the City to provide a sound technician.
- c. The application fee includes pre-programmed music during the established time frame of the event. Upon applicant request, the City may provide a sound technician at an additional hourly rate to manage the music selection in real time.

#### **VI. SOUND SYSTEM OPERATION GUIDELINES**

- a. Only trained City staff or volunteers are allowed to operate the downtown sound system.
- b. The sound system will only be used during the active hours of the event and will not be used earlier than 9 a.m. nor later than 9 p.m.
- c. All music played over the sound system must be from the City's licensed music software to ensure proper compliance with music copyright laws.
- d. The event organizer must consult with the City to program set times at which music will be played during the event.
- e. In the judgment of City staff, all music played over the system must be appropriate for all ages and audiences.
- f. Prior to the event, the City will provide the event organizer with a selection of playlists organized by season, genre, and style.

- g. At the City's discretion, a custom playlist may be created by the event organizer and approved by City staff through the City's licensed music software.
- h. If the event requires use of a microphone, the City shall provide a sound technician at a predetermined hourly rate, paid for by the event organizer.
- i. At the City's discretion, a sound technician may be required based on the event needs. The City shall notify the event organizer prior to the event regarding the hourly rate for the sound technician.



# Downtown Sound System Use Application

*Submit Applications to City Hall*

Street Address: 114 North Kidd Street Ionia, MI 48846

Mailing Address: P.O. Box 496 Ionia, MI 48846

Ph: (616) 527-4170 Website: [www.ci.ionia.mi.us](http://www.ci.ionia.mi.us)

**Date of Application:** \_\_\_\_\_

**Permit Fee:** \$25.00

- Applicants are also required to complete a Parade and Street Closure Permit Application.
- The request must be associated with a community or public event.
- All music played over the sound system must be from the City's licensed music software to ensure proper compliance with music copyright laws.
- The audio over the sound system must be, in the judgment of city staff, appropriate for all ages and audiences.
- The use of the downtown sound system will not conflict with an annual event or holiday on the City's pre-approved list, nor will it be used earlier than 9 a.m. or later than 9 p.m.
- Applications shall not be submitted more than twelve (12) months in advance or less than four (4) weeks before a proposed use of the sound system.

## Applicant Information

Name of Applicant: \_\_\_\_\_

Name of Organization: \_\_\_\_\_ Role within Organization: \_\_\_\_\_

Address: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Please explain the general purpose and/or objectives of the organization.

## Sound System Details

City Council must approve all requests for the use of the downtown sound system not included on the City-approved schedule. Applications shall not be submitted more than twelve (12) months in advance or less than four (4) weeks before a proposed use of the downtown sound

system. Once an application is submitted it will be placed on the next City Council meeting agenda.

1. Brief description of the reason for using the downtown sound system?

2. Requested date and time of event:

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3. Hours of operation needed for the downtown sound system:

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4. Does the request conflict with any of the holiday/annual events listed on the City-approved schedule (attached)?

Check One:     Yes             No

If yes, please explain why City Council should consider an exception to supersede the City-approved list of holiday/annual events.

5. Are microphones needed for use with the sound system during the event? (If yes, an additional cost per hour will be charged for a sound technician.)

Check One:     Yes             No

6. What type of music is needed for the event? (Prior to the event, the City will provide the event organizer with a selection of playlists organized by season, genre, and style. Music availability should be confirmed by applicant with City before submitting application.)

---

**Signature**

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**OFFICE USE ONLY**

**Approved** or **Denied** (Circle One)

Comments: \_\_\_\_\_  
\_\_\_\_\_

Copies To: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Pre-Approved Holiday and Annual Event Schedule**

<b>Holiday/Annual Event</b>	<b>Approximate Date of Event</b>
Memorial Day	Last Monday in May
Ionia Classic Car Show	1 <sup>st</sup> Saturday in June
Ionia Free Fair Parade	1 <sup>st</sup> Saturday of the Fair in July
Ionia Community Awareness Cruisin' for a Cause	Saturday in September
Meander on Main	Saturday in September or October
Ionia High School Homecoming Parade	Friday of Homecoming in October
Autumn Celebration	Thursday at the end of October
Tree Lighting/Christmas Parade	First Friday in December
Christmas/Holiday Season	Month of December

## **Section 3**

# **HUMAN RESOURCES & SAFETY**

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## **SECTION 3**

### **HUMAN RESOURCES & SAFETY**

- 3-001 Recruiting and Selection
- 3-002 Employee Referral Program
- 3-003 Employment of Minors
- 3-004 New Employee Orientation Policy and Procedure
- 3-005 Membership in Civic and Community Associations
- 3-006 Employee Suggestions
- 3-007 Bulletin Boards
- 3-008 Employee Travel and Entertainment Policy
- 3-009 Radio Assignment and Use
- 3-010 Accidents and Injury Reporting
- 3-011 Infection Control Plan
- 3-012 Driver and Fleet Vehicle Safety
- 3-013 Occupational Safety & Loss Prevention
- 3-014 Drug and Alcohol Testing Policy

## Recruiting and Selection

### I. PURPOSE

To establish the process for recruiting and selecting employees; to maximize city efforts and resources in selecting the best employees available.

### II. SCOPE

This policy applies to recruiting and selecting employees for all positions.

### III. POLICY

When a staffing vacancy occurs within a department of the city, the corresponding Department Head and the City Manager, who also serves as Human Resources Director, will conduct a joint review of the position. Each and every vacant position shall be reviewed to ensure that the recruitment and selection process (i.e., equal opportunity posting, application requirements, interview process) for this position is appropriately planned and complies with human resources statutes and best practices, the structure/alignment of the position within the department is appropriate, the job description is up-to-date, and the need for this position remains, prior to filling such vacancy.

### IV. PROCEDURE

The following steps govern the recruiting and selection process:

#### A. The Department Head Will:

1. Contact the City Manager as soon as he or she is aware of an impending vacancy within his or her department. He/she will review the job description on file for this position and note any recommended changes.

#### B. The City Manager and Department Head Will:

1. Discuss and review current departmental operations, determine if and how the vacant position fits into current operations, and discuss any modifications that would improve departmental operations and efficiencies. Any resulting changes to the job description shall be approved and made by Human Resources.
2. Post the position with the minimum job requirements necessary. At a minimum, such posting will include one insertion in a newspaper of local circulation (Ionia Sentinel Standard or Greenville Daily News), posting on

internal City departmental bulletin boards, and posting on the City website. All applicants will be required to submit, at minimum, the City of Ionia Job Application. Applicants may also be required to submit a resume and/or cover letter.

3. All postings will include a specific deadline for application. Applications received after the posted deadline will not receive consideration. Applications will not be accepted on an unsolicited basis (i.e., when there is not an available job posted). Current City employees who wish to be considered for the posted position shall apply in the same fashion as all other applicants.
4. Select and Interview candidates utilizing a consistent list of Human Resources' approved interview questions. In the case of entry level positions, an attempt shall be made to interview five prospectively qualified candidates. In the case of promotions, the terms of collective bargaining agreements, as applicable, shall govern the selection process and individuals from other municipalities with subject matter expertise may be used to participate in interviews.
5. Make a selection regarding the preferred candidate, which requires City Manager approval. An oral offer will be extended to the selected candidate, with indication such offer is contingent upon successful completion of a pre-employment physical, drug screen and reference/background check. Human resources shall prepare a written job offer letter, detailing the terms and conditions of the job offer. This letter will be retained in the employee's personnel file. Results of the drug screen and physical shall be retained in a separate employee medical file.
6. Require the hired applicant to complete all required new employee payroll and benefit enrollment forms, as well as furnish proof of eligibility to work in the U.S. so that the I-9 form is completed by Human Resources within three business days from date of hire.

#### **V. FOLLOW-UP AND DOCUMENTATION**

The city manager will notify all unsuccessful candidates. Solicited applications and related materials, including interview notes for all interviewed candidates will be maintained in the human resources department for one year.

## **Employee Referral Program**

### **I. PURPOSE**

To assist the City of Ionia in recruitment and retention of outstanding employees.

### **II. SCOPE**

This policy applies to all City of Ionia employees (excluding the City Manager and Department Heads) who refer a candidate to the City for employment. The referring employee will receive \$1,000 as a one-time bonus when all policy conditions are satisfied.

### **III. POLICY**

The City of Ionia will pay a \$1,000 bonus to a referring City of Ionia employee when a new employee is hired as the result of referral by an existing City employee under the following circumstances:

- A. The referred, new employee must successfully complete six (6) months of employment for the referring City employee to qualify for the bonus.
- B. The referring City employee must also still be employed with the City to receive the bonus at the time the referred new employee completes his/her first six (6) months of employment.
- C. There is no cap regarding the number of referrals an employee can make during the term of this policy.
- D. This Employee Referral Program Policy shall expire on December 31, 2026, unless action is subsequently taken by the Ionia City Council to abolish the policy at an earlier date or extend it to a later date.
- E. The City of Ionia is an equal opportunity employer and does not discriminate based on any legally protected class or qualification. All candidates will be given the same consideration.
- F. The City reserves the right to modify, amend, or terminate this policy at any time.

### **IV. PROCEDURE**

To qualify under this policy, the following procedure will be followed:

- A. Current City employees must state their referral in writing, addressed to the City Manager.
- B. The referral must be made during the time of an open job posting. Referrals made after the job posting deadline will not be accepted.
- C. The referral shall include the following information:

- Name and department of current City employee making the referral.
  - Name of the referred candidate.
  - A brief statement by the referring employee, listing the qualifications of the referred candidate and why he/she would make a good addition to the City of Ionia.
- D. Following six (6) months of successful employment by the referred candidate, the referring City employee shall receive a \$1,000 bonus, if he/she is still employed and actively working for the City of Ionia.

## Employment of Minors

### I. PURPOSE

To establish guidelines to occasionally hire minors that are at least 14 years of age as permitted by the Youth Employment Standards Act, 1978 Public Act 90 of Michigan (the "Act").

### II. SCOPE

This policy applies to all positions in the city.

### III. POLICY

As a general rule, employees of the City must be 18 years of age or older. Occasionally, minors between the ages of 14 – 17 years of age can be hired, in accordance with the Act, if also approved by Human Resources.

- A. **Work Permits:** Minors shall not be employed in an occupation regulated by the Act until the minor provides a copy of 1) a work permit or written training agreement between the City and the school the minor attends; OR 2) proof of emancipation, 3) proof of completion of graduation for minors 16-17 years old, 4) proof of passing the GED for 17-year old minors. Note: Items 2-4 exempt the City from all other requirements of the Act.
- B. **Safety:** Minors shall not be employed in, about or in connection with an occupation that is hazardous or injurious to the minor's health or personal well-being, or that is contrary to the standards established pursuant to this Act – see specifically, Wage and Hour Division publication, "Restricted Occupations."
- C. **Adult Supervision:** A minor shall not be allowed to work without adult supervision.
- D. **Legal Hours:**
  - 1. A minor under 16 years of age shall not be employed between the hours of 9 PM and 7 AM.
  - 2. A minor between 16 – 17 years of age shall not be employed between the hours of 10:30 PM and 6 AM when school is in session and not between the hours of 11:30 PM and 6:00 AM during school vacation periods.
  - 3. Minors shall not be employed for more than 6 days in a week, nor for a period longer than a weekly average of 8 hours per day or 48 hours in one

week, no more than 48 hours school and work combined when school is in session, nor more than 10 hours per day.

- E. **Meal/Rest Period:** A minor shall not be employed for more than 5 hours continuously without an interval of at least 30 consecutive minutes for a meal/rest period. An interval of less than 30 minutes shall not be considered to interrupt a continuous work period.
  
- F. **Wages:** Minors will be paid the minimum wage as required by current State and/or Federal law.

## New Employee Orientation Policy and Procedure

### I. PURPOSE

To complete the new employee onboarding process.

### II. SCOPE

This policy applies to all new employees of the City of Ionia.

### III. POLICY

**A. Training Period:** All new full and part-time employees are subject to a training period of 180 days, or as otherwise stated in a department-specific collective bargaining agreement. During the training period, employees are expected to gain competency in their position and otherwise meet expected performance standards for their department and as a City of Ionia employee. Employees who do not satisfy such standards are subject to termination.

**B. Onboarding Documentation:** All employees shall be provided with a City of Ionia Personnel Policies Manual and required to sign and return a certification form, acknowledging receipt of the manual and his/her responsibility to understand and follow its policies and procedures. New employees shall also be required to complete various forms as required to establish the appropriate employer-employee relationship, including but not limited to:

- I-9 verification and submission of associated documents
- W-4 forms for federal, state and local tax withholding
- Various benefits enrollment forms
- Emergency contact information

Such documentation shall be completed within three (3) business days of employment start.

**C. General Personnel Policy Review:** The City Manager or his/her designee from the Human Resources department shall provide a one-on-one review of the City of Ionia Personnel Policy manual and any other miscellaneous personnel policies that apply to the new employee.

**D. Department-Specific Orientation:** Each new employee shall receive orientation from his/her department head regarding the policies and procedures specific to his/her department. This will include, but not be limited to hours of work, keeping track of hours worked, procedures for requesting any time off, issuance of

uniforms and other position-specific equipment, etc. Care shall be taken to cover all safety policies and procedures, such as informing what to do in the event of a work-related accident or injury, the location of the department's MSDS data sheets, equipment lock-out and tag-out procedures, etc.

- E. **Questions:** New employees are expected to ask any and all questions that may arise during the orientation process to ensure they have the information needed to successfully perform their job.

## **Membership in Civic and Community Associations**

### **I. PURPOSE**

To encourage employee involvement in community groups and to guide membership in various trade and professional organizations.

### **II. SCOPE**

This policy applies to all full-time employees and any employee who functions as a supervisor.

### **III. POLICY**

Employees are encouraged to accept appointments as trustees, directors or officers of non-profit organizations such as educational, religious, health and welfare, trade and professional institutions. Employees are also encouraged to serve on local organizations such as school committees, finance committees, planning boards and other community offices. While most activities of this type will normally not interfere with employees' City employment, there may be cases, because of the time involved or of the responsibility of the office to be held, when a problem may arise.

- A. Prior to accepting any such appointment, employees must inform their supervisor of their intention to determine whether the office in question would interfere with employment responsibilities.
- B. From time to time, holding such positions with outside non-profit groups and civic organizations may raise questions of conflict of interest. The City Attorney may be asked to provide an opinion as to whether a conflict of interest exists in such cases.
- C. Employees will conduct their non-profit service appointment work outside of their City work schedule. Exceptions to this rule may be made by the City Manager at his/her discretion.
- D. In no case will overtime be paid for involvement in a non-profit or community group nor should overtime result from work duties being moved from regular to after hours in order to complete the non-profit group work.

## **Employee Suggestions**

### **I. PURPOSE**

To encourage employees to suggest ways to improve the quality or efficiency of the city.

### **II. SCOPE**

This policy applies to all employees.

### **III. POLICY AND PROCEDURE**

- A. Employees are encouraged to make suggestions to their supervisor, department head or the city manager when they are aware of a change in process or procedure that will produce savings or other efficiencies in the way in which the City performs a task or delivers a public service.
- B. In the event the suggestion is implemented by the City and produces costs savings that can be clearly documented, the City will equally share the resulting cost savings with the suggesting employee for the first year of its implementation, up to \$1,000.
- C. Suggestion bonuses shall be reviewed by the Finance Director to verify cost savings realized as a result of the implemented suggestion.
- D. Final payment of suggestion bonuses shall be approved by the City Manager.

## **Bulletin Boards**

### **I. PURPOSE**

To provide a permanent and official channel of communication to employees.

### **II. SCOPE**

This policy applies to all City departments.

### **III. POLICY**

Important city information will be displayed permanently on bulletin boards located in each department. Information will be of the following types:

- A. Legally required posters and notices.
- B. City standards and rules of conduct.
- C. Safety rules and related information.
- D. Management memos and announcements, including job postings.
- E. City-sponsored social and recreational events; dated employee classified ads.

Employees will be responsible for regularly checking and reading the bulletin board and for following the rules, regulations and instructions posted there.

### **IV. PROCEDURE**

Information posted on bulletin boards must be approved in advance by the Department Head and he/she will be responsible for maintaining the orderly appearance of the bulletin boards, posting new information and removing dated material.

## Employee Travel and Entertainment Policy

### I. PURPOSE

To establish guidelines for business travel and entertainment.

### II. SCOPE

All employees traveling on city business.

### III. RESPONSIBILITY

Establishment and administration of this policy is the responsibility of the City Manager. Each department head is responsible for ensuring that employees review this policy to understand its intent and requirements.

### IV. POLICY

- A. **Approval for Travel:** All business travel plans require prior approval by the respective department head. A department head must have approval of the City Manager; the City Manager the approval of the mayor.
- B. **Credit Cards:** Employees should charge reimbursable expenses to their city-issued Visa card whenever possible, including all meals, entertainment, travel, and hotel expenses. Receipts must be retained to document all charges.
- C. **Travel Advances:** If requested, a minimal amount of cash will be issued as a travel advance for expenses not chargeable to a credit card. Travel advances of more than \$100 will be issued by exception only. A check request form should be used to initiate the travel advance.
- D. **Air Travel Policy:**
  - 1. All domestic air travel will be in coach class.
  - 2. International travel is not permitted, unless explicitly approved by the City Manager and the Mayor.
  - 3. Airline tickets will be purchased based on a combination of service available and rate structure. It will not be determined by frequent flier enrollment unless that represents the lowest fare. The lowest possible fare may require a stopover or change of plans, and this will be chosen over a higher cost direct flight.
  - 4. Travel arrangements should be made as far in advance as possible to take advantage of the most economical rate.

5. If there are penalties associated with changing reservations, the city will pay for these, provided the city required the change or the change was beyond the control of the employee. Penalties or cancellation charges incurred for any other reason will be the responsibility of the employee.
- E. **Rental Car:** The use of a rental car is permitted when it is in the interest of the city to do so. Rental charges must be supported by a receipt and should be charged to the Visa card.
  - F. **Travel to and from Terminals:** Travel to and from airport terminals will be by the least costly method available consistent with business requirements. On trips of more than one day's duration, long-term parking must be used and receipts must be attached to the expense report.
  - G. **Use of Personal Automobile:** Employees traveling by personal automobile on city business are required to carry, at the employee's expense, public liability and property damage insurance at the minimum required by law. The employee will be reimbursed for mileage at the current rate allowed by the U.S. Internal Revenue Service, plus tolls and reasonable parking charges. Such reimbursement will not exceed the cost of commercial air fare for the same trip.
  - H. **Rooms and Meals:** Employees are expected to use sound business judgment in selecting accommodations. Suite accommodations are not permitted; the city pays only for single rooms.

If late arrival is guaranteed and the reservation must be canceled, the cancellation must be made within the time allowed. The city will not pay for no-shows.

All hotel charges, including meals, should be charged on the Visa card. The charges, when shown on the expense report form, should be itemized to show meals, accommodations, etc. Alcohol purchases are not a reimbursable expense. In-room movies and use of mini-bars are considered personal expenses and therefore not reimbursable.

- I. **Entertainment:** Internal Revenue Service regulations require that entertainment expenses (including business lunches, dinners, etc.) must serve definite business purposes with a reasonable expectation of deriving increased business benefits. Implicit in these requirements is the disallowance of "goodwill." Entertainment must be associated with the active conduct of business and must be incurred during, before, or after a substantial business discussion. Events such as birthday parties, going away parties, showers, etc. are considered personal expenses and will not be reimbursed under this policy.

Entertainment (luncheon, dinner, etc.) of fellow employees of the city is not generally allowed except when:

1. A customer or outside contact is in attendance.
2. Visiting another location or hosting a visitor from another city location.

To ensure compliance with these regulations on lunches, dinners, and other entertainment expenses, the following information must be shown on the expense report.

1. Cost;
2. Date;
3. Place (name and location) and nature of entertainment;
4. Business purpose and nature of business benefit derived or expected to be derived;
5. Name and title of people present or other designation sufficient to establish business relationship to the city.

Original receipts are required for all expenditures and must be attached to the expense reports. Only the actual cost of the meal plus tip will be reimbursed.

- J. **Combined Business and Personal Travel:** The city will pay for the cost of the business segment, and the employee will pay for the difference between that and the total. Personal travel occurs when an employee extends his/her stay or other activities beyond what is required for the business travel segment.
- K. **Pay for Speaking:** If an employee is paid for speaking at a conference, seminar, or other function, the money received shall be paid to the City unless the employee takes approved vacation time or personal leave.

## Radio Assignment and Use

### I. PURPOSE

The purpose of this policy is to provide for assignment of radio call numbers, outline proper procedures for radio usage, and ensure compliance with applicable federal and state laws as they relate to frequency transmissions.

### II. SCOPE

This policy applies to all employees.

### III. POLICY

The City encourages employees to remain in radio contact for their safety as well as the safety of the general public. The City also wishes to display professionalism to other communities who share our frequencies as well as the general public who monitor our frequencies on available scanning devices.

**A. Station Identification:** The City has several locations at which transmitters or main base stations are located. Each of these carries a base assignment.

1. The Public Safety Department shall be known as "Station 49."
2. The City Hall shall be referred to as "Station 1"
3. The Department of Public Works shall be known as "Station 2"
4. The Department of Public Utilities shall be known as "Station 3"
5. The Department of Parks and Recreation shall be known as "Station 5"

**B. Individual Call Numbers:** Each employee is assigned a call number for his/her usage. For instance, the City Manager is assigned "01". When calling City Hall, he/she would use the language, "Ionia 01 to Station 1," and so forth.

**C. Unnecessary Language:** It is not necessary to use the terms, "roger" or "over" or "out." Rather, use the call sequence "Ionia 29 to Station 4." Station 4 would answer "Station 4 to Ionia 29, go ahead." The caller would then relay his/her message. When complete, indicate so by stating, "Ionia 29 clear."

**D. Disallowed Language:** In no case is profanity or racial overtures to be allowed on the radio. Such usage shall be grounds for disciplinary action.

**E. Brevity:** All personnel and station operators should be reminded traffic is to be kept brief and to the point. Appointments, lengthy conversations, etc. should be done over the cellular phone system.

- F. **Yielding to Emergencies**: All personnel are to be aware that the Local Government Frequency is used by surrounding emergency service agencies. When an emergency agency is using the frequency, they are to be given priority. The same should be done if city crews are involved in an emergency; request priority from all other users.

## Accidents and Injury Reporting

### I. PURPOSE

To protect the safety and health of all employees and to comply with applicable federal and state laws.

### II. SCOPE

This policy applies to all employees.

### III. POLICY

Job-related injuries and illnesses, regardless of severity, must be reported immediately by an employee to his/her supervisor. This documentation is necessary to ensure prompt and trained evaluation, and as well as medical attention, if necessary.

### IV. PROCEDURE

- A. Safety is everyone's responsibility. Employees are expected to report any unsafe conditions or circumstances as soon as possible to their supervisor or safety coordinator to **prevent** accidents.
- B. Job-related injuries or illnesses must be reported immediately.
  1. Accidents, injuries and illness requiring emergency medical assistance should receive immediate care by contacting 911.
  2. First aid supplies, available in each City building should be utilized as appropriate in the case of minor injuries, accidents or illnesses. Follow-up for non-emergent medical services will be arranged by the Human Resources Department as needed.
  3. If medical attention is not immediately needed, the employee must still report to the supervisor or safety coordinator for evaluation and appropriate documentation. Work-related accidents, injuries or illnesses that are not reported within 48 hours of onset may be disqualified from receiving future treatment as a recognize work-related injury.
  4. All injury reports shall be made on the city's approved Accident Report Form and forwarded to the Assistant Finance Director, located at City Hall, who will complete the required MIOSHA documentation and notification procedures, as necessary.

5. The following medical facilities and providers are authorized to assist our employees in the event of a work-related accident, injury or illness, as appropriate:

**Sparrow Occupational Health** 616-523-1644, ext. 3  
550 E. Washington Street

**Sparrow Hospital – Ionia** 616-523-1400  
3565 S. State Road

**Life EMS (ambulance)** 9-1-1

# Infection Control Plan

## I. PURPOSE

The purpose of the plan is to protect affected employees from exposure to blood and potentially infectious materials. Potentially infectious materials include:

- Amniotic fluid;
- Cerebrospinal fluid;
- Pericardial fluid;
- Peritoneal fluid;
- Pleural fluid;
- Saliva;
- Semen;
- Synovial fluid;
- Vaginal secretions;
- Any body fluid visibly contaminated with blood;
- All body fluids in situations where it is difficult or impossible to differentiate between body fluids.

## II. EXPOSURE DETERMINATION

All City employees shall be categorized according to their actual or reasonably anticipated exposure to blood or other potentially infectious materials. This exposure determination shall be made without regard to the use of personal protective equipment (employees are considered exposed even if they use personal protective equipment).

**Category A:** Category A employees are those who perform procedures or occupational tasks that involve exposure, or reasonably anticipated exposure to blood or other infectious material, or that involve a likelihood for spills or splashes of blood or other potentially infectious substances.

**The following employees are included in Category A:**

Dial-A-Ride Director and Employees  
Firefighters  
Parks and Recreation Director & Employees  
Public Safety Director and Employees  
Public Utilities Director & Employees  
Public Works Director and Employees

**Category B:** A Category B employee is an employee who does not complete tasks that involve exposure to blood or other infectious materials on a routine or non-routine basis

in the course of employment. Employees in this category do not perform or assist in emergency medical care or first aid and are not reasonably anticipated to be exposed in any other way.

**The following employees are included in Category B:**

City Hall Administrative Staff  
Downtown Development Authority Director  
Theatre Director and Employees

**III. UNIVERSAL PRECAUTIONS**

All City employees shall follow a universal precautions approach to infection control. According to this concept, all human blood and most human body fluids are treated as if they are infectious for HIV, HBV and other bloodborne pathogens. If differentiation between body fluid types is difficult or impossible, all body fluids shall be considered potentially infectious materials and the appropriate personal protective equipment required for the situation shall be utilized.

**IV. ENGINEERING AND WORK PRACTICE CONTROLS**

Engineering and work practice controls shall be used to minimize or eliminate an employee's exposure to blood or other potentially infectious materials. Where exposure remains after use of these controls, personal protective equipment shall be used. The following engineering controls shall be used:

- A. **Disposable Mouthpieces:** Employees shall use disposable mouthpieces when administering mouth-to-mouth resuscitation. The mouthpieces are available to all employees at either the facility that they work in or in the vehicles or equipment they use in the course of delivering service.
- B. **Handwashing:** An employee shall wash his or her hands immediately after removing gloves or other protective clothing, as soon as possible after hand contact with blood or other potentially infectious materials.

**Proper hand washing technique shall be used as follows:**

1. Avoid touching the sink.
2. Use a paper towel to turn on the faucet.
3. Wet hands and wrists.
4. Work soap into a lather.
5. Vigorously rub together all surfaces of lathered hands for 10-15 seconds. Wash around and under rings and fingernails.
6. Rinse hands thoroughly. Point fingers down so water and contamination does not drop toward the elbows.

7. Dry hands completely with a clean, dry paper towel.
8. Use a paper towel to turn off the faucet.

If hand washing facilities are not available, a waterless antiseptic hand cleanser or towelette shall be used as a temporary measure. The employee shall wash hands with soap and running water as soon as possible.

Employees shall wash any other skin with soap and water, or antiseptic towelette followed by soap and water, following any contact with blood or other potentially infectious material.

Employees shall flush eyes, nose, mouth with water as soon as feasible after contamination.

- C. Personal Protective Equipment:** Employees are provided (at no cost to the employee) and required to use personal protective equipment. Personal protective equipment shall only be considered appropriate if it does not permit blood or any other potentially infectious material to pass through or reach an employee's work clothes, street clothes, undergarments, skin, eyes, mouth or other mucus membranes under normal conditions of use and for the duration of the time that the protective equipment is in use.

**The following personal protective equipment is available for employees:**

1. Gloves;
2. Gowns;
3. Head and foot coverings;
4. Face shields or masks and eye protection;
5. Disposable mouthpieces
6. Surgical caps or hoods.

The City's Safety Committee shall, from time to time, evaluate the need for and provide appropriate personal protective equipment. The City shall replace personal equipment as necessary.

The City's Safety Committee shall investigate and document all instances in which an employee has declined the use of personal protective equipment in order to determine if practices can be established to prevent future occurrences.

**V. HOUSEKEEPING**

If blood or another potentially infectious material spill occurs, it must be disinfected with a 1:1 solution of bleach to water prepared at the time of the incident. Bleach is available at all City facilities.

## **VI. LAUNDRY**

The City is responsible for providing safe laundry facilities or for implementing laundry practices that minimize the risk of exposure to blood or other potentially infectious materials. Many of the Category A employees identified in this plan have access to either laundry services or laundry equipment at a City facility.

## **VII. WASTE DISPOSAL**

- A. Any materials contaminated with blood or other potentially infectious material may be disposed in the regular trash service.
- B. If any materials are soaked with blood or other potentially infectious material, these materials shall be placed in a closeable, leak proof container or bag. The containers or bag shall exhibit a biohazard label. These containers are available in the emergency response cabinets located at most City facilities.

## **VIII. VACCINATIONS**

- A. All Category A employees shall be offered the Hepatitis B vaccine at no cost to the employee. The vaccine shall be offered within ten (10) working days of the employee's initial assignment to work involving the potential of occupational exposure to blood or potentially infectious materials unless the employee has previously had the vaccine or has sufficient immunity determined by antibody testing. Category A employees shall also be provided routine booster doses of the Hepatitis B vaccine if recommended by health officials.
- B. All medical evaluations and procedures shall be conducted by Sparrow Ionia Hospital or Sparrow Occupational Health. The health care provider shall consider the vaccination status and any medical problems that might interfere with an employee receiving a Hepatitis B vaccination when determining any employee's vaccination suitability.
- C. If an employee initially declines the vaccination, but decides at a later date to accept the Hepatitis B vaccine, the vaccine shall be provided to the employee as long as the employee is still considered a Category A employee.
- D. Any employee who declines to accept the Hepatitis B vaccination shall sign a waiver statement.

## **IX. POST-EXPOSURE FOLLOW-UP**

The exposed employee shall undergo a medical evaluation at Sparrow Ionia Hospital or Sparrow Occupational Health. The evaluation will, at a minimum, involve the following:

- A. Documentation of the route(s) of entry, the name of the source patients, or other, if known;
- B. The circumstances under which the exposure occurred;
- C. Provide for collection and testing of the source patient's blood to determine HIV or HBV infection if the source patient is known and consents to testing, unless the source individual is already known to be infected with HIV or HBV.
- D. Provide for testing of the exposed employee's blood as soon as feasible to determine HIV and HBV status (NOTE: If the employee consents to baseline blood collection, but not to HIV or HBV testing at that time, the blood sample shall be preserved by the health care provider for not less than 90 days. If within the 90 days the employee elects to have the baseline sample tested, such testing shall be done as soon as feasible);
- E. Provide for appropriate counseling to the exposed employee on risk reduction, risks and benefits of HIV testing, precautions to be taken following the exposure incident, information on potential illnesses to be alert for and to report any related experiences to appropriate personnel.
- F. The health care provider shall provide the City with a written opinion. A copy of the written opinion shall be given to the exposed employee within 15 days after the evaluation.

**X. COMMUNICATION OF HAZARDS TO EMPLOYEES**

Except under certain circumstances, the City is responsible for ensuring that warning labels are affixed to any containers of regulated waste, to freezers or refrigerators containing blood or other potentially infectious materials; and any other containers used to store, transport or ship blood or other potentially infectious material.

- A. The director of each department is responsible for ensuring that all containers used for transportation/storing/disposal of blood or other potentially infectious materials are properly labeled. These include refrigerators, freezers, bags and containers.
- B. The director of each department shall provide the appropriate BIOHAZARD labels or approved substitute.
- C. Each employee is responsible for making sure that all portable containers used in his/her work area are correctly labeled.

- D. The director of each department shall be responsible for disposing of any contaminated equipment or labeling contaminated equipment until it is properly cleaned.

## **XI. TRAINING**

Training will be offered to all employees at no cost to the employee regardless of being classified as a Category A or Category B employee.

- A. Employees shall receive training at the time of initial assignment and annually thereafter.
- B. Employees shall receive additional training when changes, such as modification of tasks or procedures, or the institution of new tasks or procedures, affect an employee's occupational exposure. The additional training may be limited to addressing the new exposures.

### **Training shall include the following elements:**

1. Access to and explanation of the MIOSHA rule.
2. General explanation of epidemiology and symptoms of bloodborne pathogens.
3. Explanation of modes of transmission of bloodborne pathogens.
4. Explanation of the City's Infection Control Policy.
5. Explanation of appropriate methods for recognizing activities that may involve exposure to blood and other potentially infectious material.
6. Explanation of engineering controls, work practices and personal protective equipment to prevent or reduce exposures.
7. Information on personal protective equipment:
  - a. Types
  - b. Proper use
  - c. Limitations
  - d. Location
  - e. Removal
  - f. Handling
  - g. Decontamination
  - h. Disposal
  - i. Selection.
8. Information on Hepatitis B vaccine and post-exposure prophylaxis, including:
  - a. Availability, efficacy, safety
  - b. Benefits of vaccination
  - c. Method of administration
  - d. Vaccination free of charge

9. Actions to take in an emergency involving blood or other potentially infectious material.
  10. Explanation of procedures if an exposure incident occurs.
  11. Explanation of signs and labels.
  12. Supervised practice with personal protective equipment and other equipment designed to reduce exposure.
- C. The City shall maintain written documentation of training for at least three years.
- D. Employee training records shall be provided upon request for examination of copying of employees, employee representatives and MIOSHA.

## **XII. RECORDKEEPING**

Medical records shall be maintained and kept confidential for all Category A employees.

- A. The City Manager, or his/her designee shall maintain all medical records at City Hall.
- B. Medical records shall include, at a minimum, the following:
  1. Name and social security number of the employee;
  2. Employee's Hepatitis B vaccination status;
  3. Medical history, physical examinations, medical testing, follow-up procedures as related to employee's ability to wear personal protective equipment, receive vaccination, and post exposure evaluation.
  4. Employee medical records shall be maintained for the duration of employment plus thirty (30) years.
  5. Employee medical records shall be provided upon written request for examination or copying to the employee, to anyone who has written consent of the employee and to MIOSHA.

## Driver and Fleet Vehicle Safety

### I. PURPOSE

The purpose of a fleet safety policy and procedure is to assure that each employee who operates a vehicle on City of Ionia business maintains acceptable standards of proficiency and safety.

### II. POLICY AND PRACTICES

- A. The City of Ionia desires to eliminate any conditions that adversely affect the well-being of employees and threaten financial stability through accidental losses.
- B. Employees shall operate all vehicles that they use for municipal business safely and economically. To accomplish this, employees must comply with the following practices:
  1. All drivers will have a valid state driver's license for the vehicles they operate.
  2. Employees will comply with all applicable motor vehicle laws. The vehicle operator is responsible for any traffic citations.
  3. The City of Ionia prohibits unauthorized passengers or drivers to either operate or ride in the vehicle.
  4. Employees will always wear seat belts, whether operating or riding as a passenger in the vehicle.
  5. Employees will report and participate in the investigations of all vehicle collisions or property damage accidents according to policy.
  6. Employees will use municipal vehicles for official use only.
  7. Employees may not take home municipal vehicles overnight except as follows:
    - a. Employees may take home a municipal vehicle for one night when job duties take place late at night after normal working hours or early in the morning before normal working hours with consent of department head or designee.
    - b. Employees may take a vehicle home when their supervisors have assigned them to be "on 24-hour call" for department emergencies.
    - c. Employees may take home a vehicle for more than one night only if the department head specifically authorizes it in writing.
  8. Municipal vehicles shall always be available for municipal business.
  9. Employees may use municipal vehicles for travel to lunch if they are on business or in a location where driving to obtain their personal vehicles would result in an extra and unnecessary expenditure of time and money.

10. Employees will operate vehicles only when they are in safe operating condition. Each employee driving a vehicle on business shall inspect the vehicle to assure that the vehicle is in sound operating condition.
11. Each driver's privilege to operate a vehicle on official business extends only as long as the driver operates the vehicle in a safe and efficient manner. A record of "preventable" accidents shall result in appropriate disciplinary action.
12. Employees performing work that requires the operation of a municipal vehicle must notify their immediate supervisors if their license is expired, is suspended, or is revoked. Failure to report shall be cause for disciplinary action.
13. Department Heads shall be responsible for coordinating municipal Fleet Safety and Loss Control programs in cooperation with the Risk Manager (Safety Director) and Human Resources office for their departments.
14. Department Heads will select employees who will be required to drive full or part-time with care. No employee shall drive a municipal vehicle unless the employee's supervisor has granted approval.
15. The Personnel Office shall maintain a Vehicle Operator Record on each employee.
16. Employees shall report all vehicle accidents and the municipality shall investigate the accident in accordance with related policies and procedures.
17. Vehicles shall contain appropriate warning and safety devices.
18. Employees shall not use personal vehicles on official business unless there is no municipal vehicle available and they obtain specific authorization to do so from their department manager.

### III. DRIVER SELECTION, TRAINING, PERFORMANCE EVALUATION & MONITORING

#### A. Driver Selection

Although driving may be incidental to the employee's primary job responsibilities, the considerations given to driver selection are often the most important factor that will affect municipal vehicle accidents. Therefore, [Name of Municipality] expects managers and supervisors to comply with the following when hiring individuals who will drive vehicles:

1. Evaluate driver qualifications through the following:
  - a. **Previous Employer's Reference:** Check to verify employment and to help determine the driving qualifications and history of the applicant.
  - b. **Motor Vehicle Records:** Check through the Michigan Secretary of State.

- c. **Personnel File if Current Employee:** Review to consider driver training received, record of preventable accidents, driving history, driving certifications, vehicle operator record, etc.
2. Managers and supervisors may consider drivers of municipal vehicles as qualified to drive when they meet the following criteria:
    - a. Possess a valid driver's license of the proper class and a driving record that meets all performance and other standards specified in this administrative policy.
    - b. Capable of passing a physical examination when a question of fitness to drive arises because of illness or injury.
    - c. Capable of passing written tests on driving regulations whenever required.
    - d. Capable of passing driving tests.
    - e. Have demonstrated proficiency with the particular type of vehicle or equipment they will routinely operate.
  3. Managers and supervisors must examine applicants' driving records carefully and consistently as a routine part of the screening, background investigation, and hiring process. They must:
    - a. Reject applicants with poor driving records for positions that require vehicle operation. The following is a partial list of conditions or convictions that should cause immediate concern:
      - Two at fault accidents in the past three years, or
      - Two minor traffic convictions in the past three years, or
      - A combination of one at fault accident and one minor traffic conviction in the past three years, or
      - Operating under the influence of liquor or drugs, or
      - Operating with an unlawful blood alcohol content, or
      - Failure to stop or report an accident, or
      - Negligent homicide, manslaughter, assaults involving the operation of a motor vehicle, or
      - Driving on a suspended or revoked license.
    - b. Verify that applicants possess, or are eligible to obtain, any special license endorsements the law requires for the type or types of vehicle they will operate in performing their duties. Here we speak primarily of the Commercial Driver's License (CDL) requirements.
    - c. Determine the candidate's physical and mental fitness to operate motor vehicles **after extending a job offer**.

4. The Human Resources Office shall maintain a Vehicle Operator Record in each employee's personnel file. Supervisors are responsible for reporting vehicle operator information to the Personnel Office.

## **B. Driver Training**

To evaluate and assist drivers in maintaining an acceptable level of performance, the City of Ionia shall periodically administer or arrange for attendance at a Defensive Driving Course.

The City of Ionia shall make assignments for the course as follows:

1. Mandatory attendance for employees who have been involved in a "preventable accident."
2. Mandatory attendance for employees whose immediate supervisors determine that they have questionable driving capabilities or habits.
3. Voluntary attendance for employees who have not attended a Defensive Driving Course in the past three (3) years.

## **C. PERFORMANCE EVALUATION AND MONITORING**

Because careless or poor driving may lead to worker injuries and to decreased public confidence in the City of Ionia, we require Department Heads and supervisors to monitor and evaluate employees who operate vehicles. They must:

1. Check all employees' driving records at least annually (coordinated through Human Resources).
2. Take appropriate corrective action for current employees with unacceptable records. Corrective actions may range from reassignment to non-driving related positions up to discharge. Falsification of information about driving records by employees is cause for immediate termination.
3. Establish corrective actions necessary to restore employees to driving positions and establish periods for completion. Document actions taken.
4. Forward all documentation the supervisor has taken in this regard to Human Resources.

## **IV. ACCIDENT REPORTING PROCEDURES**

- A. An employee involved in an accident shall obtain appropriate medical treatment, if needed.
- B. The employee, if physically able, shall call 9-1-1 for police officer assistance. The employee shall also request that all parties and properties concerned remain at

the scene of the accident, if possible, until a law enforcement representative has released them.

- C. Employees shall refrain from making statements regarding the accident to anyone other than the investigating police officer, City of Ionia management, and representatives of the City's or an employee's personal insurance provider. Employees shall limit statements to factual observations.
- D. The Safety Director (or other designated individual) must receive a copy of all police reports and any accompanying statements within 48 hours. The Safety Director will report such accidents to the insurance carrier and the City Manager.
- E. If the collision involves an injury, the employee and his or her supervisor will file appropriate reports as provided by policy for work-related injuries.
- F. The employee shall fill out a Vehicle Accident/Incident Report within forty-eight (48) hours and submit it to his or her supervisor. The supervisor will send copies to the Safety Director for comment and then file the report with the Human Resources Office for inclusion in the employee's personnel file.
- G. If the accident may result in someone alleging liability against the municipality, the Safety Director shall also file the report with the insurance carrier. If the accident is serious, the Safety Director should report it to the insurance carrier immediately.
- H. The employee shall report damage to the vehicle on the "Auto Accident Notice" form available from his or her supervisor.
- I. The employee shall submit to a drug test as specified by policy.

## **V. Fleet Inspection and Maintenance**

To protect the safety of employees and increase their productivity, reduce accidents, extend the life of the fleet, and maintain good public relations [Name of Municipality] requires regular inspections and maintenance of vehicles as an important part of its Fleet Program.

### **A. Management**

The management of the City of Ionia supports the inspection and maintenance program. It will assure that adequate funding is available for the program and will

hold managers and supervisors accountable for assuring that the program is well-established and adequately supervised.

## **B. Department Heads and Supervisors**

Managers and supervisors are responsible for:

1. Supporting the inspection and maintenance program. They must assure that the program is adequately supervised and effective. This includes controlling the maintenance-operations schedule so that it provides safe equipment for operational needs.
2. Providing equipment, tools and adequate shop facilities necessary for the program to work.
3. Making sure that maintenance personnel receive training that upgrades their knowledge and job skills through municipal meetings, retraining sessions, special and manufacturers' schools.
4. Supervising drivers to assure that they participate and comply with fleet inspection and maintenance requirements. This may include establishing an incentive and award program to encourage employee participation and compliance.

## **C. Drivers**

Drivers are responsible for the condition and safe operation of their assigned vehicles. The City of Ionia requires drivers to check their vehicles for possible defects and report them according to policy.

## Occupational Safety & Loss Prevention

### I. PURPOSE

The purpose of The City of Ionia's occupational safety and loss prevention policy is to effectively address its commitment to employee and public safety and health, property protection, or any other condition that may produce loss. This policy encompasses all operations, physical buildings and property, and any other conditions that fall within the City of Ionia's jurisdiction.

### II. POLICY AND PRACTICES

The City of Ionia believes that employee safety and the prevention of loss are of utmost importance. Its concern for safety exceeds its concern for cost, productivity, and all other output measures.

- a. The City of Ionia has established procedures to manage safety on an ongoing basis. These procedures will implement a comprehensive approach that:
  - i. All types of injury and loss can be prevented.
  - ii. All levels of management are responsible for preventing injury and loss.
  - iii. All employees will be trained and responsible for working safely.
  - iv. All operating exposures that possess potential for injury or loss are identifiable and controllable.
  - v. In addition to concern for the well-being of all persons, injuries cost money and reduce productivity.
  - vi. Working safely is a condition of employment. Employees are responsible and will be held accountable for safety in operations in which they are involved. When employees identify a hazard, they will report it promptly. There will be no reprisal for reporting of hazards.
- b. The City will provide the resources necessary to ensure a loss-free work environment.
- c. The City and its employees will comply with local, state, and federal rules and regulations regarding matters of general and occupational safety.
- d. Department heads will conduct and document periodic safety inspections appropriate to their department. Materials from the MML's "Risk Management is Good Management Program" will be used as a primary resource.
- e. Department heads will abate any safety deficiencies promptly.
- f. If an injury or loss occurs, the City Manager will direct that a thorough investigation using competent employees or contractors, as appropriate, occurs.
- g. The frequency and severity of loss will be monitored on a regular basis. If a significant shift is noticed, this policy and related procedures will be updated to ensure they are effective in controlling loss.

### III. SAFETY COMMITTEE

The City of Ionia shall establish a Safety Committee to assist with matters relating to the control of accidents, injuries and incidents. Each major department of the City shall be represented on the Safety Committee by its department head or his/her designee. Major departments include:

- Department of Public Safety
- Department of Public Utilities (Water and Wastewater)
- Department of Public Works
- Public Transportation (Dial-A-Ride)
- Administration (includes City Hall, DDA, and Theatre)

The Safety Committee shall meet bi-monthly (six times per year) and carry out the following activities:

- a. Discuss and formulate specific safety policies and recommend their adoption by management.
- b. Work with Department Heads to conduct safety inspections, discover unsafe conditions and practices and determine their remedies.
- c. Stimulate and maintain the interest of all employees to help them understand that safety is the responsibility of everyone.
- d. Stimulate and maintain the interest of all employees such that they understand and follow all safety rules and instructions.
- e. Provide an opportunity for free discussion of both accident problems and preventative measures.
- f. Encourage and maintain a cooperative spirit between management and employees.
- g. Establish procedures for handling safety recommendations and suggestions.
- h. Establish schedules for safety training that applies to all City departments.
- i. Review accident investigations and make suggestions and recommendations.

The chairperson of the Safety Committee shall be selected by the committee. Agendas, minutes and other administrative tasks shall be coordinated through the City Manager's office, unless other arrangements are made.

## Drug and Alcohol Testing Policy

### I. PURPOSE

The City of Ionia (hereinafter referred to as “Employer”) provides public transit and paratransit services. Part of our mission is to ensure that the service is delivered safely, efficiently, and effectively by establishing a drug and alcohol-free work environment, and to ensure that the workplace remains free from the effects of drugs and alcohol in order to promote the health and safety of employees and the general public. In keeping with this mission, Employer declares that the unlawful manufacture, distribution, dispense, possession, or use of controlled substances or misuse of alcohol is prohibited for all employees.

Additionally, the purpose of this policy is to establish guidelines to maintain a drug and alcohol-free workplace in compliance with the Drug-Free Workplace Act of 1988, and the Omnibus Transportation Employee Testing Act of 1991. This policy is intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. Specifically, the Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 655, as amended, that mandates drug testing and breath alcohol testing for safety-sensitive positions and prohibits performance of safety-sensitive functions when there is a positive test result or a refusal to test. The U. S. Department of Transportation (USDOT) has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of specimens for drug and alcohol testing.

This policy complies with 49 CFR Part 655, as amended and 49 CFR Part 40, as amended. Copies of Parts 655 and 40 are available in the Designated Employee Representative’s (DER) office and can be found on the internet at the Federal Transit Administration (FTA) Drug and Alcohol Program website [transit.dot.gov/drug-alcohol-program](http://transit.dot.gov/drug-alcohol-program).

Any provisions set forth in this policy that are included under the sole authority of Employer and are not provided under the authority of the above-named Federal regulations are underlined. Tests conducted under the sole authority of Employer will be performed on non-USDOT forms and will be separate from USDOT testing in all respects.

### II. APPLICABILITY

This policy applies to all covered employees (full or part-time) of the Employer. Covered employees include:

1. Operating a revenue service vehicle, in or out of revenue service.
2. Operating a non-revenue vehicle requiring a commercial driver’s license.

3. Controlling movement or dispatch of a revenue service vehicle.
4. Maintaining (including repairs, overhaul, and rebuilding) of a revenue service vehicle or equipment used in revenue service.
5. Carrying a firearm for security purposes.

See Attachment A for a list of covered positions by job title.

A drug test can be performed any time a covered employee is on duty. An alcohol test can be performed just before, during, or just after the performance of a safety-sensitive job function.

### III. EDUCATION AND TRAINING

Every covered employee will receive a copy of this policy and will have access to the corresponding federal regulations including 49 CFR Parts 655 and 40, as amended. In addition, all covered employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training includes manifestations and behavioral cues that may indicate prohibited drug use.

All supervisory personnel or employer officials who are in a position to determine covered employee fitness for duty will receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable prohibited drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

### IV. PROHIBITED CONDUCT

Consistent with the Drug-free Workplace Act of 1988, all Employer employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances in the workplace including transit system premises and transit vehicles.

**The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the covered workplace. An employee who is convicted of any criminal drug statute for a violation occurring in the workplace shall notify Employer no later than five days after such conviction.**

#### A. Drugs

Use of illegal drugs is prohibited at all times. Prohibited drugs include:

1. Marijuana (including for medical or recreational purposes although legal in the state of Michigan)
2. Cocaine
3. Phencyclidine (PCP)
4. Opioids
5. Amphetamines

Federal Transit Administration drug testing regulations (49 CFR Part 655) require that all employees covered under FTA authority be tested for marijuana, cocaine, amphetamines, opioids, and phencyclidine as described in this policy. Illegal use of these five drugs is prohibited at all times and thus, covered employees may be tested for these drugs anytime that they are on duty.

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. **However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to an Employer supervisor and the employee is required to provide a written release from his/her doctor or pharmacist indicating that the employee can perform his/her safety-sensitive functions.**

## **B. Alcohol**

All covered employees are prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. The covered employee will subsequently be relieved of their on-call responsibilities if the covered employee acknowledges the use of alcohol at the time he or she is called to report to duty and their inability to perform his or her safety-sensitive function, or the Employer will require that the covered employee take an alcohol test, if the covered employee has acknowledged the use of alcohol, but claims ability to perform his or her safety-sensitive function.

The Employer shall not permit any covered employee to perform or continue to perform a safety-sensitive function if it has actual knowledge that the employee is using alcohol.

All covered employees are prohibited from performing or continuing to perform a safety-sensitive function while having a breath alcohol concentration of 0.04 or greater regardless of when the alcohol was consumed.

All covered employees are prohibited from consuming alcohol within four (4) hours prior to the performance of safety-sensitive job functions.

Thus, an alcohol test can be performed just before, during, or just after the performance of a safety-sensitive job function.

All covered employees required to take a post-crash test are prohibited from consuming alcohol for eight (8) hours following involvement in a crash or until he or she submits to the post-crash drug and alcohol test, whichever occurs first.

**The Employer, under its own authority, also prohibits the consumption of alcohol at all times the employee is on duty, or anytime the employee is in uniform.**

## **V. ALCOHOL TESTING PROCEDURES**

Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved Evidential Breath Testing Device (EBT) operated by a trained Breath Alcohol Technician (BAT). Alcohol screening tests may be performed using a non-evidential testing device, which is also approved by NHTSA. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test must occur on an EBT. The confirmatory test will be conducted at least fifteen minutes after the completion of the initial test. The confirmatory test will be performed using a NHTSA-approved EBT operated by a trained BAT. The EBT printout, along with Federal Alcohol Testing Form, will be used to document the test, the subsequent results, and to attribute the test to the correct employee.

A covered employee who has a confirmed breath alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy. The employee will be immediately removed from safety-sensitive duties and will be referred to a qualified substance abuse professional (SAP) for evaluation.

Any covered employee who refuses to test for drugs or alcohol as required shall be removed from performing safety-sensitive duties and referred to a SAP for evaluation.

A test result for a covered employee who has a confirmed breath alcohol concentration of 0.02 or greater, but less than 0.04 is not considered positive, however the employee shall still be removed from performing safety-sensitive duties for at least eight (8) hours, unless a retest results in the employee's alcohol concentration of less than 0.02.

An alcohol concentration of less than 0.02 will be considered a negative test.

## **VI. DRUG TESTING PROCEDURES**

All FTA drug and alcohol testing will be conducted in accordance with 49 CFR Part 40, as amended.

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Services (DHHS). The procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug testing procedures, and the validity of the test result.

Before performing any alcohol or drug test required by this policy, Employer will notify the test subject that the test is being required pursuant to this policy and/or Federal Transit Administration Regulations (49 CFR Part 655). Employer will not represent that any requested test is required by federal regulations if, in fact, the individual to be tested is not subject to those regulations.

#### **A. PRE-EMPLOYMENT TESTING**

1. All offers of employment of covered positions shall be extended conditional upon the applicant passing a drug test. An applicant shall not be hired into a covered position unless the applicant takes a drug test with a verified negative result.
2. A non-covered employee shall not be placed, transferred, or promoted into a covered position until the employee takes a drug test with a verified negative result.
3. If an applicant fails a pre-employment drug test, **the conditional offer of employment shall be rescinded**, and the applicant will be referred to a Substance Abuse Professional.
4. When an employee, being placed, transferred, or promoted from a non-covered position to a covered position, submits to a drug test with a verified positive result, **the transfer/promotion offer will be rescinded**, the employee will be referred to a Substance Abuse Professional, **and the employee shall be subject to disciplinary action. Refer to Section F-7 in this policy to determine the consequences for policy violations.**
5. If a pre-employment/pre-transfer test is canceled, the applicant will be required to take another pre-employment drug test with a verified negative result.
6. In instances where a covered employee is on extended leave for a period of ninety (90) consecutive calendar days or more and is taken out of the random testing pool, the employee will be required to take a pre-employment drug test under 49 CFR Part 655 and have a verified negative test result prior to performing a safety-sensitive job function.
7. Applicants are required to report previous DOT-regulated employment, in accordance with 49 CFR Part 40, as amended. Failure to do so will result in the employment offer in a covered position being rescinded.

8. All applicants that have had a prior DOT positive drug test result, a DOT breath alcohol test result with a concentration 0.04 or greater or refused a previous DOT drug or alcohol test request, must provide the employer proof of having successfully completed a referral, evaluation, and treatment administered under DOT regulations.
9. Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the medical review officer (MRO).

## **B. REASONABLE SUSPICION TESTING**

1. All Employer FTA covered employees will be subject to a reasonable suspicion drug and/or alcohol test when the employer has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. Reasonable suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech, or body odor that are consistent with drug use and/or alcohol misuse. Reasonable suspicion referrals must be made by one or more supervisors who are trained to detect the signs and symptoms of drug and alcohol use, and who concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse. A reasonable suspicion alcohol test can only be conducted just before, during, or just after the performance of a safety-sensitive job function. **However, under Employer authority, a non-DOT reasonable suspicion alcohol test may be performed any time the covered employee is on duty.** A reasonable suspicion drug test can be performed any time the covered employee is on duty.
2. The Employer shall be responsible for transporting the employee to the testing site. Supervisors should avoid placing themselves and/or others into a situation which might endanger the physical safety of those present. The employee shall be placed on administrative leave pending disciplinary action described in Section F-7 of this policy. An employee who refuses an instruction to submit to a drug/alcohol test shall not be permitted to finish his or her shift and shall immediately be placed on administrative leave pending disciplinary action as specified in Section F-7 of this policy.
3. A written record of the observations which led to a drug/alcohol test based on reasonable suspicion shall be prepared and signed by the supervisor seeing. This written record shall be maintained in file by the Employer.
4. **When there are no specific, contemporaneous, articulable objective facts that indicate current drug or alcohol use, but the employee (who is not already a participant in a treatment program) admits the abuse of alcohol or other substances to a supervisor in his/her chain of command, the employee shall be**

**referred for assessment and treatment consistent with Section F-5 of this policy. The Employer shall place the employee on administrative leave in accordance with the provisions set forth under Sections F-5 and F-6 of this policy. Testing in this circumstance would be performed under the direct authority of the Employer. Since the employee self-referred to management, testing under this circumstance would not be considered a violation of this policy or a positive test result under Federal authority. However, self-referral does not exempt the covered employee from testing under Federal authority as specified in Sections F-2 through F-4 of this policy or the associated consequences as specified in Section F-7.**

### **C. POST-CRASH TESTING**

All covered employees will be required to undergo drug and alcohol testing if they are involved in a crash associated with the operation of a vehicle that results in a fatality regardless of whether or not the vehicle is in revenue service. This includes all surviving covered employees that are operating the vehicle at the time of the crash and any other whose performance cannot be completely discounted as a contributing factor to the crash. In addition, post-crash testing will be conducted if an crash results in (1) injuries requiring immediate medical treatment away from the crash, or (2) with respect to an occurrence in which the mass transit vehicle involved is a bus, electric bus, van, or automobile, one or more vehicles (including non-FTA funded vehicles) incurs disabling damage as the result of the occurrence and such vehicle or vehicles are transported away from the scene by a tow truck or other vehicle, unless the operator's performance can be completely discounted as a contributing factor to the crash. The crash definition may include some incidents where an individual is injured even though there is no vehicle collision.

1. As soon as practicable following a crash, as defined in 49 CFR Part 655, the transit supervisor investigating the crash will notify the transit employee operating the transit vehicle and all other covered employees whose performance could have contributed to the crash of the need for testing. The supervisor will make the determination using the best information available at the time of the crash.
2. The appropriate transit supervisor shall ensure that an employee, required to be tested under this section, is tested as soon as practicable, but no longer than eight (8) hours after the crash for alcohol, and within 32 hours for drugs. If a drug or alcohol test is not performed within two (2) hours of the crash, the supervisor will document the reason(s) for the delay. If the alcohol test is not conducted within eight (8) hours, or the drug test within 32 hours, attempts to conduct the test must cease and the reasons for the failure to test documented.

3. Any covered employee involved in a crash must refrain from alcohol use for at least eight (8) hours following the crash, or until they undergo a post-crash alcohol test.
4. An employee who is subject to post-crash testing who fails to remain readily available for such testing, including notifying a supervisor of their location if they leave the scene of the crash prior to submission to such test, may be deemed to have refused to submit to testing.
5. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following a crash, or to prohibit an employee from leaving the scene of a crash for the period necessary to obtain assistance in responding to the crash, or to obtain necessary emergency medical care.
6. In the rare event that the Employer is unable to perform an FTA drug and/or alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency), the Employer may use drug and alcohol post-crash test results administered by state and local law enforcement officials in lieu of the FTA test. The state and local law enforcement officials must have independent authority for the test and the Employer must obtain the results in conformance with state and local law.

#### D. RANDOM TESTING

1. All covered employees will be subjected to random, unannounced testing. The selection of employees shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of safety-sensitive employees. **Employees who may be covered under employer authority will be selected from a pool of non-DOT-covered employees.**
2. The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year, day of the week and hours of the day that safety-sensitive functions are performed.
3. The number of employees randomly selected for drug/alcohol testing during the calendar year shall be not less than the percentage rates set each year by the FTA administrator.
4. Each covered employee shall be in a pool from which the random selection is made. Each covered employee in the pool shall have an equal chance of selection each time the selections are made. Employees will remain in the pool and subject to selection, whether or not the employee has been previously tested. There is no discretion on the part of management in the selection.
5. Covered transit employees that fall under the Federal Transit Administration regulations will be included in one random pool maintained separately from the testing pool of non-safety-sensitive employees that are included solely under the Employer authority.

6. Random tests can be conducted at any time during an employee's shift for drug testing. Alcohol random tests can only be performed just before, during, or just after the performance of a safety sensitive duty. **However, under Employer authority, a non-DOT random alcohol test may be performed any time the covered employee is on duty.** Testing can occur during the beginning, middle, or end of an employee's shift.
7. Employees are required to proceed immediately to the collection site upon notification of their random selection.

#### **E. RETURN TO DUTY TESTING**

The Employer will terminate the employment of any employee that tests positive or refuses a test as specified in section F-7 of this policy. However, in the rare event an employee is reinstated with court order or other action beyond the control of the Employer, the employee must complete the return-to-duty process prior to the performance of safety-sensitive functions. All covered employees who previously tested positive on a drug or alcohol test or refused a test, must test negative for drugs, alcohol (below 0.02 for alcohol), or both and be evaluated and released by the Substance Abuse Professional (SAP) before returning to work. Following the initial assessment, the SAP will recommend a course of rehabilitation unique to the individual. The SAP will recommend the return-to-duty test only when the employee has successfully completed the treatment requirement and is known to be drug and alcohol-free and there are no undue concerns for public safety. The SAP will determine whether the employee returning to duty will require a return-to-duty drug test, alcohol test, or both. Return to duty drug tests will be conducted under direct observation procedures.

**In the instance of a self-referral or a management referral, disciplinary action against the employee shall include:**

1. Employer referral for an assessment by an employer approved counseling professional for assessment, formulation of a treatment plan, and execution of a return-to-work agreement.
2. Failure to execute or remain compliant with the return-to-work agreement shall result in termination from Employer employment.
3. Compliance with the return-to-work agreement means that the employee has submitted to a drug/alcohol test immediately prior to returning to work; the result of that test is negative; the employee is cooperating with his/her recommended treatment program; and, the employee has agreed to periodic unannounced follow-up testing as described in Section F-6 of this policy; however, all follow-up testing performed as part of a return-to-work agreement required under section F-6 of this policy is under the sole authority of the Employer and will be performed using non-DOT testing forms.

4. Refusal to submit to a periodic unannounced follow-up drug/alcohol test shall be considered a direct act of insubordination and shall result in termination. All tests conducted as part of the return-to-work agreement will be conducted under employer authority and will be performed using non-DOT testing forms.
5. A self-referral or management referral to the employer's counseling professional that was not precipitated by a positive test result does not constitute a violation of the Federal regulations and will not be considered as a positive test result in relation to the progressive discipline defined in Section F-7 of this policy.
6. Periodic unannounced non-DOT follow-up drug/alcohol testing conducted as a result of a self-referral or management referral which results in a verified positive shall be considered a positive test and the employee will be subject to disciplinary action up to and including termination.
7. A Voluntary Referral does not shield an employee from disciplinary action or guarantee employment with the Employer.
8. A Voluntary Referral does not shield an employee from the requirement to comply with drug and alcohol testing.

#### **F. FOLLOW-UP TESTS**

Covered employees that have returned to duty following a positive or refused test will be required to undergo frequent, unannounced drug and/or alcohol testing following their return-to-duty test. The follow-up testing will be performed for a period of one to five years with a minimum of six tests to be performed the first year. The frequency and duration of the follow-up tests (beyond the minimums) will be determined by the SAP reflecting the SAP's assessment of the employee's unique situation and recovery progress. Follow-up testing should be frequent enough to deter and/or detect a relapse. Follow-up testing is separate and in addition to the random, post-crash, reasonable suspicion, and return-to-duty testing.

**In the instance of a self-referral or a management referral, the employee will be subject to non-USDOT follow-up tests and follow-up testing plans modeled using the process described in 49 CFR Part 40. However, all non-USDOT follow-up tests and all paperwork associated with an employee's return-to-work agreement that was not precipitated by a positive test result (or refusal to test) does not constitute a violation of the Federal regulations will be conducted under employer authority and will be performed using non-DOT testing forms.**

#### **G. RESULTS OF DRUG/ALCOHOL TESTS**

Any covered employee that has a verified positive drug or alcohol test, or test refusal, will be removed from his/her safety-sensitive position, informed of educational and

rehabilitation programs available, referred to a qualified SAP for assessment, and **will be terminated.**

Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.

Refusal to submit to a drug/alcohol test shall be considered equivalent to a positive test result and a direct act of insubordination and shall result in termination and referral to a qualified SAP. A test refusal is defined as any of the following circumstances:

1. Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer.
2. Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
3. Fail to attempt to provide a breath or drug specimen sample. An employee who does not provide a drug specimen sample or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
4. In the case of a directly observed or monitored drug specimen collection, fail to permit monitoring or observation of your provision of a specimen.
5. Fail to provide a sufficient quantity of a drug specimen sample or breath without a valid medical explanation.
6. Fail or decline to take a second test as directed by the collector or the employer for drug testing.
7. Fail to undergo a medical evaluation as required by the MRO or the DER.
8. Fail to cooperate with any part of the testing process.
9. Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly observed test.
10. Possess or wear a prosthetic or other device used to tamper with the collection process.
11. Admit to the adulteration or substitution of a specimen to the collector or MRO.
12. Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
13. Fail to remain readily available following a crash.
14. As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

An alcohol test result of  $\geq 0.02$  to  $\leq 0.039$  BAC shall result in the removal of the employee from duty for eight hours **or the remainder or the workday, whichever is longer. The employee will not be allowed to return to safety-sensitive duty for his/her next shift until he/she submits to a NONDOT alcohol test with a result of less than 0.02 BAC.**

## **VII. INFORMATION DISCLOSURE**

Drug/alcohol testing records shall be maintained by the Employer DER in a secure location with controlled access and, except as provided below or by law, the results of any drug/alcohol test shall not be disclosed without express written consent of the tested employee.

The employee, upon written request, is entitled to obtain copies of any records pertaining to their use of prohibited drugs or misuse of alcohol including any drug or alcohol testing records. Covered employees have the right to gain access to any pertinent records such as equipment calibration records, and records of laboratory certifications. Employees may not have access to SAP follow-up testing plans.

Records of a verified positive drug/alcohol test result shall be released to the DER and other transit system management personnel on a need-to-know basis.

Records will be released to a subsequent employer only upon receipt of a written request from the employee.

Records of an employee's drug/alcohol tests shall be released to the adjudicator in a grievance, lawsuit, or other proceeding initiated by or on behalf of the tested individual arising from the results of the drug/alcohol test. The records will be released to the decision maker in the proceeding.

Records will be released to the National Transportation Safety Board during a crash investigation.

Information will be released in a criminal or civil action resulting from an employee's performance of safety-sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information is relevant to the case and issues an order to the employer to release the information. The employer will release the information to the decision maker in the proceeding with a binding stipulation that it will only be released to parties of the proceeding.

Records will be released to the DOT or any DOT agency with regulatory authority over the employer or any of its employees.

Records will be released if requested by a Federal, state, or local safety agency with regulatory authority over the Employer or the employee.

If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of Part 40 as amended, necessary legal steps to contest the issuance of the order will be taken.

In cases of a contractor or sub-recipient of a state department of transportation, records will be released when requested by such agencies that must certify compliance with the regulation to the FTA.

**ATTACHMENT A**

**SAFETY-SENSITIVE POSITIONS**

Listed below are the job titles of those that perform a safety-sensitive function:

1. Driver
2. Dispatcher
3. Mechanic

## ATTACHMENT B

### EMPLOYER DESIGNATED SERVICE PROVIDERS FOR DRUG AND ALCOHOL TESTING

#### 1. Employer Drug and Alcohol Testing Program Contact

For all questions concerning the Employer's policy or implementation of the Employer's drug and alcohol testing program, employees should contact the individual(s) named below:

Name: Heidi Wenzel, Director of Transportation  
Address: 251 E Adams St, Ionia, MI 48846  
Phone Number: (616) 523-0144

#### 2. Drug Testing Laboratory

The Employer has designated the following DHHS-certified laboratory to conduct the analysis of all donor specimens tested under the terms of this policy.

Name: Quest Diagnostics  
Phone Number: (800) 877-7484

#### 3. Medical Review Officer

The Employer has designated the following physician(s) to perform Medical Review Officer functions for all drug tests conducted under the terms of this policy.

Name: Dr. Suzanne Steele – Vault Hlth Workforce Scrn  
Address: 1100 Easton Rd Ste F, Willow Grove, PA 19090  
Phone Number: (215) 396-5500

#### 4. Substance Abuse Professional (minimum of 2)

Substance Abuse Professional (SAP) services, including information, referral, assessment, and evaluation, are available from the following Employer-designated individuals and/or organizations:

Name: Margery Briggs – Two Rivers Counseling & Consulting  
Address: 307 Kent St, Portland, MI 48875  
Phone Number: (517) 285-2659

NAADAC SAP Directory  
[www.naadac.org/sap-directory](http://www.naadac.org/sap-directory)

## ATTACHMENT C

### SIGNS AND SYMPTOMS OF DRUG AND ALCOHOL USE

Drugs and alcohol can result in such work-related problems as absenteeism and tardiness, lower productivity, missed deadlines, poor work quality, unsafe driving, and increased injuries and crashes. Problems relating to or communicating with supervisors, co-workers, or customers, following directions, concentrating, or remembering things may also indicate a drug or alcohol problem.

Drugs and alcohol slow reaction times, cause confusion, harm coordination and motor skills and can impair decision-making and memory. People misusing alcohol and using illegal drugs may be withdrawn, lethargic, depressed, erratic, “hyper” or unusually anxious, hostile, or paranoid.

Drugs and alcohol misuse can also result in health problems like chronic gastritis, headaches, chronic respiratory infections, and liver problems. They may also show up as poor hygiene, a sloppy appearance, financial problems, DUIs or family problems.

Evidence of use can include paraphernalia such as pipes, syringes, foil packets, pills, powders, and empty alcohol containers. Physical symptoms of use can include:

1. Marijuana and alcohol odors.
2. Puffy or droopy eyelids, bloodshot eyes, dilated or pinpoint pupils.
3. Nosebleeds, excessive sniffing, chronic sinus problems, nasal sores.
4. Needle tracks or blood spots on clothing.
5. Tremors, racing or irregular heartbeats.
6. Slurred or incoherent speech.
7. Confusion, anxiety, paranoia.
8. Coordination problems.
9. Lethargy and sleepiness.

### Effects of Drugs and Alcohol

Drugs and alcohol can harm health and the workplace in a variety of ways.

#### Alcohol

Alcohol is a central nervous system depressant that acts like a poison if used in large quantities. Each year the lives of tens of thousands of Americans are shortened or ended by alcohol misuse.

Alcohol quickly reaches the brain after drinking. It impairs self-control and other learned behaviors. This loss of self-control can lead to aggressive driving (or overly cautious driving), as

well as the other kinds of aggressive behaviors associated with drinking. Even small doses of alcohol, i.e., a single drink, can harm driving performance. In large doses, alcohol significantly impairs coordination, memory, and judgment.

Over time, alcohol misuse damages the liver, the heart, the digestive system and can cause permanent brain damage. On average, alcoholics shorten their life span by about 10 years.

Alcohol misuse harms the ability to think clearly, harms judgment and can affect the ability to get along with and work constructively with co-workers and customers.

Alcoholics often have attendance and work performance problems and get fired because of the consequences of alcohol misuse. Because of its adverse effects on coordination, reflex time, vision, driving ability, judgment, and the ability to evaluate and quickly process information, alcohol is especially dangerous for drivers of commercial motor vehicles.

A small glass of wine, a can of beer and a one and one-half ounce shot of liquor all contain about the same amount of alcohol. It takes the body about one hour to metabolize and eliminate each "drink" of alcohol. Coffee, exercise, and cold showers do not speed up this process or magically produce sobriety. While individuals differ greatly, each drink on an empty stomach by an average-sized adult male may lead to an alcohol concentration of about .02. Thus, drinking more than two drinks raises a serious risk of having an alcohol concentration in excess of DOT rules, especially for people with low body weights.

## **Cocaine**

Cocaine is a powerful stimulant that can be inhaled up the nose, injected or smoked. It greatly increases heart rate and blood pressure. Partly because of its effects on the circulatory system, cocaine use can lead to seizures. Every time cocaine is used, there is some unquantifiable risk of a fatal stroke or heart attack. Cocaine can also cause tremors, convulsions, vomiting and raises body temperature to dangerous levels. Repeated snorting damages nasal tissues, sometimes permanently. Needle use carries risks of infection and overdose.

Initially, cocaine use brings a rush of euphoria and exaggerated overconfidence. Sometimes these effects are so strong that safe driving is impossible. Cocaine wears off in about an hour after it is snorted and in just a few minutes after it is smoked. When it wears off, the user may become depressed, anxious, paranoid, and exhausted.

Cocaine users may exhibit rapid mood swings and changes in activity level. They may grind their teeth, repeatedly wash their hands, or engage in other compulsive behaviors.

## **Amphetamines**

Amphetamines, also known as “speed,” are powerful stimulants that are often abused by truck drivers because they make it easy to stay awake. Amphetamines, however, are dangerous drugs with a high potential for abuse. Amphetamines may also be known as uppers, black beauties, white crosses or dexies.

Use brings feelings of alertness and a loss in appetite. The user may also become very talkative or physically active or feel very strong after ingesting amphetamines. In a few hours however, the amphetamines wear off and restlessness, anxiety, paranoia, and headaches set in.

In large doses, amphetamines can produce serious toxic effects. The user’s blood pressure can rise to the point where strokes or heart attacks occur. Long-term users often have acne, tooth problems and may exhibit symptoms of permanent brain damage.

## **Marijuana**

Marijuana is a hallucinogen that alters the user’s sense of time and reduces the user’s ability to perform tasks requiring coordination, swift reactions, and concentration. Taken in large quantities, marijuana can act like a depressant.

While some people may regard marijuana as harmless, there is evidence its use is unhealthy and dangerous for the driver. Marijuana causes significant increases in blood pressure and pulse rate and, thus, can aggravate or cause heart disease. Marijuana smoke also contains a number of known carcinogens. Many experts believe that marijuana is actually healthier to smoke than tobacco.

Studies have shown that smoking marijuana affects the ability to perform tasks like driving, which require both thinking and motor skills, for at least 24 hours. Users, however, often believe that all the impairing effects of smoking have worn off after 4 to 6 hours. Marijuana significantly impairs short-term memory and can harm the user’s ability to concentrate or plan for and achieve long-term goals. There is also significant evidence that marijuana harms the reproductive systems of men and women and is dangerous for children and non-smokers who live with the user.

## **Opioids**

Opioids are a class of narcotics and sedatives derived from the opium poppy plant. Heroin is the strongest opioid. Heroin use has been increasing in recent years because of the availability of cheap, strong heroin from Asia. This new stronger heroin can be smoked or snorted. Heroin can also be injected using needles.

Morphine and codeine are opioids that are often used to relieve pain or induce sleep. However, they can be stolen from hospitals or pharmacies and abused.

Opioid misuse causes a number of health problems. Because of variations in dosages and strength, heroin use carries a risk of overdose and death. Addicts who use needles also risk contracting AIDS or hepatitis. Heroin is often contaminated with other drugs or toxins or combined with other narcotics.

Opioid use slows down and depresses a number of body functions, including brain functioning. Heroin users may act sleepy or euphoric for a while and then become anxious or irritated after the heroin wears off. Heroin users tend to have a number of related health problems and tend to also abuse alcohol and tobacco. Together, these drugs and the unhealthy lifestyles of heroin users result in decreased life expectancy.

### **PCP**

Phencyclidine, or PCP, is also called angel dust or dust. PCP is an extremely dangerous hallucinogen that has unusual and unpredictable side effects. It was developed as an anesthetic in the late 1950's and used for a while as a tranquilizer both for humans and animals. Because of its dangers, it now has no legal uses and is no longer legally manufactured. Rather, PCP is manufactured in underground laboratories. It often contains dangerous adulterants but is very dangerous all by itself.

PCP can produce violence and bizarre behavior in anyone who uses it. Occasionally, PCP users attack nurses and police officers or jump out of windows because they believe they can fly. PCP somehow scrambles the brain's internal stimuli and seriously changes how users feel, see and deal with their environment.

In low doses, PCP produces a feeling of numbness. Increased doses produce excitement, confusion, and delirium. The user's body may become rigid or go into convulsions. Routine activities like driving become dangerous and unpredictable.

Users may walk with strange uncoordinated steps. PCP users may have a blank stare, sweat heavily, have thick slurred speech, or engage in some of the violent and bizarre behaviors mentioned above.

**ATTACHMENT D**

**ACKNOWLEDGEMENT OF RECEIPT OF POLICY**

I hereby acknowledge that I have received, read, and understand my Employer's Drug-Free Workplace Program Policy required by Department of Transportation (DOT) regulations. I understand that I am subject to and must adhere to the DOT regulations and must abide by the terms of the Employer's Policy as a condition of employment.

I understand that during my employment I may be required to submit to drug and/or alcohol tests based on Department of Transportation regulations as directed by the Employer. I agree to comply with the Employer's Policy on drugs and/or alcohol and understand failure to comply is grounds for disciplinary action, up to and including termination, in addition to any action required by DOT regulations.

I also understand that refusal to submit to a controlled substances or alcohol test is a violation of DOT regulations, as well as the Employer's Policy, and may result in disciplinary action, including but not limited to suspension (with or without pay) or termination of employment, in addition to action required by DOT regulations. I further understand the consequences related to controlled substances use or alcohol misuse as prohibited by Employer's Policy.

I understand the laboratory test results will be released in accordance with the Employer Policy to the selected Medical Review Officer (MRO). In doing so, I understand that I will be given an opportunity to discuss a positive drug test result with the MRO before the result is reported to the Employer as a verified positive test result. Furthermore, I authorize the release of the results of a saliva or breath alcohol test by a certified technician to the Employer.

I acknowledge that the provisions of the Employer's Drug-Free Workplace Program Policy are part of the terms and conditions of my employment, and that I agree to abide by them.

**THE UNDERSIGNED STATES THAT HE OR SHE HAS READ THE FOREGOING ACKNOWLEDGMENT AND UNDERSTANDS THE CONTENTS THEREOF.**

Employee Name: \_\_\_\_\_

Date: \_\_\_\_\_

Employee Signature: \_\_\_\_\_

## **Section 4**

# **COMMUNITY DEVELOPMENT**

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## **SECTION 4**

### **COMMUNITY DEVELOPMENT**

- 4-001 Planning Policy and Permit Applications
- 4-002 Sidewalk Maintenance and Construction Policy
- 4-003 Economic Opportunities Policy for Section 3 Covered Contracts
- 4-004 Sale of City-Owned Excess Property
- 4-005 Residential Anti-Displacement and Relocation Assistance Plan (RARAP)
- 4-006 Industrial Facilities Tax (IFT) Exemption Certificates
- 4-007 Policy for Administration of Brownfield Redevelopment Projects
- 4-008 Citizen Participation Plan for Community Development Block Grant Projects

## Planning Policy and Permit Applications

### I. PURPOSE

To assure that proper and orderly development occurs in and around the City of Ionia. It is imperative that development in the City is carefully scrutinized by qualified officials and public commissions.

### II. SCOPE

The planning process is under the control of the City Manager and his/her designee(s). The Planning Commission shall have the authority to accept or reject any matter brought before it. The Ionia City Council shall have final approval of any matter brought before it.

### III. POLICY

All development subject to the Zoning Ordinance shall be reviewed by and approved by the Planning Commission when specified by the Zoning Ordinance. A complete copy of the Zoning Ordinance shall be kept in City Hall and accessible electronically from the City's website ([www.cityofionia.org](http://www.cityofionia.org)) for review by the public.

The following categories are tools used in the planning process. A brief description of each is included. Applications for these processes are included in the permit applications section.

#### A. Site Plan Review

1. A Site Plan Review is a process by which the Planning Commission scrutinizes and approves or disapproves any land development that is required to prepare and submit a site plan by the Zoning Ordinance.
2. Any building or development subject to site plan review shall be brought before the Planning Commission according to the rules of the Zoning Ordinance.
3. All procedures and requirements of the Zoning Ordinance shall be followed in the Site Plan Review process.
4. Developments requiring review by the Planning Commission must receive approval prior to a building permit being issued.
5. A Site Plan Application and Checklist shall be available to anyone from the City website or by request.

**B. Special Land Uses**

1. A Special Land Use is a use permitted but only if given special consideration by the Planning Commission.
2. A Public Hearing is required.
3. The Site Plan Review process shall be followed if a Special Land Use is to be permitted.
4. A Special Land Use Application and Checklist shall be available to anyone from the City website or by request.

**C. Open Space Neighborhoods**

1. An Open Space Neighborhood is a subdivision with reduced lot sizes compensated by open space within the subdivision.
2. The Site Plan Review process shall be followed if an Open Space Neighborhood is to be permitted.
3. An Open Space Neighborhood application and checklist shall be available to anyone from the City website or by request.

**D. Planned Unit Development (PUD)**

1. A Planned Unit Development is a basic set of zoning regulations used to allow a City and a developer to negotiate a project beneficial to both parties that might not otherwise be allowed under strict zoning regulations.
2. The Site Plan Review process shall be followed if a Planned Unit Development is to be permitted.
3. The Planning Commission must review a Preliminary PUD Plan and a Final PUD Plan.
4. A public hearing is required by the Planning Commission.
5. The Final PUD Plan is recommended to City Council by the Planning Commission and the City Council will also hold a public hearing on the Planned Unit Development ordinance before making a decision.
6. A Planned Unit Development application and checklist shall be available to anyone from the City website or by request.

**E. Plat Development**

1. Chapters 1224, 1226 and 1228 of the City Zoning Ordinance establishes a procedure for review of plats and specifies what is to be shown on the plans submitted by the developer.
2. The three phases prior to subdivision approval are Tentative Preliminary Plat, Final Preliminary Plat, and Final Plat.

3. The Site Plan Review process and a public hearing are required by the Planning Commission.
4. The Planning Commission will make a recommendation to the City Council, which will make the final decision.
5. A Plat Development application and checklist shall be available to anyone from the City website or by request.

#### **F. Zoning Variance**

1. A variance allows property to be used in a manner that does not comply with the literal requirements of the zoning ordinance. There are two basic types of variances: use variance and non-use (dimensional) variance.

A **use variance** permits "a use of the land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning regulations." For example, if a piece of land is zoned for single-family residential use and the owner wishes to operate a retail business, the owner could apply to the zoning board of appeals for a use variance.

A **non-use (dimensional)** variance, on the other hand, allows for a "use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulation. 11 An area variance is needed when a building application does not comply with the setback, height or area requirements of the zoning ordinance. If an owner wants to build a deck on his house that encroaches slightly into a side yard setback area, he could apply to the zoning board of appeals for a non-use (dimensional) variance.

2. The Planning Commission shall make a recommendation to the Zoning Board of Appeals regarding all use variances.
3. Certain Standards must be met before the Zoning Board of Appeals can approve a variance.
4. A Zoning Variance application and checklist shall be available to anyone from the City website or by request.

#### **G. Rezoning Process**

1. Rezoning changes the zoning designation of a specified parcel or tract of land.
2. A public hearing is required by the Planning Commission.
3. The Planning Commission shall make a recommendation to the City Council to approve or deny the Rezoning request. Final action is taken by the City Council following its public hearing and ordinance approval process.

4. A Rezoning Application and checklist shall be available to anyone from the City website or by request

#### **H. Site Condominium**

1. Site condominium projects are condominium developments in which each condominium unit consists of an area of vacant land and a volume of vacant air space within which a building or other improvements may be constructed by the condominium unit owner.
2. A public hearing is required by the Planning Commission.
3. The Planning Commission shall approve, deny, or approve with conditions the final Site Condominium plan.
4. A Site Condominium application and procedures guide in available to anyone from the City website or by request.

#### **IV. Application Process**

Applications must be received in the prescribed number of days before a regularly scheduled meeting. That number of days is dependent upon the type of application. Applications must be accompanied by the required fee, which are established by ordinance by the Ionia City Council.

#### **V. Commissions and Boards**

The Planning Commission and the Zoning Board of Appeals members shall be appointed in accordance with State statute and Ionia City Code. Meeting dates and terms of office are established in accordance with State statute, Ionia City Code, and corresponding commission and board bylaws.

#### **VI. Permit Applications**

The following list of permit applications have been included as attachments for reference:

1. Site Plan Review Application
2. Site Plan & Special Land Use Application
3. Open Space Neighborhood Application
4. Planned Unit Development Application
5. Subdivision Platting Application
6. Zoning Variance (ZBA) Application
7. Rezoning Application
8. Site Condominium & Site Plan Review Application



# Site Plan Review Application

Submit Applications to City Hall

Street Address: 114 North Kidd Street Ionia, MI 48846

Mailing Address: P.O. Box 496 Ionia, MI 48846

Ph: (616) 527-4170 Website: [www.ci.ionia.mi.us](http://www.ci.ionia.mi.us)

Date of Application: \_\_\_\_\_

**Permit Fee:** Staff Review \$100  
PC Review \$500

There are two levels of site plan review. The first is conducted at the Planning Commission level and the second at the staff level. If a site plan requires action by the Planning Commission it must be submitted four weeks prior to the meeting in which it will be heard.

All site plan applications must be submitted with a completed site plan checklist. Approved site plans are valid for one year unless extended. If actual construction of a substantial portion of the improvements included in the approved site plan has not commenced and proceeded meaningfully toward completion during that period, the approval of the final site plan shall be voided.

## Applicant Information

Applicant's Name: \_\_\_\_\_ Interest in Property: \_\_\_\_\_

Address: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Owner's Name (If different from above): \_\_\_\_\_

## Project Information

1. Request (check all that apply):

Site Condominium       Special Land Use       Plat       PUD

Site Plan Review       Rezoning      Other: \_\_\_\_\_

2. Address of Property: \_\_\_\_\_

3. Parcel Number: \_\_\_\_\_

4. Legal Description: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

5. Project Description: \_\_\_\_\_

\_\_\_\_\_

6. Current Zoning: \_\_\_\_\_ Proposed Zoning: \_\_\_\_\_

7. Size of Parcel: \_\_\_\_\_

**Signatures**

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Property Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

<b>OFFICE USE ONLY</b>	<b>Application #:</b> _____
___ Fees Paid: _____	
Date Advertised: _____	Date of Meeting: _____
Action Taken: _____	
Comments: _____	
_____	
Signature: _____	Date: _____

## Site Plan Review Process

### I. Site Plan Required

A site plan shall be submitted for review and approval prior to the issuance of a building permit as follows:

- a) Planning Commission Level. The Planning Commission shall review the following site plans:
  - 1. Any new principal commercial, office, industrial, business or institutional use or a residential use having more than two dwellings.
  - 2. Special land uses and planned unit developments.
  - 3. Existing commercial, industrial, business or institutional uses and buildings or residential uses having more than two dwellings proposed to be increased in size fifty percent or more of the existing building or use. The existing size shall be determined by the gross square footage of an existing building, or if the principal use is primarily out of doors, then the land area occupied by the use shall be used to determine the existing size.
  - 4. Accessory buildings which are more than 50% of the size of the largest principal building on site.
- b) Staff Level. The Zoning Administrator shall review the following site plans or may refer such plans to the Planning Commission.
  - 1. Expansion of an existing use or building which comprises less than 50% of a building or less than 50% of the land area occupied by a use which is principally outdoors.
  - 2. A building which is accessory to the principal building if such accessory building is no more than one half of the size of the largest principal building on site.
  - 3. A change in the use of a property which results in the need for more parking spaces.

### II. Items to be Submitted

The following material must be submitted to the City Zoning Administrator in applying for review of a site plan by the Planning Commission.

- \_\_\_ Application
- \_\_\_ Fee
- \_\_\_ 4 Copies of a Preliminary Site Plan
- \_\_\_ 1 Electronic Copy of a Preliminary Site Plan
- \_\_\_ Site Plan Review Checklist

The site plan must contain the information required by Section 1276.05 of the City Zoning Ordinance. The site plan checklist notes the information required.

### **III. Meeting Dates**

The City Planning Commission meets on the second Wednesday of each month at 4:30 P.M. in the city council chambers at the City Hall.

### **IV. Processing Period.**

An application for site plan review to the Planning Commission usually takes about 30 to 45 days to process.

Applications must be submitted at least four weeks before a Planning Commission meeting in order to be placed on the agenda.

A site plan reviewed only by the Zoning Administrator can be processed in a week.

### **V. Application Procedures**

Whenever an application is filed for a site plan review, the following steps are taken:

1. An application for a site plan is submitted to the Zoning Administrator along with the required fee.
2. The Zoning Administrator in conjunction with the chair of the Planning Commission, sets a public hearing date.
3. The Zoning Administrator mails notices of the hearing to all land owners within 300 feet of the site.
4. The notices are mailed at least 15 days before the hearing.
5. The Zoning Administrator forwards copies of the application and site plan to the Planning Commission, Director of Public Safety, and Department of Public Works.
6. Reports from the Director of Public Safety, and Department of Public Works are prepared and sent to the Planning Commission.
7. The Planning Commission at the public hearing reviews the site plan and staff reports. The Commission reviews the plan in accordance with the standards contained in Section 1276.05 of the Zoning Ordinance. The Commission may approve, modify or deny the site plan or approve it subject to revisions being made.

The Commission may require the revised plan to be brought back to the Commission for final approval or allow the Zoning Administrator to review and approve the revised plan according to the changes required by the Commission.

8. Once final approval is given and the site plan contains all required corrections, the Zoning Administrator signs two copies of the plan, one for the City Building Inspector and one for the applicant. Following this step, the applicant may apply for a building permit.
9. An approved site plan must be under construction within one year of the date of final site plan approval or the site plan becomes invalid. A one-year extension may be granted by the Planning Commission provided the applicant presents reasonable evidence that the development has had unforeseen difficulties but is now ready to proceed.

## **Site Plan Review Standards**

All site plans reviewed by the Planning Commission shall be approved, approved with conditions, or denied based on the purposes, objectives, and requirements of this ordinance, and specifically, the following considerations when applicable. Please review the following standards to ensure that the proposed site plan will satisfy these requirements. Additional comments and information are encouraged.

### **Relationship of Request to Surrounding Area**

- ❑ The relationship of uses proposed will not adversely affect the public health, safety, or welfare.
- ❑ Proposed uses and structures take into account topography, size of the property, the uses on adjoining property and relationship and size of buildings to the site.
- ❑ The site is developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in the ordinance.

### **Drives, Parking, and Circulation**

- ❑ Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation is provided for ingress/egress points and within the site.
- ❑ Drives, streets and other circulation routes are designed to promote safe and efficient traffic operations within the site and at ingress/egress points.
- ❑ The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area are planned to provide a safe and efficient circulation system for traffic within the City of Ionia.

### **Natural Features**

- ❑ Removal or alteration of significant natural features is restricted to those areas that are reasonably necessary to develop the site in accordance with the requirements of this ordinance.
- ❑ Landscaping, buffers, and/or greenbelts are preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.

### **General**

- ❑ Satisfactory assurance is provided that the requirements of all other applicable ordinances, codes, and requirements of the City of Ionia will be met.
- ❑ The general purposes and spirit of this ordinance and the City of Ionia Master Plan are maintained.

## Site Plan Review Checklist

A site plan submitted for review by the City of Ionia Planning Commission must contain the following items unless the Commission determines such items are not needed on the plan. This list is taken from Section 1276.05 (c)-(e) of the City of Ionia Zoning Ordinance.

---

- |  |   |
|--|---|
| <input type="checkbox"/> Scale (not more than 1" – 100 ft.).                                     | <input type="checkbox"/> Existing & proposed topographic elevations at two-foot intervals on the site & to a distance of 50 ft. outside the boundaries. |
| <input type="checkbox"/> A vicinity map.   | <input type="checkbox"/> Identify all slopes 20% or more.   |
| <input type="checkbox"/> Date site plan was prepared.  | <input type="checkbox"/> Direction of storm water drainage & how storm water runoff will be handled.  |
| <input type="checkbox"/> Name, address & seal of preparer.                                       | <input type="checkbox"/> Location of existing buildings.  |
| <input type="checkbox"/> North arrow.  | <input type="checkbox"/> Location of proposed buildings.  |
| <input type="checkbox"/> Legal description.  | <input type="checkbox"/> Intended use of proposed buildings.  |
| <input type="checkbox"/> Property lines and dimensions.  | <input type="checkbox"/> Length & width of proposed buildings.  |
| <input type="checkbox"/> Building setback distances.   | <input type="checkbox"/> Height of proposed buildings.  |
| <input type="checkbox"/> All structures, lot lines & wetlands within 100 feet of the site.       | <input type="checkbox"/> Square footage of proposed buildings.  |
| <input type="checkbox"/> Location of septic tanks and drain fields.                              | <input type="checkbox"/> First floor elevation of each building.  |
| <input type="checkbox"/> Location of utility easements.  | <input type="checkbox"/> Location of abutting streets.  |
| <input type="checkbox"/> Location of all sidewalks.  | <input type="checkbox"/> Location of rights-of -way.  |
| <input type="checkbox"/> Location of all bike paths or walkways.                                 | <input type="checkbox"/> Location of service drives. Location of curb cuts.   |
| <input type="checkbox"/> Location and size of any walls, fences or other screening provisions.   | <input type="checkbox"/> Location of access easements serving the site.   |
| <input type="checkbox"/> Location of all proposed landscape including size and type of planting. | <input type="checkbox"/> Location of driveways opposite the site.   |
| <input type="checkbox"/> Location of all proposed accessory structures.                          | <input type="checkbox"/> Location of driveways within 100 feet on either side of the site.  |
| <input type="checkbox"/> Location of all light poles or fixtures including type.                 |   |
| <input type="checkbox"/> Location of all flagpoles.  |   |

- \_\_\_ Driveway width, curb radii and deceleration lane.
- \_\_\_ Location and size of all water lines.
- \_\_\_ Location and size of sanitary sewer lines.
- \_\_\_ Location of all storage sheds.
- \_\_\_ Location of all transformers.
- \_\_\_ Location of all dumpsters or trash removal areas or devices. Dumpsters must be screened.
- \_\_\_ Location of all signs.
- \_\_\_ Location of all existing and proposed utility poles.
- \_\_\_ Location of proposed parking areas & access drives.
- \_\_\_ Number of parking spaces & aisles.
- \_\_\_ Dimensions of spaces & aisles.
- \_\_\_ Location of parking blocks, landscape, timbers, etc.
- \_\_\_ Location of loading areas.
- \_\_\_ Location of parking islands.
- \_\_\_ Location of handicapped spaces & access ramps.
- \_\_\_ Type of parking lot surface.
- \_\_\_ Location of curbs.
- \_\_\_ Location & type of significant existing vegetation.
- \_\_\_ Location & type of significant existing water courses.
- \_\_\_ Location & type of significant existing water bodies.
- \_\_\_ Location & type of significant existing county or city drains & manmade surface drainage ways.
- \_\_\_ Location of 100-year floodplains.
- \_\_\_ Location of existing wetlands.
- \_\_\_ Location and size of storm drainage lines.
- \_\_\_ Location of fire hydrants.
- \_\_\_ Location of catch basins.
- \_\_\_ Vegetation which is to be retained on the site must be illustrated.
- \_\_\_ Zoning on adjacent properties.
- \_\_\_ Location & specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials.



# Site Plan & Special Land Use Application

Submit Applications to City Hall

Street Address: 114 North Kidd Street Ionia, MI 48846

Mailing Address: P.O. Box 496 Ionia, MI 48846

Ph: (616) 527-4170 Website: [www.ci.ionia.mi.us](http://www.ci.ionia.mi.us)

Date of Application: \_\_\_\_\_

Permit Fee: \$1,000\*

A site plan approval with a special land use permit requires action by the Planning Commission. Applications must be submitted four weeks prior to the meeting in which it will be heard and include a completed site plan checklist.

Approved site plans and special land use permits are valid for one year unless extended. If actual construction of a substantial portion of the improvements included in the approved site plan has not commenced and proceeded meaningfully toward completion during that period, the approval of the final site plan shall be voided.

## Applicant Information

Applicant's Name: \_\_\_\_\_ Interest in Property: \_\_\_\_\_

Address: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Owner's Name (If different from above): \_\_\_\_\_

## Project Information

1. Request (check all that apply):

Site Condominium       Special Land Use       Plat       PUD

Site Plan Review       Rezoning      Other: \_\_\_\_\_

2. Address of Property: \_\_\_\_\_

3. Parcel Number: \_\_\_\_\_

4. Legal Description: \_\_\_\_\_

\_\_\_\_\_

5. Project Description: \_\_\_\_\_

\_\_\_\_\_

6. Current Zoning: \_\_\_\_\_ Proposed Zoning: \_\_\_\_\_

7. Size of Parcel: \_\_\_\_\_

**Signatures**

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Property Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

<b>OFFICE USE ONLY</b>	<b>Application #:</b> _____
___ Fees Paid: _____	
Date Advertised: _____	Date of Meeting: _____
Action Taken: _____	
Comments: _____	
_____	
Signature: _____	Date: _____

## Site Plan Review Process

### I. Items to be Submitted

The following material must be submitted to the City Zoning Administrator in applying for review of a site plan by the Planning Commission.

- \_\_\_ Application
- \_\_\_ Fee
- \_\_\_ Special Land Use Questionnaire
- \_\_\_ 4 Copies of a Preliminary Site Plan
- \_\_\_ 1 Electronic Copy of a Preliminary Site Plan
- \_\_\_ Site Plan Review Checklist

The site plan must contain the information required by Section 1276.05 of the City Zoning Ordinance. A site plan checklist is attached which notes the information required.

### II. Meeting Dates

The City Planning Commission meets on the second Wednesday of each month at 4:30 P.M. in the city council chambers at the City Hall.

### III. Processing Period.

An application for site plan review and special land use permit to the Planning Commission usually takes about 45 to 60 days to process. Applications must be submitted at least four weeks before a Planning Commission meeting in order to be placed on the agenda.

### IV. Application Procedures

Whenever an application is filed for a site plan review and a special land use permit, the following steps are taken:

1. An application for a site plan and special land use permit is submitted to the Zoning Administrator along with the required fee.
2. The Zoning Administrator in conjunction with the chair of the Planning Commission, sets a public hearing date for the site plan and special land use.
3. The Zoning Administrator mails notices of the hearing to all land owners within 300 feet of the site.
4. The notices are mailed at least 15 days before the hearing.
5. The Zoning Administrator forwards copies of the application and site plan to the Planning Commission, Director of Public Safety, and Department of Public Works.
6. Reports from the Director of Public Safety, and Department of Public Works are prepared and sent to the Planning Commission.
7. The Planning Commission at the public hearing reviews the site plan, special land use permit, and staff reports. The Commission reviews the plan in accordance with the standards contained in Sect on 1274.04 and Section 1276.07 of the Zoning

Ordinance. The Commission may approve, modify or deny the site plan and special land use permit or approve it subject to revisions being made.

The Commission may require the revised plan to be brought back to the Commission for final approval or allow the Zoning Administrator to review and approve the revised plan according to the changes required by the Commission.

8. Once final approval is given and the site plan contains all required corrections, the Zoning Administrator signs two copies of the plan, one for the City Building Inspector and one for the applicant. Following this step, the applicant may apply for a building permit.
9. An approved site plan and special land use permit must be under construction within one year of the date of final site plan approval or the site plan becomes invalid. A one-year extension may be granted by the Planning Commission provided the applicant presents reasonable evidence that the development has had unforeseen difficulties but is now ready to proceed.

#### **Special Land Use Standards-Section 1274.04**

The following general standards shall serve as the basis for decisions by the Planning Commission involving special land use permits. The Commission shall find that, in addition to specific standards for a particular use, the proposed use shall:

- a) Be designed, constructed, operated and maintained so it will be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not significantly change the essential character of the area in which it is proposed.
- b) Be adequately served by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools.
- c) Not create excessive additional requirements at public cost for public facilities and services.
- d) Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- e) Be consistent with the intent and purpose of the zoning district in which such use will be located.

## **Site Plan Review Standards**

All site plans reviewed by the Planning Commission shall be approved, approved with conditions, or denied based on the purposes, objectives, and requirements of this ordinance, and specifically, the following considerations when applicable. Please review the following standards to ensure that the proposed site plan will satisfy these requirements. Additional comments and information are encouraged.

### **Relationship of Request to Surrounding Area**

- ❑ The relationship of uses proposed will not adversely affect the public health, safety, or welfare.
- ❑ Proposed uses and structures take into account topography, size of the property, the uses on adjoining property and relationship and size of buildings to the site.
- ❑ The site is developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in the ordinance.

### **Drives, Parking, and Circulation**

- ❑ Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation is provided for ingress/egress points and within the site.
- ❑ Drives, streets and other circulation routes are designed to promote safe and efficient traffic operations within the site and at ingress/egress points.
- ❑ The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area are planned to provide a safe and efficient circulation system for traffic within the City of Ionia.

### **Natural Features**

- ❑ Removal or alteration of significant natural features is restricted to those areas that are reasonably necessary to develop the site in accordance with the requirements of this ordinance.
- ❑ Landscaping, buffers, and/or greenbelts are preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.

### **General**

- ❑ Satisfactory assurance is provided that the requirements of all other applicable ordinances, codes, and requirements of the City of Ionia will be met.
- ❑ The general purposes and spirit of this ordinance and the City of Ionia Master Plan are maintained.

## Special Land Use Questionnaire

The Special Land Use Questionnaire is required as part of the application. The following general standards shall serve as the basis for decisions by the Planning Commission involving special land use permits. Indicate below how this request meets each standard.

**Standard 1**

*The use is designed, constructed, operated and maintained so it will be harmonious and appropriate in appearance with the existing or intended character of the area in which it is proposed.*

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**Standard 2**

*The use will be adequately served by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools.*

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**Standard 3**

*The use does not create excessive additional requirements at public cost for public facilities and services.*

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**Standard 4**

*The use does not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.*

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**Standard 5**

*The use is consistent with the intent and purpose of the zoning district in which such use will be located.*

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## Site Plan Review Checklist

A site plan submitted for review by the City of Ionia Planning Commission must contain the following items unless the Commission determines such items are not needed on the plan. This list is taken from Section 1276.05 of the City of Ionia Zoning Ordinance.

---

- |  |   |
|--|---|
| <input type="checkbox"/> Scale (not more than 1" – 100 ft.).                                     | <input type="checkbox"/> Existing & proposed topographic elevations at two-foot intervals on the site & to a distance of 50 ft. outside the boundaries. |
| <input type="checkbox"/> A vicinity map.   | <input type="checkbox"/> Identify all slopes 20% or more.   |
| <input type="checkbox"/> Date site plan was prepared.  | <input type="checkbox"/> Direction of storm water drainage & how storm water runoff will be handled.  |
| <input type="checkbox"/> Name, address & seal of preparer.                                       | <input type="checkbox"/> Location of existing buildings.  |
| <input type="checkbox"/> North arrow.  | <input type="checkbox"/> Location of proposed buildings.  |
| <input type="checkbox"/> Legal description.  | <input type="checkbox"/> Intended use of proposed buildings.  |
| <input type="checkbox"/> Property lines and dimensions.  | <input type="checkbox"/> Length & width of proposed buildings.  |
| <input type="checkbox"/> Building setback distances.   | <input type="checkbox"/> Height of proposed buildings.  |
| <input type="checkbox"/> All structures, lot lines & wetlands within 100 feet of the site.       | <input type="checkbox"/> Square footage of proposed buildings.  |
| <input type="checkbox"/> Location of septic tanks and drain fields.                              | <input type="checkbox"/> First floor elevation of each building.  |
| <input type="checkbox"/> Location of utility easements.  | <input type="checkbox"/> Location of abutting streets.  |
| <input type="checkbox"/> Location of all sidewalks.  | <input type="checkbox"/> Location of rights-of -way.  |
| <input type="checkbox"/> Location of all bike paths or walkways.                                 | <input type="checkbox"/> Location of service drives. Location of curb cuts.   |
| <input type="checkbox"/> Location and size of any walls, fences or other screening provisions.   | <input type="checkbox"/> Location of access easements serving the site.   |
| <input type="checkbox"/> Location of all proposed landscape including size and type of planting. | <input type="checkbox"/> Location of driveways opposite the site.   |
| <input type="checkbox"/> Location of all proposed accessory structures.                          | <input type="checkbox"/> Location of driveways within 100 feet on either side of the site.  |
| <input type="checkbox"/> Location of all light poles or fixtures including type.                 |   |
| <input type="checkbox"/> Location of all flagpoles.  |   |

- \_\_\_ Driveway width, curb radii and deceleration lane.
- \_\_\_ Location and size of all water lines.
- \_\_\_ Location and size of sanitary sewer lines.
- \_\_\_ Location of all storage sheds.
- \_\_\_ Location of all transformers.
- \_\_\_ Location of all dumpsters or trash removal areas or devices. Dumpsters must be screened.
- \_\_\_ Location of all signs.
- \_\_\_ Location of all existing and proposed utility poles.
- \_\_\_ Location of proposed parking areas & access drives.
- \_\_\_ Number of parking spaces & aisles.
- \_\_\_ Dimensions of spaces & aisles.
- \_\_\_ Location of parking blocks, landscape, timbers, etc.
- \_\_\_ Location of loading areas.
- \_\_\_ Location of parking islands.
- \_\_\_ Location of handicapped spaces & access ramps.
- \_\_\_ Type of parking lot surface.
- \_\_\_ Location of curbs.
- \_\_\_ Location & type of significant existing vegetation.
- \_\_\_ Location & type of significant existing water courses.
- \_\_\_ Location & type of significant existing water bodies.
- \_\_\_ Location & type of significant existing county or city drains & manmade surface drainage ways.
- \_\_\_ Location of 100-year floodplains.
- \_\_\_ Location of existing wetlands.
- \_\_\_ Location and size of storm drainage lines.
- \_\_\_ Location of fire hydrants.
- \_\_\_ Location of catch basins.
- \_\_\_ Vegetation which is to be retained on the site must be illustrated.
- \_\_\_ Zoning on adjacent properties.
- \_\_\_ Location & specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials.



# Open Space Neighborhood Application

Submit Applications to City Hall

Street Address: 114 North Kidd Street Ionia, MI 48846

Mailing Address: P.O. Box 496 Ionia, MI 48846

Ph: (616) 527-4170 Website: [www.ci.ionia.mi.us](http://www.ci.ionia.mi.us)

Date of Application: \_\_\_\_\_

Permit Fee: \$1,250\*

This application will require action by the Planning Commission and City Council consisting of a project site plan review and two Public Hearings. Applications must be submitted at least four weeks before the intended Planning Commission meeting.

## Applicant Information

Applicant's Name: \_\_\_\_\_ Interest in Property: \_\_\_\_\_

Address: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Owner's Name (If different from above): \_\_\_\_\_

## Project Information

1. Request (check all that apply):

Site Condominium       Special Land Use       Plat       PUD

Site Plan Review       Rezoning      Other: \_\_\_\_\_

2. Address of Property: \_\_\_\_\_

3. Parcel Number(s): \_\_\_\_\_

4. Legal Description: \_\_\_\_\_

\_\_\_\_\_

5. Project Description: \_\_\_\_\_

\_\_\_\_\_

6. Current Zoning: \_\_\_\_\_ Proposed Zoning: \_\_\_\_\_

7. Size of Parcel: \_\_\_\_\_

(\*Fee includes \$750 for Open Space Neighborhood Application and \$500 for Site Plan Review.)

**Signatures**

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Property Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**OFFICE USE ONLY**

**Application #:** \_\_\_\_\_

\_\_\_ Fees Paid: \_\_\_\_\_

Date(s) Advertised: \_\_\_\_\_

Date of Meeting: \_\_\_\_\_ (PC) \_\_\_\_\_ (Council)

Action Taken: \_\_\_\_\_ (PC) \_\_\_\_\_ (Council)

Comments: \_\_\_\_\_

\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Preliminary OSN Application and Review Procedures

The following information shall be submitted for tentative approval of the preliminary OSN.

1. The name or title of the proposed OSN.
2. Legal description of the proposed OSN.
3. The name, address, and telephone number of the proprietor, developer, record owner, and subdivider.

## Open Space Neighborhood Checklist

A site plan submitted for review by the City of Ionia Planning Commission must contain the following items unless the Commission determines such items are not needed on the plan. This list is taken from Section 1270.05 of the City of Ionia Zoning Ordinance.

- 
- 
- |  |   |
|--|---|
| <input type="checkbox"/> Scale (not more than 1" – 100 ft.).                                     | <input type="checkbox"/> Location of all proposed accessory structures.   |
| <input type="checkbox"/> A vicinity map.   | <input type="checkbox"/> Location of all light poles or fixtures including type.  |
| <input type="checkbox"/> Date site plan was prepared.  | <input type="checkbox"/> Location of all flagpoles.   |
| <input type="checkbox"/> Name, address & seal of preparer.                                       | <input type="checkbox"/> Existing & proposed topographic elevations at two-foot intervals on the site & to a distance of 50 ft. outside the boundaries. |
| <input type="checkbox"/> North arrow.  | <input type="checkbox"/> Identify all slopes 20% or more.   |
| <input type="checkbox"/> Legal description.  | <input type="checkbox"/> Direction of storm water drainage & how storm water runoff will be handled.  |
| <input type="checkbox"/> Property lines and dimensions.  | <input type="checkbox"/> Location of existing buildings.  |
| <input type="checkbox"/> Building setback distances.   | <input type="checkbox"/> Location of proposed buildings.  |
| <input type="checkbox"/> All structures, lot lines & wetlands within 100 feet of the site.       | <input type="checkbox"/> Intended use of proposed buildings.  |
| <input type="checkbox"/> Location of septic tanks and drain fields.                              | <input type="checkbox"/> Length & width of proposed buildings.  |
| <input type="checkbox"/> Location of utility easements.  | <input type="checkbox"/> Height of proposed buildings.  |
| <input type="checkbox"/> Location of all sidewalks.  | <input type="checkbox"/> Square footage of proposed buildings.  |
| <input type="checkbox"/> Location of all bike paths or walkways.                                 |   |
| <input type="checkbox"/> Location and size of any walls, fences or other screening provisions.   |   |
| <input type="checkbox"/> Location of all proposed landscape including size and type of planting. |   |

- \_\_\_ First floor elevation of each building.
- \_\_\_ Location of abutting streets.
- \_\_\_ Location of rights-of-way.
- \_\_\_ Location of service drives. Location of curb cuts.
- \_\_\_ Location of access easements serving the site.
- \_\_\_ Location of driveways opposite the site.
- \_\_\_ Location of driveways within 100 feet on either side of the site.
- \_\_\_ Driveway width, curb radii and deceleration lane.
- \_\_\_ Location and size of all water lines.
- \_\_\_ Location and size of sanitary sewer lines.
- \_\_\_ Location of all storage sheds.
- \_\_\_ Location of all transformers.
- \_\_\_ Location of all dumpsters or trash removal areas or devices. Dumpsters must be screened.
- \_\_\_ Location of all signs.
- \_\_\_ Location of all existing and proposed utility poles.
- \_\_\_ Location of proposed parking areas & access drives.
- \_\_\_ Number of parking spaces & aisles.
- \_\_\_ Dimensions of spaces & aisles.
- \_\_\_ Location of parking blocks, landscape, timbers, etc.
- \_\_\_ Location of loading areas.
- \_\_\_ Location of parking islands.
- \_\_\_ Location of handicapped spaces & access ramps.
- \_\_\_ Type of parking lot surface.
- \_\_\_ Location of curbs.
- \_\_\_ Location & type of significant existing vegetation.
- \_\_\_ Location & type of significant existing water courses.
- \_\_\_ Location & type of significant existing water bodies.
- \_\_\_ Location & type of significant existing county or city drains & manmade surface drainage ways.
- \_\_\_ Location of 100-year floodplains.
- \_\_\_ Location of existing wetlands.
- \_\_\_ Location and size of storm drainage lines.
- \_\_\_ Location of fire hydrants.
- \_\_\_ Location of catch basins.
- \_\_\_ Vegetation which is to be retained on the site must be illustrated.
- \_\_\_ Zoning on adjacent properties.
- \_\_\_ Location & specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials.



# Planned Unit Development Application

Submit Applications to City Hall

Street Address: 114 North Kidd Street Ionia, MI 48846

Mailing Address: P.O. Box 496 Ionia, MI 48846

Ph: (616) 527-4170 Website: [www.ci.ionia.mi.us](http://www.ci.ionia.mi.us)

Date of Application: \_\_\_\_\_

Permit Fee: \$1,250\*

This application will require action by the Planning Commission and City Council consisting of a project site plan review and two Public Hearings. Applications must be submitted at least four weeks before the intended Planning Commission meeting.

## Applicant Information

Applicant's Name: \_\_\_\_\_ Interest in Property: \_\_\_\_\_

Address: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Owner's Name (If different from above): \_\_\_\_\_

## Project Information

1. Request (check all that apply):

Site Condominium       Special Land Use       Plat       PUD

Site Plan Review       Rezoning      Other: \_\_\_\_\_

2. Address of Property: \_\_\_\_\_

3. Parcel Number(s): \_\_\_\_\_

4. Legal Description: \_\_\_\_\_

\_\_\_\_\_

5. Project Description: \_\_\_\_\_

\_\_\_\_\_

6. Current Zoning: \_\_\_\_\_ Proposed Zoning: \_\_\_\_\_

7. Size of Parcel: \_\_\_\_\_

(\*Fee includes \$750 for PUD Rezoning and \$500 for Site Plan Review.)

**Signatures**

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Property Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**OFFICE USE ONLY**

**Application #:** \_\_\_\_\_

\_\_\_\_ Fees Paid: \_\_\_\_\_

Date(s) Advertised: \_\_\_\_\_ (PC) \_\_\_\_\_ (Council)

Date of Meeting: \_\_\_\_\_ (PC) \_\_\_\_\_ (Council)

Action Taken: \_\_\_\_\_ (PC) \_\_\_\_\_ (Council)

Comments: \_\_\_\_\_

\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Procedures for Planned Unit Development (PUD) Rezoning of Property**

**I. Pre-application Conference**

The applicant may present information to the Planning Commission before submitting a formal application.

**II. Items to be Submitted**

A request to rezone property to PUD must be submitted to the City Zoning Administrator. The following material is required.

- \_\_\_ Application
- \_\_\_ Fee
- \_\_\_ 4 Copies of a Preliminary Site Plan
- \_\_\_ 1 Electronic Copy of a Preliminary Site Plan
- \_\_\_ Planned Unit Development Checklist

The application fee covers the cost of advertising the rezoning, mailing notices to property owners and/or occupants of properties within 300 feet of the applicant’s property, and holding a public hearing.

**III. Meeting Dates**

The City Planning Commission meets on the second Wednesday of each month at 4:30 P.M. The City Council meets on the first Tuesday of each month at 7:00 P.M. Both the Council and Planning Commission meet in the city council chambers at the City Hall.

**IV. Processing Period**

A PUD Rezoning application usually takes about 120 days to process.

**V. Application Procedures**

Whenever an application is filed to rezone property to PUD, the following steps are followed in processing the application.

- 1) An application for a rezoning is submitted to the City Zoning Administrator or his/her representative along with the required fee(s). The application must be signed by the owner(s) of the property for which the application has been submitted.
- 2) Four copies of a preliminary PUD site plan are also submitted. The site plan must be prepared according to the requirements of Section 1276.05 of the City of Ionia Zoning Ordinance.
- 3) The Zoning Administrator in conjunction with the Chair of the Planning Commission determines a date for consideration of the project by the Planning Commission.
- 4) The Zoning Administrator forwards copies of the application and preliminary site plan to the Planning Commission, Director of Public Safety, and Department of Public Works and may also send materials to the City Engineer and Planner.

- 5) Reports are sent to the Planning Commission for consideration.
- 6) The Planning Commission reviews the Preliminary PUD site plan for compliance with Zoning Ordinance requirements and makes recommendations to the applicant. Minutes of this meeting are forwarded to the City Council.
- 7) At this meeting, the Planning Commission may set a public hearing for consideration of the Final PUD Site Plan.
- 8) Notice of this public hearing is then published in a newspaper of local circulation and notices are sent to occupants and property owners within 300 feet of the boundaries of the property to be rezoned in the following manner:

**Newspaper:** This notice, required by State of Michigan law, must be published not less than 15 days before the hearing in a paper of general circulation within the City.

**Mailing Notice:** A notice must be mailed to all property owners and occupants of dwellings within 300 feet of the boundaries of the property to be rezoned. This mailing list is taken from the most recent City assessment roll. The owner of the property to be rezoned is also notified by mail of the hearing.

The notice is sent not less than 15 days before the public hearing date.

An affidavit of this mailing is made and kept in the City files. A notice is also sent to any utility or railroad that registers its name with the City for purposes of receiving such notice.

In cases where property within 300 feet of the site to be rezoned is within another municipality, the Zoning Administrator will obtain a list of those property owners and occupants in the adjoining municipality that are within 300 feet of the site to be rezoned and mail them a notice.

- 9) The applicant submits 4 physical copies of the Final PUD site plan and 1 electronic copy to the Zoning Administrator. The Final PUD plan contains the information required by Section 1266.05 of the Zoning Ordinance and also incorporates the recommendations of the Planning Commission and City Staff.
- 10) Copies of the Final Plan are sent to the Director of Public Safety, Department of Public Works, Department of Public Utilities, and Planning Commission. Copies may also be sent to the City Engineer and Planner. These reports are sent to the Planning Commission.
- 11) The public hearing is held by the Planning Commission. The applicant and others in attendance are provided an opportunity to speak on the rezoning. Following the public hearing, the Planning Commission will vote to approve or deny the rezoning and Final Site Plan. **This vote is a recommendation to the City Council.** The Planning Commission must find that the PUD request meets the standards of Section 1266.05 (h) in order to approve the PUD. Conditions may be attached to the approval.

- 12) The applicant makes any necessary corrections to the Final PUD Site Plan and submits 4 physical copies and 1 electronic copy to the City Clerk who submits the plan and other information to the City Council.
- 13) The recommendation of the City Planning Commission is considered by the Council at the next regular Council meeting along with the written record from the public hearing. **The Council makes the final decision on these requests and may vote to approve or deny the rezoning and accompanying final site plan.**
- 14) The applicant is notified in writing of the final disposition of the rezoning.
- 15) If the rezoning request is approved, the ordinance or summary of the ordinance is published in a local newspaper within 15 days of adoption. The rezoning request is effective upon publication. Following a rezoning, the Zoning Administrator shall arrange to make the appropriate change to the Official Zoning Map.
- 16) Once final approval is given and the site plan contains all required corrections, the Zoning Administrator signs two copies of the plan, one for the City Building Inspector and one for the applicant. Following this step, the applicant may apply for a building permit.
- 17) An approved site plan must be under construction within one year of the date of final site plan approval or the site plan becomes invalid. A one-year extension may be granted by the Planning Commission provided the applicant presents reasonable evidence that the development has had unforeseen difficulties but is now ready to proceed.

## Planned Unit Development Checklist

A site plan submitted for review by the City of Ionia Planning Commission must contain the following items unless the Commission determines such items are not needed on the plan. This list is taken from Section 5.139 of the City of Ionia Zoning Ordinance.

- 
- |  |   |
|--|---|
| <input type="checkbox"/> Scale (not more than 1" – 100 ft.).                                     | <input type="checkbox"/> Existing & proposed topographic elevations at two-foot intervals on the site & to a distance of 50 ft. outside the boundaries. |
| <input type="checkbox"/> A vicinity map.   | <input type="checkbox"/> Identify all slopes 20% or more.   |
| <input type="checkbox"/> Date site plan was prepared.  | <input type="checkbox"/> Direction of storm water drainage & how storm water runoff will be handled.  |
| <input type="checkbox"/> Name, address & seal of preparer.                                       | <input type="checkbox"/> Location of existing buildings.  |
| <input type="checkbox"/> North arrow.  | <input type="checkbox"/> Location of proposed buildings.  |
| <input type="checkbox"/> Legal description.  | <input type="checkbox"/> Intended use of proposed buildings.  |
| <input type="checkbox"/> Property lines and dimensions.  | <input type="checkbox"/> Length & width of proposed buildings.  |
| <input type="checkbox"/> Building setback distances.   | <input type="checkbox"/> Height of proposed buildings.  |
| <input type="checkbox"/> All structures, lot lines & wetlands within 100 feet of the site.       | <input type="checkbox"/> Square footage of proposed buildings.  |
| <input type="checkbox"/> Location of septic tanks and drain fields.                              | <input type="checkbox"/> First floor elevation of each building.  |
| <input type="checkbox"/> Location of utility easements.  | <input type="checkbox"/> Location of abutting streets.  |
| <input type="checkbox"/> Location of all sidewalks.  | <input type="checkbox"/> Location of rights-of -way.  |
| <input type="checkbox"/> Location of all bike paths or walkways.                                 | <input type="checkbox"/> Location of service drives. Location of curb cuts.   |
| <input type="checkbox"/> Location and size of any walls, fences or other screening provisions.   | <input type="checkbox"/> Location of access easements serving the site.   |
| <input type="checkbox"/> Location of all proposed landscape including size and type of planting. | <input type="checkbox"/> Location of driveways opposite the site.   |
| <input type="checkbox"/> Location of all proposed accessory structures.                          | <input type="checkbox"/> Location of driveways within 100 feet on either side of the site.  |
| <input type="checkbox"/> Location of all light poles or fixtures including type.                 |   |
| <input type="checkbox"/> Location of all flagpoles.  |   |

- \_\_\_ Driveway width, curb radii and deceleration lane.
- \_\_\_ Location and size of all water lines.
- \_\_\_ Location and size of sanitary sewer lines.
- \_\_\_ Location of all storage sheds.
- \_\_\_ Location of all transformers.
- \_\_\_ Location of all dumpsters or trash removal areas or devices. Dumpsters must be screened.
- \_\_\_ Location of all signs.
- \_\_\_ Location of all existing and proposed utility poles.
- \_\_\_ Location of proposed parking areas & access drives.
- \_\_\_ Number of parking spaces & aisles.
- \_\_\_ Dimensions of spaces & aisles.
- \_\_\_ Location of parking blocks, landscape, timbers, etc.
- \_\_\_ Location of loading areas.
- \_\_\_ Location of parking islands.
- \_\_\_ Location of handicapped spaces & access ramps.
- \_\_\_ Type of parking lot surface.
- \_\_\_ Location of curbs.
- \_\_\_ Location & type of significant existing vegetation.
- \_\_\_ Location & type of significant existing water courses.
- \_\_\_ Location & type of significant existing water bodies.
- \_\_\_ Location & type of significant existing county or city drains & manmade surface drainage ways.
- \_\_\_ Location of 100-year floodplains.
- \_\_\_ Location of existing wetlands.
- \_\_\_ Location and size of storm drainage lines.
- \_\_\_ Location of fire hydrants.
- \_\_\_ Location of catch basins.
- \_\_\_ Vegetation which is to be retained on the site must be illustrated.
- \_\_\_ Zoning on adjacent properties.
- \_\_\_ Location & specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials.



# Subdivision Platting Application

Submit Applications to City Hall

Street Address: 114 North Kidd Street Ionia, MI 48846

Mailing Address: P.O. Box 496 Ionia, MI 48846

Ph: (616) 527-4170 Website: [www.ci.ionia.mi.us](http://www.ci.ionia.mi.us)

Date of Application: \_\_\_\_\_

Permit Fee: \$750

There are three (3) phases that the applicant must complete prior to subdivision approval, which are Tentative Preliminary Plat, Final Preliminary Plat, and Final Plat. The general procedure for each is described herein. Tentative Preliminary Plat submittal shall occur at least thirty (30) days prior to the regularly scheduled Planning Commission Meeting; Final Preliminary Plat submittal shall occur at least twenty (20) days prior to the next regularly scheduled City Council meeting; and Final Plat submittal shall occur at least twenty (20) days prior to the regularly scheduled City Council Meeting.

## Applicant Information

Applicant's Name: \_\_\_\_\_ Interest in Property: \_\_\_\_\_

Address: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Owner's Name (If different from above): \_\_\_\_\_

\*Contact information is required for the proprietor, developer, record owner, and subdivider. Please attach this information to the completed application.

## Project Information

1. Request (check all that apply):

Site Condominium       Special Land Use       Plat       PUD  
 Site Plan Review       Rezoning      Other: \_\_\_\_\_

2. Address of Property: \_\_\_\_\_

3. Parcel Number: \_\_\_\_\_

4. Legal Description: \_\_\_\_\_

\_\_\_\_\_

5. Project Description: \_\_\_\_\_

\_\_\_\_\_

6. Current Zoning: \_\_\_\_\_ Proposed Zoning: \_\_\_\_\_

7. Size of Parcel: \_\_\_\_\_

**Signatures**

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Property Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**OFFICE USE ONLY**

**Application #:** \_\_\_\_\_

\_\_\_ Fees Paid: \_\_\_\_\_

Date Advertised: \_\_\_\_\_ Date of Meeting: \_\_\_\_\_

Action Taken: \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **Subdivision of Land (Platting) Process**

### **I. Items to be Submitted**

A request for a subdivision platting shall be made to the Zoning Officer. The following information is required.

- \_\_\_ Application
- \_\_\_ Fee
- \_\_\_ 4 Copies of a Preliminary Plat Plan
- \_\_\_ 1 Electronic Copy of a Preliminary Plat Plan
- \_\_\_ Subdivision Platting Checklist

The application fees cover the cost of reviewing the preliminary plat plan, final preliminary plat plan, and final plat plan.

### **II. Meeting Dates**

The City Planning Commission meets on the second Wednesday of each month at 4:30 P.M. The City Council meets on the first Tuesday of each month at 7:00 P.M. Both the Council and Planning Commission meet in the city council chambers at the City Hall.

### **III. Application Submittal**

An application for a subdivision of land must be submitted 30 days prior to the date of the meeting at which the Planning Commission will consider the preliminary plat.

#### **I. Application Procedures**

##### **Preliminary Plat**

- 1) The subdivider must submit a written application, and at least 4 physical copies of the preliminary plat plan and 1 electronic copy to the Zoning Officer at least 30 days before a meeting of the Planning Commission. The preliminary plan must be prepared in accordance with Section 1224.02 of the City Plat Development Ordinance.
- 2) The Clerk in conjunction with the Chair of the Planning Commission, shall determine a date for a public hearing on the preliminary plat by the Commission.
- 3) Notice of the hearing shall be sent by mail to owners of properties within 300 feet of the subject property at least 15 days before the date of the public hearing.
- 4) The Planning Commission reviews the preliminary plat, and if it meets all requirements of the Ordinance, shall forward the plat to the Council. If the preliminary plat does not meet all requirements, the Planning Commission will notify the subdivider, giving the earliest date for resubmission of the plat.
- 5) The City Council, within 90 days of filing of the preliminary plat, may tentatively approve or reject the preliminary plat before it is distributed by the subdivider to other approving authorities such as the County Road Commission and Drain

Commission, County Health Department and others listed in the State of Michigan Subdivision Control Act.

Tentative preliminary approval by the Council confers upon the proprietor for a period of one year from the date of approval, the lot sizes, lot orientation and street layout.

#### **Final Preliminary Plat**

- 6) The proprietor submits the preliminary plat to the various County and State approving authorities. A list of the authorities to which the plat has been distributed must be filed with the City Clerk.
- 7) The proprietor receives approvals of the various county and state agencies and submits 4 physical copies of the final preliminary plat and 1 electronic copy to the City Clerk who transmits them to the City Council. Copies may also be sent to the City Planner and Engineer for their review.
- 8) The Council at its next regularly scheduled meeting or within 20 days of receiving the required materials, shall consider the final preliminary plat and approve, deny or modify.
- 9) Following approval of the final preliminary plat, the applicant may proceed to construction the plat.

#### **Final Plat**

- 10) Before approval of the final plat, the applicant shall complete construction of the plat or provide security as noted in Section 1228.04 of the Plat Ordinance.
- 11) In order to receive final plat approval, the applicant shall submit one complete set of as-built engineering plans to the City Clerk. The Council shall review the final plat at its next regularly scheduled meeting or within 20 days of receiving the required materials and shall approve or deny the plat.

## **Subdivision Platting Application Submittal Requirements**

The proprietor of any land proposed to be subdivided shall submit four physical copies of a preliminary plat and one electronic copy, together with supplementary documents, containing the information required by Act 288 and these Regulations, to the Zoning Administrator, who shall forward the plans to the Commission for its next meeting.

The following information shall be submitted for tentative approval of the preliminary plat. Maps shall be at a scale of not more than 100 feet to one inch.

- 
- a) The name or title of the proposed subdivision.
  - b) A legal description of the proposed plat.
  - c) The name, address and telephone number of the proprietor, developer, record owner and subdivider.
  - d) A statement of the intended use for the proposed plat and showing land intended to be dedicated or set aside for public use or for the common use of property owners in the subdivision, and stating the location, dimensions and purpose of such land.
  - e) A small scale vicinity map showing the location of the project within the City, and the name and location of abutting subdivisions.
  - f) The location, dimensions and approximate grade and radius of proposed and existing streets, alleys and highways included in the plat.
  - g) The location of all existing features affecting the subdivision, such as railroads, buildings, trees, ditches, watercourses and other physical features.
  - h) The location and size of all existing and proposed public water, sanitary sewer and storm drainage pipes, equipment, fire hydrants, catch basins and other facilities.
  - i) The location of utility and drainage easements.
  - j) If the proposed plat is contiguous to other lands owned by the applicant, a map showing the street layout and access for subsequent development.
  - k) If the proposed subdivision is not to be served by public sewer and water systems, a written statement from the Ionia County Health Department regarding the suitability of the soils for on-site septic systems.
  - l) Location and dimension of lots, radii of all curves and approximate location of all setback lines. Lot width shall be shown for each lot, at the required setback line.
  - m) When any part of the subdivision lies within or abuts a floodplain area:
    1. The floodplain, as established by the State Department of Natural Resources, shall be shown within a contour line.
    2. The contour line shall intersect the sidelines of the lots.
    3. The sidelines shall be dimensioned to the traverse line from the street line and the established floodplain (contour) line.
    4. The floodplain area shall be clearly labeled on the plat with the words "floodplain area."
  - n) Two copies of any proposed covenants and deed restrictions to be imposed upon the use of property in the subdivision or a statement in writing that none is proposed. If common areas are to be reserved for use by the residents of the subdivision, copies of an agreement indicating how the area will be maintained shall be submitted.

- o) Property lines, dimensions and building setback distances and all structures, lot lines and wetlands within 100 feet of the site.
- p) Existing and proposed topographic elevations at two-foot intervals on the site and to a distance of fifty feet outside the boundary lines of the site.
- q) The direction of storm water drainage and how storm water runoff will be handled as well as a statement describing where storm water will be ultimately discharged such as a creek, stream, lake or wetland.
- r) The location of abutting streets, rights-of-way, service drives, curb cuts and access easements serving the site, as well as driveways opposite the site and driveways within 100 feet on either side of the site. Also driveway width, curb radii and design of proposed deceleration lanes.
- s) Street lighting, if any, including the type of fixture as well as the method of shielding illumination from adjacent properties and roadways.
- t) The location and type of significant existing vegetation, watercourses and water bodies, including County drains and man-made surface drainageways, floodplains and wetlands.
- u) The location of existing and proposed slopes that are twenty percent or greater, which may be altered by the development or the construction of buildings within the development.
- v) Zoning and use of the proposed subdivision and adjacent properties.



## Zoning Variance (ZBA) Application

Submit Applications to City Hall

Street Address: 114 North Kidd Street Ionia, MI 48846

Mailing Address: P.O. Box 496 Ionia, MI 48846

Ph: (616) 527-4170 Website: [www.ci.ionia.mi.us](http://www.ci.ionia.mi.us)

Date of Application: \_\_\_\_\_

Permit Fee: \$500

This application will require action by the Zoning Board of Appeals (ZBA) and a Public Hearing. Applications must be submitted at least four weeks before the intended Zoning Board of Appeals meeting. The ZBA meets on the first Monday of the month at 6:30 P.M. following submittal of an application for a variance.

### Applicant Information

Applicant's Name: \_\_\_\_\_ Interest in Property: \_\_\_\_\_

Address: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Owner's Name (If different from above): \_\_\_\_\_

### Project Information

1. Section of Zoning Ordinance that a variance, interpretation, or appeal is being requested: \_\_\_\_\_
2. Type of Variance (check one):    \_\_\_ Sign    \_\_\_ Use    \_\_\_ Non-Use (Dimensional)
3. Description of Request: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. Address of Property: \_\_\_\_\_
5. Parcel Number: \_\_\_\_\_
6. Legal Description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. Zoning District: \_\_\_\_\_
8. Size of Parcel: \_\_\_\_\_

**Signatures**

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Property Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

<b>OFFICE USE ONLY</b>	<b>Application #:</b> _____
___ Fees Paid: _____	
Date Advertised: _____	Date of Meeting: _____
Action Taken: _____	
Comments: _____	
_____	
Signature: _____	Date: _____

## Zoning Board of Appeals Process

### I. Meeting Dates

The Zoning Board of Appeals meets on the first Monday of the month at 6:30 P.M. following submittal of an application for a variance. Meetings are held in the city council chambers at the City Hall.

### II. Processing Period

An application for a variance to the Zoning Board of Appeals usually takes 30 days to process.

### III. Application Procedures

Whenever an application for an appeal to the Zoning Board of Appeals is filed, the following steps are taken in processing the application:

- 1) An application for an appeal is submitted to the City Manager or his/her representative along with the required fee(s). The application must be signed by the owner(s) of the property for which the application has been submitted. The fee covers the cost of mailing notices to property owners and occupants of properties within 300 feet of the applicant's property, and the cost of holding a hearing.

**Applications should also be accompanied by an accurate drawing illustrating the requested variance or other appeal.**

- 2) The City Manager, in conjunction with the Chair of the Zoning Board of Appeals, sets a public hearing date.
- 3) Written notices of the request for an appeal and date of the hearing are mailed to the owners of property and/or occupants within 300 feet of the subject property, and to the applicant. This mailing list is taken from the most recent City tax roll. This notice is mailed at least 15 days before the hearing date.
- 4) A hearing on the appeal is held, at which time the applicant may appear in person or by agent or attorney. The Board also accepts comments or questions from the audience. The Board may either approve, deny or table a request. The Board may impose conditions in granting a variance request.
- 5) A copy of the Zoning Board of Appeals decision is sent to the applicant and to the City Zoning Administrator. The terms of the approved appeal are incorporated in any permit subsequently issued by the Zoning Administrator.
- 6) An appeal of the decision of the Zoning Board of Appeals may be made to the Circuit Court of Ionia County as provided for by State of Michigan law. An appeal cannot be filed with the City Council or Planning Commission.
- 7) The activity authorized by the appeal must be underway within one year of the date granted by the Board or the variance will no longer be valid.

#### **IV. Criteria for Granting a Variance or Other Appeal**

The Zoning Board of Appeals treats each variance request individually and approves or denies each variance request on its own merits.

**In order for the Board of Appeals to grant a variance, the applicant must demonstrate to the Board that he/she meets all of the following standards provided in Section 1244.05 of the City Zoning Ordinance.**

#### **Section 1244.05(b) - Standards for Variance Approval**

The To authorize a variance from the strict application of the provisions of this Chapter, the Zoning Board of Appeals must find that “where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this Chapter or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property.”

The Board shall also find that “such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Chapter.”

In granting a variance, the Board may attach conditions regarding the location, character and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this Chapter.

#### **Section 1244.05(c)(8) - General Standards for All Appeals to Zoning Board of Appeals**

In consideration of all appeals and all proposed variations to this Chapter, the Board shall first determine that the proposed variation will not:

- a) Impair an adequate supply of light and air to adjacent property.
- b) Unreasonably increase the congestion in public streets.
- c) Increase danger of fire or endanger public safety,
- d) Unreasonably diminish or impair established property values within surrounding area.
- e) Impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Ionia.

## Sign Variance Standards

Each variance request is reviewed individually and approved or denied based on its own merits. Sign variance requests are reviewed according to the standards contained in Section 1234.18(c) of the City Code.

The applicant shall read the standards, listed below, and provide responses to each standard as to how the request meets the standard. The Board shall only grant a variance from the provisions of the ordinance when it finds based on the evidence presented to it that all of the following standards have been met.

**Standard 1**

*There are practical difficulties or unnecessary hardships that will exist if the variance is not granted. The appellant must demonstrate that the alleged practical difficulty or hardship, or both, are exceptional and peculiar to the appellant's situation and result from conditions which do not generally exist throughout the City.*

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**Standard 2**

*The fact that other larger signs constructed under prior sign ordinances exist in the area shall not be sufficient reason to declare practical difficulty or unnecessary hardship.*

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**Standard 3**

*The practical difficulty or hardship is not self-created.*

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**Standard 4**

*The terms "practical difficulties" and "hardships" shall relate to the use of a particular parcel of land. "Practical difficulty" or "hardship" shall not be deemed solely economic, such as the cost of the sign, the size of the sign, or the fact that the sign has already been constructed. The fact that the sign is only available in a standardized size and/or material (example: franchised business signs) shall not constitute a "practical difficulty" or "hardship."*

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**Standard 5**

*The practical difficulty or hardship which is alleged to result from a failure to grant the variance must include substantially more than mere inconvenience or the mere inability to attain a higher financial return.*

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**Standard 6**

*It must be demonstrated by the appellant that granting the variance will result in substantial justice being done, while consideration is given to the impacts on the public health, safety and welfare.*

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**Standard 6**

*It must be demonstrated by the appellant that granting the variance will result in substantial justice being done, while consideration is given to the impacts on the public health, safety and welfare.*

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## Use Variance Standards

Prior to the ZBA hearing on a request for a Use Variance, the Planning Commission shall consider such request and forward a report to the ZBA. The Planning Commission shall consider the Master Plan, ability of the property owner to use the property for a use already permitted under the existing zoning classification, the effect of the request on the essential character of the neighborhood, and other such factors that the Planning Commission shall deem relevant.

The applicant shall read the standards, listed below, and provide responses to each standard as to how the request meets the standard. The ZBA may only grant a use variance in cases where there is reasonable evidence of unnecessary hardship in the official record of the hearing. Unnecessary hardship may be found if all of the following standards are met:

### **Standard 1**

*That the building, structure, or land cannot be reasonably used for any of the uses permitted by right or special approval in the zone district in which it is located.*

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### **Standard 2**

*That the condition or situation of the specific piece of property or the intended use of such property for which the variance is sought is not so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations. Unique circumstances include: exceptional narrowness or shape of a specific property on the effective date of this chapter, or by reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure or by reason of the use or development of the property immediately adjoining the property in question, the literal enforcement of the requirements of this chapter would cause unnecessary hardship.*

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### **Standard 3**

*That the proposed use would not alter the essential character of the neighborhood.*

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**Non-Use (Dimensional) Variance Standards**

The applicant shall read the standards, listed below, and provide responses to each standard as to how the request meets the standard. The ZBA may only grant a non-use variance in cases where there is reasonable evidence of practical difficulty in the official record of the hearing. Practical difficulty may be found when all of the following standards have been met:

**Standard 1**

*That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district.*

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**Standard 2**

*That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent nature as to make reasonably practical the formulation of a general regulation for such conditions or situations. Unique circumstances include: exceptional narrowness, shallowness, or shape of a specific property on the effective date of this chapter, or by reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure or by reason of the use or development of the property immediately adjoining the property in question, the literal enforcement of the requirements of this chapter would involve practical difficulties.*

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**Standard 3**

*That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.*

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**Standard 4**

*The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.*

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**Standard 5**

*The variance will not impair the intent and purpose of this ordinance.*

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**Standard 6**

*That the immediate practical difficulty causing the need for the variance request was not created by action of the applicant.*

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## Rezoning Application

Submit Applications to City Hall

Street Address: 114 North Kidd Street Ionia, MI 48846

Mailing Address: P.O. Box 496 Ionia, MI 48846

Ph: (616) 527-4170 Website: [www.ci.ionia.mi.us](http://www.ci.ionia.mi.us)

Date of Application: \_\_\_\_\_

Permit Fee: \$750

This application will require action by the Planning Commission and City Council consisting of a project site plan review and two Public Hearings. Applications must be submitted at least four weeks before the intended Planning Commission meeting.

A copy of a fully dimensioned map at a scale of not less than 1" = 100' should be submitted with the application. Such map should identify the land proposed for rezoning, the existing zoning classification, and use of all land within a three hundred (300) feet of the subject parcels. Further, such map shall indicate all public and private right-of-way easements bounding and intersecting the land in question. Also include with the application a completed rezoning questionnaire.

### Applicant Information

Applicant's Name: \_\_\_\_\_ Interest in Property: \_\_\_\_\_

Address: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Owner's Name (If different from above): \_\_\_\_\_

### Project Information

1. Request (check all that apply):

Site Condominium       Special Land Use       Plat       PUD

Site Plan Review       Rezoning      Other: \_\_\_\_\_

2. Address of Property: \_\_\_\_\_

3. Parcel Number(s): \_\_\_\_\_

4. Legal Description: \_\_\_\_\_

\_\_\_\_\_

5. Project Description: \_\_\_\_\_

\_\_\_\_\_

6. Current Zoning: \_\_\_\_\_ Proposed Zoning: \_\_\_\_\_

7. Size of Parcel: \_\_\_\_\_

**Signatures**

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Property Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**OFFICE USE ONLY**

**Application #:** \_\_\_\_\_

\_\_\_ Fees Paid: \_\_\_\_\_

Date(s) Advertised: \_\_\_\_\_ (PC) \_\_\_\_\_ (Council)

Date of Meeting: \_\_\_\_\_ (PC) \_\_\_\_\_ (Council)

Action Taken: \_\_\_\_\_ (PC) \_\_\_\_\_ (Council)

Comments: \_\_\_\_\_

\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Procedures for Rezoning of Property

### I. Items to be Submitted

A request to rezone property must be submitted to the City Zoning Administrator. The following material is required.

- \_\_\_ Application
- \_\_\_ Fee
- \_\_\_ Rezoning Questionnaire

The application fee covers the cost of advertising the rezoning, mailing notices to property owners and/or occupants of properties within 300 feet of the applicant's property, and holding a public hearing. The escrow fee covers the cost of the services provided by professional consultants retained by the City to assist in analyzing the rezoning request.

### II. Meeting Dates

The City Planning Commission meets on the second Wednesday of each month at 4:30 P.M. The City Council meets on the first Tuesday of each month at 7:00 P.M. Both the Council and Planning Commission meet in the city council chambers at the City Hall.

### III. Processing Period

A rezoning application usually takes about 90 to 120 days to process.

### IV. Application Procedures

Whenever an application is filed to rezone a property the following steps are followed in processing the application.

- 1) An application for a rezoning is submitted to the City Zoning Administrator or his/her representative along with the required fee(s). The application must be signed by the owner(s) of the property for which the application has been submitted.
- 2) Upon receipt of the rezoning application and fee, the Zoning Administrator sets a public hearing date in conjunction with the chair of the Planning Commission.
- 3) Notice of this public hearing is then published in a newspaper of local circulation and notices are sent to occupants and property owners within 300 feet of the boundaries of the property to be rezoned in the following manner:

**Newspaper:** This notice, required by State of Michigan law, must be published not less than 15 days before the hearing in a paper of general circulation within the City.

**Mailing Notice:** A notice must be mailed to all property owners and occupants of dwellings within 300 feet of the boundaries of the property to be rezoned. This mailing list is taken from the most recent City assessment

roll. The owner of the property to be rezoned is also notified by mail of the hearing.

The notice is sent not less than 15 days before the public hearing date.

An affidavit of this mailing is made and kept in the City files. A notice is also sent to any utility or railroad that registers its name with the City for purposes of receiving such notice.

In cases where property within 300 feet of the site to be rezoned is within another municipality, the Zoning Administrator will obtain a list of those property owners and occupants in the adjoining municipality which are within 300 feet of the site to be rezoned and mail them a notice.

- 4) A report analyzing the rezoning may be prepared by the City Planner for the Planning Commission.
- 5) The public hearing is held by the Planning Commission. The applicant and others in attendance are provided an opportunity to speak on the rezoning. Following the public hearing, the Planning Commission will vote to approve or deny the rezoning. **This vote is a recommendation to the City Council.**
- 6) The recommendation of the City Planning Commission is considered by the Council at the next regular Council meeting along with the written record from the public hearing. **The Council makes the final decision on these requests and may vote to approve or deny the rezoning.**
- 7) The applicant is notified in writing of the final disposition of the rezoning.
- 8) If the rezoning request is approved, the ordinance or summary of the ordinance is published in a local newspaper within 15 days of adoption. The rezoning request is effective upon publication. Following a rezoning, the Zoning Administrator shall arrange to make the appropriate change to the Official Zoning Map.

## Rezoning Questionnaire

The following rezoning questionnaire is required as part of the application. Please answer all questions and identify why the requested rezoning meets all necessary standards.

**The reasons why the current zoning of this property should be changed.**

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The changed zoning designation of the land remains with the land, and does not revert back to another zoning designation when the property sells. Therefore, once a parcel is zoned to a particular classification, the zoning is permanent unless changed by a subsequent rezoning action. Zoning cannot be conditional. That is, a parcel cannot be rezoned for one specific use, and to prohibit other certain uses. Any use permitted within the zoning district is permitted on the property, provided the other applicable regulations of the Zoning Ordinance (lot size, setbacks, etc.) are met. Please state how this rezoning request meets the following standards.

**Standard 1**

**Consistency:** *Is the proposed zoning and all of its permitted uses consistent with the recommendations of the City Master Plan?*

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**Standard 2**

**Compatibility:** *Is the proposed district and all of its allowed uses compatible with the surrounding area?*

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**Standard 3**

**Capability:** *Is the property capable of being used for a use permitted within the existing zoning district?*

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**Standard 4**

**Other Considerations:** *Will the rezoning require an inordinate expenditure of public funds (road improvements, utility extensions, etc.) to make the development feasible?*

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*What, if any, identifiable conditions related to the property have changed which justify approval of the rezoning request?*

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*Is there sufficient vacant land already zoned in the proposed zoning category?*

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# Site Condominium & Site Plan Review Application

Submit Applications to City Hall

Street Address: 114 North Kidd Street Ionia, MI 48846

Mailing Address: P.O. Box 496 Ionia, MI 48846

Ph: (616) 527-4170 Website: [www.ci.ionia.mi.us](http://www.ci.ionia.mi.us)

Date of Application: \_\_\_\_\_

Permit Fee: \$1,250\*

This application will require action by the Planning Commission and City Council consisting of a preliminary and final site condominium plan review and Public Hearing. Applications must be submitted at least four weeks before the intended Planning Commission meeting. Maps provided as part of the site condominium review shall be at a scale of not more than 100 feet to one inch.

## Applicant Information

Applicant's Name: \_\_\_\_\_ Interest in Property: \_\_\_\_\_

Address: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Owner's Name (If different from above): \_\_\_\_\_

## Project Information

1. Request (check all that apply):

Site Condominium       Special Land Use       Plat       PUD  
 Site Plan Review       Rezoning      Other: \_\_\_\_\_

2. Address of Property: \_\_\_\_\_

3. Parcel Number(s): \_\_\_\_\_

4. Legal Description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Project Description: \_\_\_\_\_  
\_\_\_\_\_

6. Current Zoning: \_\_\_\_\_ Proposed Zoning: \_\_\_\_\_

7. Size of Parcel: \_\_\_\_\_

(\*Fee includes \$750 for Site Condominium Plan (Division of Property) and \$500 for Site Plan Review.)

**Signatures**

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Property Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**OFFICE USE ONLY**

**Application #:** \_\_\_\_\_

\_\_\_ Fees Paid: \_\_\_\_\_

Date(s) Advertised: \_\_\_\_\_ (PC) \_\_\_\_\_ (Council)

Date of Meeting: \_\_\_\_\_ (PC) \_\_\_\_\_ (Council)

Action Taken: \_\_\_\_\_ (PC) \_\_\_\_\_ (Council)

Comments: \_\_\_\_\_

\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Site Condominium Process

### I. Items to be Submitted

A request for a site condominium shall be made to the Zoning Officer. The following information is required.

- \_\_\_ Application
- \_\_\_ Fee
- \_\_\_ 4 Copies of a Preliminary Plan
- \_\_\_ 1 Electronic Copy of a Preliminary Plan

The application fees cover the cost of reviewing the preliminary and final site condominium plan.

### II. Meeting Dates

The City Planning Commission meets on the second Wednesday of each month at 4:30 P.M. The City Council meets on the first Tuesday of each month at 7:00 P.M. Both the Council and Planning Commission meet in the city council chambers at the City Hall.

### III. Application Submittal

An application for preliminary site condominium plan approval must be submitted at least four weeks prior to the meeting at which the Planning Commission considers the application.

### IV. Application Procedures

- 1) The sub-divider must submit a written application and at least 4 physical copies of the preliminary plan and 1 electronic copy to the Zoning Officer at least four weeks before a meeting of the Planning Commission. The preliminary plan must be prepared in accordance with Section 1272.05 of the City Zoning Ordinance and Section 1228.01 of the City Plat Development Ordinance.
- 2) The Clerk in conjunction with the Chair of the Planning Commission, shall determine a date for consideration of the preliminary plan by the Commission.
- 3) Notice of the hearing shall be sent by mail to owners of properties within 300 feet of the subject property at least 10 days before the date of the public hearing.
- 4) The Planning Commission reviews the preliminary plan in accordance with the requirements of Section 1272.05 of the City Zoning Ordinance and if it meets all requirements, shall forward the plan to the City Council with its recommendation. If the preliminary plan does not meet all requirements, the Planning Commission will notify the subdivider, giving the earliest date for resubmission of the plan.
- 5) The applicant shall revise the preliminary site condo plan and submit 4 physical copies of the final site condominium plan and 1 electronic copy to the Zoning Officer for review by the City Council.
- 6) The Council may approve, deny or approve with conditions the final plan in accordance with the standards of the Site Condominium Ordinance and the City's

Plat Development Ordinance. The Council may require a cash deposit, certified check or irrevocable letter of credit acceptable to the Council covering the estimated cost of the proposed improvements.

- 7) Following approval of the final site condominium plan, the plan must be signed by the City Clerk and Mayor.
- 8) The applicant may proceed to construct the site condominium provided all conditions imposed by the Council have been complied with and all approvals have been obtained from the City Engineer and other applicable government agencies.
- 9) A copy of the site condominium Master Deed shall be provided to the City Clerk within 10 days of recording this document with the County Register of Deeds.

### **Site Condominium Application Submittal Requirements**

A site condominium plan shall contain the following information as required in Chapter 1232 and sections 1224.02 and 1272.05 of the City of Ionia City Code of Ordinances.

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#### **1232.02 Lots**

- a) All lots shall face upon, and have direct access to, a public or private street.
- b) The side lines of lots shall be approximately at right angles or radial to the street upon which the lots face.
- c) All lots shall conform to the requirements of the Zoning Code for the zone in which the plat is located.
- d) Corner lots for residential use shall have the minimum required frontage on both streets adjacent to the lot.
- e) The depth of a lot shall not exceed four times the width. The depth of a lot shall be measured along a horizontal line located midway between the side lot lines and connected to the front and rear lines, or the two front lines of a through lot. The width of the lot shall be measured between the side lot lines parallel to the front lot line at the minimum required front setback line.
- f) Corner lots shall have sufficient extra width so as to permit appropriate building setback from both streets or orientation to both streets.

#### **1232.03 Street Lighting**

- a) Street lights may be required to be provided in accordance with the City of Ionia specifications.

#### **1232.04 Street Trees**

Trees shall be required to be planted by the proprietor in the area between the sidewalk and curb for each platted lot. The Planning Commission and Council may approve alternatives to this, such as requiring the tree to be planted prior to occupancy of a house in order to ensure proper maintenance of the tree. All trees shall be deciduous with a minimum caliper of two inches.

### **1232.05 Sidewalks**

Sidewalks shall be installed for all lots prior to building or dwelling occupancy in accordance with the City of Ionia specifications.

### **1232.06 Natural Features**

The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of these Subdivision Regulations.

### **1224.02 Plat; Required Information**

The following information shall be submitted for tentative approval of the preliminary plat. Maps shall be at a scale of not more than 100 feet to one inch.

- a) The name or title of the proposed subdivision.
- b) A legal description of the proposed plat.
- c) The name, address and telephone number of the proprietor, developer, record owner and subdivider.
- d) A statement of the intended use for the proposed plat and showing land intended to be dedicated or set aside for public use or for the common use of property owners in the subdivision, and stating the location, dimensions and purpose of such land.
- e) A small scale vicinity map showing the location of the project within the City, and the name and location of abutting subdivisions.
- f) The location, dimensions and approximate grade and radius of proposed and existing streets, alleys and highways included in the plat.
- g) The location of all existing features affecting the subdivision, such as railroads, buildings, trees, ditches, watercourses and other physical features.
- h) The location and size of all existing and proposed public water, sanitary sewer and storm drainage pipes, equipment, fire hydrants, catch basins and other facilities.
- i) The location of utility and drainage easements.
- j) If the proposed plat is contiguous to other lands owned by the applicant, a map showing the street layout and access for subsequent development.
- k) If the proposed subdivision is not to be served by public sewer and water systems, a written statement from the Ionia County Health Department regarding the suitability of the soils for on-site septic systems.
- l) Location and dimension of lots, radii of all curves and approximate location of all setback lines. Lot width shall be shown for each lot, at the required setback line.
- m) When any part of the subdivision lies within or abuts a floodplain area:
  1. The floodplain, as established by the State Department of Natural Resources, shall be shown within a contour line.
  2. The contour line shall intersect the sidelines of the lots.
  3. The sidelines shall be dimensioned to the traverse line from the street line and the established floodplain (contour) line.
  4. The floodplain area shall be clearly labeled on the plat with the words "floodplain area."

- n) Two copies of any proposed covenants and deed restrictions to be imposed upon the use of property in the subdivision or a statement in writing that none is proposed. If common areas are to be reserved for use by the residents of the subdivision, copies of an agreement indicating how the area will be maintained shall be submitted.
- o) Property lines, dimensions and building setback distances and all structures, lot lines and wetlands within 100 feet of the site.
- p) Existing and proposed topographic elevations at two-foot intervals on the site and to a distance of fifty feet outside the boundary lines of the site.
- q) The direction of storm water drainage and how storm water runoff will be handled as well as a statement describing where storm water will be ultimately discharged such as a creek, stream, lake or wetland.
- r) The location of abutting streets, rights-of-way, service drives, curb cuts and access easements serving the site, as well as driveways opposite the site and driveways within 100 feet on either side of the site. Also driveway width, curb radii and design of proposed deceleration lanes.
- s) Street lighting, if any, including the type of fixture as well as the method of shielding illumination from adjacent properties and roadways.
- t) The location and type of significant existing vegetation, watercourses and water bodies, including County drains and man-made surface drainageways, floodplains and wetlands.
- u) The location of existing and proposed slopes which are twenty percent or greater, which may be altered by the development or the construction of buildings within the development.
- v) Zoning and use of the proposed subdivision and adjacent properties.

**1272.05 (d) Review of Preliminary Plans by the Planning**

1. The site condominium shall be constructed in accordance with [Chapter 1232](#) of the Subdivision Regulations.
2. A condominium project plan shall include the documents and information required by Section 66 of the Condominium Act (M.C.L. 559.166; M.S.A. 26.50(16)), including the signature and seal of the architect, land surveyor, or engineer who prepares the plan.
3. A statement describing the proposed method of providing potable water supply, waste disposal facilities and public and private utilities, and a statement from the District County Health Department indicating the suitability of the land for the operation of septic tanks, if proposed, shall be included.
4. All private streets in a site condominium shall comply with the standards for City public street construction.
5. The location of any and all general and limited common elements, as well as the use and occupancy restrictions and maintenance provisions for all general and limited common elements that will be included in the Master Deed, shall be included.
6. A storm drainage and a storm water management plan, including all lines, swales, drains, basins, and other facilities and easements granted to the appropriate municipality for installation, repair and maintenance of all drainage facilities, shall be included. Joint application for stormwater management shall be made with the Ionia County Drain Commissioner.

7. In its review of a site condominium project plan, the Planning Commission may consult with the City Manager, City Planner, City Engineer, or other appropriate persons regarding the adequacy of the proposed common elements and maintenance provisions, use and occupancy restrictions, utility systems and streets, project layout and design, or other aspects of the proposed project.
8. The Planning Commission shall require that portions of the plan as relevant to the reviewing authority in question be submitted to the District Health Department, County Road Commission, County Drain Commission, Michigan Department of Natural Resources, Michigan Department of Public Health, Michigan Department of Environmental Quality and other appropriate State and County review and enforcement agencies having direct approval or permitting authority over any aspect of the proposed site condominium project.
9. The building site for each site condominium unit shall comply with all applicable provisions of this Zoning Code for the zoning district in which it will be located, including minimum lot area, minimum lot width, required front, side and rear yards, and maximum building height. For example, the area and width of the building site shall be used to determine compliance with the minimum lot area and lot width requirements. Compliance with required front, side or rear yards shall be determined by measuring the distance from the equivalent front, side, or rear yard boundaries of the building site closest respective front, side or rear boundary of the building envelope. Building setback lines showing dimensions from all streets and lot lines shall be illustrated on the project plan.
10. If a site condominium project is proposed to have public streets, the streets shall be paved and developed to the minimum design, construction, inspection, approval and maintenance requirements for platted public streets as required by the City.
11. The site condominium project shall be connected to the City water and sanitary sewer facilities in accordance with the City of Ionia Municipal Standards Ordinance.
12. The names of abutting developments, if any, shall be included.
13. A map of the entire area scheduled for development, if the proposed project is a portion of a larger holding intended for subsequent development, shall be included.
14. The land use and existing zoning of the proposed project shall be included. Zoning and land use on adjacent parcels should also be illustrated.
15. A table listing the proposed lots by number, and the respective lot area for each lot, shall be included.
16. Additional information which will assist the applicant in proceeding in a reasonable and sound manner toward final approval of the project shall be included.

## Sidewalk Maintenance and Construction Policy

### I. PURPOSE

The purpose of this policy is to provide guidance and direction for the maintenance, replacement and construction of the City's sidewalk and pedestrian trail system. The policy is intended to act as a companion document to Chapter 204 of the City's Codified Ordinances entitled Municipal Standards and Chapter 1022 of the City's Codified Ordinances entitled Sidewalks.

### II. SIDEWALKS

- A. All sidewalks in the City shall be maintained, replaced and constructed in accordance with the provisions contained in Chapter 1022 and such other standards issued by the City.
- B. Annual Inspection. It shall be the duty of the Community Development Director or his or her designee to inspect the sidewalks in one-quarter of the City on an annual basis. For the purposes of this policy the City is divided into the following quadrants:
  - 1. Quadrant 1 consists of that area of the City that is located south east of the intersection of Lincoln Avenue and Union Street.
  - 2. Quadrant 2 consists of that area of the City that is located north east of the intersection of Lincoln Avenue and Union Street.
  - 3. Quadrant 3 consists of that area of the City that is located south west of the intersection of Lincoln Avenue and Union Street.
  - 4. Quadrant 4 consists of that area of the City that is located north west of the intersection of Lincoln Avenue and Union Street.

**April of Each Year:** During the month of April each year or as weather and time permit, the Community Developer Director shall inspect the condition of the sidewalk in the quadrant of the City identified for inspection during that particular year. Upon completing the inspection, the Community Director shall report the results of his or her inspection to the City Manager. The report shall contain the street address of each location where sidewalk maintenance work is required, the nature of the maintenance needed and the width and lineal feet of sidewalk needing maintenance, the thickness of the sidewalk (i.e., driveway or non-driveway sidewalk). The Community Development Director shall denote the sections of sidewalk requiring maintenance by spray painting the deficient sections with pink spray paint.

**May of Each Year:** Upon receiving the recommendations of the Community Development Director, the City Manager shall report the same to the City Council and request that the City Council, by Resolution, order the owners of the properties contiguous to the public

sidewalk to complete the necessary maintenance work and establish the financial level of City participation in the completion of the work, and the ability to make installments in the event that the cost of repairs exceeds a certain dollar amount. Consistent with Chapter 1022, the Resolution shall require the property owner to complete said repair work within 30 days of the date of the Resolution. The City Manager shall serve each property owner with a copy of the Resolution and a letter containing details associated with the repair work to be completed. Such notice shall be served by first class mail.

**Late June of Each Year:** Upon the expiration of the 30-day repair period, the Community Development Director shall reinspect each location where repair work is to be completed to determine if the repair has been completed. The Community Development Director shall submit a report to the City Manager identifying all locations where work has not been completed. These locations shall be included in the request for bid quantities that the City shall prepare in order to engage the services of a qualified contractor to complete the work.

**August of Each Year:** The City Manager shall place before the City Council at the August Council meeting a report that recommends the engagement of a contractor to complete the sidewalk work. Upon the City Council acting on the recommendation, the City Manager shall issue a Notice to Proceed, a preconstruction meeting shall be held and the contractor shall begin work.

**August/September of Each Year:** Bills are sent to the owners of the properties where the sidewalk work was completed requiring payment within 30 days. All bills that are not collected by November 1st shall be placed on the Winter property tax bill for collection unless the property owner is able to take advantage of the installment payment plan approved by the City Council in the Resolution adopted at the May Council meeting.

### III. **STANDARDS OF CONDITION**

In order to ensure that sidewalks are maintained in a condition that is reasonably safe and fit for public travel, standards of condition have been established for determining the need for repair. Below is a listing of the criteria used to determine condition:

1. **Difference in Elevation:** An elevation difference between sidewalk squares of 1 ½" or greater.
2. **Cracks:** A crack that is ½" or wider in width and 24" or longer in length or a crack that is ¾" or wider in width of any length.
3. **Surface Spalling:** A chipping away or crumbling of the sidewalk surface in excess of 2 square feet per sidewalk square and an average of ½" deep.
4. **Multiple Cracks:** A sidewalk square containing multiple cracks of any width, length and/or depth.

5. **Other:** Any other form or type of sidewalk deterioration that, in the opinion of the Community Development Director, may be a safety hazard.

#### **IV. HANDICAP ACCESSIBILITY**

The sidewalks on most streets in the City meet the minimum standards for handicap accessibility. As street reconstruction work is completed, efforts will be made to bring any non-compliant sidewalks into compliance with the accessibility standards.

Based on terrain, the following locations cannot be made handicap accessible:

1. West Washington Street at Yeomans Street
2. Lincoln Avenue at Townsend Street
3. Townsend Street at Lytle Street
4. Pleasant Street at High Street
5. Dye Street at Washington Street
6. King Street at Chapman Street
7. Bliss Street
8. East Main Street in the 550 East Main Street Area

If intersections are not handicap accessible and this results in disabled residents in the referenced neighborhood being limited in travel, the City shall provide free transportation through Dial-A-Ride. Transportation shall be made from one point to another and must include the area that is not accessible.

#### **V. SIDEWALK NETWORK EXTENSION**

Prior to finalizing plans that involve the total reconstruction of a street that may be entirely or partially void of sidewalks or a continuous sidewalk system, staff shall consult with the Planning Commission regarding a recommendation as to whether a sidewalk should be constructed or network expanded. The recommendation shall be provided to the City Council who shall act on the recommendation prior to construction plans being finalized.

#### **VI. PEDESTRIAN TRAILS**

The City maintains a series of pedestrian pathways and trails throughout the City. The Department of Public Works shall be charged with performing routine maintenance on the trail system, which includes periodic sweeping, removal of encroaching brush, trees and grass. Snow may be periodically removed from the trail system upon the determination of the Public Works Director that the Department has adequate staffing and financial resources to complete the work.

The Department of Public Works is also responsible for performing other periodic maintenance functions such as asphalt repair to the trail system and sealing the wood surfaces on the pedestrian bridges. The superstructure of the trail system bridges shall be inspected by a qualified engineering firm from time to time.

## **VII. FALLS AND INJURY**

Per Chapter 1022 of the City's Codified Ordinances, the owner of property located adjacent to or abutting a public sidewalk is responsible for properly maintaining the sidewalk and keeping the sidewalk in a good state of repair. The City is responsible for the condition of the sidewalks that abut or are adjacent to City owned properties.

When a person falls or is otherwise injured on a sidewalk or trail and the City is given notice, the following shall occur:

1. Photographs of the area where the fall occurred shall be taken by the Community Development Director and filed.
2. A report shall be created with the name of the individual, location of fall, injuries reported, time, date, and other pertinent information.
3. In cases where the fall is caused by a defect in the sidewalk or trail, the defected area shall be barricaded or otherwise secured to prevent others from being injured.
4. If the injury occurs at a location where the abutting or adjacent property owner is responsible for the condition of the sidewalk, the Community Development Director shall serve notice to the property owner, directing that the sidewalk defect be remedied within 14 days of the notice. Failure of the property owner to remedy the problem shall result in the City correcting the problem and the property owner being charged for the repair work.

If the injury occurs at a location where the City is responsible for the condition of the sidewalk, the Community Development Director shall direct the Department of Public Works to make the repair as soon as possible. The Community Development Director shall also forward information regarding the injury to the City's insurer. In no instance shall any City staff member indicate to the injured party that the City or the City's insurer will provide any compensation whatsoever to the injured.

## **Economic Opportunities Policy for Section 3 Covered Contracts**

### **I. PURPOSE**

Section 3 of the Housing and Urban Development Act of 1968, as amended, (12 U.S.C. 1701u) ("Section 3") requires that economic opportunities generated by certain U.S. Department of Housing and Urban Development (HUD) financial assistance for housing and community development programs be directed to low- and very low-income persons. The priority of assistance should be to those who are recipients of government assistance for housing and business concerns which provide economic opportunities to low- and very low-income persons.

The Section 3 program was created to ensure that persons living in communities where HUD-assisted programs were being funded could economically benefit from the resources being spent. This would improve the overall socioeconomic condition of not only the community, but also the low- and very low-income residents that reside within the neighborhoods. The implementing regulation for Section 3 can be found at [24 CFR Part 75](#).

### **II. GENERAL POLICY STATEMENT**

On behalf of the Michigan Strategic Fund (MSF), the Michigan Economic Development Corporation (MEDC) CDBG Program shall comply with Section 3 requirements set forth at 24 CFR 75 of the federal regulation which states that, to the greatest extent possible, businesses and employers working on HUD-funded projects must make a good faith effort to train and employ low-income individuals living in the local area and also to contract with businesses owned by or that employ Section 3 workers.

It is the policy of the CDBG Program that all Units of General Local Governments (UGLGs/Grantees/Recipients) are required to make good faith efforts to provide "to the greatest extent feasible" opportunities to Section 3 area workers and Section 3 business concerns.

Failure to comply with the requirements of Section 3 may result in a monitoring finding or sanctions that may include, debarment, suspension of funds or limited denial of participation in the MEDC CDBG programs.

This policy is applicable to the City of Ionia as it relates to grants received from the MEDC CDBG Program.

### **III. DEFINITIONS**

The City of Ionia incorporates into this policy the definitions contained in § 75.5 of 24 CFR Part 75.

#### **IV. 24 CFR PART 75.19 REQUIREMENTS**

(a) *Employment and training.*

- (1) To the greatest extent feasible, and consistent with existing Federal, state, and local laws and regulations, the City of Ionia (grantee, recipient) covered by this subpart shall ensure that employment and training opportunities arising in connection with Section 3 projects are provided to Section 3 workers within the metropolitan area (or nonmetropolitan county) in which the project is located.
- (2) Where feasible, priority for opportunities and training described in paragraph (a)(1) of this section should be given to:
  - (i) Section 3 workers residing within the service area or the neighborhood of the project, and
  - (ii) Participants in YouthBuild programs.

(b) *Contracting.*

- (1) To the greatest extent feasible, and consistent with existing Federal, state, and local laws and regulations, the recipient covered by this subpart shall ensure contracts for work awarded in connection with Section 3 projects are provided to business concerns that provide economic opportunities to Section 3 workers residing within the metropolitan area (or nonmetropolitan county) in which the project is located.
- (2) To include the Section 3 Contractors Packet (Form 4-T) and required Section 3 language in all construction contracts.
- (3) Where feasible, priority for contracting opportunities described in paragraph (b)(1) of this section should be given to:
  - (i) Section 3 business concerns that provide economic opportunities to Section 3 workers residing within the service area or the neighborhood of the project, and
  - (ii) YouthBuild programs.

#### **V. APPLICABILITY OF SECTION 3 REQUIREMENTS TO INDIVIDUAL PROJECTS**

Whenever any portion of CDBG funding is invested into projects involving housing construction, demolition or rehabilitation, commercial/private improvements for economic development, or other public construction (e.g., roads, sewers, community centers, and public facilities), the requirements of Section 3 may apply, based on the guidance provided below.

#### **Section 3 requirements that apply to CDBG funded Projects**

In conjunction with construction activity, Section 3 applies to projects that receive \$200,000 or more in CDBG assistance, including projects that are financed in conjunction with state, local, or private matching or leveraged funds, provided that the Section 3 monetary threshold requirements are met. In particular:

- Section 3 applies to recipients of CDBG funding, as well as its sub-recipients, contractors and subcontractors; and
- Professional service contract labor hours (construction contract oversight, engineering, architectural, environmental and property evaluation, construction progress and construction draw inspection, and prevailing wage labor compliance) are not required to be reported. If a contract covers both professional services and other work and the recipient, contractor, or sub-contractor chooses not to report labor hours from professional services, the labor hours under the contract that are not from professional services must still be reported.
- Section 3 requirements do not apply to material supply contracts. The regulations should not be construed to mean that recipients are required to hire Section 3 Workers or award contracts to Section 3 Business Concerns other than what is needed to complete covered projects and activities. If the expenditure of funding for an otherwise covered project and activity does not result in new employment, contracting, or training opportunities, reporting is still required.

### **Section 3 Goals**

Contractors and sub-contractors will be required, to the greatest extent feasible, meet the Section 3 HUD benchmarks.

1. 25% or more of the total number of labor hours worked by all workers on a Section 3 project are Section 3 workers;  $\text{Section 3 Worker Labor Hours} \div \text{Total Labor Hours} = 25\%$

**AND**

2. 5% or more of the total number of labor hours worked by all workers on a Section 3 project are Targeted Section 3 workers;

$\text{Targeted Section 3 Labor Hours} \div \text{Total Labor Hours} = 5\%$

#### **Additional Reporting if Section 3 Benchmarks are not met:**

If the City of Ionia's reporting indicates the Section 3 benchmarks have not been met, the City of Ionia must report on the nature of activities pursued in the absence of not meeting Section 3 benchmarks.

### Section 3 Worker

A Section 3 worker is any worker who currently fits, or when hired within the past five years fit, at least one of the following categories, as documented:

1. The worker's income for the previous or annualized calendar year is below the income limit established by HUD
2. The worker is employed by a Section 3 business concern
3. The worker is a YouthBuild participant.

### Targeted Section 3 Worker

A Targeted Section 3 worker: any worker who currently fits, or when hired within the past five years fit, at least one of the following categories, as documented

1. A worker employed by a Section 3 business concern; or
2. Currently fits or when hired fit at least one of the following categories, as documented within the past five years:
  - (i) Low- or very low-income workers residing within a one-mile radius of the Section 3 project. If fewer than 5,000 people live within that one-mile radius, the circle may be expanded outward until that population is reached or the neighborhood of the project, as defined; or
  - (ii) A YouthBuild participant.



The status of workers on the Section 3 project will be determined by one of the following methods:

1. **Worker income self-certification.** The use of certification forms provided to contractors and subcontractors working on the project. Each worker on the

project must complete the provided certification form to be kept in the grant record for reference when tracking and aggregating labor hours worked.

- a. Section 3 Worker and Targeted Section 3 Worker Certification (Form 9-L)
2. **Worker is employed by a Section 3 Business Concern.** The contractor or subcontractor is able to provide documentation that it qualifies as a Section 3 Business Concern. All employees of a qualifying business will be considered Section 3 workers.
3. **Worker is a Youthbuild participant.** Verifiable documentation must be provided by the worker or the employer showing the worker is participating in a Youthbuild program.
4. **Employer wage record.** The employer is able to provide certified documentation that the worker's income from that employer is below the income limit for the corresponding family size when based on an employer's calculation of what the worker's wage rate would translate to if annualized on a full-time basis.

*NOTE: Documentation submitted by employers should only contain employee names, state and county of residence, annual income, and a certifying signature and date. Do not include any information such as social security numbers or bank account information.*

Nothing in this part shall be construed to require the employment of someone who meets this definition of a Section 3 worker. Section 3 workers are not exempt from meeting the qualifications of the position to be filled.

### **Section 3 Business**

A Section 3 business concern is a business that meets at least one of the following criteria, documented within the last 6-month period:

1. It is at least 51% owned and controlled by low- or very low-income persons;
2. Over 75% of the labor hours performed by the business are performed by low or very low-income persons; or
3. It is a business at least 51% owned and controlled by current public housing residents or residents who currently live in Section 8-assisted housing.

Contractors or subcontractors who wish to be identified as a Section 3 Business must complete the Section 3 Business Concern Certification (Form 9-A1) and provide requested backup documentation.

While contracting and subcontracting with Section 3 Business Concerns is encouraged, nothing in this part shall be construed to require the contracting or subcontracting of a Section 3 Business Concern. Additionally, Section 3 Business Concerns are not exempt

from meeting the specifications of the contract, including required licensures and certifications.

Businesses concerns seeking Section 3 preference shall certify, or submit evidence to the recipient, contractor, subcontractor or subrecipient (if requested) verifying that they meet the definitions provided above. Subrecipients are allowed discretion to determine the required documentation to verify a Section 3 Business Concern. At monitoring, the MEDC will check that documentation has been received and is in the file, not for a specific type of documentation.

## **VI. SECTION 3 REPORTING REQUIREMENTS**

### **Reporting of Labor Hours**

- (a) Reporting Labor Hours. (1) the City of Ionia must report in a manner prescribed by HUD:
- (i) The total number of labor hours worked;
  - (ii) The total number of labor hours worked by Section 3 workers; and
  - (iii) The total number of labor hours worked by Targeted Section 3 workers.
- 1) Section 3 workers' and Targeted Section 3 workers' labor hours may be counted for five years from when their status as a Section 3 worker or Targeted Section 3 worker is established.
  - 2) The labor hours reported under paragraph (a)(1) of this section must include the total number of labor hours worked on a Section 3 project, including labor hours worked by any subrecipients, contractors and subcontractors that the recipient is required, or elects pursuant to paragraph (a)(4) of this section, to report.
  - 3) The City of Ionia reporting under this section, as well as subrecipients, contractors and subcontractors who report to the City of Ionia, may report labor hours by Section 3 workers, under paragraph (a)(1)(ii) of this section, and labor hours by Targeted Section 3 workers, under paragraph (a)(1)(iii) of this section, from professional services without including labor hours from professional services in the total number of labor hours worked under paragraph (a)(1)(i) of this section. If a contract covers both professional services and other work and the City of Ionia or contractor or subcontractor chooses not to report labor hours from professional services, the labor hours under the contract that are not from professional services must still be reported.
  - 4) The City of Ionia may report their own labor hours or that of a subrecipient, contractor, or subcontractor based on the employer's good faith assessment of the labor hours of a full-time or part-time employee informed by the employer's existing salary or time and attendance-based payroll systems,

unless the project or activity is otherwise subject to requirements specifying time and attendance reporting.

- (b) Safe Harbor Compliance. Additional reporting if Section 3 benchmarks are not met. If the City of Ionia's reporting under paragraph (a) of this section indicates that the City of Ionia has not met the Section 3 benchmarks described in § 75.23, the City of Ionia must report in a form prescribed by HUD on the qualitative nature of its activities and those its contractors and subcontractors pursued. Such qualitative efforts may, for example, include but are not limited to the following:

Consequences for noncompliance. Any recipient with outstanding findings of noncompliance with Section 3 may be barred from receiving additional competitively awarded financial assistance.

### **Assistance to Achieve the Goals**

If the City of Ionia receives CDBG funding, it has the responsibility to comply with Section 3 requirements. They are also required to “ensure compliance” of their contractors and sub- contractors.

This responsibility includes:

1. Notifying Section 3 Workers and business concerns about jobs and contracts generated by Section 3 covered assistance so that they may submit bids/proposals for available contracts and job openings with the City of Ionia;
2. Notify potential contractors of their responsibilities under Section 3;
3. Include Section 3 language in all applicable contracts;
4. Require sub-recipients, contractors, and sub-contractors to meet the requirements of §75.19, regardless of whether Section 3 language is included in recipient or sub-recipient agreements, program regulatory agreements, or contracts;
5. Document action(s) taken to meet the HUD benchmarks;
6. Respond to Section 3 complaints; and
7. Complete and submit the required Section 3 Forms to MEDC.

### **Outreach Best Practices**

Grantees must develop a Section 3 plan, including outreach to Section 3 Workers and Businesses within the municipality. Best practices include:

1. Publication of opportunities in newsletters or other local newspapers, including those targeted to Limited English Proficient populations.
2. Use of signage at the project site and flyers posted in the project area.

3. Notification of potential training or employment opportunities to neighborhood and non- profit groups, including Public Housing Authorities, servicing low- and very low-income persons.
4. Communicate opportunities to employment agencies and career centers.
5. Complete copy of a “Notice to Citizens Opportunity for Work” (Form 9-P), which can be used for development of Section 3 employment opportunities. Send completed form to the local Michigan Works! service center (<https://www.michiganworks.org/>).

### **Section 3 Business and Resident Resources**

The following are potential resources where City of Ionia contractors might find Section 3 businesses and residents (workers):

1. [HUD Section 3 Registry/Portal](#) (Businesses)
2. [MSHDA MBE/WBE list](#) (Businesses)
3. [MDOT DBE list](#) (Businesses)
4. [MDOT Michigan Unified Certification Program \(MUCP\)](#) (Businesses)
5. [Michigan Works!](#) (Businesses & Workers)
6. [PHAs](#) (Workers)

### **Orders of Priority Consideration for Employment and Contracting Opportunities**

(a) General.

- 1) CDBG Grantees and their contractors shall provide priority consideration to Section 3 residents and Section 3 businesses for new training, employment, and contracting opportunities generated because of the expenditure of Section 3 covered financial assistance.
- 2) Priority consideration should not be construed to be a quota or set-aside program, or as an entitlement to economic opportunities such as a particular job or contract.
- 3) Section 3 residents must possess the same job qualifications, skills, eligibility criteria, and capacity as other applicants for employment and training opportunities being sought.
- 4) Section 3 businesses must be selected in accordance with the procurement standards of 24 CFR 85.36 or 24 CFR 84.40, as appropriate, including price, ability, and willingness to comply with this part, and other factor, to be considered lowest responsible bidders on contracting opportunities being sought.
- 5) CDBG Grantees and contractors may give priority consideration to a Section 3 resident or business if such resident or business is qualified for the respective employment or contracting opportunities.

- 6) CDBG Grantees and contractors must give priority consideration to a Section 3 resident or business when that Section 3 resident or business is equally qualified with other individuals or businesses that would be offered employment or contracting opportunities.
- (b) Orders of priority consideration for employment and training opportunities.
- 1) CDBG Grantees that meet the funding thresholds shall direct their efforts to provide training and employment opportunities generated from the expenditure of Section 3 housing and community development financial assistance to Section 3 residents in the following order of priority consideration:
    - (i) Section 3 Workers residing in the service area where the CDBG funded project is located;
    - (ii) Section 3 Workers participating in the Department of Labor (DOL) YouthBuild program;
    - (iii) Other Section 3 Workers.

## **Sale of City-Owned Excess Property**

### **I. PURPOSE**

The City of Ionia comes into possession of various properties throughout the City from time to time for numerous reasons. Typically, these are single, small parcels that were acquired through tax foreclosure sale, or following demolition/code enforcement action. Usually, such parcels are vacant but can include parcels with existing structures.

### **II. SCOPE**

This policy applies to all excess parcels (except industrial park parcels) owned by the City of Ionia that have been determined suitable for redevelopment/reuse and eligible for return to non-City ownership. Properties that qualify as excess are determined by the City Manager. All excess property sales require final approval by the City Council of the City of Ionia.

### **III. POLICY**

The City of Ionia will sell property that has been deemed “excess” and determined suitable for redevelopment/reuse.

#### **A. Procedure for the Sale of Excess Property:**

1. All excess property available for sale shall be listed on the City of Ionia website under “Excess Properties for Sale,” which currently appears on the website home page under Quick Links.
2. When listing an excess property for sale, direct notice of the availability of such property will be given to the property owner(s) directly adjacent to the excess property via first class mail.
3. It is the responsibility of the purchaser to know the existing zoning of the excess property and all regulations that apply to the identified zoning district prior to submitting an offer.
4. Excess property will only be sold to a qualified purchaser. A qualified purchaser must satisfy all these requirements:
  - Has no outstanding bills/fees/citations/taxes or other monies due to the City of Ionia;
  - Was not the person/entity from whom the City of Ionia acquired the excess property via foreclosure or condemnation;

- In the event of any offers, recognize that the City in its sole discretion will determine which, if any offers, to accept;
- If the qualified purchaser owns property directly adjacent to the excess property, the lots will be combined when the sale is approved. No “flipping” of the individual lot acquired from the City is allowed. Flipping is defined as selling an excess property acquired from the city without combining it with an adjacent property, or otherwise reselling the individual property within 60 months of purchase from the City.
- Must be able to pay with cash, cashier’s check or money order

5. Offers to purchase an excess property shall be signed and submitted in writing on the REQUEST TO PURCHASE CITY-OWNED EXCESS PROPERTY FORM (fillable PDF – the Form). Prospective purchaser shall acknowledge and agree to all Disclaimers and Limitations as stated on the Form. A minimum offer of \$300 is required and the City reserves the right to counter with a higher dollar amount.

6. If not a directly adjacent property owner, prospective purchaser shall provide a written commitment that the excess property will not be resold for a minimum of five (5) years after taking possession from the City.

7. Offers to purchase an excess property shall be reviewed by the City Manager or his/her designee to determine completeness and qualified status in accordance with this policy.

8. All purchase offers administratively reviewed and determined complete and qualified shall be presented to the Ionia City Council to authorize the proposed sale.

9. Property authorized for sale in accordance with this policy shall be sold via Quit Claim Deed and the purchaser shall be required to pay for the cost of recording the new deed with the Ionia County Register of Deeds.

## **Residential Anti-Displacement and Relocation Assistance Plan (RARAP)**

### **I. PURPOSE**

This Residential Anti-displacement and Relocation Assistance Plan (RARAP) is prepared by the City of Ionia in accordance with the Housing and Community Development Act of 1974, as amended; and HUD regulations at 24 CFR 42.325 and is applicable to CDBG, UDAG and/or HOME grant-assisted projects.

### **II. MINIMIZE DISPLACEMENT**

Consistent with the goals and objectives of activities assisted under the Act, the City of Ionia will take the following steps to minimize the direct and indirect displacement of persons from their homes:

- Coordinate code enforcement with rehabilitation and housing assistance programs.
- Evaluate housing codes and rehabilitation standards in reinvestment areas to prevent undue financial burden on established owners and tenants.
- Stage rehabilitation of apartment units to allow tenants to remain in the building/complex during and after the rehabilitation, working with empty units first.
- Arrange for facilities to house persons who must be relocated temporarily during rehabilitation.
- Adopt policies to identify and mitigate displacement resulting from intensive public investment in neighborhoods.
- Adopt policies that provide reasonable protections for tenants faced with conversion to a condominium or cooperative.
- As allowed by law, adopt tax assessment policies, such as deferred tax payment plans, to reduce impact of increasing property tax assessments on lower income owner-occupants or tenants in revitalizing areas.
- Provide referrals to counseling resources for homeowners and tenants, including information on assistance available to help them remain in their neighborhood in the face of revitalization pressures.
- Where feasible, give priority to rehabilitation of housing, as opposed to demolition, to avoid displacement.
- If feasible, demolish or convert only dwelling units that are not occupied or vacant occupiable dwelling units (especially those units that are “lower-income dwelling units” (as defined in 24 CFR 42.305).
- Target only those properties deemed essential to the need or success of a project.

### **III. RELOCATION ASSISTANCE TO DISPLACED PERSONS**

The City of Ionia will provide relocation assistance for lower-income tenants who, in connection with an activity assisted under the [CDBG and/or HOME] Program[s], move permanently or move personal property from real property as a direct result of the demolition of any dwelling unit or the conversion of a lower-income dwelling unit in accordance with the requirements of 24 CFR 42.350. A displaced person who is not a lower-income tenant, will be provided relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR Part 24.

### **IV. ONE-FOR-ONE REPLACEMENT OF LOWER-INCOME DWELLING UNITS**

The City of Ionia will replace all occupied and vacant occupiable lower-income dwelling units demolished or converted to a use other than lower-income housing in connection with a project assisted with funds provided under the [CDBG and/or HOME] Program[s] in accordance with 24 CFR 42.375.

Before entering into a contract committing the City of Ionia to provide funds for a project that will directly result in demolition or conversion of lower-income dwelling units, the City of Ionia will make public in a publication through a newspaper of general circulation and submit to HUD [the State, under the State CDBG and/or HOME Program(s)] the following information in writing:

1. A description of the proposed assisted project;
2. The address, number of bedrooms, and location on a map of lower-income dwelling units that will be demolished or converted to a use other than as lower-income dwelling units as a result of an assisted project;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. To the extent known, the address, number of lower-income dwelling units by size (number of bedrooms) and location on a map of the replacement lower-income housing that has been or will be provided. NOTE: See also 24 CFR 42.375(d).
5. The source of funding and a time schedule for the provision of the replacement dwelling units;

6. The basis for concluding that each replacement dwelling unit will remain a lower income dwelling unit for at least 10 years from the date of initial occupancy; and
7. Information demonstrating that any proposed replacement of lower-income dwelling units with smaller dwelling units (e.g., a 2-bedroom unit with two 1-bedroom units), or any proposed replacement of efficiency or single-room occupancy (SRO) units with units of a different size, is appropriate and consistent with the housing needs and priorities identified in the HUD-approved Consolidated Plan and 24 CFR 42.375(b).

To the extent that the specific location of the replacement dwelling units and other data in items 4 through 7 are not available at the time of the general submission, the City of Ionia will identify the general location of such dwelling units on a map and complete the disclosure and submission requirements as soon as the specific data is available.

#### **V. REPLACEMENT NOT REQUIRED BASED ON UNIT AVAILABILITY**

Under 24 CFR 42.375(d), the City of Ionia may submit a request to HUD (or to the State, if funded by the State) for a determination that the one-for-one replacement requirement does not apply based on objective data that there is an adequate supply of vacant lower income dwelling units in standard condition available on a non-discriminatory basis within the area.

#### **VI. CONTACTS**

The City Manager's Office (616) 527-5776 is responsible for tracking the replacement of lower income dwelling units and ensuring that they are provided within the required period.

The City Manager's Office (616) 527-5776 is responsible for providing relocation payments and other relocation assistance to any lower-income person displaced by the demolition of any dwelling unit or the conversion of lower-income dwelling units to another use.

## **Industrial Facilities Tax (IFT) Exemption Certificates**

### **I. PURPOSE**

This policy defines how the rehabilitation of existing obsolete industrial facilities and the construction of new and expanded industrial facilities under Act 198 of the Public Acts of 1974, as amended, will be processed and considered by the City of Ionia.

Act 198, the Plant Rehabilitation and Industrial Development Districts Act, was adopted in the State of Michigan as a means of providing a stimulus in the form of significant tax incentives to industry for the purpose of creating new jobs and maintaining existing jobs. It allows an obsolete plant, when replaced or restored, to have its assessed value frozen at the level prior to the improvement for a maximum period of twelve years; and new plants to receive a fifty percent exemption from property tax on the taxable value of new real and personal properties, also for a maximum period of twelve years. It is within the discretion of the City Council to approve abatement certificates for a period of less than twelve (12) years.

The responsibility of the City Council of the City of Ionia is to establish plant rehabilitation districts and industrial development districts, and to approve the granting of exemption certificates. The Council must find that the granting of the exemption certificate, when considered together with other certificates previously granted, will not substantially impede "the operation of the local government unit or impair the financial soundness of a taxing unit..." prior to granting the exemption certificate.

The City of Ionia desires to provide opportunity for industrial development and expansion, and the resulting creation of additional jobs for its residents. The Council also recognizes its responsibility to the community to maintain service and uphold the quality of life. To carry out these responsibilities, the City Council has established the procedures outlined herein. All Act 198 applications will be evaluated by City staff for compliance with state and local guidelines and the impact the proposed project will have on the City's services.

It is further the desire of the City that these guidelines will assist the industrial community in its continuing efforts to contribute to the welfare of the community as a whole.

Questions concerning Act 198 tax exemption certificates can be directed to the City Manager's Office, City Hall, 114 N. Kidd St., Ionia, MI, telephone (616) 527-5776, or the City Assessor's Office at (616) 523-0146.

### **II. POLICY GOALS AND OBJECTIVES**

City Council and staff will evaluate all Act 198 applications considering the following goals and objectives. These goals and objectives are to be applied equally in the review of applications from both local and out-of-town firms.

- a. The project will expand the City's tax base.
- b. The City determines that a positive public purpose would result; i.e., expanded tax base and employment.
- c. The project will promote diversification of Ionia's present industrial base, which in turn will reduce the impact of unemployment in the City during recessionary periods.
- d. The project will upgrade the City's current labor force by promoting more skilled or technical oriented jobs within the City of Ionia.
- e. The project will increase the City's average income level through the promotion of higher paying jobs.
- f. Development of the proposed industrial facilities will complement the City's land use and environmental objectives.
- g. The proposed industrial facilities will be compatible with the City's present and future ability to provide services, such as roads, public utilities and public safety.
- h. The applicant has no overdue or delinquent financial obligations to the City.
- i. The applicant is currently in compliance with applicable City ordinances and other statutory requirements or has received approval of a plan designed to bring the company into compliance with said ordinances or statutory requirements.
- j. Industrial growth from the project can and will provide economic stimulus to other private sectors, especially supportive facilities.

The above-mentioned criteria are not intended to be exhaustive. The Ionia City Council reserves the right to consider additional goals and criteria as set forth under Act 198, as well as goals and criteria that promote the general health, safety, and welfare of the City of Ionia.

### **III. PROCEDURE**

Below is a list of steps to be followed by all applicants for tax abatement under Act 198 in the City of Ionia:

#### **Establishment of an Industrial Development District or Plant Rehabilitation District:**

1. Applicants requesting establishment of an industrial development district or plant rehabilitation district must submit three copies of the attached application form (Attachment A), along with a nonrefundable \$1,000 filing fee. The filing fee covers, in part, costs of processing the application by the City's administrative staff, legal fees,

and expenses incurred by the City for publishing and mailing appropriate notices. The fee may be amended from time to time by resolution of the City Council.

The \$1,000 filing fee covers the cost of establishing the district and processing one application in conjunction with that district. Any subsequent application for a certificate filed for which a district has already been created will be subject to a nonrefundable \$500 filing fee per application.

2. In keeping with the provisions of Act 198, applications for the establishment of industrial development districts or plant rehabilitation districts shall be filed and approved prior to the start of construction or installation of equipment and/or machinery.
3. An applicant for a plant rehabilitation district and certificate for a replacement facility must comply with the provisions of Act 198, including the obsolete industrial property test as set forth in the statute. Unless extraordinary evidence is submitted by the applicant clearly setting forth evidence satisfying the objectives of Act 198, a plant rehabilitation district or certificate for a replacement facility will not be granted for construction on vacant noncontiguous land as set forth in Section 2 (3) (b) of the Act.
4. Application for the establishment of a district will be referred to City staff for study and report to City Council.
5. A public hearing will be scheduled by the City Council to consider the request. The applicant will be notified of the date of the hearing and proper legal notices will be mailed and published.

**Industrial Facilities Exemption Certificate Application:**

6. If establishment of a district is approved, or if a district has been previously established, the applicant may proceed with an application for an industrial facilities exemption certificate. The applicant must file three copies of the Application for Industrial Facilities Exemption Certificate, along with the supplemental questionnaire, with the Ionia City Clerk. The application form must be obtained from the Michigan State Tax Commission online at [https://www.michigan.gov/-/media/Project/Websites/treasury/Forms/2001/1012f\\_2001.pdf](https://www.michigan.gov/-/media/Project/Websites/treasury/Forms/2001/1012f_2001.pdf) An application for an exemption certificate must be filed within six months after the commencement of the restoration, replacement, or construction of the facility; otherwise, it cannot be considered for approval.
7. The City is required to review the impact of the proposed project on public services. The Company will submit any supplemental information necessary for this review,

- including, but not limited to the following: roads, storm sewers, sanitary sewers, water, electric, police, fire, zoning, etc. (Please complete the supplemental questionnaire.)
8. After the Clerk has received the application for an exemption certificate, the application will be referred to City Manager for review, not to exceed 60 days. The matter will then be placed on City Council's agenda, with the applicant notified, hearing scheduled, and appropriate notices mailed.
  9. If the real and/or personal property for which an exemption is being sought is covered by a lease, a copy of the lease must be provided with the application, and the following will be required as terms of the lease:
    - a. The lease must be in effect for the same timeframe as the tax abatement under request. For example, if the Industrial Facilities Exemption Certificate is requested for a period of twelve (12) years, then the lease must be for at least twelve (12) years.
    - b. The lease must specify that the entity receiving the tax abatement is also responsible for the payment of taxes on the property and/or machinery included in the request.
  10. Prior to City Council's consideration of an application, the applicant will be required to enter into a written agreement with the City of Ionia, outlining conditions to be satisfied during the abatement period. This agreement will be submitted as part of the application and is required under State law. The applicant will also be required to sign an affidavit that states no payment of any kind in excess of the fee allowed by Act 198 has been made or promised in exchange for favorable consideration of the application.
  11. Final approval of the application at the local level will be decided by City Council. The City Council will exercise its discretion in determining the length of the Act 198 Certificate in accordance with the objectives set forth in these guidelines and the general health, safety, and welfare of the City of Ionia. The City of Ionia reserves the right to evaluate the time period allowed for any certificate up to the maximum of twelve years and in particular for personal property. Any Act 198 Certificate may be approved for a period of less than twelve (12) years.
  12. Applications are filed, reviewed and decided upon by the Ionia City Council, but are also subject to review at the State level by the Property Services Division and the Michigan Economic Development Corporation. The State Tax Commission (STC) is ultimately responsible for final approval and issuance of certificates. Exemptions are not effective until approved by the STC.

**Transfers:**

13. If a request is made for the transfer of personal property covered by a previously approved Industrial Facilities Exemption Certificate from one site to another, the request will be considered only if the original value of the equipment proposed for transfer is more than 25% of the total value of all personal property approved on the aforementioned certificate. However, no transfers where the original value of the personal property to be transferred is less than \$50,000 shall be considered. A fee of \$150 per certificate shall be paid at the time a transfer request is filed. This provision applies only to personal property transferred between sites within the City limits of the City of Ionia.
14. The transfer of an existing certificate by the holder of a Certificate to a new owner or lessee requires the filing of a complete application for Industrial Facilities Exemption Certificate, payment of the full \$1,000 fee, and approval by the City of Ionia after the appropriate public hearing (completion of items and processes 6-12 as listed above).

**Cost Overruns and Extension of Completion Dates:**

15. In accordance with R 209.54, Administrative Rules of the State Tax Commission, if the final cost of a project, either the real or tangible personal property components, will be greater by more than ten percent (10%) of the total estimated amount provided in the application as originally approved, the applicant must file a request with the City to approve the revised amount. This request may be filed in the form of a letter submitted to the City Clerk's Office, stating the original cost, the revised cost, and the reason(s) for the increased costs. This procedure cannot be utilized to expand the scope of the project as originally approved; only to cover increased costs on those items previously approved. If the local unit of government approves the revised costs, the holder of the certificate shall request that the STC issue a revised certificate. The request shall be accompanied by a copy of the approval resolution adopted by the local governmental unit.
16. In accordance with R 209.53, Administrative Rules of the State Tax Commission, if the holder of an Exemption Certificate finds that the project will not be finished by the time originally stated on the approved application, a request for the extension of time for completion of the project must be filed with the City. This request may be filed in the form of a letter submitted to the City Clerk's Office, stating the original completion date, the revised completed date, and the reasons for the requested time extension. The City has the option of denying the request, approving the request with no change in the ending date of the certificate as originally issued, or approving the request and a revised ending date on the certificate. Normally, the City's policy and procedure

when approving a time extension is to approve it with no change in the ending date of the certificate, unless there are extenuating circumstances presented by the applicant to be considered by the City Council and Staff. A request for a time extension for completion of a project shall be filed with the commission by the certificate holder and shall be accompanied by an approval resolution adopted by the local governing unit.

17. In accordance with R 209.55, Administrative Rules of the State Tax Commission, the holder of an Exemption Certificate shall notify the local assessing officer and the Commission of the date of project completion. The notification shall be filed within 30 days of completion. The final cost of a facility shall be filed with the local assessing officer and the commission within 90 days after completion.

**Speculative Buildings:**

18. A speculative building is defined as “a building with or without machinery, equipment, furniture, and fixtures, which was constructed as a manufacturing facility before the identity of the tenant/operator was known”. The legislative body of the local governmental unit must approve the property as a speculative building under PA 198 by formal resolution. This action enables a future tenant or operator of a manufacturing business to apply for an industrial facilities exemption certificate, if the speculative building was constructed less than 9 years before application filing for the industrial facilities exemption certificate. Furthermore, the speculative building cannot have been occupied since completion of construction and otherwise qualifies under PA198 for an industrial facilities exemption certificate.

This resolution is in addition to the establishment of an Industrial Development District, and items #1-5 as indicated above must be completed prior to the start of construction of the project. The resolution establishing the building as a speculative building must be adopted within six (6) months after the commencement of the facility. In addition, an industrial facilities exemption certificate issued for a speculative building shall remain in effect for a period to be determined by the Ionia City Council and commence on the effective date of the certificate and end not more than 11 years after the effective date of the certificate.

**Deadlines:**

19. Applications for Industrial Facilities Exemption Certificates may be submitted to and considered by the City of Ionia at any time during the calendar year. However, in order for a certificate to be considered and approved by the City of Ionia and the State Tax Commission by December 31 of any given year, the following deadlines will apply:

- a. The application must be filed with the City on or before September 1
- b. The City must act on and forward the application to the State Tax Commission on or before October 31 (R 209.57).

## **Policy for Administration of Brownfield Redevelopment Projects**

### **I. PURPOSE**

To establish guidelines for the administration of Brownfield Redevelopment Authority Program and project applications.

### **II. BACKGROUND**

In 1996, the State of Michigan Legislature approved Public Act 381, MCL 125.265 et seq. (the "Act") to authorize municipalities to create Brownfield Redevelopment Authorities to promote reuse and revitalization of urban properties. The Brownfield Redevelopment Program (the "Program") provides for the utilization of certain tax increment revenues to pay for or reimburse Eligible Activities costs as defined in Section 2 of the Act. The City of Ionia (the "City") created the Ionia Brownfield Redevelopment Authority (BRA) on April 8, 1997. This policy guides the administration of the BRA's Program under the Act.

### **III. OBJECTIVES**

The Program will provide support for qualified public or private redevelopment projects located in the City of Ionia. Projects will be considered for recommendation based on the extent to which a project meets the goals of the City as described in various plans, primarily including:

- City of Ionia Master Plan, including Area Specific Plans
- City of Ionia and Ionia County Housing Needs Assessment

In recommending projects for funding, staff will detail the extent to which City goals are met by a project.

### **IV. PROPERTY ELIGIBILITY CRITERIA**

To be eligible for participation in the Program, a property must meet the definition of "Eligible Property" as that term is defined in Section 2 of the Act.

### **V. APPLICATION**

Prospective developers are advised to contact the City Manager before preparing materials for an application to the City of Ionia Brownfield Redevelopment Authority. Once the City Manager's support for the project is secured, the prospective developer will be asked to provide a written statement or letter of interest (there is no application form) with the following information.

- a. Summary of the proposed project, including schedule and deadlines
- b. Documentation of Site Control or a purchase agreement showing terms and conditions of property acquisition and proposed closing date
- c. Site plan and floor plans
- d. Renderings, if available
- e. Project financials
- f. Eligible activities cost estimates dated within six months of application
- g. [Rent schedule and targeted incomes](#) using MSHDA criteria, where income-restricted housing is included in the project
- h. New and retained jobs by type and compensation rate
- i. Documentation of property eligibility under the Act
- j. A description of how the project meets the Development Initiatives listed below, if any
- k. Proposed eligible activities

Once an application has been approved by the BRA, the applicant shall provide a Brownfield Plan using the State of Michigan's guidance and format, including conditions requested by the BRA for the BRA's approval.

## VI. REVIEW

Upon receipt of an application, and prior to any public consideration of the application, staff will provide the relevant details of a project to other City departments to confirm that the applicant is eligible to do business with the City and the project is permissible as proposed. The results of this review must confirm the following:

- That the applicant (including all individuals and non-person entities that will have an ownership interest in the project) are compliant with the City's Income Tax Ordinance.
- That the project is compatible with the City's zoning ordinance or plans to comply.
- That the applicant is not delinquent on any financial obligation to the City.
- That the applicant is not a debarred/suspended vendor as defined by the federal government and does not have outstanding written orders or an adverse history of code compliance violations.
- That the applicant, including its affiliated entities, have not defaulted on the terms of previously executed agreements with the City or the BRA.

## VII. DEVELOPMENT INITIATIVES CRITERIA

Projects that meet the following criteria will be given extra weight in plan reviews. Projects are minimally required to meet state eligibility criteria as defined in the Act, but if a project includes

any of the local priority criteria listed below, the City of Ionia BRA will look more favorably on requests to reduce or defer fees so that the developer is reimbursed more quickly and/or with a lower up front cost.

**1. Sustainable Development**

- a. Project will achieve LEED certification, WELL, PHIUS, Living Building Challenge or Net-Zero Energy Certification, or a comparable standard.
- b. No fewer than 10% of parking spaces, garages, or carports on the project site will have an EV electric vehicle (EV) charging station.
- c. Project will use high energy efficiency building features.

**2. Housing Type Diversity**

- a. Provides a housing type (single-family attached, single-family detached, duplex, or multi-family) that is less than 20% of the existing housing in a census tract, according to the most recent decennial census, or if the census data is more than 5 years old, according to the most recent American Community Survey data.
- b. 10% or more of the proposed rental units are three-or-more bedroom unit.

**3. Emerging Developers or Neighborhoods of Focus**

- a. Project is being proposed by emerging developers.
- b. Project is located in the City's Neighborhoods of Focus (all areas of the City of Ionia north of the Grand River, plus the 164-acre former Deerfield/Riverside site, located on Harwood Road).

For the purposes of this policy, an emerging developer is defined as "a person with limited experience in the development or redevelopment of real estate who may be supported by a network of more experienced development professionals, or an organized program designed to support first-time and less experienced developers. If the individual(s) are members of an entity (i.e., a limited liability company) then the individual(s) meeting the definition of an emerging developer must have no less than 25% ownership of the entity, including no less than 25% of the potential financial risk and reward."

**4. Housing Development Activities**

- a. Project includes "Housing Development Activities" as defined in Section 2(x) of the Act and is a mixed-use project that encompasses housing and other uses (i.e., retail, office) in a single structure or within a holistic, high density, pedestrian oriented and interrelated/interdependent project. Housing Development

Activities must also provide income and rent restricted housing as a component of the project.

- b. 10% or more of new housing units will be designated for residents living in Ionia at least 51% of the year and making 120% or less of Ionia's Area Median Income.

## **VIII. MISCELLANEOUS PROVISIONS**

1. For projects meeting the minimum qualification criteria contained in the Act, the BRA will annually collect 10% of Tax Increment Revenues for its Local Brownfield Revolving Fund (LBRF) and an annual administrative fee described below (subject to proportional reductions due to limitations in the Act, or reductions costs reduced or waived pursuant to Section 8 below) to fund the operation of the Program. The BRA will, where applicable, withhold and provide to the State Treasury an amount required by Section 13b (14) of the Act to fund the State Brownfield Redevelopment Fund. Remaining annual tax increment revenues from a project will be utilized to reimburse the developer for eligible costs incurred, to fund the City of Ionia LBRF, and to pay for BRA Administration and Plan Implementation Costs, subject to BRA and Ionia City Council approval.
2. Upon acquisition of property included in a Brownfield Plan, and before becoming eligible to receive reimbursement pursuant to an approved agreement, the applicant shall have filed a completed Michigan Department of Treasury Form 2766 – Property Transfer Affidavit L-4260 with the City Assessor related to its acquisition of the property. The Property Transfer Affidavit shall be considered incomplete if the purchase price of the real estate is not entered on the form.
3. The BRA recognizes that the Program is an opportunity to leverage financial participation by the State of Michigan in projects. As such, the BRA will strongly encourage applicants to pursue financial support from the Michigan Department of Environment, Great Lakes, and Energy (EGLE), the Michigan Strategic Fund (MSF), and/or the Michigan State Housing Development Authority (MSHDA), as applicable. The BRA may condition its approval of a brownfield plan on participation by the applicable state agency.
4. Reimbursement will be limited to a maximum of 25 years. The BRA may approve more or less than 25 years at its discretion and depending on the public good that results from the Project.
5. Legal and consulting fees that are not in the ordinary course of acquiring and developing real estate will be limited to a maximum of \$30,000 as allowed by the Act. This includes fees paid to the BRA for its brownfield and legal fees. Costs in excess of \$30,000 are the responsibility of the applicant.

6. Reimbursable brownfield plan or work plan implementation as defined by the Act will be limited to \$50,000 pursuant to the Act. Implementation should be included in every plan that will be submitted to the State of Michigan for approval.

## **IX. COMPLIANCE**

Reporting and compliance requirements will be detailed in a project's Development and Reimbursement Agreement. At a minimum, a project completion report must be submitted within 90 days of the issuance of a certificate of occupancy for the project in a format provided by the BRA for reimbursement of eligible activity costs. The required report contents will be provided in the Development and Reimbursement Agreement.

For projects containing residential rental housing, certification of compliance with Chapter 858 of Part Eight of the City of Ionia Codified Ordinances is required for each residential unit.

The project must be operated and maintained in compliance with all applicable City codes and ordinances. Non-compliance may result in a suspension of reimbursement for eligible activities until the project returns to compliance.

## **X. WAIVER**

The BRA Board of Directors may waive this policy, or any portion of it, when the BRA Board determines that it is in the best interest of the City or the BRA.

## **XI. CITY OF IONIA BRA FEE SCHEDULE**

**Application Fee:** An application fee will be levied for applications in accordance with an approved fee schedule that is updated from time to time and posted on the BRA's website. The fee shall be paid by the applicant at the first submittal of the application. Such fees will be based on the total project investment. The application fee schedule is as follows:

Less than \$1 million:	\$ 500
\$1 million to \$9,999,999	\$1,500
\$10 million+	\$3,000

**BRA Consultant and Legal Counsel Fees:** Applicants will be responsible for paying reasonable fees of the BRA's brownfield consultant and legal counsel in connection with review, approval, and processing of the application, brownfield plan, Act 381 work plan,

development and reimbursement agreement, and other documents associated with project incentives.

**Administrative Fee, Brownfield Plan and Work Plan Implementation:** The brownfield plan and, if applicable, Act 381 work plan shall include an annual administration and implementation fee totaling no less than \$3,000, adjusted annually for inflation at the rate of the Consumer Price Index five years from the first year of the plan and annually thereafter. The fee will be paid first from the statutory \$50,000 allowed for brownfield plan and work plan implementation, as permitted by the Act. The \$50,000 shall be distributed in equal annual payments from tax increment revenues to the sole benefit of the BRA, unless otherwise negotiated. If the \$50,000 prorated over the life of the approved plan does not equal at least \$3,000 of the eligible activities per year, an administration fee shall be added to the plan to make up the shortfall. The administrative and implementation fee shall be paid to the City of Ionia BRA from Tax Increment Revenues before reimbursement is made to the applicant.

**Local Brownfield Revolving Fund Contribution:** The BRA shall collect 10% from the project's tax increment revenues annually.

Certain fees may be waived, reduced, or delayed for projects that include the BRA's Development Initiatives defined above. The developer's project application should include any proposed fee reductions or waivers.

Defaulting on any of the terms and/or conditions that were utilized to achieve fee reductions for Development Initiatives will result in loss of the fee waiver, reduction, or delay. Any Development Initiative under this Policy may not be used for an additional incentive that requires City of Ionia approval.

**CITY OF IONIA BROWNFIELD REDEVELOPMENT AUTHORITY  
 BROWNFIELD INCENTIVE APPLICATION EVALUATION**

Pursuant to the City of Ionia Brownfield Redevelopment Authority’s (BRA) guidance, city staff and/or the BRA’s consultant will evaluate projects using the following criteria.

Project name, developer contact information:	
Reviewed by / date:	
Is the property an eligible property? (Blighted, functionally obsolete, contaminated, housing, historic, at a transit hub.) If blighted or functionally obsolete, has it been declared as such by an assessor?	
Is the project consistent with the City’s Master Plan, including Area Specific Plans?	
If the project includes housing, is it consistent with the City of Ionia and Ionia County Housing Needs Assessment?	
Does the statement / letter of interest include all the requested information? a. Summary of the proposed project b. Documentation of Site Control or a purchase agreement showing terms and conditions of property acquisition and proposed closing date c. Site plan and floor plans d. Renderings, if available e. Project financials f. Eligible activities cost estimates dated within six months of application g. Rent schedule and targeted incomes using MSHDA criteria, where income-restricted housing is included in the project h. New and retained jobs by type and compensation rate i. Documentation of property eligibility under the Act j. A description of how the project meets Development Initiatives Criteria	

k. Proposed eligible activities	
Does the project include any Development Initiatives Criteria for sustainability?	
Does the project include any Development Initiatives Criteria for Housing Type Diversity?	
Does the project include any Development Initiatives Criteria for Emerging Developers or Neighborhoods of Focus?	
Does the project include any Development Initiatives Criteria for Housing Development Activities?	
Is the applicant (including all individuals and non-person entities that will have an ownership interest in the project) compliant with the City's Income Tax Ordinance?	
Is the project compatible with the City's zoning ordinance or is there a plan to comply? Is a zoning variance required?	
Is the applicant delinquent on any financial obligation to the City?	
Is the applicant a debarred/suspended vendor as defined by the federal government or do they have outstanding written orders or an adverse history of code compliance violations?	
Is the project recommended for consideration by the City of Ionia BRA? If yes, forward to BRA members for consideration at the next scheduled or a special meeting	

Additional comments:

**If a brownfield plan is accepted:**

What	When
Application fee received?	Date: Amount:
Is the plan complete?	
Does the TIF table include at least \$3,000/year for plan implementation and administration, including \$50,000 divided between state and local tax increment revenues for implementation?	

Does the TIF table include Local Brownfield Revolving Fund (10% of annual tax revenues)?	
Is the project in the Downtown Development Authority? If DDA is already collecting TIF, do an interlocal agreement with terms	
Developer submits a Plan / amendment to the BRA.	At least two weeks prior to BRA meeting
BRA reviews and votes on the proposed Plan amendment. Approval may include conditions.	BRA meeting
BRA requests a public hearing be scheduled for the proposed Plan amendment at the next feasible city council or county commission regular meeting	At least 10 days in advance of public hearing date
BRA notifies local taxing jurisdictions and the public of the proposed Plan amendment and public hearing date. If state school TIF will be used for the project, the BRA notifies EGLE, MSF/MEDC, and/or MSHDA of the public hearing.	At least 10 days in advance of public hearing date
Public hearing. The developer or their representative must attend the hearing.	City council or county commission meeting or special meeting
City council or county commission approves or rejects the Plan / amendment	Following the public hearing
BRA and developer enter into a Development / Reimbursement Agreement	After adoption of the Plan amendment
For projects with state school tax capture, developer drafts a work plan pursuant to Act 381 for BRA review and approval	After Development / Reimbursement Agreement
If applicable, BRA reviews the work plan. If state school taxes will be captured, BRA will forward the work plan to EGLE, MSHDA, and/or MEDC for approval.	Before developer can begin work on eligible activities
After the development agreement is signed and, if applicable, the work plan is approved, the developer can begin work.	After approvals received from BRA and, if applicable, EGLE, MSHDA and/or MEDC

## **Citizen Participation Plan for Community Development Block Grant Projects**

### **I. PURPOSE**

This policy states and adopts a Citizen Participation Plan to meet the citizen participation requirements under 24 CFR Part 570.486 (a), which is necessary for all Community Development Block Grant (CDBG) Projects.

### **II. PLAN PRINCIPLES AND ACTIVITIES**

Through the Citizen Participation Plan, the city of Ionia shall provide and implement all the following plan principles and activities:

1. Provide and encourage citizen participation, particularly by low- and moderate-income persons who reside in blighted areas in which funds are proposed to be used.
2. Ensure that residents will be given reasonable and timely access to local meetings, consistent with accessibility and reasonable accommodation requirements in accordance with Section 504 of the Rehabilitation Act of 1973 and the regulations at 24 CFR part 8, and the Americans with Disabilities Act and the regulations at 28 CFR parts 35 and 36, as applicable, as well as information and records relating to the city's proposed and actual use of CDBG funds.
3. Furnish citizens information, including but not limited to:
  - a. The amount of CDBG funds expected to be made available for the current fiscal year (including the grant and anticipated program income);
  - b. The range of activities that may be undertaken with the CDBG funds;
  - c. The estimated amount of the CDBG funds proposed to be used for activities that will meet the national objective of benefit to low- and moderate-income persons; and
  - d. The proposed CDBG activities likely to result in displacement and the unit of general local government's anti-displacement and relocation plans required under §570.488.
4. Provide technical assistance to groups that are representative of persons of low- and moderate-income that request assistance in developing proposals (including proposed strategies and actions to affirmatively further fair housing) in accordance with the procedures developed by the State. Such assistance need not include providing funds to such groups.

5. Provide a minimum of two public hearings for the purpose of obtaining residents' views and responding to proposals and questions. The first public hearing must be held prior to application submission to the Michigan State Housing Development Authority or other state/federal governmental entity providing the CDBG funding, and the second near the end of the grant term. Together the hearings must cover housing needs (including affirmatively furthering fair housing), development of proposed activities, and a review of program performance. There must be reasonable notice of the hearings (at least 5 days) and they must be held at times and accessible locations convenient to potential or actual beneficiaries, with accommodations for persons with disabilities. Public hearings shall be conducted in a manner to meet the needs of non-English speaking residents where a significant number of non-English speaking residents can reasonably be expected to participate. If 51% of the expected participants are non-English speaking, the hearings will be advertised in a non-English publication available to those residents. A person fluent in the non-English language must be available at the public hearing.
6. Provide citizens with reasonable advance notice of, and an opportunity to comment on, proposed activities in an application to the State. For grants already made, activities which are proposed to be added, deleted, or substantially changed from the unit of general local government's application to the State. Substantially changed means changes made in terms of purpose, scope, location, or beneficiaries as defined by criteria established by the State.
7. Provide citizens the address, phone number, and times for submitting complaints and grievances, and provide timely written answers to written complaints and grievances, within 15 working days where practicable.

### **III. TECHNICAL ASSISTANCE**

The City will provide technical assistance to facilitate citizen participation when requested, particularly to groups' representative of persons of LMI. The level and type of technical assistance will be determined by the City based upon specific residents' needs.

### **IV. COMPLAINTS AND CONTACTS**

Any citizen complaints regarding this citizen participation plan and/or the CDBG project that is the subject of such plan can address their complaint (either verbal or written) to the City of Ionia City Manager's office, which is open Monday through Friday, 8:00 AM to 4:00 PM and can be contacted/addresses as follows:

Ionia City Manager  
Ionia City Hall  
114 N Kidd Street, PO Box 496  
Ionia MI 48846  
(616) 527-4104  
[ioniamanager@ci.ionia.mi.us](mailto:ioniamanager@ci.ionia.mi.us)

The city manager, acting as the mayor's designee, will prepare a written response to all complaints in no less than 15 working days from receipt. In reviewing each complaint, the city manager will consider the citizens' complaints and in particular, any deficiencies relative to the City's community development plan or procedures. The city manager will make every attempt to satisfactorily resolve the complaint at the local level. The written response to the complainant shall be from the mayor of the City of Ionia.

**Section 5-000**

**GENERAL POLICY**

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## Section 5

### MISCELLANEOUS

- 5-001 Pavilion and Road Use
- 5-002 Computer Use
- 5-003 Emergency Operations
- 5-004 Records Retention
- 5-005 Fireworks/~~Safety~~ *Display & Approval*
- 5-006 Crisis Response
- 5-007 Advertising Policy
- 5-008 Employee Orientation — *More to HR*
- 5-009 Title VI Plan *to comply with Federal Financial Assistance*
- 5-010 Safety and Reporting
- 5-010 A Computer and Equipment Disposal Policy
- 5-011 Dial-A-Ride — ADA Complaint Policy
- 5-012 Freedom of Information Act Policy
- 5-013 Americans with Disabilities Act Policy

## **PAVILION AND ROAD USE POLICY**

### **I. PURPOSE**

The purpose of this policy is to provide guidance and direction for closure of City Streets, use of the Robert Hoppough pavilion in the downtown business district, and inform the public and City Council about such usage on a proper basis.

### **II. DEFINITIONS**

The following definitions and descriptions shall apply to this policy:

- A. Robert Hoppough Farmers Market Pavilion – The covered structure located in the Central Business District main parking lot at Adams and Steele Streets.
- B. Public Street – Any public street in the Central Business district as defined by Act 51 of the State of Michigan.
- C. Parade – A planned gathering that utilizes the streets and requires the closing of feeder streets into the main route.
- D. Walk – A planned gathering that utilizes streets but does not require closing of any feeder routes or the main roadways.

### **III. POLICY**

It shall be the policy of the City of Ionia to encourage businesses to utilize the streets, sidewalks and Farmer's Market Pavilion to improve and enhance the Central Business District. Such usage, however, shall be guided so as to prevent monopolization by any group or individual.

The City desires to promote and develop the Central Business District in whatever ways possible and recognizes usage for events brings additional foot traffic to that district.

A. USAGE: Any business or group in the Central Business District may use the Farmer's Market Pavilion for one day events up to three times per year. Such usage shall be on a first-come, first-reserved basis. The three one day uses may be consolidated into one event, provided there are no conflicts with other potential users.

The Pavilion is regularly scheduled and designed to accommodate Farmer's Market activities on Monday-Wednesday and Saturday of each week during the growing season. This shall always take precedence. If room exists, however, a business may dove-tail with such Farmer's Market usage.

Usage of the Farmer's Market Pavilion shall be made by contacting the Recreation Department. There shall be a \$50 deposit to cover the costs of any restoration, clean-up or damage. If the Pavilion is cleaned and restored, the \$50 shall be returned. If it is not cleaned or if damage occurs, the costs shall be deducted from the \$50 deposit.

**B. STREETS:** Usage of the district streets for sidewalk sales, breakfast events, and other similar promotional benefits shall be requested, in writing, to the City Council. The City Council shall act on such uses that require closure of the street system. A group must clean and restore the streetscape to its pre-existing condition or will reimburse the City for such costs that are incurred.

**C. PARADES:** Events that require closing of the Main Street as well as feeder side streets must be requested of the City Manager prior to the event taking place. If a parade permit is denied by the City Manager, an appeal may be made to the City Council. If flyers or other items are handed out during the parade and remain on the street, the City shall bill the parade organizer for such costs.

In addition, any costs for Public Works, Public Safety, or other City departments shall be billed to the parade organizer. A deposit must be made prior to the parade taking place based on the anticipated attendance. In the case of the Ionia Free Fair parade, the parking percentage shall be considered reimbursement for the parade costs.

**D. WALKS:** In the case of walking events or running events that do not require total closure of the street system, the request shall be made of the City Manager who shall notify the departments that may be affected. A formal permit is not required of walks. There shall be no charge for walks unless litter is generated in which case the walk organizer may be billed for costs incurred by the City.

**E. PARKING LOTS:** Promotional events by businesses that utilize a City Parking lot will require the business contact the City Manager for approval prior to the event taking place. Every effort shall be made to not eliminate parking spaces.

If tents are used, holes made by tent posts shall be filled by the organizer or sponsor or the City will fill such holes and bill the sponsor. Litter and other matter shall be cleaned

from the lot and disposed of by the organizer. Examples of parking lot events include “tent sales”, “appreciation dinners” or other similar events.

## **COMPUTER POLICY AND USER GUIDELINES**

### **I. PURPOSE**

The purpose of this document is to set forth the policies and rules for use of the City's mini-computer, personal computers, networks and related equipment (collectively referred to as the System). All employees who use the System are required to read this document prior to using the System. Questions concerning the policies and rules stated herein should be directed to Jeni Frost, IT Director at 527-4170, ext. 222.

The City of Ionia is the owner of the System. All activity that takes place on the System is its business and it has the right and obligation to protect the City's assets against misuse by the employees.

Each employee who uses the System automatically assumes certain responsibilities. Those responsibilities must be taken seriously to avoid loss of City time, data and/or money.

Each user must be aware of the responsibilities contained in this directive. Failure to comply with these policies may lead to appropriate disciplinary action.

### **II. SCOPE**

This policy is for all employees of the City.

### **III. FREEDOM OF INFORMATION**

Distribution of data and associated documents owned by the City of Ionia is governed by the Freedom of Information Act. Requests for data received from vendors, residents or others outside City government should be forward immediately to the employee's Department Head and the IT Director for disposition.

A. E-mail messages are public records if they are created or received as part of performing a public employee's official duties.

B. The Michigan Freedom of Information Act (FOIA) (Public Act 442 of 1976 as amended) defines public records as "a writing prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function, from the time it is created."

C. All e-mail messages on the city system shall be viewed as "created, received, or stored" under the provisions of the FOIA. In another view, all e-mail is able to

Be viewed, retrieved, or subpoenaed. Your e-mail may be viewed at any time by the City through its software systems and the City shall randomly view e-mail and internet usage of employees and departments. Violations shall be dealt with through the discipline system and may include discharge.

#### IV. USER ACCOUNTS

The architecture of the System is designed to support user accounts. Each employee is provided with such an account which consists of a username and password to provide access to the System. Each employee is responsible for activity generated in his/her user account.

Passwords should be kept confidential. If it is necessary to use another person's account or user-ID, the employee must get prior permission from the owner of that account. However, all employees shall provide their password to the IT Director for filing should it be required in an emergency or if the employee is not available.

All electronic files in an account belong to a user. They should be assumed to be private and confidential unless the user has explicitly made them available to others.

The default file protection for all word processing documents has been established to allow only the user to read, write, edit or delete his/her own files. If a user wishes to provide access to a particular file, he/she may mail the document to a particular user(s) or change the file protection for a particular document.

#### V. SECURITY RESPONSIBILITIES

Each user should change his/her password(s) frequently and should avoid using first names, spouse's name or friends' names, or any password that could easily be guessed.

#### VI. UNAUTHORIZED ACCESS TO FILES AND DIRECTORIES

Users must not engage in any activity that is intended to circumvent computer security controls, including not attempting to crack passwords, to discover unprotected files, or to decode encrypted files.

Users also must not access the accounts of others with the intent to read, browse, modify, copy, or delete files and directories unless they have been given specific authorization to do so.

## VII. UNAUTHORIZED USE OF SOFTWARE

Employees are prohibited from loading any software on any computer System without approval from the Manager of Information Systems and their Supervisor. That includes commercial, shareware and freeware software. Further, employees are expressly prohibited from using City computers to make illegal copies of licensed or copyrighted software. Employees do not have the right to own or use unauthorized copies of software, or make unauthorized copies of software for other parties.

Users are prohibited from using software that is designed to destroy data, provide unauthorized access to the computer systems, or disrupt computing processing in any other way. Using viruses, worms, Trojan horses and other invasive software is expressly forbidden.

The City has installed antivirus software on the System, and employees are required to use it. Users are prohibited from tampering with this software or turning it off. All disks that are inserted into the System must first be scanned for viruses or signs of other forms of malicious software.

Chat groups, hotmail, and other forms of software shall not be used on the City system. However, employees are encouraged to participate in professional information sharing groups available through their Professional Associations. These normally utilize the existing City e-mail system. Chat rooms and other software shall be removed from all City computers and employees found utilizing such software face disciplinary action up to and including discharge.

## VIII. SOFTWARE STORAGE

Software and software licenses for software which have been approved for use and owned by the City must be stored with the Computer Services department (preferably) or your Department Head at your site.

## IX. UNAUTHORIZED USE OF THE SYSTEM

The System is for the sole use of City employees. Users are prohibited from using the System for personal gain. Users are also prohibited from use of the system to view illicit material, exchange improper e-mail, or to reproduce the same.

- A. The system is not authorized to look at sites that may be described as "pornographic" by definition.
- B. The system is not authorized to exchange explicit e-mails that may contain racial, sexual,

insulting, ethical, or immoral materials.

#### X. ELECTRONIC MAIL

The electronic mail system is to be used only for City-related business. Users are prohibited from transmitting fraudulent, harassing or obscene messages and files.

#### XI. HARASSMENT

The City's computer systems must not be used to harass anyone. This includes the use of insulting, sexist, racist, obscene or suggestive electronic mail; tampering with others' files and invasive access to others' equipment. In addition, users of any electronic communication facilities (such as electronic mail, networks, bulletin boards and newsgroups) are obligated to comply with the restrictions and acceptable practices established for those specific facilities. Certain types of communications are expressly forbidden. This includes the random mailing of messages, the sending of obscene, harassing or threatening material or the use of the facilities for commercial or political purposes.

#### XII. ATTACKING THE SYSTEM

Users must not deliberately attempt to degrade the performance of the City's computer systems or subvert it in any other way.

#### XIII. THEFT

All hardware, software and computer-related supplies and documentation are the sole-property of the City. They must not be removed from the City without proper authorization. All hardware, software and computer-related supplies and documentation must be disposed of accordingly.

#### XIV. ABUSE

All users of City equipment must exercise care and caution in using any and all equipment. Food and beverages should be kept away from sensitive equipment which could become impaired through a spill or other accident. Employees should refrain from personalizing their equipment. Do not write on or place stickers on the computers, monitors or keyboards. Employees should keep the computer equipment clean.

#### XV. NETWORKS

Do not use the City-owned or any other network accessible by City computers—whether

local, national, or international—for any activity other than City-related business. This includes, but is not limited to, surfing the Internet; engaging in on-line discussions in newsgroups and bulletin board services; attempting to access other computer systems without authorization; posting commercial messages; and transmitting viruses, worms, or other invasive software.

#### **XVI. ENFORCEMENT**

The City will investigate any alleged abuses of the System. As part of that investigation, the City may access the electronic files of its employees. If the investigation indicates that computer privileges have been violated, the City may limit the access of employees found to be using the System improperly. Further, the City may refer flagrant abuses to law enforcement authorities. Although the City intends to ensure that the privacy of all its employees is protected, in the course of an investigation, the City may reveal private, employee-related information to those carrying out the investigation.

A. The City shall randomly view internet and e-mail usage as well as sites visited utilizing software in the IT department.

#### **XVII. USER RESPONSIBILITY**

Employees are responsible for their actions, and, should there be a violation of this policy, disciplinary action may follow. Employees may be terminated in extreme cases of flagrant abuse or disregard of this policy statement. Any violation of the policies and rules stated herein should be reported to your Supervisor, Department Head or the Manager of Information Systems.

#### **XVIII. WORKPLACE MONITORING**

The City has the obligation to ensure that its computer resources are used properly and within the guidelines established herein. In carrying out that obligation, the City reserves the right to monitor the System for signs of illegal or unauthorized activity.

#### **XIX. RETENTION**

The City has an obligation to retain records and e-mail. E-mail shall be maintained according to standards approved from the Michigan Municipal League for other record retention.

A. In cases of litigation, an immediate back-up and copy of all e-mail and other records for the City shall be made and placed in a secure location. In no case shall e-mail or other material that may be required by FOIA or subpoena be disposed.

## **EMERGENCY OPERATIONS AND CONTACT**

### **I. PURPOSE**

The purpose of this policy is to provide guidance for emergency operation dispatch.

### **II. SCOPE**

This policy is designed to provide guidance for Emergency Central Dispatch but is applicable to all City agencies.

### **III. POLICY**

The policy of the City of Ionia is to provide guidance and direction, particularly in emergency situations. Emergencies include: water main breaks, sewage back-ups, gas leaks, snow storms, wind storms, and other damage-causing events. It is the goal of the City to minimize distress on its residents and businesses to the extent possible. Through an effective emergency management process, this can be achieved.

#### **A. Water main breaks**

The City is encircled by a major transmission water line, in most cases 16 inches in diameter; in some areas 20 inches. The flow from such a line exceeds 3,000 gallons per minute. This type of break would fill an average basement in less than 3 minutes, causing damage as well as threatening exposure to gas leaks and other similar conditions.

In the case of water main breaks reported by residents, the City Public Works employee on call can be reached by dialing: 616-614-0046.

The DPW worker will call Central Dispatch for the location and he/she will then call out the necessary crew per the City Call list.

#### **B. Sewer back-ups**

Whenever a sewer backs up into a home or business, there is the risk of various communicable diseases as well as damage to appliances in the lower levels of homes. The City is working to identify the most serious risks and install protective devices to the extent that they will prevent such incidents.

Whenever a sewer back-up is reported, the City Public Works employee on call should be called at 616 614-0046.

1. For purposes of this policy, whenever a sewer back-up is reported, the homeowner or private cleaner for the home line is to contact Central Dispatch who shall then notify the on-call worker. It has been the experience of the city that some private contractors have pierced other utility lines, risking the life and safety of not only the residence with the problem, but surrounding property owners. For that reason, they are to always contact prior to performing work on the sewer system.
2. When the employee checks in, they will call Central Dispatch for the address and notify the appropriate personnel to handle the situation.

#### C. Snow Storms

The City has taken steps to provide for protection in the event of snow storms. The following shall be the policy of the City:

1. The Public Safety cars on the road shall notify Central Dispatch when they feel that road conditions have deteriorated to the point of being hazardous. This may include icing or other similar problems.
2. The Central Dispatch shall contact the DPW worker on call at 616 614-0046 and notify them that Public Safety is requesting assistance with slippery roads. The worker shall then notify the personnel of the storm.
3. In cases where severe winter weather occurs, the City may contact private contractors to assist with snow removal. They may request Central Dispatch contact the private hauler (if they are prohibited). Currently, the following private haulers are certified and under contract for such work:
  - a. C.L. Trucking of Ionia at 527-9352
  - b. Montgomery Excavating at 527-1608
  - c. Shaler and Son at 642-9445
  - d. Youngstrom Contracting at 527-8899
4. The DPW may notify Central Dispatch that the area is under a snow emergency. In such case, the City Emergency Policy shall be activated with an Emergency Operation Center established at Ionia Public Safety Department. A call list for emergency contact has been provided Central Dispatch. If the EOC is established, the personnel will need to be contacted by Central.
5. Once the EOC has been established, communications and other phone calls will be handled from the EOC.

#### D. Wind Storms, Tornado, heavy rain

If prior warning can be given to City Crews through early page-out, the event's trauma may be minimized. In cases of Tornado Warnings, all City staff shall be notified per the emergency policy. This shall include:

1. City Manager
2. Public Safety Director
3. All public safety employees
4. DPW director
5. DPU director

Once the staff has been notified, it shall be the determination of either the Public Safety Director and/or City Manager to establish the EOC. From that point, the emergency operations shall be handled from that location for the City of Ionia.

In the case of wind storms that do not involve tornado, the DPW worker on call shall be notified at 616 614 0046. He/she shall then notify all other staff as needed.

In the event of heavy rain causing flash flooding, both the DPW worker on call and the Department of Public Utilities worker on call shall be notified. The pager numbers are:

616 614-0045  
616 614-0046

Once notified, they shall call out the appropriate personnel to handle the situations.

#### E. Civil Disturbance

Because Ionia is home to six correctional facilities, it shall be possible to have a civil disturbance that will require notification of the various departments. In case of riot or other civil disturbance in the correctional facilities, the following shall be notified:

1. City Manager at 616 813 3782
2. Public Safety Director at pager
3. Department of Public Works director at 616 813 4653
4. Department of Public Utilities worker at 616 614-0060

The decision to open and operate the Emergency Operation Center shall be a determination of the City Manager and/or Public Safety Director. Such decision shall be based on the extent of the disturbance and likelihood of escalation as well as the probable duration of the incident. Public Works and Public Utilities shall be available to handle emergency situations involving water use or possible sewer contamination.

#### F. Alarms

The City has alarms in most of its buildings that notify of intrusion, fire, and or system failure. The following buildings are currently alarmed and the phone number that can be called is listed next to the building. It should be noted that in all cases, the alarm has an "auto dialer" that calls the city employee call list.

1. City Hall    City Manager                      Maintenance 616 316-0495
2. Public Utilities      Worker on call 316-0460      Director 316-0495
3. Public Transit      Director 614-0017
4. Recreation              Director 444-0916
5. Public Safety          Director or staff on call
6. Theater                      Manager Dave Cook 527-1825    City Manager

#### G. Mutual Aid

The City has agreements with the surrounding townships, cities and villages to assist in the time of disaster. These agreements may be activated by any city management staff.

Normally, such agreement activation will be preceded by establishing the Emergency Operation Center at Ionia Public Safety.

1. In the case of water or sewer plant emergencies, the Director of Public Utilities or his designee may request assistance from any surrounding community or the State of Michigan. When requested, the time shall be logged and compensation returned based on a time and materials basis.
2. In the case of snow, storm, or street emergency, including water main and sewer main breaks, the Director of Public Works or his designee may request assistance from surrounding communities, the state, or private contractors. The time of request and notification shall be logged with consideration returned on a time and material basis.
3. In the case of Public Safety, the director or his designee in the Incident Command shall make a determination for mutual aid. In all cases involving county assistance, such aid is normally without charge. In hazmat cases, such aid shall be

done on a time and material basis with the City compensating contracted services (Young Environmental). This is covered through insurance.

#### H. Call Lists

Call out lists are attached and current for the Public Works and Public Utilities department. The paged employee shall notify the other employees of the conditions for call out.

#### I. Environmental

The City has a contract with Young Environmental out of Grand Rapids at 616 555-1212 for environmental clean-up. In all cases involving hazardous material situations, the Public Safety Department shall assume command and control of the scene and request assistance per policy from Young Environmental. City crews may be called on to assist with sand, bagging, diking, or other similar actions. However all hazmat situation controls shall be in place and be followed.

In the case of ongoing testing, the City has a contract with Fishbeck, Thompson, Carr and Huber of Ada for such testing and control. Their phone number is 616 676-2666.

## **PHONES AT A GLANCE**

Water and sewer break/back-up      616 614-0046

Snow storm, wind storm                616 614-0046

MISS DIGG/Floods      616 614-0045

### **Tornado**

Manager 616 813-3782

Public Safety    All page

Public Works 616 614-0046

Public Utility    616 614-0045

## **FIREWORKS/PYROTECHNICAL DISPLAYS**

### **I. PURPOSE**

The purpose of this policy is to provide direction and control for pyrotechnical displays (fireworks) that are public displays. The policy shall be followed to prevent injury to city personnel as well as spectators.

### **II. SCOPE**

This policy shall be directed by the Department of Public Safety Director and his/her staff. Supervision and support shall be given from other city departments. During displays, the Department of Public Safety is the designated incident command.

### **III. POLICY**

The policy of the City of Ionia shall be to allow pyrotechnical displays within the corporate limits provided procedures and processes are followed.

A. Any person, company, or entity desiring to fire a pyrotechnical display shall first apply for a permit which shall require council approval. The form for the approval is contained as an attachment to this policy.

B. The council permit shall be requested at least 30 days prior to the regular scheduled council meeting and shall also require a proof of insurance naming the City of Ionia as an additional insured and indemnifying the City from any and all liability during the display.

C. The Director of Public Safety shall give his/her approval prior to the council action. Such approval shall be based on compliance with NFPA 1123 "Code for Fireworks Display" from the 2000 edition (attached).

D. Following council approval, the resolution along with insurance proof shall be placed on file with the City.

E. Any/all pyrotechnical displays shall be done with compliance of NFPA 1123. Failure to provide for NFPA 1123 rules and regulations shall result in the show being stopped and/or not starting. The Department of Public Safety shall be empowered to supervise and exercise termination rights on and for the City.

F. NFPA 1123 shall be the minimum standards. The show and or company producing the show may be more stringent than the guidelines contained in the NFPA policy. They may not be less stringent.

G. Following the show, all materials shall be cleaned up and a review made of the show and firm shooting the show. If problems develop or, if in the opinion of the Department of Public Safety the show was not safely conducted strictly by NFPA 1123, it may serve as a basis to deny a permit for future shows and events.

#### IV. PENALTY

Failure to follow the process outlined in this policy and NFPA 1123 may result in the termination of the event; refusal to grant permits in the future; or prosecution for safety and fire violations.

**PERMIT**

2567  
2011

**FOR FIREWORKS DISPLAY  
Act 358, P.A. 1968**

This permit is not transferable. Possession of this permit by the herein named person will authorize him/her to possess, transport and display fireworks in the amounts, for the purpose, and at the place listed below only.

TYPE OF DISPLAY:             Public Display                             Agricultural Pest Control

ISSUED TO:

Name:

Address:

Age:

REPRESENTING

Name of organization, group, firm, or corporation:

Address:

NUMBER AND TYPES OF FIREWORKS:

DISPLAY:

Exact location:

City IONIA

Date:

Time:

BOND OR INSURANCE FILED:     YES                             NO                            |                            Amount:

ISSUED BY:

Motion by:  
Supported by:

That the Common Council for the City of Ionia at a  Regular  Special Meeting held on \_\_\_\_\_ hereby approves the issuance of a permit for fireworks in accordance with the above application. Such application and show shall be in accordance with City Policy 5-008 for fireworks which incorporates NFPA 1123. The Director of Public Safety shall be incident command and representative for the City before, during and following the presentation.

Ayes:

Nays:

I hereby certify that this is a true and complete copy of a resolution approved at the above mentioned meeting at the date and time indicated. The meeting was held in compliance with the State of Michigan Open Meetings Act.

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Manager

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## NFPA 1123

Code for Fireworks Display

2000 Edition

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This edition of NFPA 1123, *Code for Fireworks Display*, was prepared by the Technical Committee on Pyrotechnics, and acted on by the National Fire Protection Association, Inc., at its World Fire Safety Congress and Exposition™ held May 14-17, 2000, in Denver, CO. It was issued by the Standards Council on July 20, 2000, with an effective date of August 18, 2000, and supersedes all previous editions.

This edition of NFPA 1123 was approved as an American National Standard on August 18, 2000.

### Origin and Development of NFPA 1123

The development of NFPA 1123 began in 1975 with the submission to the Technical Committee on Pyrotechnics of a proposed standard drafted by the American Pyrotechnics Association. The proposed standard was redrafted and was officially adopted by the National Fire Protection Association at its 1978 Fall Meeting. The 1978 edition was amended in 1980, and the amended version was adopted by the Association at its 1981 Fall Meeting.

In the 1990 edition of NFPA 1123, the committee initiated a complete revision of the document that incorporated a good deal of additional detail on the operation of outdoor fireworks displays, including enhancements in the safe conduct of outdoor fireworks displays by increasing the audience separation distances. The committee also addressed the new technology of electrically firing outdoor displays of fireworks. Generally, the committee provided performance requirements rather than supply specific prescriptions for meeting those requirements.

The 1995 edition of NFPA 1123 represented partial amendments to the document and included editorial revisions to improve its ability to be used, adopted, and enforced and to make it conform with the NFPA *Manual of Style*. The Committee updated the definitions used for fireworks to be consistent with the terminology used in the U.S. Department of Transportation regulations that incorporated the United Nations' shipping designations for fireworks

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(explosives), including the marking of aerial shells.

The 1995 edition incorporated a new chapter containing requirements for electrically firing fireworks displays and refined the provisions for manually firing large-diameter aerial shells.

This 2000 edition of NFPA 1123 contains three significant changes. First, a new Chapter 4 on display fireworks from floating vessels and floating platforms has been added to the document. It provides guidance on the construction, sizing, operations, and egress requirements for fireworks displays launched from floating vessels and floating platforms.

Second, requirements for mortar installation and placement have been added.

The third significant change revises and expands the tables in Appendix A that provide guidance on mortar wall thickness for steel, paper, high density polyethylene (HDPE), and fiberglass mortars. Chapter 2 was also reorganized to provide a more logical sequence.

### **Technical Committee on Pyrotechnics**

**Randall W. A. Davidson**, *Chair*  
Risk Int'l & Assoc., CA [SE]

**Kenneth L. Kosanke**, *Secretary*  
PyroLabs, Inc., CO [SE]

**Dane Boles**, Quest Aerospace, A Division of Toy Biz, Inc., AZ [M]

**Richard Bowes**, Canadian Explosives Research Laboratory, ON, Canada [RT]

**W. G. Bulifant, III**, Dominion Fireworks, Inc., VA [U]

**Jose R. Colon**, Connecticut Dept. of Public Safety, CT [E]  
Rep. Int'l Fire Marshals Assn.

**Steve A. Coman**, RES Specialty Pyrotechnics, MN [U]  
Rep. Pyrotechnics Guild Int'l, Inc.

**John A. Conkling**, American Pyrotechnics Assn., MD [M]

**Hugh Council**, California Dept. of Forestry & Fire Protection, Office of State Fire Marshal,  
CA [E]

**Thomas DeWille**, Luna Tech Inc., AL [M]

**Vernon Estes**, Canon City, CO [SE]

**Gary A. Fadorsen**, Pyrotech Int'l Inc., OH [IM]

**Felix J. Grucci, Jr.**, Fireworks by Grucci, Inc., NY [M]

**Garry Hanson**, Precocious Pyrotechnics, Inc., MN [M]  
Rep. Nat'l Fireworks Assn.

**Lansden E. Hill, Jr.**, E. E. Hill & Son, Inc./Pyro Shows, TN [U]

**Alfred J. Hogan**, Reedy Creek Improvement District, FL [E]

**Bruce E. Kelly**, Orem, UT [U]  
Rep. Tripoli Rocketry Assn., Inc.

**John Kitchens**, City of Los Angeles Fire Dept., CA [E]

**Gerald R. Laib**, NSWC, MD [SE]

**Larry J. McCune**, U.S. Bureau of Alcohol, Tobacco & Firearms, DC [E]

**Dale C. Miller**, Falls Church, VA [SE]

**J. Patrick Miller**, Cisco College, TX [U]  
Rep. Nat'l Assn. of Rocketry

**David J. Pier**, MP Assoc., Inc., CA [M]

**Michael W. Platt**, Petersburg, NY [M]  
Rep. High Power Rocket Mfrs. & Dealers Assn.

**Mary Roberts**, Estes Industries, CO [M]

**Gary C. Rosenfield**, Industrial Solid Propulsion Inc., NV [M]

**James R. Souza**, Pyro Spectaculars, Inc., CA [U]

**Charles Weeth**, La Crosse, WI [U]  
Rep. La Crosse Skyrockers Inc.

**John J. Weinbrecht**, Virginia Beach Fire Dept., VA [E]

**Dan Westcott**, Gadsden Fire Dept., AL [E]  
Rep. NFPA Fire Service Section

## Alternates

**Arthur H. Barber, III**, Springfield, VA [SE]  
(Alt. to V. Estes)

**Scott Bartel**, Black Sky Research, CA [U]  
(Alt. to B. E. Kelly)

**Bruce E. Blom**, Pyrotechnics Guild Int'l, Inc., OH [U]  
(Alt. to S. A. Coman)

**Kevin T. Brueckner**, Fireworks and Stage FX America, Inc. [M]  
(Alt. to G. Hanson)

**Mark B. Bundick**, First Chicago Capital Markets, IL [U]  
(Alt. to J. P. Miller)

**Ettore Contestabile**, Natural Resources Canada, ON, Canada [RT]  
(Alt. to R. Bowes)

**Patrick C. Ferguson**, Onalaska, WI [U]  
(Alt. to C. Weeth)

**Felix J. (Phil) Grucci**, Fireworks by Grucci, Inc., NY [M]  
(Alt. to F. J. Grucci, Jr.)

**Paul C. Hans**, P. Hans & Co., Inc., AZ [M]  
(Alt. to G. C. Rosenfield)

**Julie L. Heckman**, American Pyrotechnics Assn., MD [M]  
(Alt. to J. A. Conkling)

**Bonnie J. Kosanke**, Journal of Pyrotechnics, Inc., CO [SE]  
(Alt. to K. L. Kosanke)

**Larry Mars**, MP Assoc., Inc., CA [M]  
(Alt. to D. J. Pier)

**Jane B. McCaulley**, D & J Assoc., VA [SE]  
(Alt. to G. R. Laib)

**David S. Shatzer**, U.S. Bureau of Alcohol, Tobacco & Firearms, DC [E]  
(Alt. to L. J. McCune)

**Bill Stine**, Quest Aerospace, A Division of Toy Biz, Inc., AZ [M]  
(Alt. to D. Boles)

**Pamela K. Stout Hunt**, Arizona Skyart Productions, Inc., AZ [U]  
(Alt. to J. R. Souza)

**Gerald D. Ward**, Bethany Fire & Protection District, IL [E]  
(Alt. to D. Westcott)

**Lawrence Weinman**, Luna Tech, Inc., AL [M]  
(Alt. to T. DeWille)

### **Nonvoting**

**Joseph A. Domanico**, U.S. Dept. of the Army, MD [RT]

**Glen E. Gardner**, U.S. Occupational Safety & Health Admin., DC

**Patrick M. Race**, U.S. Consumer Product Safety Commission, DC [C]

**Gary Zeller**, Zeller Int'l, NY

**Guy R. Colonna**,  
NFPA Staff Liaison

This list represents the membership at the time the Committee was balloted on the final text of this edition. Since that time, changes in the membership may have occurred. A key to classifications is found at the back of the document.

NOTE: Membership on a committee shall not in and of itself constitute an endorsement of the Association or any document developed by the committee on which the member serves.

**Committee Scope:** This Committee shall have primary responsibility for documents on the manufacture, transportation, and storage for consumer and display fireworks, pyrotechnic special effects and model and high power rocket motors; the use of display fireworks; and the construction, launching and other operations that involve model and high power rockets. The Committee does not have responsibility for documents on the retail storage, sale, and display of consumer fireworks for use by the general public; on the use of consumer fireworks by the general public; and on the use of pyrotechnic special effects before a proximate audience.

**NFPA 1123**

**Code for  
Fireworks Display**

**2000 Edition**

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NOTICE: An asterisk (\*) following the number or letter designating a paragraph indicates that explanatory material on the paragraph can be found in Appendix A.

Changes other than editorial are indicated by a vertical rule in the margin of the pages on which they appear. These lines are included as an aid to the user in identifying changes from the previous edition. Where one or more complete paragraph(s) has been deleted, the deletion is indicated by a bullet between the paragraphs that remain.

Information on referenced publications can be found in Chapter 8 and Appendix G.

## Chapter 1 General

### 1.1 Scope.

#### 1.1.1

This code shall apply to the construction, handling, and use of fireworks and equipment intended for outdoor fireworks display. It also shall apply to the general conduct and operation of the display. (*See definition 1.4.21, Fireworks Display.*)

#### 1.1.2

This code shall not apply to the manufacture, transportation, or storage of fireworks at a manufacturing facility. Similarly, this code shall not apply to the testing of fireworks under the direction of its manufacturer, provided permission for such testing has been obtained from the authority having jurisdiction, which shall be in accordance with NFPA 1124, *Code for the Manufacture, Transportation, and Storage of Fireworks and Pyrotechnic Articles*.

#### 1.1.3

This code shall not apply to the use of consumer fireworks by the general public.

#### 1.1.4

This code shall not apply to the transportation, handling, or use of fireworks by the armed forces of the United States.

#### 1.1.5

This code shall not apply to the transportation, handling, or use of industrial pyrotechnic devices or fireworks, such as railroad torpedoes, fusees, automotive, aeronautical, and marine flares, and smoke signals.

#### 1.1.6

This code shall not apply to the use of pyrotechnic devices or materials in the performing arts at distances less than those specified in this code and used in conformance with NFPA 1126,

*Standard for the Use of Pyrotechnics before a Proximate Audience.*

#### **1.1.7**

This code shall not apply to the use of flame special effects in the performing arts when used in conformance with NFPA 160, *Standard for Flame Effects before an Audience.*

#### **1.1.8**

This code shall not apply to the sale and use of model rockets, model rocket motors, motor reloading kits, pyrotechnic modules, or components used in conformance with NFPA 1122, *Code for Model Rocketry*, or other propulsion devices as classified by the U.S. Department of Transportation as Rocket Motors (UN0186), or Cartridges, power device (UN0275).

#### **1.1.9**

This code shall not apply to the use of explosives, firearms, or flammable special effects used in motion pictures, television, or other entertainment industries.

### **1.2 Purpose.**

#### **1.2.1**

The purpose of this code is to provide requirements for the reasonably safe conduct of outdoor fireworks displays.

#### **1.2.2**

The purpose of this code also is to provide recommended local permit regulations. (*See Appendix C.*)

#### **1.2.3**

The purpose of this code also is to provide recommended regulations for state certification of display operators. (*See Appendix D.*)

### **1.3 Equivalency.**

Nothing in this code is intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability, and safety over those prescribed by this code. Technical documentation shall be submitted to the authority having jurisdiction to demonstrate equivalency. The system, method, or device shall be approved for the intended purpose by the authority having jurisdiction.

### **1.4 Definitions.**

For the purpose of this code, the terms below shall be defined as follows.

**1.4.1\* Aerial Shell.** Usually a cylindrical or spherical cartridge containing pyrotechnic composition, a long fuse or electric match wires, and a black powder lift charge.

**1.4.2\* Approved.** Acceptable to the authority having jurisdiction.

**1.4.3\* Assistant.** A person who works under the direction of the operator to put on an outdoor fireworks display.

**1.4.4\* Authority Having Jurisdiction.** The organization, office, or individual responsible for approving equipment, materials, an installation, or a procedure.

**1.4.5\* Barrage.** A rapidly fired sequence of aerial fireworks.

**1.4.6\* Battery.** A collection of fireworks devices, such as a group of mortars (finale battery) or a bundle of roman candles (candle battery), fused together in such a manner that they are fired within a short period of time.

**1.4.7 Black Match.** A fuse made from string that is impregnated with black powder and used for igniting pyrotechnic devices.

**1.4.8\* Break.** An individual burst from an aerial shell, generally producing either a visual effect (stars) or noise (salute).

**1.4.9\* Chain Fusing.** A series of two or more aerial shells fused to fire in sequence from a single ignition.

**1.4.10\* Code.** A standard that is an extensive compilation of provisions covering broad subject matter or that is suitable for adoption into law independently of other codes and standards.

**1.4.11\* Comet.** A fireworks device consisting of a large pellet of pyrotechnic composition that is ignited and propelled from a mortar tube by a charge of black powder.

**1.4.12 Discharge Site.** The area immediately surrounding the fireworks mortars used for an outdoor fireworks display.

**1.4.13 Display Site.** The immediate area where a fireworks display is conducted, including the discharge site, the fallout area, and the required separation distance from mortars to spectator viewing areas, but not spectator viewing areas or vehicle parking areas.

**1.4.14 Electrical Firing Junction.** A box or slat, connected by wire or cable to the firing unit, that contains electrical connectors that are intended to be attached to electric matches.

**1.4.15\* Electrical Firing Unit.** A device that provides and controls the electric current used to ignite fireworks during an outdoor display.

**1.4.15.1\* Automatic Electrical Firing Unit.** A panel or box that operates automatically to provide the source of electric current used to ignite electric matches.

**1.4.15.2\* Handheld Electrical Firing Unit.** A small, handheld unit with manually operated switches that control the flow of electric current to electric matches attached to fireworks devices.

**1.4.15.3\* Manual Electrical Firing Unit.** A panel or box with manually operated switches that control the flow of electric current to electric matches attached to fireworks devices.

**1.4.16\* Electrical Ignition.** A technique used to ignite fireworks using a source of electric current.

**1.4.17\* Electric Match.** A device consisting of wires terminating at a relatively high-resistance element surrounded by a small quantity of heat-sensitive pyrotechnic composition.

**1.4.18\* Fallout Area.** The area over which aerial shells are fired.

**1.4.19\* Finale.** A rapidly fired sequence (barrage) of aerial fireworks, typically fired at the end of a display.

**1.4.20\* Fireworks.** Any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration, or detonation that meets the definition of *Consumer Fireworks* or *Display Fireworks* as set forth in this code.

**1.4.20.1\* Consumer Fireworks.** Any small fireworks device designed primarily to produce visible effects by combustion or deflagration that complies with the construction, chemical composition, and labeling regulations of the U.S. Consumer Product Safety Commission, as set forth in Title 16, *Code of Federal Regulations*, Parts 1500 and 1507.

**1.4.20.2\* Display Fireworks.** Fireworks devices intended for use in fireworks displays that are presented in conformance with the provisions of this code and that are designed to produce visible or audible effects for entertainment purposes by combustion, deflagration, or detonation.

**1.4.21 Fireworks Display.** A presentation of fireworks for a public or private gathering.

**1.4.22 Fusee.** A highway distress flare, sometimes used to ignite fireworks at outdoor fireworks displays.

**1.4.23 Ground Display Piece.** A pyrotechnic device that functions on the ground (as opposed to an aerial shell that functions in the air) and that includes fountains, roman candles, wheels, and "set pieces."

**1.4.24\* Hazardous Debris.** Any debris produced or expelled by the functioning of a pyrotechnic device that is capable of causing personal injury or unpredicted property damage, including, but not limited to, hot sparks, heavy casing fragments, and unignited components.

**1.4.25 Labeled.** Equipment or materials to which has been attached a label, symbol, or other identifying mark of an organization that is acceptable to the authority having jurisdiction and concerned with product evaluation, that maintains periodic inspection of production of labeled equipment or materials, and by whose labeling the manufacturer indicates compliance with appropriate standards or performance in a specified manner.

**1.4.26\* Lance.** A thin cardboard tube packed with color-producing pyrotechnic composition

used to construct ground display pieces.

**1.4.27\* Lift Charge.** That composition in an aerial shell that propels (lifts) the shell into the air when ignited, usually consisting of a black powder charge ignited by a quick match fuse.

**1.4.28\* Listed.** Equipment, materials, or services included in a list published by an organization that is acceptable to the authority having jurisdiction and concerned with evaluation of products or services, that maintains periodic inspection of production of listed equipment or materials or periodic evaluation of services, and whose listing states that either the equipment, material, or service meets appropriate designated standards or has been tested and found suitable for a specified purpose.

**1.4.29 Loader(s).** An assistant(s) who loads or reloads aerial shells, comets, or mines into mortars.

**1.4.30 Manual Ignition.** A technique used to ignite fireworks using a handheld ignition source such as a fusee or portfire.

**1.4.31 Mine.** A device designed to project numerous stars and other effects, such as whistles and firecrackers, into the air from a mortar charged by black powder that ignites the contents of the mine, propelling its contents into the air to altitudes that usually are lower than those reached by aerial shells.

**1.4.32 Monitor.** A person designated by the sponsors of the display to keep the audience in the intended viewing area and out of the discharge site and fallout area.

**1.4.33 Mortar.** A tube from which aerial shells are fired into the air.

**1.4.34 Mortar Rack.** A strong frame containing mortars. Such racks most often are used for barrages and finales and in electrically ignited displays.

**1.4.35 Mortar Trough.** Aboveground structure filled with sand or similar material into which mortars are positioned ready for use in a fireworks display.

**1.4.36 No-fire Current.** The maximum current that can be applied to an electric match for 5 seconds at room temperature without the match igniting.

**1.4.37 Operator.** The person with overall responsibility for the safety, setup, and discharge of an outdoor fireworks display.

**1.4.38 Portfire.** A long tube containing slow-burning pyrotechnic composition that is sometimes used to ignite fireworks at outdoor fireworks displays.

**1.4.39 Potential Landing Area.** See 1.4.18, Fallout Area.

**1.4.40 Quick Match.** A black match that is encased in a loose-fitting sheath. While exposed black match burns slowly, quick match propagates flame extremely rapidly, almost instantaneously. Quick match is used in fuses for aerial shells and for simultaneous ignition of a number of pyrotechnic devices, such as lances in a ground display piece.

**1.4.41 Ready Box.** A storage container for aerial fireworks such as mines, comets, and shells at

the site of a fireworks display.

**1.4.42\* Ready Box Tender(s).** An assistant(s) who controls and utilizes the ready box(es) during a reloaded fireworks display.

**1.4.43 Safety Cap.** A paper tube, closed at one end, that is placed over the end of the fuse of a fireworks device to protect it from damage and accidental ignition.

**1.4.44 Salute.** A display fireworks item that is designed to produce a loud report.

**1.4.45 Salute Powder.** A pyrotechnic composition that makes a loud report when ignited and constitutes the sole pyrotechnic effect of a salute.

**1.4.46 Shall.** Indicates a mandatory requirement.

**1.4.47 Shooter.** A member of the fireworks display crew (either the operator or an assistant) who performs the actual ignition of the fireworks, either by manual or electrical means.

**1.4.48 Should.** Indicates a recommendation or that which is advised but not required.

**1.4.49 Sponsor.** The organization (person, group, or government agency) that arranges with a duly authorized fireworks supplier for its services in presenting a fireworks display or in providing fireworks for use in a display.

**1.4.50 Spotter.** A member of the fireworks display crew (either the operator or an assistant) who observes the firing and bursting of aerial shells and other display fireworks for the purpose of detecting proper mortar angling, noting the occurrence of duds, and observing for other potentially hazardous situations.

**1.4.51 Trough.** See 1.4.35, Mortar Trough.

## **Chapter 2 Requirements for Display Fireworks Aerial Shells and Equipment**

### **2.1 Construction of Display Fireworks Aerial Shells.**

#### **2.1.1**

Aerial shells, mines, and comets shall be classified and described only in terms of the inside diameter of the mortar from which they are fired [e.g., 3-in. (76-mm) aerial shells, mines, and comets are only for use in 3-in. (76-mm) mortars].

#### **2.1.2\***

Aerial shells shall be constructed so that they fit easily into the appropriate size mortar and so that the lift charge and internal delay fuse are appropriate to propel the shell to a safe altitude before functioning.

### **2.1.3\***

Shells shall be marked with the type of shell, the shell size, and the name of the manufacturer or distributor. Shells also shall carry a warning label, as described in Appendix B.

#### **2.1.3.1**

The label or wrapper of any type of aerial shell shall be marked conspicuously with a number to indicate the shell size (the diameter of the mortar to be used).

#### **2.1.3.2**

The label or wrapper of any type of aerial salute shall be conspicuously marked with the word "Salute."

#### **2.1.4**

For aerial shells using a quick match fuse to ignite the lift charge, that fuse shall be long enough to allow not less than 6 in. (152 mm) of fuse to protrude from the mortar after the shell has been inserted properly.

*Exception No. 1: For chain fused shells only the ignition leader shall be long enough to allow not less than 6 in. (152 mm) of fuse to protrude from the mortar.*

*Exception No. 2: This requirement shall not apply where shells are to be fired electrically.*

#### **2.1.5**

In order to allow the shooter to retreat safely, the time delay between igniting the tip of the shell's fuse and the firing of the shell shall not be less than 3 seconds or more than 6 seconds.

*Exception: For electrically ignited displays, no delay period shall be required.*

#### **2.1.6**

A safety cap shall be installed over the exposed end of the fuse. The safety cap shall be of a different color from that of the fuse. The safety cap shall be installed in such a manner that the fuse is not damaged.

*Exception: For electrically fired displays, no safety cap shall be required, but there shall be no exposed pyrotechnic composition.*

### **2.1.7 Salute Shell Limits.**

#### **2.1.7.1**

Single break aerial salute shells shall be limited to a maximum size of 5 in. (127 mm) in diameter and length. Minimum standards for use shall include the following:

- (1) Nonmetal mortars shall be used.
- (2) Mortars used for salutes over 3 in. (76 mm) in diameter and length shall be individually supported and separated from other mortars by 10 times the inside diameter of the mortar.
- (3) Remote ignition or use of an added 5 second minimum delay fuse extension shall be used.
- (4) Salute shells shall be preloaded into mortars.

#### **2.1.7.2**

Salutes over 3 in. (76 mm) in diameter or length shall be permitted to be used only by the following:

- (1) Licensed operators or designated agents of licensed companies
- (2) Displays under the direct control of a licensed professional fireworks display company

#### **2.1.7.3**

Multiple break shells with salutes and shells consisting of multiple salute inserts or components shall be permitted, provided that the following requirements apply:

- (1) Final or "bottom" shots (salutes) on multiple break shells shall not exceed the criteria for single break salutes.
- (2) Aerial shells containing multiple salutes shall consist of component salutes not exceeding 3 in. (76 mm) and 3 oz (85 g) individually.
- (3) Requirements for use and operator restrictions described for single break salutes shall apply, except that multi-break shells shall be permitted to be fired from steel mortars buried in the ground, troughs, or drums.

#### **2.1.7.4 Ground Salutes.**

##### **2.1.7.4.1**

Ground salutes shall not exceed 3 in. (76 mm) in diameter by 3 in. (76 mm) in length.

##### **2.1.7.4.2**

The maximum quantity of salute powder in ground salutes shall not exceed 2.5 oz (71 g).

##### **2.1.7.4.3**

Ground salutes shall be constructed of paper or other equivalent materials. They shall not be constructed of metal or brittle plastic.

## **2.2 Storage and Transportation of Fireworks.**

### **2.2.1**

Any storage, handling, assembly, testing, or transportation of fireworks materials and devices intended for outdoor display prior to their delivery to the display site shall be in accordance with NFPA 1124, *Code for the Manufacture, Transportation, and Storage of Fireworks and Pyrotechnic Articles*; Title 27, *Code of Federal Regulations*, Part 18, Bureau of Alcohol, Tobacco and Firearms, Part 181, *Commerce in Explosives*, and Title 49, *Code of Federal Regulations*, Parts 171-177, U.S. Department of Transportation. This shall include, but is not limited to, ground display pieces, wheels, roman candle batteries, and multishot devices.

### **2.2.2**

As soon as the fireworks have been delivered to the display site, they shall not be left unattended, and they shall be kept dry. Unauthorized persons and the public shall be kept a minimum of 50 ft (15.2 m) from the fireworks.

### **2.2.3**

All shells shall be inspected by the operator or assistants following delivery to the display site. Any shells having tears, leaks, broken fuses, or signs of having been wet shall be set aside and shall not be fired. After the display, such shells shall be either returned to the supplier or destroyed in accordance with the supplier's instructions.

*Exception: Minor repairs to fuses shall be permitted. For electrically ignited displays, attachment of electric matches and other similar tasks shall be permitted.*

#### **2.2.3.1**

At the display site, assembly or repair of fireworks shall not be performed within 50 ft (15.2 m) of bulk fireworks storage. Assembly or repair of fireworks shall be limited to the following:

- (1) Assembly of ground display pieces from finished fireworks or pyrotechnic articles
- (2) Minor repairs or modifications of fireworks
- (3) The attachment of electric matches

### **2.2.4 Ready Boxes.**

#### **2.2.4.1**

A ready box shall be a portable, weather-resistant container that protects contents from burning debris with a self-closing cover or equivalent means of closure required.

#### **2.2.4.2**

After delivery and prior to the display, all shells shall be separated according to size and their designation as salutes. Any display fireworks that will be temporarily stored at the display site during the fireworks display shall be stored in ready boxes separated according to size and their designation as salutes. Tarpaulins shall not be considered as ready boxes.

*Exception: For electrically ignited displays, or displays where all shells are loaded into mortars prior to the show, there is no requirement for separation of shells according to size, for their designation as salutes, or for the use of ready boxes.*

#### **2.2.4.3\***

During the performance of an outdoor fireworks display, ready boxes shall be located at a distance not less than 25 ft (7.7 m) upwind from the mortar placements. If the wind shifts during a display, the ready boxes shall be located to again be upwind from the discharge site.

*Exception No. 1: Where permitted by the authority having jurisdiction, alternate measures shall be taken.*

*Exception No. 2: Where there are no shells requiring storage during a display, such as for an electrically ignited display, no ready boxes shall be required.*

### **2.3 Installation of Mortars.**

#### **2.3.1\* General.**

Prior to placement, mortars shall be inspected carefully for defects, such as dents, bent ends, damaged interiors, and damaged plugs. Defective mortars shall not be used.

#### **2.3.2\***

Mortars shall be positioned and spaced so that shells are propelled away from spectators, over the fallout area, and to afford maximum protection to the shooter and loader. Under no circumstances shall mortars be angled toward the spectator viewing area. *(Also see Section 3.2.)*

#### **2.3.3\***

Where mortars are to be reloaded during a display, mortars of various sizes shall not be intermixed. Mortars of the same size shall be placed in groups, and the groups shall be separated from one another.

#### **2.3.4**

Mortars of any type 6 in. (152 mm) in diameter or less shall be permitted to be reloaded and fired up to 7 times during a performance.

*Exception: There shall be no limit to the number of times a steel mortar 6 in. (152 mm) or less is permitted to be reloaded.*

### **2.3.5\***

Mortars shall be positioned to afford protection to the spectators and display personnel.

### **2.3.6**

Mortars shall be inspected before the first shells are loaded to ensure that no water or debris has accumulated in the bottom of the mortar.

### **2.3.7\***

Mortars shall be of sufficient strength and durability to fire the aerial shells and be used safely.

#### **2.3.7.1\***

Paper, HDPE, and fiberglass mortars are among the types of mortars that shall be permitted to be used.

#### **2.3.7.2**

Cast iron, stove pipe, corrugated culvert, clay, bamboo, and wood shall not be used to make mortars.

#### **2.3.7.3**

Metal mortars shall be either seamed or seamless; however, seamed mortars shall be placed so that all seams face either right or left when viewing the line of mortars.

### **2.3.8\***

Steel mortars used to fire single break salute shells shall be buried according to Section 2.4.

### **2.3.9\***

Mortars shall be of sufficient length to cause aerial shells to be propelled to safe heights.

### **2.3.10**

The dimension of the inside diameter of the mortar shall be conspicuously painted or otherwise marked on the top of all mortars.

*Exception: Designation of the inside diameter dimension shall not be required for outdoor fireworks displays fired under the direct control of a professional fireworks display company.*

## **2.4 Installation of Buried Mortars.**

### **2.4.1\***

Mortars shall be buried to a depth of at least  $\frac{2}{3}$  to  $\frac{3}{4}$  of their length, either in the ground or in

aboveground troughs or drums.

#### 2.4.2

Where paper mortars are to be placed in damp ground or damp sand or are to be in the ground or sand for more than 12 hours prior to the display, they shall be placed inside a water-resistant bag or otherwise protected against moisture prior to placement in the ground or sand.

##### 2.4.2.1

Wherever there is the likelihood of ground water leaking into the mortar, the mortar shall be placed inside a water-resistant bag prior to placement in the ground.

##### 2.4.2.2

Weather-resistant coverings shall be placed over the mouth of mortars wherever there is imminent danger of water collecting in the mortars.

#### 2.4.3\*

Buried mortars shall be placed to prevent them from being driven into the ground or reangled when fired.

*Exception: Where a mortar is to be used only once, such as for an electrically fired display, added support shall be optional and shall not be required.*

#### 2.4.4\*

Mortars that are buried in the ground, in troughs, or in drums shall be separated from adjacent mortars by a distance at least equal to the diameter of the mortar.

*Exception: Where electrical ignition of unchained aerial shells 6 in. (152 mm) and less in diameter is used, there is no requirement for separation of mortars.*

##### 2.4.4.1

Mortars in troughs or drums shall be positioned to afford the maximum protection to the shooter.

##### 2.4.4.2

There shall be a separation distance of at least 2 in. (50 mm) or  $\frac{1}{2}$  the diameter of the mortar, whichever is greater, between the mortar and the trough or drum.

*Exception: Where electrical ignition is used, all mortars placed in drums or troughs shall be spaced at least 2 in. (50 mm) from the wall of the drum or trough.*

#### 2.4.5

If troughs and drums are used, they shall be filled with sand or soft dirt; in no case shall stones or other potentially dangerous debris be present.

#### **2.4.5.1**

Troughs shall be reinforced or braced in a minimum of two places on the sides at intervals no greater than every 4 ft (1.2 m).

#### **2.4.5.2**

Where possible, the narrow side of the trough shall face the greatest number of spectators and the firing progression shall develop in a direction away from the spectators.

### **2.5 Installation of Mortar Racks.**

#### **2.5.1**

Single break shells not exceeding 6 in. (152 mm) in diameter shall be permitted to be fired from securely positioned mortar racks.

#### **2.5.2**

Firing of single break shells that are 7 in. (178 mm) or 8 in. (203 mm) in diameter shall be permitted from securely positioned mortar racks provided the following conditions are met:

- (1) The mortar is not metallic.
- (2) Electrical or equivalent means of remote ignition is used to fire the shell.
- (3) The shell is not chain fused to any other shells.

#### **2.5.3**

Mortar racks or bundles shall be constructed in a thorough and workmanlike manner to be capable of holding multiple mortars in position during normal functioning.

#### **2.5.4**

Mortar racks or bundles that are not inherently stable shall be secured or braced to stabilize them. Stabilization shall be accomplished by using stakes, legs, A-frames, side-boards, or equivalent means.

#### **2.5.5**

Mortar racks or bundles shall be oriented, angled, or oriented and angled in such a way that maximizes the audience's safety.

### **2.6 Requirements for Chain Fusing.**

## 2.6.1

Wherever more than three shells are to be chain fused, such as for sequential firing, additional measures shall be required to prevent adjacent mortars from being repositioned in the event that a shell explodes in a mortar, causing it to burst.

### 2.6.1.1

For buried mortars, prevention of repositioning shall be accomplished by spacing the mortars with a minimum separation distance of four times their diameter.

*Exception: Where the separation distance is twice that required in Table 3.1.3, buried mortars shall be separated by a minimum distance of the internal diameter of the largest mortar in the sequence.*

### 2.6.1.2\*

For mortars in racks, prevention of repositioning shall be accomplished by using mortar racks that have sufficient strength to withstand such a failure successfully.

*Exception: Where there is doubt concerning the strength of racks holding chain-fused mortars, the separation distances from those racks to spectators shall be twice those listed in Table 3.1.3 for the largest mortar in the sequence.*

### 2.6.1.3

Chain-fused mortar racks shall be positioned to maximize the placement of racks perpendicular to spectator viewing areas.

### 2.6.1.4

Chain-fused mortar racks containing mortars 3 in. (76 mm) or less in diameter shall be limited to a maximum of 15 mortars per unit. Racks containing mortars 4 in. (100 mm) in diameter shall be limited to a maximum of 12 mortars. Racks containing mortars 5 in. to 6 in. (125 mm to 150 mm) in diameter shall be limited to a maximum of 10 mortars. Chain-fused racks shall not be used for mortars greater than 6 in. (150 mm) in diameter.

*Exception: Boxed finale items containing tubes 2.5 in. (75 mm) or less in diameter only shall not be required to comply with the limitations in 2.6.1.4.*

### 2.6.1.5\*

All chain fused aerial fireworks devices, including those not in mortar racks such as roman candle batteries and multi-tube aerial items, shall be positioned securely to prevent tipover or hazardous movement during operation.

This shall be accomplished by the use of stakes, racks, sandbags, earth, or equivalent means.

*Exception: Where there is doubt concerning the adequacy of the method used to secure such devices, the separation distances from those devices to spectators shall be twice those listed in Table 3.1.3 for the largest tube in the device.*

### 2.6.2

Staple guns shall not be permitted to be used to secure quick match that is connected to aerial shells, mines, or comets.

### 2.6.3

Chain-fused aerial shells shall not be permitted to be reloaded.

## Chapter 3 Display Site Selection

### 3.1 General.

#### 3.1.1

The intent of this chapter shall be to provide requirements for clearances upon which the authority having jurisdiction shall base its approval of an outdoor fireworks display site. Where added safety precautions have been taken, or particularly favorable conditions exist, the authority having jurisdiction shall be permitted to decrease the required separation distances as it deems appropriate, upon demonstration that the hazard has been reduced or the risk has been properly protected. Where unusual or safety-threatening conditions exist, the authority having jurisdiction shall be permitted to increase the required separation distances as it deems necessary.

#### 3.1.2

A site plan shall be submitted to the authority having jurisdiction in a time period as required by the authority having jurisdiction prior to the display. The site plan shall include the dimensions of the discharge site, spectator viewing area, parking areas, and the fallout area and the associated separation distances. After review of the site plan, the authority having jurisdiction shall inspect the area depicted on the site plan. *(See Appendix C for additional information.)*

When trenches or holes are dug into the ground in order to place mortars, the operator shall consult with the sponsor and authority having jurisdiction in order to locate any buried utility lines in the discharge site.

#### 3.1.3\*

The site for the outdoor land or water display shall have at least a 70-ft/in. (22-m/2.5 mm) radius of internal mortar diameter of the largest aerial shell to be fired as shown in Table 3.1.3.

### 3.1.3.1

No spectators or spectator parking areas shall be located within the display site.

### 3.1.3.2

Dwellings, buildings, and structures shall be permitted to be located within the display site with the approval of the authority having jurisdiction and the owner of the dwelling, building, or structure, if the dwelling, building, or structure is unoccupied during the display, or if the structure provides protection through substantial noncombustible or fire-resistant construction for the occupants.

**Table 3.1.3 Distances for Outdoor Fireworks Display Sites: Minimum Separation Distances from Mortars to Spectators for Land or Water Displays**

Mortar Size <sup>1</sup>		Minimum Secured Diameter of Site <sup>2</sup>		Vertical Mortars <sup>3</sup>		Angled <sup>1/3</sup>
in.	mm	ft	m	ft	m	ft
<3	<76	280	85	140	43	95
3	76	420	128	210	64	140
4	102	560	171	280	85	190
5	127	700	213	350	107	230
6	152	840	256	420	128	280
7	178	980	299	490	149	320
8	203	1120	341	560	171	370
10	254	1400	427	700	213	460
12	305	1680	512	840	256	560

>12 requires the approval of the authority having jurisdiction.

<sup>1</sup> See 2.1.1.

<sup>2</sup> See 3.1.3.

<sup>3</sup> See 3.2.3.

<sup>4</sup> See 3.2.3.1. Note that for angled mortars, the minimum secured diameter of the display site does not change. Only t changes when the mortars are angled.

<sup>5</sup> See 3.1.3.2. Note that this is only the distance to the special hazards. The minimum secured diameter of the display

### 3.1.3.3\*

Distances from health care and detention and correctional facilities shall be at least twice the distances specified in Table 3.1.3.

*Exception: Where approved by the authority having jurisdiction and the health care or detention and correctional facility.*

### 3.1.3.4\*

The distance between the mortar line and bulk storage areas of materials that have a flammability, explosive, or toxic hazard shall be twice that required by Table 3.1.3.

*Exception: The fuel tanks on vehicles or other motorized equipment located in the display site shall not be considered bulk storage.*

### **3.2 Discharge Site.**

#### **3.2.1**

The area selected for the discharge of aerial shells shall be located so that the trajectory of the shells shall not come within 25 ft (7.7 m) of any overhead object.

#### **3.2.2**

Ground display pieces shall be located a minimum distance of 75 ft (23 m) from spectator viewing areas and parking areas.

*Exception No. 1: For ground pieces with greater hazard potential (such as large wheels with powerful drivers, and items employing large salutes), the minimum separation distance shall be increased to 125 ft (38 m).*

*Exception No. 2: All roman candles and multishot devices shall have the separation distance of 125 ft (38 m) or 70 ft/in. (22 m/25 mm) of tube diameter, whichever is greater.*

#### **3.2.3\***

Where the mortars are positioned vertically, the mortars shall be placed at the approximate center of the display site.

##### **3.2.3.1\***

Mortars shall be permitted to be angled during a display to allow for wind and to carry shells away from the main spectator viewing areas.

##### **3.2.3.1.1**

The angled mortars shall be permitted to be placed up to  $\frac{1}{3}$  of the distance from the center of the display site (see Table 3.1.3) toward the main spectator viewing area.

##### **3.2.3.1.2**

The mortars shall be angled so that any dud shells fall at a point approximately equal to the offset of the mortars from the center of the display site, but in the opposite direction.

#### **3.2.4**

Unauthorized tents shall not be located within the display site.

### **3.3 Fallout Area.**

#### **3.3.1\***

The fallout area shall be a large open area.

#### **3.3.2**

Spectators, unauthorized vehicles, watercraft, or readily combustible materials shall not be located within the fallout area during the display.

#### **3.3.3**

Fire protection personnel and their vehicles and other emergency response personnel and vehicles shall remain at or beyond the perimeter of the display site during the actual firing of the display.

## **Chapter 4 Floating Vessels and Floating Platforms**

### **4.1 General.**

#### **4.1.1**

The intent of this chapter shall be to provide guidance for the display of fireworks from floating vessels and floating platforms.

#### **4.1.2**

Floating vessels and floating platforms shall be permitted to be manned or unmanned as long as the pyrotechnic crew remains in control of the site and firing of the display.

#### **4.1.3**

Floating vessels and floating platforms shall be held in control at all times, whether self-propelled, controlled by another vessel, or secured by mooring or anchoring.

### **4.2 Construction.**

#### **4.2.1\***

Floating vessels and floating platforms shall be of sufficient strength and stability to safely allow the firing of the display.

#### **4.2.2**

The types of fireworks and placement of the fireworks launch tubes and accompanying

equipment shall be such that, when fired, the stability of the site structures and seaworthiness of the floating vessels or platforms shall not be jeopardized.

#### 4.2.3

Floating vessels and floating platforms that are manned during electrical firing shall have a safety shelter. The safety shelter shall meet the following requirements:

- (1) Be of sufficient size to accommodate all personnel present during the actual firing of the display
- (2) Have a minimum of three sides and a roof
- (3) Have walls and a roof constructed of at least  $\frac{3}{4}$ -in. (19-mm) plywood or equivalent materia

### 4.3 Platform Sizing Requirements.

#### 4.3.1\*

The minimum size for the floating vessel or floating platform for electrically fired programs that are manned shall be based upon the area for the setup of the display plus the safety area for the safety shelter. The minimum specifications for these two areas shall be defined by the following formula:

$$\text{Minimum display set-up area (ft}^2\text{)} = \sum \frac{M_n \times D_n}{2}$$

where:

$M_n$  = number of each different mortar size from 1 to  $n$

$D_n$  = inside diameter (in inches) for each different size mortar

*Exception No. 1: Multishot devices up to 3 in. (76 mm) in diameter shall be calculated at twice the actual footprint of each device (length  $\times$  width).*

*Exception No. 2: Ground display pieces shall be excluded from the calculations for minimum display set-up area.*

#### 4.3.2

Separation between mortars and safety shelter shall be 2 ft/in. (0.6 m/25 mm) of diameter of any mortars up to 6 in. (152 mm) in diameter. For shells larger than 6 in. (152 mm) in diameter, the minimum separation distance shall be 4 ft/in. (1.22 m/25 mm) of shell diameter.

*Exception: If the safety shelter is constructed of stronger material, then the separation distance between mortars and the shelter shall be permitted to be reduced.*

### **4.3.3 Egress Requirements.**

#### **4.3.3.1**

At all times a minimum of two separate egress paths shall be provided. Only one egress path shall be required from protective barricades or safety shelters.

#### **4.3.3.2**

Egress paths shall be unobstructed and free of impediments.

#### **4.3.4\***

Floating platforms constructed of wood or other combustible material shall be permitted to be used as a fireworks launch vessel.

### **4.4 Operations.**

#### **4.4.1**

Manual firing of displays shall be permitted on floating vessels and floating platforms under the following conditions:

- (1) All shells shall be preloaded into mortars prior to the display.
- (2) Shells shall be limited to single-break and shall not exceed 6 in. (152 mm) in diameter.
- (3) The minimum size of the floating vessel or floating platform shall be twice that required for an electrically fired display in 4.3.1.
- (4) A protective barrier(s) meeting the strength requirements of  $\frac{3}{4}$  in. (19 mm) plywood or equivalent shall be provided. All personnel other than the shooter(s) and operator shall be behind the barrier(s) during the display.
- (5) Electrical firing on the same vessel or platform where manual firing is used shall be in accordance with 6.1.4.

#### **4.4.2**

Shells shall be loaded into mortars and in place prior to the start of a display. There shall be no reloading of any material during the display.

#### **4.4.3**

All personnel, other than spotters or fire watch, shall be in safety shelters. Spotters and fire watch on a floating platform or floating vessel shall be behind protective barriers during the display with a minimum wall construction of  $\frac{3}{4}$ -in. (19-mm) plywood or equivalent material.

#### **4.4.4**

A U.S. Coast Guard-approved personal flotation device (PFD) shall be provided and available for each person on a display launched from floating vessels and floating platforms. Those PFDs shall be properly worn any time the vessel is not moored at the dock. PFDs shall have or include a visual location device.

#### **4.4.5**

A watercraft ready and capable of providing rapid emergency response shall be present during the display.

#### **4.4.6\***

The positions of the shells or mortars on floating vessels and floating platforms from which fireworks are launched shall comply with minimum safety distance requirements as outlined in Table 3.1.3.

#### **4.5\* Communications.**

An operational means of communication, such as a cellular/digital telephone, marine radio, or walkie-talkie system, shall be on board manned vessels and platforms from which fireworks are being discharged.

#### **4.6\* Personnel.**

During the display only necessary personnel shall be aboard any floating vessel or floating platform.

#### **4.7 Combustible Material.**

##### **4.7.1\***

Floating vessels and floating platforms shall be free of all nonessential flammable or combustible materials.

##### **4.7.2**

Tank vessels used as floating platforms shall be certified as gas free in accordance with NFPA 306, *Standard for the Control of Gas Hazards on Vessels*.

##### **4.7.3**

Portable power-generation equipment, motorized vehicles, and material-handling equipment deemed necessary for the performance of the display shall be permitted.

## Chapter 5 Operation of the Display

### 5.1 General Requirements.

The sponsor of the display shall make provisions for adequate fire protection for the display.

#### 5.1.1\*

The sponsor shall consult with the authority having jurisdiction and the operator to determine the level of fire protection required.

#### 5.1.2\*

Monitors whose sole duty shall be the enforcement of crowd control shall be located around the display area and at other locations as determined by the sponsor. The authority having jurisdiction and the operator shall approve the provisions for crowd control.

##### 5.1.2.1

Monitors shall be positioned around the discharge site to prevent spectators or any other unauthorized persons from entering the discharge site. The discharge site shall be so restricted throughout the display and until the discharge site has been inspected after the display. Where required by the authority having jurisdiction, approved delineators or barriers shall be used to aid in crowd control.

*Exception: Some portions of the display site, but not the discharge site(s), shall be permitted to be open to the public prior to the display.*

##### 5.1.2.2

During the period before the display, where pyrotechnic materials are present, unescorted public access to the site shall not be permitted.

### 5.1.3

The operator shall have primary responsibility for safety. While the operator shall be permitted to participate actively in the firing of the fireworks display, safety shall be the primary concern of the operator.

#### 5.1.3.1\*

The operator shall be responsible for ensuring that a sufficient number of assistants are available for the safe conduct of the fireworks display. Only the operator and necessary assistants shall be permitted in the discharge area while the display is in progress.

#### 5.1.3.2

The operator shall be responsible for ensuring that all assistants are fully trained in the proper performance of their assigned tasks and that they are educated with regard to safety hazards.

#### **5.1.3.3\***

During the firing of the display, all personnel in the discharge site shall wear head protection, eye protection, hearing protection, and foot protection and shall wear cotton, wool, or similarly flame-resistant, long-sleeved, long-legged clothing. Personal protective equipment, as necessary, shall be worn by the operator and assistants during the setup and cleanup of the display.

#### **5.1.4**

Wherever, in the opinion of the authority having jurisdiction or the operator, any hazardous condition exists, the fireworks display shall be postponed until the condition is corrected.

##### **5.1.4.1**

If, in the opinion of the authority having jurisdiction or the operator, the lack of crowd control poses a hazard, the fireworks display shall be discontinued immediately until such time as the situation is corrected.

##### **5.1.4.2**

If high winds, precipitation, or other adverse weather conditions prevail such that a significant hazard exists in the opinion of the operator or authority having jurisdiction, the fireworks display shall be postponed until weather conditions improve to a reasonable level.

##### **5.1.4.3**

One or more spotters shall watch the flight and behavior of aerial shells and other aerial fireworks to verify that they are functioning as intended. If any unsafe condition is detected, such as hazardous debris falling into the audience, the spotter shall signal the shooter to cease firing until the unsafe condition is corrected. The spotters shall be in direct communication with the shooter during the conduct of the display, with an effective means of informing the shooter of any hazardous condition.

##### **5.1.4.4**

In the event of a condition arising requiring the entry of fire protection or other emergency response personnel into the fallout area or security perimeter, the display shall be halted until the situation is resolved and the area is once again clear.

#### **5.1.5**

Operators and assistants shall use only flashlights, electric lighting, or other nonincendive illumination such as chemiluminescent devices for illuminating the firing and ready box area.

### **5.1.6**

Smoking materials, matches, lighters or open flame devices shall not be allowed within 50 ft (15 m) of any area where fireworks or other pyrotechnic materials are present.

*Exception: Devices such as fusees, portfires, and torches shall be permitted to be used to ignite fireworks.*

### **5.1.7**

Measures shall be taken to protect all pyrotechnic materials to be used in the display from adverse weather conditions. Moisture-damaged materials shall not be used.

### **5.1.8**

No person shall be allowed in the discharge area while under the influence of alcohol, narcotics, or medication that could adversely affect judgment, mobility, or stability.

## **5.2 Firing of Shells.**

### **5.2.1\***

Shells shall be carried from the storage area to the discharge site only by their bodies and shall never be carried by their fuses.

*Exception: As specified in 5.2.3.*

### **5.2.2**

Shells shall be checked for proper fit in their mortars prior to the display.

### **5.2.3\***

When being loaded into the mortars, shells shall be held by their fuses or lowering cords if provided and shall be lowered carefully into the mortar. At no time shall any part of the body of the loader be placed over the mouth of the mortar.

### **5.2.4\***

The loader shall be certain to the degree practicable that the shell is properly seated in the bottom of the mortar.

### **5.2.5**

Shells shall not, under any circumstances, be forced into a mortar too small to accommodate them. Shells that do not fit properly into the mortars shall not be fired and shall be disposed of in accordance with the procedure described in 5.2.10.2.

## 5.2.6\*

Manually fired shells shall be ignited by lighting the tip of the fuse with a fusee, torch, portfire, or similar device. As soon as the fuse is ignited, the shooter shall vacate the mortar area.

### 5.2.6.1

The safety cap protecting the fuse shall not be removed by the shooter until immediately before the shell is to be fired.

## 5.2.7

No person ever shall place any body part over the mortar during the loading and firing of a display until mortars have been checked for the absence of any shells following the display.

## 5.2.8

The first shell fired shall be observed carefully to determine that its trajectory is such that the shell functions over the fallout area and that any hazardous debris or unexploded shells land in the fallout area.

### 5.2.8.1

The display shall be interrupted and the mortars shall be reangled or repositioned as necessary for safety at any time during an outdoor fireworks display.

## 5.2.9 Large Diameter Shells.

### 5.2.9.1

All aerial shells greater than 6 in. (152 mm) in diameter shall be preloaded into mortars prior to the beginning of the display.

*Exception: Shells that are nominal 7 in. (178 mm) or 8 in. (203 mm) in diameter shall be permitted to be reloaded during the firing of the display provided that the mortars to be reloaded are buried at least  $\frac{3}{4}$  of their length in the ground. The reloading of 7-in. (178-mm) and 8-in. (203-mm) mortars in troughs, drums, or racks shall not be permitted.*

### 5.2.9.2

All aerial shells greater than 6 in. (152 mm) in diameter shall be fired using electrical ignition (see Chapter 6) or other means of remote ignition that place the shooter and assistants at least 75 ft (23 m) away from the mortar or behind a sturdy barricade at the time of ignition of the lift charge.

*Exception\*:* Shells that are nominally 7 in. (178 mm) or 8 in. (203 mm) in diameter shall be permitted to be ignited manually provided that the mortars are buried at least  $\frac{3}{4}$  of their

*length in the ground and the shooter has been provided with alternative means of protection.*

#### **5.2.10\***

In the event that a shell fails to ignite in the mortar, the mortar shall be marked to indicate the presence of an unfired shell, and the mortar shall not be reloaded or reused while the misfired shell remains a hazard.

##### **5.2.10.1**

Immediately following the display but no sooner than 15 minutes after the attempted firing, if the shell still has not fired, the mortar shall be flooded with water cautiously and allowed to stand for a minimum of 5 minutes before it is emptied cautiously of the shell.

*Exception: Where electrical ignition is used and the firing failure is electrical in nature or the aerial shell was not fired intentionally, the shell shall be permitted to be salvaged by the operator.*

##### **5.2.10.2**

The proper disposal instructions shall be provided by the supplier and shall be followed.

##### **5.2.10.3\***

It shall be the responsibility of the shooter to detect when a shell does not fire from a mortar. That person shall warn others in the area and shall ensure that the mortar is marked to indicate the presence of an unfired aerial shell.

*Exception: Where electrically firing, the mortar shall not be required to be marked. However, persons entering the area after the fireworks display shall conduct themselves as though unfired shells present a hazard until otherwise advised by the operator.*

#### **5.2.11\***

Manual reignition of chain-fused aerial shells shall be attempted only at properly installed ignition points.

#### **5.2.12\***

Following the display, the firing crew shall conduct an inspection of the fallout area for the purpose of locating any unexploded aerial shells or live components. This inspection shall be conducted before any public access to the site shall be permitted.

##### **5.2.12.1**

Any shells found during the search shall not be handled until at least 15 minutes have elapsed from the time the shells were fired. The fireworks then shall be doused with water and allowed to remain for at least 5 additional minutes before being placed cautiously in a plastic bucket or

fiberboard box.

#### 5.2.12.2

The proper disposal instructions provided with the fireworks by the supplier shall be followed.

#### 5.2.12.3

Where fireworks are displayed at night, a search of the fallout area shall be made immediately after the display and at first light the following morning by the operator or designated personnel acceptable to the authority having jurisdiction.

### 5.3 Ground Display Pieces.

All ground display pieces shall be constructed, assembled, and stored in accordance with NFPA 1124, *Code for the Manufacture, Transportation and Storage of Fireworks and Pyrotechnic Articles*, or at the display site.

#### 5.3.1

To the extent that it is practical, all ground display pieces shall be positioned outside the discharge area of aerial displays.

*Exception No. 1: Where ground display pieces are to be fired electrically, they shall be permitted to be located in the fallout area.*

*Exception No. 2: Where aerial shells have been preloaded, ground display pieces shall be permitted to be located in that discharge area.*

#### 5.3.2

Dry grass or combustible materials located beneath ground display pieces shall be wet down before the display if they are in sufficient quantity to be a fire hazard.

#### 5.3.3

Poles for ground display pieces shall be securely placed and firmly braced so that they do not fall over during functioning of the fireworks device.

## Chapter 6 Electrical Ignition of a Display

### 6.1\* General.

#### 6.1.1\*

The intent of this chapter shall be to provide requirements for the proper setup and operation of an outdoor display of fireworks that are to be ignited using electrical means.

### 6.1.2

The intent of this chapter also is to provide requirements and minimum standards for the design and use of electrical firing units used in electrically fired displays, including manually operated, automatically operated, and handheld firing units.

### 6.1.3

Where only electrical ignition is used, the operator and all assistants shall be positioned a minimum of 75 ft (23 m) from any mortar or shall be positioned behind a protective barrier approved by the authority having jurisdiction.

*Exception: This shall not be required for the electrical ignition of lance work and other set-pieces of similar low hazard.*

### 6.1.4

Where both manual firing and electrical ignition are used during a display, the mortars to be used for manual firing shall be separated from the mortars to be used for electrical ignition by a distance of at least 25 ft (7.7 m).

## 6.2 Design of Electrical Firing Units.

### 6.2.1

Electrical firing units and accompanying junctions shall be manufactured specifically for use in the electrical ignition of pyrotechnic devices or explosives. The manufacturer shall supply specifications and instructions for the proper setup and use of each unit.

*Exception: Specifications and instructions shall not be required where the electrical firing unit has been manufactured by the person operating the unit at the display.*

### 6.2.2\*

Manual electrical firing units shall include a key-operated switch or similar device that greatly reduces the possibility that unauthorized or unintentional firings can occur.

### 6.2.3\*

Manual electrical firing units shall be designed so that at least two positive actions shall be necessary to apply a firing current to an electric match.

### 6.2.4\*

Switches used to apply power to electrical firing units for testing, firing, or both shall clearly indicate the function or functions of each switch.

### 6.2.5

A light, a beeper, or both shall activate when a manual electrical firing unit is armed.

### 6.2.6

A handheld electrical firing unit shall have two switches or require two actions, one to arm the unit and one to fire the unit. The unit shall be designed so that it cannot be fired without first being armed. Switches shall be clearly identified, and the unit shall have a light or indicator that signals when the unit is ready to fire. Handheld firing units that incorporate a capacitive discharge design shall dissipate the stored charge within 15 seconds after the arming switch is released.

*Exception: This requirement shall not apply to blasting machines such as clackers, rotary generators, and plunger-type firing units that derive their energy from mechanical action.*

### 6.2.7

Automatic electrical firing units shall incorporate some form of a “dead-man switch,” so that all firings cease the moment that the switch is released.

### 6.2.8

If an electrical firing unit has a built-in test circuit, the unit shall be designed to limit the test current (into a short circuit) to 0.05 ampere or to 20 percent of the no-fire current of the electric match being used, whichever is less.

### 6.2.9

Multitesters, such as volt-ohm meters, shall not be used for testing electric matches unless the tester’s maximum current delivery potential has been measured and found to meet the requirements of 6.2.8.

### 6.2.10

Shunts of the type sometimes used in commercial blasting shall not be required on any electrical firing unit used for the ignition of pyrotechnic devices at an outdoor display of fireworks.

### 6.2.11

Electrical firing units shall be powered by batteries or isolated power supplies used for firing purposes only. If batteries are used, they shall be self-contained in the firing unit or otherwise covered or protected to prevent accidental contact with wires leading to the fireworks.

*Exception: Electrical firing units powered by commercial power shall be permitted, provided they incorporate an isolation transformer. The transformer shall be located within the firing*

*unit or elsewhere in the firing system.*

### **6.3 Setup of Electrical Firing Units.**

#### **6.3.1**

All portions of the electrical firing unit from the power supply to the electric match shall be visually inspected by the shooter controlling the electrical firing unit or an assistant prior to the display.

##### **6.3.1.1**

The electrical firing unit shall not be in test or arm status during this inspection.

##### **6.3.1.2**

Repairs shall be permitted, provided that the system can be returned to full, safe operating condition prior to the display.

##### **6.3.2\***

The electrical firing unit shall be set up and located so that there is a clear line of sight to the mortars and other parts of the discharge site.

*Exception: A direct line of sight shall not be required where an assistant acting as a spotter is in direct communication with the shooter controlling the electrical firing unit.*

#### **6.3.3**

Only those persons necessary for the proper and safe firing of the display shall be permitted in the vicinity of the electrical firing unit during the display.

#### **6.3.4**

Where fireworks are being loaded into mortars or otherwise set up for firing at the display site, cables from the electrical firing unit shall be disconnected.

#### **6.3.5**

Once the fireworks have been loaded or otherwise set up, testing of the circuits shall be permitted. No persons shall be permitted in the immediate area of any fireworks that have been attached to the electrical firing unit when any circuit testing is performed.

#### **6.3.6**

If the testing of the circuits indicates that a problem exists, the operator or assistant shall be permitted to reinspect any cables, connections, or electric matches that are in question. This inspection shall be performed only after the electrical firing unit has been switched off or

disconnected from the power source.

#### **6.4 Operation of the Electrical Firing Unit.**

##### **6.4.1**

Prior to arming the electrical firing unit for firing, the shooter controlling the electrical firing unit shall confirm that no personnel are present in the electrically ignited mortar area.

##### **6.4.2**

The shooter controlling the electrical firing unit shall be provided with a means of communicating with the operator.

##### **6.4.3\***

The shooter controlling the electrical firing unit shall cease firing from any discharge site that has a significant malfunction until the operator or an assistant visually inspects the discharge site for damage to mortars, equipment, or remaining fireworks and indicates that it is safe for firing to resume. The electrical firing unit shall be switched off or disconnected while this inspection is being performed.

##### **6.4.4**

When a serious electrostatic discharge hazard exists, such as during an electrical storm, all electrostatic discharge-sensitive operations shall be suspended, and personnel shall withdraw to a safe location.

#### **6.5 Post-Display Operations.**

##### **6.5.1**

After the completion of the display, the electrical firing unit shall be switched off and all cables disconnected prior to any cleanup or other work in the display site.

##### **6.5.2\***

Immediately after the display, the discharge site shall be unapproachable by all personnel for a period of time that the operator deems necessary for safety. After this period of time, the discharge site shall be cautiously inspected for any unfired devices by the operator or assistants.

##### **6.5.2.1\***

Where conditions allow, the firing of any unfired devices after the display shall be permitted, in accordance with all other sections of this code.

### **6.5.2.2**

Otherwise, the remaining fireworks shall be properly packaged and returned to the supplier or disposed of in compliance with all applicable regulations.

## **Chapter 7 Qualifications**

### **7.1 Operator Qualifications.**

#### **7.1.1**

The operator shall be at least 21 years old and licensed or approved by the authority having jurisdiction in accordance with any and all applicable laws.

#### **7.1.2**

Applicants for licensing as an operator shall provide evidence of actual experience as an operator or assistant as part of demonstrating competency to the authority having jurisdiction.

#### **7.1.3**

Applicants for licensing as an operator shall successfully complete a written examination of laws, regulations, and safety practices pertaining to the discharge of fireworks that shall be administered by the authority having jurisdiction or otherwise shall demonstrate knowledge of these areas.

### **7.2 Assistants.**

All assistants shall be at least 18 years old.

### **7.3 Permits Required.**

#### **7.3.1\***

The operator, supplier, or sponsor shall obtain a display permit from the authority having jurisdiction prior to performing the fireworks display.

#### **7.3.2**

As part of the permit process, the operator, supplier, or sponsor shall demonstrate financial responsibility for the fireworks display to the authority having jurisdiction by providing proof of insurance or by other appropriate means.

#### **7.3.3**

The operator or supplier shall maintain any required federal or state permit(s) or license(s) to

possess and use fireworks.

## Chapter 8 Referenced Publications

### 8.1

The following documents or portions thereof are referenced within this code as mandatory requirements and shall be considered part of the requirements of this code. The edition indicated for each referenced mandatory document is the current edition as of the date of the NFPA issuance of this code. Some of these mandatory documents might also be referenced in this code for specific informational purposes and, therefore, are also listed in Appendix G.

#### 8.1.1 NFPA Publications.

National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101.

NFPA 160, *Standard for Flame Effects Before an Audience*, 1998 edition.

NFPA 306, *Standard for the Control of Gas Hazards on Vessels*, 1997 edition.

NFPA 1122, *Code for Model Rocketry*, 1997 edition.

NFPA 1124, *Code for the Manufacture, Transportation, and Storage of Fireworks and Pyrotechnic Articles*, 1998 edition.

NFPA 1126, *Standard for the Use of Pyrotechnics before a Proximate Audience*, 1996 edition.

#### 8.1.2 Other Publications.

##### 8.1.2.1 U.S. Government Publications.

Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

Title 16, *Code of Federal Regulations*, Parts 1500 and 1507, U.S. Consumer Product Safety Commission.

Title 27, *Code of Federal Regulations*, Part 181, Bureau of Alcohol, Tobacco and Firearms, U.S. Department of Treasury.

Title 49, *Code of Federal Regulations*, Parts 171 to end, U.S. Department of Transportation.

## Appendix A Explanatory Material

*Appendix A is not a part of the requirements of this NFPA document but is included for informational purposes only. This appendix contains explanatory material, numbered to correspond with the applicable text paragraphs.*

#### **A.1.4.1 Aerial Shell.**

The shells are most commonly 3 in. to 6 in. (76 mm to 152 mm) outside diameter and are fired from mortars. Upon firing, the fuse and lift charge are consumed.

#### **A.1.4.2 Approved.**

The National Fire Protection Association does not approve, inspect, or certify any installations, procedures, equipment, or materials; nor does it approve or evaluate testing laboratories. In determining the acceptability of installations, procedures, equipment, or materials, the authority having jurisdiction may base acceptance on compliance with NFPA or other appropriate standards. In the absence of such standards, said authority may require evidence of proper installation, procedure, or use. The authority having jurisdiction may also refer to the listings or labeling practices of an organization that is concerned with product evaluations and is thus in a position to determine compliance with appropriate standards for the current production of listed items.

#### **A.1.4.3 Assistant.**

The duties of an assistant include tasks such as setting up the equipment and fireworks, loading mortars (loader), spotting the bursting location of aerial shells (spotter), tending a ready box (ready box tender), igniting the fireworks (shooter), striking the equipment, and cleaning the discharge site.

#### **A.1.4.4 Authority Having Jurisdiction.**

The phrase "authority having jurisdiction" is used in NFPA documents in a broad manner, since jurisdictions and approval agencies vary, as do their responsibilities. Where public safety is primary, the authority having jurisdiction may be a federal, state, local, or other regional department or individual such as a fire chief; fire marshal; chief of a fire prevention bureau, labor department, or health department; building official; electrical inspector; or others having statutory authority. For insurance purposes, an insurance inspection department, rating bureau, or other insurance company representative may be the authority having jurisdiction. In many circumstances, the property owner or his or her designated agent assumes the role of the authority having jurisdiction; at government installations, the commanding officer or departmental official may be the authority having jurisdiction.

#### **A.1.4.5 Barrage.**

Mortars are loaded prior to the display, and the aerial shells are chain fused to fire in rapid sequence.

#### **A.1.4.6 Battery.**

This term is not to be confused with an electrical battery used to provide a source of current.

#### **A.1.4.8 Break.**

Aerial shells can be either single-break (having only one burst) or multi-break (having two or more bursts).

#### **A.1.4.9 Chain Fusing.**

Finales and barrages typically are chain fused.

#### **A.1.4.10 Code.**

The decision to designate a standard as a “code” is based on such factors as the size and scope of the document, its intended use and form of adoption, and whether it contains substantial enforcement and administrative provisions.

#### **A.1.4.11 Comet.**

Comets frequently leave a trail of sparks as they rise in the air, and they sometimes burst into smaller fragments at their zenith.

#### **A.1.4.15 Electrical Firing Unit.**

A firing unit normally has switches to control the routing of the current to the devices to be used during the display and also might contain test circuits and warning indicators. Units can be manual, automatic, or handheld.

##### **A.1.4.15.1 Automatic Electrical Firing Unit.**

The unit is attached by wires or cables to junctions that are connected to the electric matches, which, in turn, are attached to fireworks devices. Automatic units often are operated by magnetic tape or by computer.

##### **A.1.4.15.2 Handheld Electrical Firing Unit.**

The unit is connected directly to the electric matches by means of wires.

##### **A.1.4.15.3 Manual Electrical Firing Unit.**

The unit contains wires or cables that are attached to junctions that are, in turn, connected to the electric matches.

#### **A.1.4.16 Electrical Ignition.**

Typically, electric matches are attached to or inserted into fireworks devices prior to the display and are connected to wires leading back to an electrical firing unit. During the display, the operator or an assistant controls the ignition of the fireworks using the electrical firing unit.

#### **A.1.4.17 Electric Match.**

When a sufficient electric current is passed through the wire circuit, the heat that is generated ignites the pyrotechnic composition, producing a small burst of flame. This flame can be used to ignite a fuse or a lift charge in a fireworks device. For the purposes of this code, the term *electric match* also refers to other similar technologies in which an electric current is used to produce a high temperature for ignition purposes.

#### **A.1.4.18 Fallout Area.**

The shells burst over the area, and unsafe debris and malfunctioning aerial shells fall into this area. The fallout area is the location where a typical aerial shell dud falls to the ground, depending on the wind and the angle of mortar placement.

#### **A.1.4.19 Finale.**

The mortars are loaded prior to the display, and the aerial shells are chain fused to fire in rapid sequence.

#### **A.1.4.20 Fireworks.**

Toy caps for use in toy pistols, toy canes or toy guns, and novelties and trick noisemakers as enumerated in Appendix E of this code are not considered to be fireworks. For information on recoverable aero models, see NFPA 1122, *Code for Model Rocketry*.

Model rockets and model rocket motors designed, sold, and used for the purpose of propelling recoverable aero models are not considered to be fireworks.

##### **A.1.4.20.1 Consumer Fireworks.**

Some small devices designed to produce audible effects are included, such as whistling devices, ground devices containing 50 mg (0.002 g) or less of explosive composition (salute powder), and aerial devices containing 130 mg (0.005 g) or less of explosive composition (salute powder) per explosive unit. Consumer fireworks are normally classed as Explosives, 1.4G and described as Fireworks, UN0336 by the U.S. Department of Transportation. Various categories of consumer fireworks devices are enumerated in Appendix E.

##### **A.1.4.20.2 Display Fireworks.**

The term *display fireworks*, as used in this code, includes consumer fireworks to be used in fireworks displays; larger devices of similar construction and chemical composition that are classed as Explosives, 1.3G and described as Fireworks, UN0335 by the U.S. Department of Transportation; and other devices that produce visible or audible effects for entertainment purposes that are classed as Explosives, 1.3G, 1.4G, or 1.4S and described as Article, Pyrotechnic by the U.S. Department of Transportation.

#### **A.1.4.24 Hazardous Debris.**

Confetti, light-weight foam pieces, feathers, novelties, etc., are not to be construed as hazardous debris.

#### **A.1.4.26 Lance.**

Lances are mounted on a frame and fused so that ignition of all tubes is nearly simultaneous.

#### **A.1.4.27 Lift Charge.**

A time delay fuse then ignites the main part of the shell, producing the desired effect.

#### **A.1.4.28 Listed.**

The means for identifying listed equipment may vary for each organization concerned with product evaluation; some organizations do not recognize equipment as listed unless it is also labeled. The authority having jurisdiction should utilize the system employed by the listing organization to identify a listed product.

#### **A.1.4.42 Ready Box Tender.**

Tasks that a ready box tender might perform include making sure sparks do not enter the ready box and dispensing aerial shells to the loader as needed.

#### **A.2.1.2**

If there is doubt regarding whether aerial shells were manufactured to operate safely, or if there is doubt regarding whether the mortars and shells are properly sized, it is recommended that test firings be conducted in order to establish whether or not they perform safely. It generally is believed that shells should be constructed so that the difference between the inside diameter of the mortar and the outside diameter of the shell is no less than  $\frac{1}{8}$  in. (3.2 mm) for all shell sizes. Furthermore, it generally is believed that aerial shells should be constructed so that the difference between the inside diameter of the mortar and the outside diameter of the shell is no more than  $\frac{1}{4}$  in. (6.4 mm) for 2-in. to 3-in. (51-mm to 76-mm) shells;  $\frac{3}{8}$  in. (9.4 mm) for 4-in. to 6-in. (102-mm to 152-mm) shells; or  $\frac{1}{2}$  in. (12.7 mm) for shells larger than 6 in. (152 mm).

#### **A.2.1.3**

Shells that function to deploy a parachute suspending burning pyrotechnic composition can present additional safety concerns if the parachute does not properly deploy or if the shell is fired in high winds.

#### **A.2.2.4.3**

An example of additional protection to ready boxes is the use of a flame-resistant tarpaulin meeting the requirements of NFPA 701, *Standard Methods of Fire Tests for Flame*

## *Propagation of Textiles and Films.*

### **A.2.3.1**

The requirements for careful inspection of mortars is of particular importance for paper mortars that can sustain undetected damage to their interiors that can result in serious malfunctions.

### **A.2.3.2**

If there is doubt concerning the proper angling of mortars, it is appropriate to fire one or more test shells for verification.

### **A.2.3.3**

To the extent practical, where mortars are to be reloaded during a display, groups of one size of mortars should not be placed adjacent to mortars of only 1 in. difference in diameter. This reduces the likelihood that shells are loaded into oversized mortars. For example, an arrangement of mortar groups such as 5 in., 3 in., 6 in., and 4 in. (127 mm, 76 mm, 152 mm, and 102 mm) is greatly preferred to an arrangement of 3 in., 4 in., 5 in., and 6 in. (76 mm, 102 mm, 127 mm, and 152 mm).

### **A.2.3.5**

Malfunctions can present a hazard from dangerous flying debris. It is appropriate that measures such as personal protective equipment, barriers, or alternate procedures be utilized to reduce the exposure to the hazard.

### **A.2.3.7**

These specifications are not intended to be construed as absolute minimums. Experience has demonstrated that these recommendations function reliably in use. See Tables A.2.3.7(a) - (d).

**Table A.2.3.7(a) Steel Mortars: Adequate Mortar Wall Thickness (in.)**

<b>Mortar ID (in.)</b>	<b>Spherical</b>	<b>Cylindrical Single Break</b>	<b>Cylindrical Multi-Break</b>
2	0.03	0.10	0.15
2.5	0.03	0.11	0.19
3	0.04	0.11	0.21
4	0.05	0.12	0.23
5	0.06	0.13	0.25
6	0.07	0.14	0.27
8	0.09	0.16	0.31
10	0.11	0.18	0.36
12	0.13	0.20	0.40
16	0.17	0.24	0.55
>16	—	—	—

Mortar ID (in.)	Spherical	Cylindrical Single Break	Cylindrical Multi-Break
For SI units: 1 in. = 25.4 mm.			
Note: The tensile strength of steel pipe should be at least 40,000 psi (275,800 kPa).			
— Data not currently available.			

**Table A.2.3.7(b) Paper Mortars (Convolute or Spiral): Adequate Mortar Wall Thickness (in.)**

Mortar ID (in.)	Spherical	Cylindrical Single Break	Cylindrical Two Break
2	0.18	0.25	0.37
2.5	0.18	0.25	0.37
3	0.25	0.25	0.37
4	0.25	0.33	0.50
5	0.31	0.42	0.62
6	0.37	0.50	0.75
8	0.50	—	—
10	0.62	—	—
12	0.75	—	—
16	—	—	—

For SI units: 1 in. = 25.4 mm.  
Note: The cross-grain tensile strength of the paper should be at least 2300 psi (16,000 kPa).  
— Data not currently available.

**Table A.2.3.7(c) High Density Polyethylene (HDPE) Mortars: Adequate Mortar Wall Thickness (in.)**

Mortar ID (in.)	Spherical	Cylindrical Single Break	Cylindrical Two Break
2	0.12	0.17	0.17
2.5	0.12	0.17	0.17
3	0.15	0.17	0.17
4	0.20	0.25	0.25
5	0.25	0.25	0.25
6	0.30	0.32	0.32
8	0.32	—	—
10	0.32	—	—
12	0.37	—	—
>12	—	—	—

Mortar ID (in.)	Spherical	Cylindrical Single Break	Cylindrical Two Break
For SI units: 1 in. = 25.4 mm.			
Note: The tensile strength of plastic should be at least 3300 psi (22,750 kPa).			
— Data not currently available.			

**Table A.2.3.7(d) Fiberglass Mortars: Adequate Mortar Wall Thickness (in.) for Fiberglass Reinforced Epoxy**

Mortar ID (in.)	Spherical	Cylindrical Single Break	Cylindrical Two Break
2	0.07	0.11	0.11
2.5	0.07	0.11	0.11
3	0.07	0.11	0.11
4	0.11	0.11	0.11
5	0.11	0.11	0.11
6	0.11	0.11	0.11
8	0.25	—	—
10	0.25	—	—
12	0.25	—	—
>12	—	—	—

For SI units: 1 in. = 25.4 mm.  
Note: The tensile strength of fiberglass should be at least 11,000 psi (76,000 kPa).  
— Data not currently available.

If there is reason to doubt that the strength of a mortar is adequate, a test can be devised to determine whether its strength is sufficient. One possible strength test for mortars is to fire the heaviest aerial shell of a given size to be used with a charge of lift powder that is 1.5 times the normal quantity. This approximately doubles the normal stress on the mortar. It is not appropriate to conduct this test at the display site. In addition, mortars meeting the specifications of Tables A.2.3.7(a), (b), and (c) generally are believed to have ample strength.

#### A.2.3.7.1

HDPE mortars (and possibly other types) can lose significant strength if fired repeatedly over a relatively short period of time. Accordingly, when mortars will be reloaded during a display, it is appropriate to consider this potential problem.

#### A.2.3.8

Where there is concern that a mortar is too short to cause an aerial shell to be propelled to a safe altitude, a test firing should be conducted. However, it generally is believed that mortars of

the lengths specified in Table A.2.3.9 are sufficient.

#### A.2.3.9

The lengths specified in Table A.2.3.9 are not intended to be construed as absolute minimums; however, experience has demonstrated that these recommendations function reliably in use.

**Table A.2.3.9 Minimum Inside Mortar Length (in.)**

<b>Mortar ID (in.)</b>	<b>Single Break</b>	<b>Double Break</b>	<b>Up to 4-Break</b>
3	15	18	21
4	20	23	27
5	24	28	32
6	28	32	37
8	34	40	46
10	40	46	54
12	46	52	62

For SI units: 1 in. = 25.4 mm.

#### A.2.4.1

The use of securely positioned racks located on barges and trailers can be permitted, providing that all other code requirements are met.

#### A.2.4.3

Examples of materials for use in providing added support include wood and flat stones.

#### A.2.4.4

Where practical, additional separation distances between buried mortars should be used. Additional separation distances for buried mortars provide more room for loaders and shooters to work and reduces the chances of crew injury.

#### A.2.6.1.2

Aboveground racks should be constructed to withstand a catastrophic malfunction in a mortar. Wooden racks should have sides and bottom plates of at least 2 in. (5 cm) nominal thickness. The racks should be boxed on both sides at the top and bottom by 1 in. × 6 in. (2.5 cm × 15 cm) nominal thickness boards or 1/2-in. (1.3-cm) thick plywood. Blocks of 2 in. (5 cm) nominal thickness should be attached to the horizontal boards between each mortar of inside diameter greater than 3 in. (76 mm). Boards should be fastened by nails, screws, or other fasteners that penetrate a minimum of 1 in. (2.5 cm) into the member to which a board is attached. Racks should be secured to prevent tipping over by attaching stakes or spikes driven into the ground,

banding, using A-frames, or other equivalent means. Aboveground wood frame mortar racks with lightweight mortar materials such as paper, HDPE, or fiberglass generally will not withstand a catastrophic aerial shell malfunction in a mortar.

#### **A.2.6.1.5**

Stakes, sandbags, trenches, boxes, screens, or barriers are among the common means used to secure these chain-fused aerial fireworks devices.

#### **A.3.1.3**

Where more than one shooter is to ignite the aerial shells for an outdoor fireworks display, the line of mortars should be separated in some manner and only one shooter should be lighting shells in each area.

##### **A.3.1.3.3**

See NFPA 101®, *Life Safety Code*®, for definitions of health care and detention and correctional facilities.

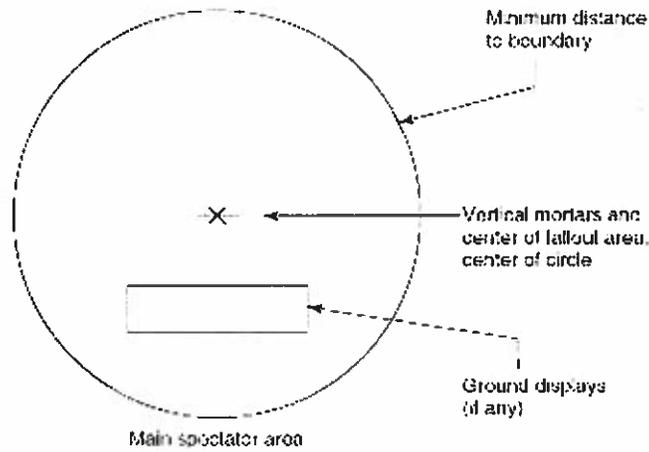
##### **A.3.1.3.4**

To determine whether materials are considered to possess these hazards, see NFPA 325, *Guide to Fire Hazard Properties of Flammable Liquids, Gases, and Volatile Solids*, and NFPA 49, *Hazardous Chemicals Data*. (Note: although NFPA 49 and NFPA 325 have been officially withdrawn from the *National Fire Codes*®, the information is still available in NFPA's *Fire Protection Guide to Hazardous Materials*.)

#### **A.3.2.3**

Figure A.3.2.3 illustrates some of the requirements for a permitted display site where mortars are placed vertically, such as might be the case for an electrically ignited display.

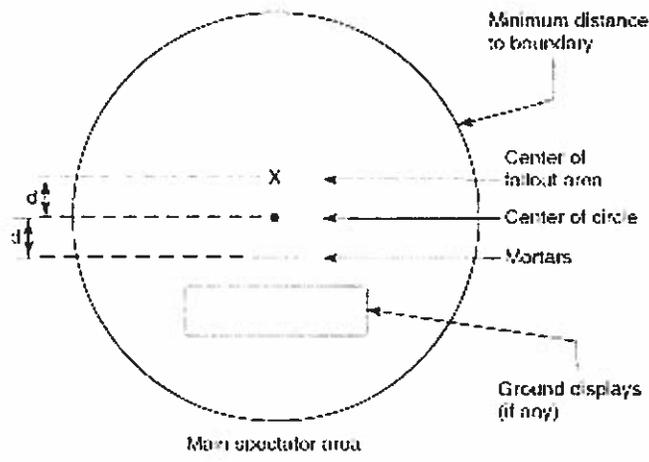
**Figure A.3.2.3 Typical layout for a display site with vertically positioned mortars.**



**A.3.2.3.1**

Figure A.3.2.3.1 illustrates some of the requirements for a permitted display site where aerial shells are to be stored at the discharge site for subsequent loading into mortars during the display, such as might be the case for a manually ignited display.

**Figure A.3.2.3.1 Typical layout for a display site using angled mortars. The distance,  $d$ , shall be at least  $1/6$  but not more than  $1/3$  the radius of the circle, indicating the minimum distance to the secured boundary.**



**A.3.3.1**

The presence of a modest number of trees and shrubs should not be considered a safety problem, provided that they are not so numerous as to make it significantly more difficult to locate unexploded aerial shells or to pose a serious fire safety threat.

**A.4.2.1**

The types of fireworks and placement of the fireworks mortars and accompanying equipment

should be such that, when fired, the stability of site structures and seaworthiness of the floating vessels and floating platforms should not be jeopardized.

#### A.4.3.1

An example using the following formula for determining the minimum display setup is provided:

$$\left[ \left( \frac{\text{total no. of 3-in.}}{\text{mortars} \times 3} \right) + \left( \frac{\text{total no. of 4-in.}}{\text{mortars} \times 4} \right) + \left( \frac{\text{total no. of 5-in.}}{\text{mortars} \times 5} \right) + \dots \right] \times 2 = \left( \begin{array}{c} \text{minimum} \\ \text{display set up} \end{array} \right)$$

EXAMPLE: A display containing one hundred 3-in. shells, fifty 4-in. shells, twenty 5-in. shells, ten 6-in. shells, and five 8-in. shells would require the following minimum display setup area:

$$\frac{[M_1 \times D_1] + [M_2 \times D_2] + [M_3 \times D_3] + \dots [M_n \times D_n]}{2}$$

$$\frac{(100 \times 3) + (50 \times 4) + (20 \times 5) + (10 \times 6) + (5 \times 8)}{2} =$$

$$\frac{300 + 200 + 100 + 60 + 40}{2} =$$

$$\frac{700}{2} = 350 \text{ ft}^2$$

where:

$M_n$  = mortars of each size, from 1 to  $n$  sizes

$D_n$  = size (inside diameter) in inches of each different size

$M_1$  = number of one size

$M_2$  = number of another size

Therefore, the minimum display setup area is 350 ft<sup>2</sup> (32.5 m<sup>2</sup>).

#### A.4.3.4

Floating platforms constructed of wood or other combustible material can be used provided that the surface of such platforms has been protected from fire by means acceptable to the authority having jurisdiction. These floating platforms should also be of sufficient construction and configuration to safely allow the firing of the display.

#### **A.4.4.6**

Consideration should be given to the conditions that could affect the separation distances. Greater distances could be required to allow for the effect of sea conditions, wind, drift of the vessel at anchor, and so forth.

#### **A.4.5**

Communication could be needed between the display operator and the tug operator, spotter, the authority having jurisdiction, life safety and fire safety personnel, and any other necessary personnel.

#### **A.4.6**

Necessary personnel should include, but are not limited to, display crew and spotters, fire department inspectors, and vessel operators.

#### **A.4.7.1**

Fuel tanks are deemed essential material to perform the display for self-propelled vessels from which fireworks are being launched and for vessels controlling, marshaling, or adjoining a non-self-propelled vessel or platform from which fireworks are being discharged.

#### **A.5.1.1**

The authority having jurisdiction should be consulted well enough in advance so that the required fire protection can be arranged. Fire protection could include portable fire extinguishers for the discharge area and standby fire apparatus for protection down range.

#### **A.5.1.2**

Monitors should wear some distinctive identification (e.g., badges, brightly colored vests).

#### **A.5.1.3.1**

In most situations, it is believed that it is appropriate to have one ready box tender tending each ready box or shell storage area in use at a given time. Similarly, it is believed that there should be two loaders reloading shells into mortars for each person igniting the aerial shells. Unless racks of chain-fused shells are being fired, it generally is believed that a single shooter can safely ignite no more than approximately 10 shells per minute. If a greater rate of firing is desired, more than one shooter should be lighting them.

#### **A.5.1.3.3**

The appropriate personal protective equipment for each person is determined by conducting a hazard assessment of that person's duties at the fireworks display, as required by the U.S. Occupational Safety and Health Administration.

#### **A.5.2.1**

It should be noted that shell fuses can be damaged by rough handling. Therefore, appropriate care should be taken when handling shells and fuses.

#### **A.5.2.3**

It generally is believed that it is not safe to be loading mortars within 10 ft (3 m) of mortars that are being fired. Where loading a shell into a recently fired mortar, the loader should crouch alongside the mortar and his or her back should be kept facing the area where shells are being fired.

#### **A.5.2.4**

A gentle tug on the fuse usually can determine whether a shell has been properly seated in the bottom of the mortar.

#### **A.5.2.6**

Fusees and portfires can be mounted on a holder of some sort, so that the shooter is an additional distance away. Wood broom handles and other lightweight materials make a serviceable holder.

#### **A.5.2.9.2 Exception.**

Alternative means of protection should include a sturdy barricade, the placement of sandbags or similar protection on the shooter side of the mortar, or other alternative protection acceptable to the authority having jurisdiction.

#### **A.5.2.10**

The operator and assistants should use extreme caution whenever approaching or handling a malfunctioned live aerial shell. Before approaching or handling the shell, as much time as practical following the malfunction should be allowed to pass. This minimizes the possibility that the shell will contain a live spark that could cause the shell to explode unexpectedly. Operators or assistants never should attempt to dry or repair a damaged shell. In all such cases, the supplier should be contacted for disposal instructions.

#### **A.5.2.10.3**

Where firing aerial shells electrically or as a finale or barrage, it often is difficult to detect

when unfired shells remain in the mortars. Therefore, it is advisable to use some method to aid in identifying when shells have not fired properly. One such method is to place a strip of paper tape over the mouth of each mortar; the presence of unbroken tape is then a certain indication that the shell has not fired. However, it should be noted that broken tape is NOT a certain indication that the shell HAS fired. It always should be assumed that the mortar is loaded.

#### **A.5.2.11**

Remaining within 25 ft (7.7 m) of chain-fused aerial shells after their ignition, for the purpose of manual reignition, is unreasonably dangerous. Similarly, the act of manual reignition of chain-fused aerial shells is dangerous unless reignition is attempted at properly installed ignition points. The necessity for such actions can be avoided through the use of redundant fusing or multiple ignition points.

#### **A.5.2.12**

The operator and assistants should use extreme caution whenever approaching a malfunctioned live aerial shell. Before approaching or handling the shell, as much time as practical following the malfunction should be allowed to pass. This minimizes the possibility that the shell still contains a live spark that could cause the shell to explode unexpectedly. Operators or assistants never should attempt to dry or reuse a shell that has malfunctioned. In all such cases, the supplier should be contacted for disposal instructions.

#### **A.6.1**

In an electrically fired display, all aerial shells to be used in the display normally are loaded prior to the firing of the first shell. A mortar therefore is required for each shell. Other fireworks devices such as set pieces, roman candle batteries, and fountains that are to be fired during the display are also set up for firing prior to the display and ignited electrically. It therefore is normally not necessary for any personnel to be in the immediate area during the firing of the display.

##### **A.6.1.1**

Electrical ignition often is used for larger displays, for displays fired on frequent occasions at a fixed location, and for other displays where precise control over the timing of the fireworks is desired for aesthetic reasons.

##### **A.6.2.2**

Switches should have labels under or above each switch. The labels should use either letters or numbers.

##### **A.6.2.3**

For example, this might be accomplished with two switches in series, both of which need to be

operated for current to flow to the electric match.

#### **A.6.2.4**

A switch used to power the electrical firing unit for testing should be a different style from that used to ignite electrical matches and also should be provided with lights to indicate the status of the unit.

#### **A.6.3.2**

The electrical firing unit should be placed on a flat surface or table, and it should be provided with some form of shield or other means of protection where located near the firing site.

#### **A.6.4.3**

A significant malfunction normally means that a fireworks device has violently exploded in a mortar and there is a possibility that mortars have been dislodged from their intended placement in racks or in the ground. A flowerpot or low burst normally does not require stopping the display to check the mortar area.

#### **A.6.5.2**

A delay of 15 minutes or more is recommended before approaching areas that may contain hangfires. Chain-fused and multishot devices are prone to this behavior.

##### **A.6.5.2.1**

Because much of the ability to control the audience is lost once the display is concluded, it normally is not recommended to fire leftover aerial shells. However, under favorable circumstances, it is possible and can be desirable to ignite any unfired set pieces, fountains, roman candles, or other low-level devices.

#### **A.7.3.1**

In some jurisdictions only municipalities or civic organizations are issued display permits, while in others only licensed operators or suppliers are issued display permits.

## **Appendix B Labeling of Display Fireworks Aerial Shells**

*This appendix is not a part of the requirements of this NFPA document but is included for informational purposes only.*

### **B.1 General.**

Appendix B provides additional explanatory information on the requirements in 2.1.3.

### **B.2 Labeling of Display Fireworks Aerial Shells.**

### B.2.1

As a minimum, each shell should bear a label containing the following information:

- (1) A description of the size of the shell [e.g., “3-in. (76-mm) shell”]
- (2) A description of the type of shell (e.g., “2-break with report”)
- (3) A warning statement reading:

***WARNING: DANGEROUS EXPLOSIVE***

**If found, do not handle —**

**Contact local fire or police department**

- (4) The name and location of business of the manufacturer, importer, or distributor

### B.2.2 Conspicuousness.

- (1) The statement “*Warning: Dangerous Explosive*” should be printed in capital letters having a printed image of at least  $\frac{1}{8}$  in. (3.2 mm) and should be underlined.
- (2) The remaining printed matter does not need to be printed in capital letters but should have a printed image at least  $\frac{1}{8}$  in. (3.2 mm) high.
- (3) The required statements should be printed in a color contrasting sharply with the background and should be printed within a borderline.
- (4) The label should be at least 9 in.<sup>2</sup> (57.8 cm<sup>2</sup>), unless the size of the shell is too small to accommodate this size, in which case the size can be reduced to a size no smaller than necessary.

## **Appendix C Recommended Regulations for Applications for Permits for the Outdoor Display of Fireworks**

*This appendix is not a part of the requirements of this NFPA document but is included for informational purposes only.*

### C.1 Permit Application.

The following are recommended elements to be included in the permit application for outdoor display of fireworks.

- (1) Application for permit to operate a display of outdoor fireworks in conformance with the terms of \_\_\_\_\_ of the General Laws of \_\_\_\_\_ should be made in writing on forms provided by the authority having jurisdiction.

- (2) Such application should provide the following information:
- a. The name, address, and phone number of the individual, group, or organization sponsoring the outdoor fireworks display
  - b. The name, address, and phone number of the supplier of the fireworks to the operator, if different from that of the operator
  - c. Evidence of financial responsibility by the sponsor of the event or festival and by the operator of the fireworks display. This could take the form of an insurance certificate or other document attesting to coverage or responsibility
  - d. The date and time of day at which the outdoor fireworks display is to be held, with a proposed rain/wind date and time in the event the display is postponed
  - e. The exact location planned for the outdoor fireworks display
  - f. Confirmation of the license of the operator and the number of assistants who are to be present
  - g. The approximate number and kinds of fireworks to be discharged
  - h. The manner and place of storage of such fireworks prior to delivery to the outdoor fireworks display site
  - i. A diagram of the grounds on which the outdoor fireworks display is to be held showing the point at which the fireworks are to be discharged, the location of all buildings, highways and other lines of communication, the lines behind which the audience is to be restrained, and the location of other possible overhead obstructions
- (3) Upon receipt of such application \_\_\_\_\_ days in advance of the date set for this outdoor fireworks display, the authority having jurisdiction should make or initiate an investigation of the site of the proposed display for the purpose of determining compliance with these regulations in the case of the particular display.

## **Appendix D Suggested Requirements for Operator Licensing**

*This appendix is not a part of the requirements of this NFPA document but is included for informational purposes only.*

### **D.1 Operator Licensing Requirements.**

#### **D.1.1**

A requirement of licensing is that the applicant has attained the age of 21 years.

### **D.1.2**

A requirement of licensing is that the applicant has passed a comprehensive written examination covering state laws pertaining to the display of fireworks and this code. At the option of the issuing office, an alternate requirement can be substituted, such as acceptance of competency certification by a national organization or of licensing by another state.

### **D.1.3**

A requirement of licensing is that the applicant has provided evidence of actively participating in the performance of at least 5 outdoor fireworks displays. At the option of the issuing office, an alternate requirement can be substituted.

## **D.2 Provisions of Operator Licensing.**

### **D.2.1**

The license shall be valid for a period of 4 years.

### **D.2.2**

Renewal of the license shall be automatic upon provision of proof of actively participating in at least 3 outdoor fireworks displays during the prior 4 years.

<p style="text-align: center;"><b>Appendix E Extract from American Pyrotechnics Association Standard 87-1, <i>Standard for Construction and Approval for Transportation of Fireworks</i></b></p>
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*This appendix is not a part of the requirements of this NFPA document but is included for informational purposes only.*

## **E.1 Introduction.**

NOTE: Paragraphs of this appendix that apply to the approval by the U.S. Department of Transportation (DOT) for transportation of fireworks are indicated by a dagger (†) following the paragraph number.

### **E.1.1†**

This appendix provides manufacturers, importers, and distributors of fireworks and novelties information to assist them in manufacturing, testing, shipping, and labeling the products of the fireworks industry in accordance with applicable federal laws and current good manufacturing practices.

### **E.1.2**

The information in this appendix should enable manufacturers, importers, and distributors of

fireworks and novelties to provide their customers with products that can be transported and used safely and without unreasonable risk.

#### **E.1.3†**

Fireworks and novelties are not acceptable for transportation within the jurisdiction of the United States unless they are classed, packaged, labeled, and marked and are in proper condition for shipment in accordance with the DOT regulations in Title 49, *Code of Federal Regulations*. See Section E.5 of this appendix for further discussion.

#### **E.1.4**

Consumer fireworks (fireworks classed as 1.4G and 1.4S) (formerly “Common Fireworks”) and novelties are not acceptable for sale to the public unless they are manufactured, labeled, and sold in conformance with the regulations of the U.S. Consumer Product Safety Commission (CPSC) published in Title 16, *Code of Federal Regulations*. See Section E.3 of this appendix for further discussion.

NOTE: Consumer fireworks are normally classed as 1.4G but can be classed by the DOT as 1.4S on the basis of specific test results.

#### **E.1.5**

United States laws and regulations prescribe mandatory requirements that a person must follow in order to market certain products. In these instances, failure to comply can be regarded by courts as negligence per se in product liability litigation.

#### **E.1.6†**

This appendix applies to fireworks devices and novelties for entertainment purposes.

### **E.2 Definitions.**

#### **E.2.1† Approval.**

For purposes of this appendix, the assignment of proper hazard class, EX number, and proper shipping name by the DOT so that fireworks and novelties can be transported under conditions specified in Title 49, *Code of Federal Regulations*. See Section E.5 of this appendix for details.

#### **E.2.2† Black Match.**

A fuse made from thread impregnated with black powder and used for igniting pyrotechnic devices. Black Match is classed as “1.3G” and described as “Fuse, Instantaneous, non-detonating UN0101,” or “Quickmatch UN0101.”

#### **E.2.3† Blowout.**

The unintended release of a pressure effect from other than the intended orifice of a fireworks

device. Examples include expulsion of the bottom plug of a roman candle, expulsion of the clay choke of a fountain, or the rupturing of the wall of a mine or shell.

#### **E.2.4† Burnout.**

The unintended escape of flame through the wall of a pyrotechnic chamber during functioning of a fireworks device.

#### **E.2.5† Chemical Composition.**

All pyrotechnic and explosive composition contained in a fireworks device. Inert materials such as clay used for plugs or organic matter such as rice hulls used for density control are not considered to be chemical composition.

##### **E.2.5.1† Explosive Composition.**

Any chemical compound or mixture, the primary purpose of which is to function by explosion, producing an audible effect in a fireworks device.

##### **E.2.5.2† Pyrotechnic Composition.**

A chemical mixture that on burning and without explosion produces visible or brilliant displays or bright lights, or whistles or motion.

#### **E.2.6† Fireworks.**

Any device, other than a novelty, intended to produce visible or audible effects, or both, by combustion, deflagration, or detonation. Fireworks are further described as “Fireworks UN0336” or “Fireworks UN0337” (formerly “Common Fireworks” and now referred to in this document as “Consumer Fireworks”), “Forbidden Fireworks,” or “Fireworks UN0335” (formerly “Special Fireworks” and now referred to in this document as “Display Fireworks”).

NOTE: Propelling and expelling charges consisting of a mixture of sulfur, charcoal, and saltpeter are not considered as designed to produce audible effects.

##### **E.2.6.1† Consumer Fireworks (formerly “Common Fireworks”).**

Any fireworks device for use by the public that complies with the construction, performance, composition, and labeling requirements promulgated by the U.S. Consumer Product Safety Commission (CPSC) in Title 16, *Code of Federal Regulations*, in addition to any limits and other requirements of this document. See Section E.3 of this appendix for details.

##### **E.2.6.2† Display Fireworks (formerly “Special Fireworks”).**

Fireworks devices primarily intended for commercial displays that are designed to produce visible or audible effects, or both, by combustion, deflagration, or detonation, including, but not limited to, salutes containing more than 130 mg (2 grains) of explosive composition; aerial shells containing more than 40 g (1.4 oz) of chemical composition exclusive of lift charge; and

other exhibition display items that exceed the limits contained in this document for “Consumer Fireworks.” Certain devices intended for signaling, illuminating, and incendiary purposes and formerly classed as “Special Fireworks” no longer fall into this fireworks category. See Section E.4 of this appendix for details.

#### **E.2.6.3† Theatrical Pyrotechnics.**

Pyrotechnic devices for professional use in the entertainment industry similar to “Consumer Fireworks” in chemical composition and construction but not intended for consumer use. Such articles meeting the weight limits for consumer fireworks but not labeled as such and containing only chemicals shown in Table E.4.3.1 can be approved under the provisions of this document and classified as “Article, Pyrotechnic, 1.4G, UN0431.”

NOTE: Theatrical pyrotechnics devices can be classed as “Article, Pyrotechnic, 1.4S, UN0432” by the DOT on the basis of specific test results.

#### **E.2.7† Labeling.**

A display of written, printed, or graphic matter upon a fireworks device(s) or upon the immediate container of any such device(s), or both. Included are diamond-shaped labels required by the DOT to be displayed on outside packaging for transportation purposes. The term also includes any identification, cautions, and other information required by this document or by any federal government agency.

#### **E.2.8† Marking.**

The application of the proper shipping name, identification number (UN number), instructions, cautions, weight, or specification mark or combination thereof to a package of hazardous material. Marking also includes any required specification mark on the inside or outside of a shipping container.

#### **E.2.9† Novelty.**

A device containing small amounts of pyrotechnic or explosive composition, or both, but not described as consumer fireworks. Such devices produce limited visible or audible effects. These items are classed as “1.4G,” unless classed as “1.4S” or deregulated as a hazardous material by the DOT on the basis of specific test results.

#### **E.2.10† Placard.**

A warning symbol of a square-on-point configuration mounted on each side and each end of a truck, rail car, or freight container that informs the public and emergency personnel of the hazardous nature of the cargo, as specified in Title 49, *Code of Federal Regulations*, Part 172.

#### **E.2.11† Quick Match (Instantaneous Fuse).**

Black match that is encased in a loose-fitting paper sheath to make it burn extremely rapidly.

Quick match is used for aerial shells and for simultaneous ignition of a number of pyrotechnic devices, such as lances in a ground display piece. Quick match is classed as “1.3G” and described as “Fuse, instantaneous, non-detonating” or “Quickmatch,” and assigned identification number “UN0101.”

#### **E.2.12† Safety Fuse.**

A fuse consisting of a thread-wrapped black powder train that has been coated with a water-resistant material. Such fuse is typically  $\frac{3}{32}$  in. (2.4 mm) in outside diameter and frequently green in color. Safety Fuse is described as “Fuse, Safety UN0105” and classed as “1.4S.”

### **E.3 Requirements for Consumer Fireworks, Novelties, and Theatrical Pyrotechnics.**

NOTE: Devices in this category, formerly classed as Class C Explosive, Common Fireworks, are now classed as Fireworks 1.4G under the UN System, and referred to in this document as “Consumer Fireworks.”

NOTE: Devices intended for nonconsumer use in the entertainment industry that meet the chemical composition requirements of this appendix can be classed as “1.4G” and described as “Article, Pyrotechnic UN0431” under the provisions of this document but are not required to comply with the fuse, construction, and labeling requirements of this appendix.

#### **E.3.1† Types of Consumer Fireworks.**

The following fireworks devices are subject to the requirements of Section E.3 of this appendix.

##### **E.3.1.1 Ground and Handheld Sparkling and Smoke Devices.**

###### **E.3.1.1.1 Cylindrical Fountain.**

Cylindrical tube containing not more than 75 g (2.6 oz) of pyrotechnic composition. Upon ignition, a shower of colored sparks, and sometimes a whistling effect or smoke, is produced. This device can be provided with a spike for insertion into the ground (spike fountain), a wood or plastic base for placing on the ground (base fountain), or a wood or cardboard handle to be handheld (handle fountain). Where more than one tube is mounted on a common base, total pyrotechnic composition cannot exceed 200 g (7.1 oz).

###### **E.3.1.1.2† Cone Fountain.**

Cardboard or heavy paper cone containing not more than 50 g (1.8 oz) of pyrotechnic composition. The effect is the same as that of a cylindrical fountain. Where more than one cone is mounted on a common base, total pyrotechnic composition cannot exceed 200 g (7.1 oz).

###### **E.3.1.1.3† Illuminating Torch.**

Cylindrical tube containing not more than 100 g (3.5 oz) of pyrotechnic composition that

produces a colored flame upon ignition. Can be spike, base, or handheld. Where more than one tube is mounted on a common base, total pyrotechnic composition cannot exceed 200 g (7.1 oz).

#### **E.3.1.1.4† Wheel.**

Pyrotechnic device intended to be attached to a post or tree by means of a nail or string. It can have one or more drivers, each of which can contain not more than 60 g (2.1 oz) of pyrotechnic composition. No wheel can contain more than 200 g (7.1 oz) total pyrotechnic composition. Upon ignition, the wheel revolves, producing a shower of color and sparks and, sometimes, a whistling effect.

#### **E.3.1.1.5† Ground Spinner.**

Small device containing not more than 20 g (0.7 oz) of pyrotechnic composition, venting out an orifice usually on the side of the tube. Similar in operation to a wheel but intended to be placed flat on the ground and ignited. A shower of sparks and color is produced by the rapidly spinning device.

#### **E.3.1.1.6† Flitter Sparkler.**

Narrow paper tube attached to a stick or wire and filled with not more than 5 g (0.2 oz) of pyrotechnic composition that produces color and sparks upon ignition. The paper at one end of the tube is ignited to make the device function.

#### **E.3.1.1.7† Toy Smoke Device.**

Small plastic or paper item containing not more than 100 g (3.5 oz) pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect. (These devices, where complying with the provisions of this appendix, are classed as “1.4G” unless classed as “1.4S” or not regulated as an explosive by the DOT on the basis of specific test results.)

### **E.3.1.2 Aerial Devices.**

#### **E.3.1.2.1† Sky Rockets and Bottle Rockets.**

Cylindrical tube containing not more than 20 g (0.7 oz) of chemical composition with a wooden stick attached for guidance and stability. Rockets rise into the air upon ignition. A burst of color or sound, or both, can be produced at or near the height of flight.

#### **E.3.1.2.2† Missile-type Rocket.**

A device similar to a sky rocket in size, composition, and effect that uses fins rather than a stick for guidance and stability. Missiles shall not contain more than 20 g (0.7 oz) of total chemical composition.

#### **E.3.1.2.3† Helicopter, Aerial Spinner.**

A tube containing not more than 20 g (0.7 oz) of chemical composition, with a propeller or blade attached. Upon ignition, the rapidly spinning device rises into the air. A visible or audible effect can be produced at or near the height of flight.

#### **E.3.1.2.4† Roman Candle.**

Heavy paper or cardboard tube containing not more than 20 g (0.7 oz) of chemical composition. Upon ignition, “stars” (pellets of pressed pyrotechnic composition that burn with bright color) are individually expelled.

#### **E.3.1.2.5† Mine, Shell.**

Heavy cardboard or paper tube usually attached to a wooden or plastic base and containing not more than 40 g (1.4 oz) of chemical composition plus not more than 20 g (0.7 oz) of “lift” charge [the part that actually lifts the aerial effect(s) into the air] per tube. Upon ignition, “stars” (*see E.3.1.2.4*), components producing reports containing up to 130 mg (2 grains) of explosive composition per report (*see E.3.1.3.1*), or other devices are propelled into the air. A mine can contain more than one tube, provided the tubes fire in sequence upon ignition of one external fuse. Total chemical composition, including lift charges of any multiple tube device, cannot exceed 200 g (7.1 oz).

### **E.3.1.3 Audible Ground Devices.**

#### **E.3.1.3.1† Firecracker.**

Small, paper-wrapped or cardboard tube containing not more than 50 mg (0.8 grain) of explosive composition, except that those used in aerial devices can contain up to 130 mg (2 grains) of explosive composition per report. Upon ignition, noise and a flash of light are produced.

NOTE: Firecrackers are not subject to the requirements of fuse in E.3.5.1 and chemicals in E.3.6.1 of this appendix.

#### **E.3.1.3.2† Chaser.**

Paper or cardboard tube venting out the fuse end of the tube containing not more than 20 g (0.7 oz) of chemical composition. The device travels along the ground upon ignition. A whistling effect or other noise is often produced. Explosive composition can be included to produce a report but cannot exceed 50 mg (0.8 grain).

### **E.3.2† Types of Novelties.**

The following devices are classed as “Fireworks 1.4G” and described as “Fireworks UN0336” unless they are classed as “1.4S” or not regulated as hazardous materials based on specific test

results. These devices that are not regulated are not considered to be consumer fireworks.

#### **E.3.2.1† Party Popper.**

Small plastic or paper item containing not more than 16 mg (0.25 grain) of explosive composition that is friction sensitive. A string protruding from the device is usually pulled to ignite it. This item expels nonflammable paper streamers or other nonflammable novelties, or both, and produces a small report.

#### **E.3.2.2† Snapper.**

Small, paper-wrapped item containing not more than 1 mg (0.02 grain) of explosive composition coated on small bits of sand, and packaged with sawdust in individual containers of not more than 50 units. When dropped, the device explodes, producing a small report.

#### **E.3.2.3† Snake, Glow Worm.**

Pressed pellet of not more than 2 g (0.07 oz) of pyrotechnic composition and packaged in retail packages of not more than 25 units that produces as the primary effect a snakelike ash upon burning. The ash expands in length as the pellet burns. (These devices are not regulated for transportation purposes.)

#### **E.3.2.4† Sparkler.**

Wire or stick coated with pyrotechnic composition that cannot exceed 100 g (3.5 oz) per item, that produces a shower of sparks upon ignition. These items cannot contain magnesium, except that magnalium (magnesium-aluminum alloy) is permitted. Items containing any chlorate or perchlorate salts cannot exceed 5 g (0.2 oz) of composition per item. (These items are not regulated as explosives for transportation purposes. However, some meet the criteria for flammable solids.)

#### **E.3.2.5† Toy Caps.**

Toy plastic or paper caps for toy pistols in sheets, strips, rolls, or individual caps, containing not more than an average of 0.25 grain (16 mg) of explosive composition per cap. Toy caps are described as "Fireworks UN0336" and classed as "1.4G." Toy caps are to be packed in inside packages constructed of cardboard not less than 0.013 in. (0.33 mm) in thickness, metal not less than 0.008 in. (0.2 mm) in thickness, noncombustible plastic not less than 0.015 in. (0.38 mm) in thickness, or a composite blister package consisting of cardboard not less than 0.013 in. (0.33 mm) in thickness, and noncombustible plastic not less than 0.005 in. (0.13 mm) in thickness, which are to provide a complete enclosure. The minimum dimensions of each side or end of such package are to be not less than 1/8 in. (3.2 mm) in height. The number of caps in these inside packages are to be limited so that no more than 10 grains (650 mg) of explosive composition are to be packed into 1 in.<sup>3</sup> (16.4 cm<sup>3</sup>) of space. In addition, no more than 17.5 grains (1138 mg) of the explosive composition of toy caps are to be packed in any inside container. These inner containers are to be packed in outside containers meeting the

requirements specified in E.5.3.1 of this appendix.

#### **E.3.2.6† Other Novelties.**

Devices intended to produce unique visual or audible effects and containing 50 mg (0.8 grain) or less of explosive composition and limited amounts of other pyrotechnic composition. Examples include cigarette loads, trick matches, explosive auto alarms, and other trick noise makers.

#### **E.3.3† Other Devices.**

Any device producing unique pyrotechnic or explosive effects or combinations of effects not enumerated in Section E.3 of this appendix.

#### **E.3.4† Combination Items.**

Fireworks devices intended to produce more than one of the effects described in Section E.3 of this appendix, and that contain not more than 200 g (7.1 oz) of total chemical composition.

#### **E.3.5 Specific Requirements.**

##### **E.3.5.1 Fuse.**

###### **E.3.5.1.1**

Only safety fuse or other fuse that has been protected to resist side ignition can be used in devices subject to the requirements of this appendix.

NOTE: See APA 87-1, Appendix B, for method of measuring resistance to side ignition. Devices, such as ground spinners, that require a restricted orifice for proper functioning and that contain less than 6 g (0.2 oz) of pyrotechnic composition are not subject to the requirements of E.3.5.1.1.

###### **E.3.5.1.2**

The fuse needs to be of sufficient length to burn at least 3 seconds but not more than 6 seconds before ignition of the device, except that the fuse for roman candles or similar devices requiring a longer fuse for safe functioning can burn up to 12 seconds before ignition of the device.

###### **E.3.5.1.3**

The fuse needs to be securely attached, so that it will support either the weight of the device plus 8 oz (227 g) of dead weight or double the weight of the device, whichever is less, without separation from the fireworks device.

##### **E.3.5.2 Construction.**

###### **E.3.5.2.1 Bases.**

Each fireworks device that requires a base needs to utilize a base of wood or plastic (preferably nonbrittle, medium-impact polystyrene). The minimum horizontal dimension or the diameter of the base needs to be equal to at least one-third the height of the device (excluding any protruding fuse), unless the device remains upright when subjected to a tilt of 12 degrees from the horizontal. Bases are to remain firmly attached to the item during transportation, handling, and normal operation.

NOTE: See APA 87-1, Appendix B, for method of measuring.

#### **E.3.5.2.2 Sticks.**

The stick on a rocket (including skyrockets and bottle rockets) and on other fireworks devices that utilize a stick are to be firmly attached to the body of the device by means of glue, staples, or wire, and are to be secure enough to remain firmly attached during transportation, handling, and normal operation. Sticks are to be rigid and of such length so as to ensure stable flight. The maximum curvature of such stick(s) cannot exceed 1 in. (25 mm).

NOTE: See APA 87-1, Appendix B, for method of testing rigidity.

#### **E.3.5.2.3 Handles.**

Each fireworks device that is intended to be handheld and is so marked is to incorporate a handle at least 4 in. (101 mm) in length. Handles are to remain firmly attached during transportation, handling, and normal operation of the device, or are to consist of an integral section of the device extending at least 4 in. (101 mm) below the pyrotechnic chamber, except that sparklers 10 in. (253 mm) or less in length shall have handles at least 3 in. (76 mm) in length.

#### **E.3.5.2.4 Spikes.**

Spikes that constitute an integral part of a fireworks device are to protrude at least 2 in. (51 mm) from the base of the device and are to have a blunt tip not less than  $\frac{1}{8}$  in. (3.2 mm) in diameter or  $\frac{1}{8}$  in. (3.2 mm) square.

#### **E.3.5.2.5† Pyrotechnic Chamber.**

The pyrotechnic chamber in a fireworks device that functions other than by exploding needs to be of sufficient thickness and rigidity to allow normal functioning of the device without burnout or blowout. The chamber also needs to be constructed and sealed to prevent leakage of the pyrotechnic composition during transportation, handling, and normal operation.

#### **E.3.5.2.6 Wings.**

Wings on helicopter-type rockets and similar devices need to be securely attached to the body by means of gluing, wiring, or other appropriate means so that they will remain firmly attached during transportation, handling, and normal operation.

### **E.3.5.2.7 Wheel Devices.**

Each wheel device needs to be constructed so that the driver(s), motor(s), and axle(s), where needed (i.e., on wheel devices intended to operate in a fixed location), remain securely attached to the device during transportation, handling, and normal operation.

### **E.3.5.2.8 Aerial Devices.**

Each device intended to produce a visible or audible effect high in the air needs to be designed to produce the effect at or near the highest point of its flight.

### **E.3.5.2.9 Smoke Devices.**

Each smoke device needs to be constructed so that it will neither burst nor produce excessive flame (excluding fuse and small but brief bursts of flame accompanying normal smoke production). Smoke devices cannot contain plastic in direct contact with the pyrotechnic composition, nor can smoke devices resemble, in color and configuration, banned fireworks devices, such as M80 salutes, cherry bombs, or silver salutes.

## **E.3.6 Prohibited Chemicals and Components.**

### **E.3.6.1† Prohibited Chemicals.**

Consumer fireworks devices offered or intended for sale to the public cannot contain a chemical enumerated in Table E.3.6.1, except for trace amounts as impurities, and except as specified therein.

NOTE: Display fireworks and theatrical pyrotechnics (E.2.6.3) are not subject to the provisions of this appendix.

**Table E.3.6.1 Prohibited Chemicals for Consumer Fireworks**

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(a)	Arsenic sulfide, arsenates, or arsenites
(b)	Boron
(c)	Chlorates, except
1.	In colored smoke mixtures in which an equal or greater weight of sodium bicarbonate is included
2.	In party poppers
3.	In those small items (such as ground spinners) wherein the total powder content does not exceed 4 g (0.14 oz), of which not greater than 15 percent or 600 mg (9.3 grains) is potassium, sodium, or barium chlorate
4.	In firecrackers
5.	In toy caps
(d)	Gallates or gallic acid
(e)	Magnesium (magnesium/aluminum alloys, called magnalium, are permitted)

- (f) Mercury salts
  - (g) Phosphorus (red or white), except that red phosphorus is permissible in caps and party poppers
  - (h) Picrates or picric acid
  - (i) Thiocyanates
  - (j) Titanium, except in particle size greater than 100-mesh
  - (k) Zirconium
- 

### **E.3.6.2† Prohibited Components.**

No component of any consumer fireworks device or novelty can, upon functioning, project or disperse any metal, glass, or brittle plastic fragments.

### **E.3.6.3† Forbidden Explosive Devices.**

Any explosive device intended for sale to the public that produces an audible effect (other than a whistle) by a charge of more than 130 mg (2 grains) of explosive composition per report. Devices obtained for bona fide pest control purposes in accordance with regulations promulgated by CPSC in Title 16, *Code of Federal Regulations*, are not forbidden.

For transportation purposes, the term *forbidden explosive devices* also includes mixtures or devices containing a chlorate and an ammonium salt or an acidic metal salt, devices that contain yellow or white phosphorus, devices that combine an explosive and a detonator or blasting cap, and any device that has not been approved by the DOT.

### **E.3.7† Approval.**

All consumer fireworks (“Fireworks UN0336”), novelties, and theatrical pyrotechnics offered for transportation in the United States need to be classified and approved for transportation purposes by the DOT, in accordance with the following procedure.

#### **E.3.7.1†**

Fireworks and novelties containing only mixtures of chemicals specified in Table E.4.3.1 but none of the chemicals prohibited by E.3.6. For each item for which approval is sought, manufacturers need to submit a copy of the Approval Application (*see APA 87, Appendix D*) to the DOT. The DOT can issue an approval for the device as “1.4G” based on the information contained in the form or, at its option, can require fireworks laboratory examination by the Bureau of Explosives, Bureau of Mines, or other fireworks laboratory acceptable to the DOT.

#### **E.3.7.2†**

Consumer fireworks devices and theatrical pyrotechnics containing any chemical not specified in Table E.4.3.1, but none of the chemicals prohibited by E.3.6. For each item for which approval is sought, the manufacturer needs to submit a sample of each device to the Bureau of

Explosives, Bureau of Mines, or other fireworks laboratory acceptable to the DOT (such as a recognized competent authority for fireworks manufactured abroad) for examination and thermal stability testing. The manufacturer needs to then submit a fireworks Approval Application (*see APA 87-1, Appendix D*) together with the appropriate fireworks laboratory reports to the DOT. The DOT can then issue approval based on the information contained in the application and accompanying fireworks laboratory reports.

#### **E.3.7.3†**

Theatrical pyrotechnics containing only mixtures of chemicals specified in Table E.4.3.1. For each item for which approval is sought, manufacturers need to submit a copy of the Approval Application (*see APA 87-1, Appendix D*) to the DOT. The DOT can issue an approval for the device as “1.4G” based on the information contained in the form or, at its option, can require fireworks laboratory examination by the Bureau of Explosives, Bureau of Mines, or other fireworks laboratory acceptable to the DOT.

#### **E.3.7.4†**

If classification other than as “1.4G” is sought, the DOT approval procedure in Title 49, *Code of Federal Regulations*, 173.56(b)(1) needs to be followed. This includes obtaining a fireworks laboratory report from the Bureau of Explosives, or other fireworks laboratory acceptable to the DOT.

#### **E.3.8† Marking and Labeling.**

Fireworks intended for consumer sale and use need to be labeled in conformance with the requirements of the Federal Hazardous Substances Act and regulations promulgated thereunder in Title 16, *Code of Federal Regulations*, Part 1500. All outside packaging containing fireworks must be marked and labeled in conformance with Title 49, *Code of Federal Regulations*, Part 172. See APA 87-1, Appendix C, and Section E.5 of this appendix for details and examples.

### **E.4 Requirements for Display Fireworks Devices.**

NOTE: Devices in this category, formerly classed as Class B Explosives, Special Fireworks, are now classed as “1.3G” under the UN system and referred to in this appendix as “Display Fireworks.”

#### **E.4.1† Types of Display Fireworks Devices.**

The following fireworks devices are subject to the requirements of Section E.4 of this appendix.

##### **E.4.1.1 Aerial Shell.**

A cylindrical or spherical cartridge containing chemical composition exceeding 40 g (1.4 oz) in weight or explosive composition exceeding 130 mg (2 grains) per report, and a black powder propelling charge (lift charge). Shells are most commonly 3 in. to 6 in. (76 mm to 152 mm) in

diameter and are fired from metal or heavy cardboard tubes. Upon firing, the lift charge is consumed and the cartridge is expelled into the air. A pyrotechnic effect is produced near the highest point of flight.

#### **E.4.1.2† Salute.**

Paper-wrapped or cardboard tube containing explosive composition in excess of 130 mg (2 grains). Upon ignition, noise and a flash of light are produced.

#### **E.4.1.3 Other Fireworks Devices.**

##### **E.4.1.3.1†**

Where the quantity of explosive or pyrotechnic composition, or both, exceeds the limit for inclusion in the “Fireworks UN0336” category, devices enumerated in E.3.1 are classed as “1.3G” and described as “Fireworks UN0335” (formerly described as “Special Fireworks” and classed as “Class B Explosives”). This includes multiple tube devices containing more than 200 g (7.1 oz) of total chemical composition.

##### **E.4.1.3.2**

Certain devices intended for signaling, illuminating, and incendiary purposes such as railway torpedoes, airplane flares, illuminating projectiles, incendiary and smoke projectiles, and flash cartridges, formerly classed as “Special Fireworks,” no longer fall into the “Fireworks” category under the DOT regulations effective on October 1, 1991, and are not part of this appendix.

#### **E.4.2 Construction of Aerial Shells.**

##### **E.4.2.1**

Each shell is to be identified only in terms of the inside diameter (and not the circumference) of the mortar in which it can be safely used. [e.g., 3-in. (76-mm) shells are only for use in 3-in. (76-mm) mortars].

##### **E.4.2.2**

Each shell needs to be constructed so that the difference between the inside diameter of the mortar in which it can be safely used and the outside diameter of the shell is no less than  $\frac{1}{8}$  in. (3.2 mm) and no more than  $\frac{1}{4}$  in. (6.4 mm) for shells not exceeding 3 in. (76 mm) or  $\frac{1}{2}$  in. (12.7 mm) for shells larger than 3 in. (76 mm).

##### **E.4.2.3**

Each shell needs to be marked with the type of shell, the diameter measurement, and the name of the manufacturer or distributor.

#### E.4.2.4

The length of the internal delay fuse and the amount of lift charge needs to be sized to ensure proper functioning of the shell in its mortar. Quick match fuse, if required, needs to be long enough to allow not less than 6 in. (152 mm) of fuse to protrude from the mortar after the shell is properly inserted.

#### E.4.2.5

The length of exposed black match on a shell cannot be less than 3 in. (76 mm) and the fuse is not to be folded or doubled back under the safety cap. Also, the time delay between ignition of the tip of the exposed black match and ignition of the lift charge cannot be less than 3 seconds to allow the operator to retreat safely.

#### E.4.2.6

A safety cap needs to be installed over the exposed end of the fuse. The safety cap needs to be of a different color than that used for the paper of the fuse.

#### E.4.3† Approval.

Prior to being offered for transportation in the United States, all display fireworks (Fireworks 1.3G) need to be classified and approved by the DOT in accordance with the following procedures.

#### E.4.3.1†

Devices containing only mixtures of chemicals specified in Table E.4.3.1. The manufacturer needs to submit a copy of the Approval Application (*see APA 87-1, Appendix D*) to the DOT for any item that has not previously been approved by the DOT. The DOT can issue an approval for the device based on the information contained in the form or, at its option, can require fireworks laboratory examination by the Bureau of Explosives, Bureau of Mines, or other fireworks laboratory acceptable to the DOT.

**Table †E.4.3.1 Standard Fireworks Chemicals**

<b>Chemical</b>	<b>Typical Use</b>
Aluminum	Fuel
Ammonium perchlorate	Oxygen donor
Antimony	Fuel
Antimony sulfide	Fuel
Barium carbonate	Neutralizer
Barium nitrate	Oxygen donor
Barium sulfate	Oxygen donor
Boric acid	Neutralizer
Calcium carbonate	Neutralizer

Chemical	Typical Use
Calcium sulfate	Oxygen donor
Carbon or charcoal	Fuel
Copper metal	Color agent
Copper oxide	Oxygen donor, color agent
Copper salts (except copper chlorate)	Color agent
Dextrine	Fuel/binder
Hexamethylenetetramine (hexamine)	Fuel
Iron and iron alloys (e.g., ferro/titanium)	Fuel
Iron oxide	Oxygen donor
Magnalium (magnesium/aluminum)	Fuel
Magnesium (in display fireworks and theatrical pyrotechnics only)	Fuel
Magnesium carbonate	Neutralizer
Magnesium sulfate	Oxygen donor
Nitrocellulose-based lacquers	Binder
Phosphorus, red (only as provided in Table E.3.6.1)	Fuel
Potassium or sodium benzoate	Whistle
Potassium bichromate (potassium dichromate) (not to exceed 5% of formulation)	Oxygen donor
Potassium chlorate (only as provided in Table E.3.6.1)	Oxygen donor
Potassium hydrogen phthalate	Whistle
Potassium nitrate	Oxygen donor
Potassium perchlorate	Oxygen donor
Potassium sulfate	Oxygen donor
Sodium bicarbonate (sodium hydrogen carbonate)	Neutralizer
Sodium nitrate	Oxygen donor
Sodium salicylate	Whistle
Sodium salts (except sodium chlorate)	Color agent
Sodium sulfate	Oxygen donor
Strontium carbonate	Color agent
Strontium nitrate	Oxygen donor
Strontium salts (except strontium chlorate)	Color agent
Strontium sulfate	Oxygen donor
Sulfur	Fuel
Titanium (particle size > 100 mesh if 1.4G or 1.4S Fireworks)	Fuel

E.4.3.2†

Devices containing any chemical not specified in Table E.4.3.1. For each item for which approval is sought, the manufacturer needs to submit a sample of each pyrotechnic mixture containing any chemical not specified in Table E.4.3.1 to the Bureau of Explosives or other fireworks laboratory acceptable to the DOT for examination. The manufacturer shall then submit a Fireworks Approval Application (*see APA 87-1, Appendix D*), together with the appropriate fireworks laboratory reports to the DOT. The DOT can then issue approval based on the information contained in the application and accompanying fireworks laboratory report(s).

Miscellaneous compounds include the following: organic compounds [compounds such as lactose, shellac, red gum, chlorinated paraffin, and polyvinyl chloride, consisting of some combination of carbon with hydrogen, oxygen, or chlorine, or all three; nitrogen can be present if it accounts for less than 10 percent (by weight) of the compound.]

NOTE: Exact chemical identity of each “organic compound” is to be included when submitting an Approval Application (*see APA 87-1, Appendix D*) to the DOT.

## **E.5 Shipping Requirements.**

### **E.5.1† Transportation Regulating Authorities.**

Transportation of fireworks is regulated by the United States Department of Transportation (DOT). Some states and municipalities also regulate transportation of fireworks through their jurisdiction, often by incorporation of federal regulations.

### **E.5.2† Approval.**

Except for samples prepared in accordance with the DOT regulations, no fireworks device or novelty can be offered for transportation or be transported until it is classed and approved by the DOT, and an approval number (EX number) is issued (Title 49, *Code of Federal Regulations*, Part 173.86). (*See Sections E.3 and E.4 of this appendix and APA 87-1, Appendix D.*)

#### **E.5.2.1†**

EX numbers for fireworks contained in a shipping carton need to be marked on the shipping carton or on the shipping paper.

#### **E.5.2.2†**

Cartons containing more than five different fireworks devices need to be marked with at least five of the EX numbers covering items in the carton, or the EX numbers need to appear on the shipping paper [Title 49, *Code of Federal Regulations*, Parts 172.320(c) and (d)].

### **E.5.3 Packaging.**

With certain exceptions, “Fireworks UN0335” (formerly “Special Fireworks”), “Fireworks

UN0336” (formerly “Common Fireworks”), and “Novelties” are to be securely packaged in containers complying with the DOT regulations. Gross weight limitation per package is now dictated by the weight marked on the certified packaging. Until October 1, 1996, these materials could be packaged in accordance with the regulations in effect on September 31, 1991 (i.e., DOT 12B boxes). These materials can be offered in accordance with the new package requirements promulgated under Docket No. HM-181 as of January 1, 1991. However, except as noted below, compliance with these new package standards is mandatory as of October 1, 1996. Fireworks packaged prior to October 1, 1991, in packagings that comply with the previous DOT regulations (such as 12B boxes), can be used until October 1, 2001, but only for shipments in domestic commerce and only if the package has not been emptied or refilled on or after October 1, 1991 [Title 49, *Code of Federal Regulations*, Part 171.14(c)]. Articles with match or friction tip ignition are to be packed so that each individual tip is protected against accidental contact or friction (Title 49, *Code of Federal Regulations*, Part 173.108). Loose chemical composition cannot be present in packages in transportation [Title 49, *Code of Federal Regulations*, Part 172.102(c)(108)].

#### **E.5.3.1† Toy Cap Packaging.**

Until October 1, 1996, toy caps could be packaged in accordance with Title 49, *Code of Federal Regulations*, Part 173.109, in effect on September 31, 1991 [i.e., DOT 12B fiberboard boxes, with gross weight not to exceed 65 lb (30 kg)]. Toy caps are to be packaged in inner containers meeting the requirements specified in E.3.2.5 of this appendix. Toy caps should not be packed with other fireworks.

#### **E.5.4† Placards.**

Unless otherwise provided, each motor vehicle, freight container, and rail car is to bear appropriate placards on each end and each side [Title 49, *Code of Federal Regulations*, Part 172.504 (a)]. Vehicles containing packages of Consumer Fireworks or Novelties that are labeled “1.4G” require a “1.4G” or “Explosive 1.4G” placard (use of the word *explosive* is optional) (Title 49, *Code of Federal Regulations*, Part 172.523), except that highway and rail shipments of less than 1000 lb (454 kg) gross weight of such fireworks need not bear a placard [Title 49, *Code of Federal Regulations*, Part 172.504(c)]. Vehicles containing Display Fireworks in any quantity require a “1.3G” or “Explosive 1.3G” placard (the word *explosive* is optional) (Title 49, *Code of Federal Regulations*, Part 173.522). If both “1.4G” and “1.3G” are present in a shipment, only the “1.3G” placard is required. Until October 1, 1994, transport vehicles and freight containers can be placarded with the old placards (i.e., “Class B Explosive” or “Dangerous” placard), and these placards can be used for domestic highway transportation only until October 1, 2001.

#### **E.5.5† Package Marking and Labeling.**

Each person who offers fireworks for transportation needs to ensure that the package displays the appropriate square-on-point label [Title 49, *Code of Federal Regulations*, Parts 172.400(a) and 172.411]. Consumer fireworks, toy smoke devices, and trick noise makers are either

classed as “1.4G,” “1.4S,” or not regulated for transportation purposes, and Display Fireworks are classed as “1.3G” (Title 49, *Code of Federal Regulations*, Part 172.101). The label needs to be printed or affixed to the surface of the package near the proper shipping name and identification number, which are also required to appear on the package [Title 49, *Code of Federal Regulations*, Part 172.301(a)].

#### **E.5.6† Shipping Papers.**

Each person who offers a fireworks device or novelty for transportation needs to describe the item on a shipping paper. The description needs to include the proper shipping name (Title 49, *Code of Federal Regulations*, Part 172.101 Table, Col. 2), the hazard class of the material, the identification number (Col. 4), the packing group (Col. 5), and the total quantity covered by the description [Title 49, *Code of Federal Regulations*, Part 172.202(a)]. Consumer Fireworks (Common Fireworks) would be described as follows: “Fireworks, 1.4G, UN0336, PG II.” Display Fireworks (Special Fireworks) would be described as “Fireworks, 1.3G, UN0335, PG II.” In addition, the shipper needs to certify that the shipment is properly classified, marked, and labeled [Title 49, *Code of Federal Regulations*, Part 172.204(a)].

NOTE: EX numbers also are to appear on shipping papers unless they are marked on each shipping carton.

#### **E.6 References.**

##### **E.6.1†**

Title 49, *Code of Federal Regulations*, Parts 171 to 180, U.S. Department of Transportation, can be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, or as republished by the Bureau of Explosives as “Hazardous Materials Regulations of the Department of Transportation,” available from the Association of American Railroads, 50 F Street, NW, Washington, DC 20001.

##### **E.6.2†**

Title 16, *Code of Federal Regulations*, Parts 1000 to end, Consumer Product Safety Commission, can be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. Extracts of these regulations pertaining to fireworks can be obtained only from the American Pyrotechnics Association.

## **Appendix F Display Planning and Preparation**

*This appendix is not a part of the requirements of this NFPA document but is included for informational purposes only.*

#### **F.1 Approval.**

The outdoor display of fireworks should be conducted only when and where approved by the authority having jurisdiction. To the extent required by the authority having jurisdiction,

written documentation describing the location and operation of the outdoor display should be submitted by the display operator, sponsor, or both for review and approval by the authority having jurisdiction. The authority having jurisdiction should review these documents as well as inspect and approve the display site prior to issuing any approval to conduct an outdoor display.

## **F.2 Revocation or Modification.**

The authority having jurisdiction can revoke or restrict any approval to conduct an outdoor display whenever conditions such as site location, weather, traffic, communication, security procedures, available public protection, or other safety precautions make such action necessary to safeguard the health, safety, or welfare of the public.

### **F.2.1**

The authority having jurisdiction should determine the level of fire protection to be provided by the display operator, sponsor, or both for any outdoor display. Standby fire marshals, fire fighters, and fire equipment might be required by the authority having jurisdiction.

### **F.2.2**

Wherever any condition deemed hazardous by the authority having jurisdiction or the operator arises before or during an outdoor display, the display should be interrupted or postponed until the condition is corrected or the hazard is abated. Such conditions might include adverse weather conditions or crowd behavior.

## **F.3 Other Approvals.**

Public displays conducted at locations subject to multiple jurisdictions should be reviewed and approved where required by each applicable authority having jurisdiction.

### **F.3.1**

Transportation and storage of fireworks, in particular interstate transit, should be done in accordance with the appropriate federal or state regulatory authority.

#### **F.3.1.1**

Interstate commerce in fireworks is regulated in the United States by the Department of Treasury, Bureau of Alcohol, Tobacco, and Firearms (ATF). An ATF license is required to purchase fireworks classed as 1.3G explosives.

#### **F.3.2**

Public display in a harbor or on a navigable waterway should be approved by the U.S. Coast Guard or other maritime authority.

### **F.3.3**

To the extent required by the authority having jurisdiction, public display in the vicinity of a commercial airport or heliport should be approved by the Federal Aviation Administration or other aviation authority.

#### **F.3.3.1**

A Notice to Airmen (NOTAM) should be issued to alert aircraft operators of the location and time of the public display to avoid conflicts with air operations.

### **F.3.4**

Where necessary, permission to close roadways, divert traffic, or restrict access to roadways or other public rights of way should be obtained from the relevant authorities.

### **F.4 Proof of Insurance.**

The display operator, sponsor, or both should present verifiable proof of liability insurance of a type and amount deemed appropriate by the authority having jurisdiction.

#### **F.4.1**

Separate insurance coverage might be required for personal injuries or accidents arising from other aspects of the event. Insurance is intended to indemnify the operator in the event of an accident arising from the outdoor display.

### **F.5 Site Plans.**

#### **F.5.1**

Public displays are often conducted at the same site annually or on a regular periodic basis. Plans can be reused or filed with the authority having jurisdiction for reference whenever an application is made.

##### **F.5.1.1**

The display operator, sponsor, or both should prepare and submit site plans to the authority having jurisdiction for approval. These diagrams should be drawn to approximate scale, should illustrate compliance with Chapter 3, and to the extent required by the authority having jurisdiction should contain all of the following information.

- (1) Display site — identify significant ground features, public rights of way, significant buildings or structures, overhead obstructions, parking areas, and spectator viewing areas
- (2) Location of fireworks storage areas

- (3) Fallout area, including dimensions
- (4) North arrow
- (5) Likely wind direction
- (6) Location of significant roadways, including access and control points
- (7) Traffic plans indicating the flow of vehicles into and out of the site before and after the display
- (8) Location of emergency vehicle staging area and access routes

#### **F.5.1.2 Discharge Details.**

To the extent required by the authority having jurisdiction, diagrams should be prepared and submitted to illustrate the general arrangement and size of mortars and the location of shell storage at the discharge site. These diagrams should include the location of the electrical firing unit.

#### **F.5.1.3 Changes.**

Plans should be revised or updated as often as required by the authority having jurisdiction to maintain their accuracy. Any changes in site conditions between the time plans are prepared and the display is conducted should be brought to the immediate attention of the authority having jurisdiction and the display operator, sponsor, or both.

### **F.6 Operating Procedures.**

#### **F.6.1 Event Procedures.**

Where required, a description of the public display event should be prepared by the sponsor and submitted to the authority having jurisdiction for review and approval. To the extent required by the authority having jurisdiction, event descriptions should include the time and schedule of events, attendance estimates, and procedures for all of the following:

- (1) Communications
- (2) Weather monitoring
- (3) Site security
- (4) Crowd control
- (5) Emergency forces notification
- (6) First-aid fire fighting
- (7) Emergency medical services

### **F.6.2 Firing Procedures.**

If required by the authority having jurisdiction, operating procedures should be prepared and submitted to the authority having jurisdiction for review and approval. Where required, the operating procedures should illustrate compliance with Chapter 5 and contain all of the following information:

- (1) Identification of operator
- (2) Copies of applicable display personnel licenses, permits, or certificates of fitness
- (3) Description of the firing method

### **F.6.3 Termination Procedures.**

If required by the authority having jurisdiction a description of the procedures to be taken upon completion of the outdoor display should be prepared and submitted to the authority having jurisdiction. Where required, the termination procedures should contain all of the following information:

- (1) Procedures for inspecting the discharge site and fallout area for any defective or unexploded fireworks
- (2) Procedures for disposing of defective fireworks and fireworks materials

### **F.6.4 Emergency Procedures.**

Where required by the authority having jurisdiction, emergency instructions should be prepared and submitted to the authority having jurisdiction for approval. If required, these procedures should include all of the following information:

- (1) Description of the means of alerting staff of emergencies
- (2) Identification of the signal and means to notify the display operator, sponsor, or both to terminate the loading or firing of fireworks in the event a hazard arises during the outdoor display
- (3) Identification of the means of notifying public emergency forces
- (4) Emergency reporting instructions describing the information that should be provided to emergency operators

#### **F.6.4.1**

Where required for safety by the authority having jurisdiction, a public address system should be provided to ensure the timely and effective notification of spectators of conditions affecting their safety. Public address announcements should be used to ensure an orderly spectator response. The following are all situations that can be anticipated at an event of this type:

- (1) Fire
- (2) Medical emergency
- (3) Vehicle accident
- (4) Crowd disturbance
- (5) Adverse weather conditions

## **Appendix G Referenced Publications**

### **G.1**

The following documents or portions thereof are referenced within this code for informational purposes only and are thus not considered part of the requirements of this code unless also listed in Chapter 8. The edition indicated here for each reference is the current edition as of the date of the NFPA issuance of this code.

#### **G.1.1 NFPA Publications.**

National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101.

NFPA 101®, *Life Safety Code*®, 1994 edition.

NFPA 701, *Standard Methods of Fire Tests for Flame Propagation of Textiles and Films*, 1999 edition.

NFPA 1122, *Code for Model Rocketry*, 1997 edition.

*Fire Protection Guide to Hazardous Materials*, 1997 edition.

#### **G.1.2 Other Publications.**

##### **G.1.2.1 ANSI Publication.**

American National Standards Institute, 11 West 42nd Street, New York, NY 10036.

ANSI/ASME B 36.10M, *Welded and Seamless Wrought Steel Pipe*, 1996.

##### **G.1.2.2 APA Publications.**

American Pyrotechnic Association, P.O. Box 213, Chestertown, MD 21620.

“Celebrate Safely” (Videotape).

American Pyrotechnic Association, Standard 87-1, *Standard for Construction and Approval for Transportation of Fireworks*, 1993.

### **G.1.2.3 PGI Publication.**

The Pyrotechnic Guild International, Inc., P.O. Box 437, Chillicothe, OH 45601.

“Study Guide for Display Operator Training Program,” 1993.

### **G.1.2.4 Canadian Government Publication.**

Department of Energy, Mines and Resources-Canada, Explosives Branch, 580 Booth Street, Ottawa, ON, Canada K1A 0E4.

The Fireworks Manual, Explosives Division Class 7.2.2, CANMET, Cat. No. M82-10/19911E, 1991.

### **G.1.2.5 U.S. Government Publications.**

Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

Title 16, *Code of Federal Regulations*, Parts 1000 to end, U.S. Consumer Product Safety Commission.

Title 49, *Code of Federal Regulations*, Parts 171-180, U.S. Department of Transportation.

## **Formal Interpretation**

### **Formal Interpretation**

#### **NFPA 1123**

#### **Fireworks Display**

#### **2000 Edition**

**Reference:** 2.2.4, 2.3.3.6\*, 3.1.3.4, 3.3.2

**FI 90-2**

**Question 1a:** Is the mortar line required to be twice the distance from the bulk storage area?

**Answer:** Yes.

**Question 1b:** Is the display site required to be twice the distance from the spectators?

**Answer:** No.

**Question 1c:** Are the spectators required to be twice the distance from the bulk storage area?

**Answer:** No.

**Question 2a:** Does NFPA 1123 prohibit the reloading of paper mortars during the same

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display?

**Answer:** No.

**Question 2b:** Does NFPA 1123 specify one type of mortar over another for the purposes of reloading during the same display?

**Answer:** No.

**Question 2c:** Does NFPA 1123 in addressing the three most common type of mortars being used today, do so without prejudice?

**Answer:** Yes.

**Question 3:** Are mortars permitted to be located in the fallout area?

**Answer:** Yes.

**Issue Edition:** 1990

**Reference:** 2-2.4, 2-3.3.7\*, 3-1.3.2, 3-3.2

**Issue Date:** December 1, 1993

**Effective Date:** December 21, 1993

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NATIONAL FIRE PROTECTION ASSOCIATION

### **Formal Interpretation**

**NFPA 1123**

**Fireworks Display**

**2000 Edition**

**Reference:** Table A.2.3.6.3

**F.I. 90-1**

**Question:** Are mortars for 3-in. finale racks acceptable with 14 in. inside length to fire single break shells (i.e., Chinese Star Shells and Domestic Salutes) to achieve an acceptable altitude of those shells?

**Answer:** Yes.

**Issue Edition:** 1990

**Reference:** Entire Document

**Issue Date:** October 1, 1991

**Effective Date:** October 21, 1991

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## **CRISIS RESPONSE**

### **I. PURPOSE**

The purpose of this policy is to outline the process, procedure, and intent of the City to provide assistance to employees and responders involved in responding to crisis events.

### **II. SCOPE**

This policy applies to all employees in all departments.

### **III. MICHIGAN CRISIS RESPONSE ASSOCIATION**

The Michigan Crisis Response Association is a cooperative effort on the part of crisis response teams throughout the State. There are approximately 50 teams in Michigan whose membership includes individuals from law enforcement, fire and emergency services, hospital staff, and educators as well as mental health professionals and clergy. The MCRA conducts annual conferences and training to further the development of new teams and provide support for established teams.

A. Ionia is served by the Mid-West Michigan Critical Incident Stress Management Team located in and through the Kentwood Fire Department. The team number is 1-800-853-9733 or 616 -554-0806. Their mailing address is P.O. Box 90034, Wyoming, MI 49509.

B. Crisis Response Association Teams are called upon for the following:

1. Tragic deaths of employees or associated with departments.
2. Devastating event such as tornado, fatal accident, child death, school shooting, or similar traumatic occurrence.
3. Following disaster event covered by the City's Emergency Management Policy.
4. Similar emotional events.

C. The purpose of the MCRA is to send counselors and others to debrief following major events. The City of Ionia will pay or coordinate any such responders for these events. Employees are encouraged to participate in debriefings following major incidents. Every effort will be made to have a debriefing following major events.

1. Debriefings may include time to review actions taken by agencies and responders and serve as training for future events. Policies and procedures may need to be rewritten following debriefing.

2. Debriefings may be formal or informal ranging from non-involvement of the trained professionals (minor incidents) up to and including formal mental counseling for employees.

3. The City of Ionia is also contracted through the Employee Assistance Program and Ionia County Mental Health for similar and enhanced services.

#### IV. MISSION

The mission of MCRA is to promote, facilitate and support the activities, operation of training of agencies and response teams that are involved in critical incident management. To this end, MCRA:

1. Assists communities in identifying groups that are at risk of experiencing traumatic stress.
2. Develop training for service providers who would reach out to traumatic groups.
3. Assist communities in developing crisis response plans.
4. Provide support to local resources.
5. Maintain contact with local crisis response teams throughout Michigan.

They will seek to respond to the individual and personal needs of each community to successfully move through their recovery.

#### V. BASIS

MCRA and similar groups follow the International Critical Incident Stress Foundation (ICISF) strategy developed by Dr. Jeffrey T. Mitchell. He and his colleagues have developed a comprehensive and integrated response program designed to provide crisis intervention to those impacted by traumatic events. Called Critical Incident System Management (CISM), it was originally termed Critical Incident Stress Debriefing (CISD), and referred solely to a structured 7-phase discussion of the traumatic event. It was the primary means to address trauma among first responders. Increasingly, the need for other and more comprehensive intervention has been recognized. Additionally, special response methods for the traumatic events that effect community groups such as schools and neighborhoods have been developed. CISM interventions now help first responders and communities in a variety of ways and research has demonstrated the positive effect early intervention has on symptom reduction, length of recovery, and the ability to resume one's usual level of functioning.

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## **Gasoline/Benzene Handling**

### **Overview**

Prolonged exposure to benzene, one of the principal ingredients in gasoline, has been found to be potentially hazardous to the health of workers and employees. In addition, there are significant safety concerns when working around gasoline. These safety concerns include proper storage, marking, and clean-up in case of accidental spills.

### **Purpose**

The purpose of this policy is to provide direction for employees on the safe handling of gasoline and gasoline products. The goal will be to protect employees from prolonged exposure; to provide guidance on monitoring of employees who are exposed to such product; to provide guidance for clean-up; to protect the Publicly Owned Treatment Works and Stormwater Collection Systems in the City of Ionia from accidental releases; and to keep the City in compliance with applicable MIOSHA and OSHA guidelines.

### **Storage**

All gasoline products for the City shall be kept in proper containers. A proper container:

- Is legibly marked "gasoline" on the outside of the can
- Should be red in color
- Must be an approved container meaning that it was manufactured for gasoline storage
- Should include a release mechanism that will close and keep a discharge port closed in case the can tips

If gasoline or benzene products are found in a container other than those mentioned above, it should be removed and placed in such a marked container.

In addition, any benzene product should be kept in an area not likely to encounter open flame or sparks. It should be in a location that cannot build up fumes or in an area that may vent to an occupied building area.

### **Spills**

There are two kinds of spills to concern oneself with: in City owned facilities and accidental spills on roadways or in the environment.

#### **In facility spills**

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If gasoline or a benzene product is spilled inside a building or on city property, the spill should be immediately contained with emergency sandbags, sand, or "pigs" that are specifically made to contain such spills.

The area is to be covered with an absorbant material that will soak up the spilled material. It should then be cleaned and placed in a "bio hazard bag" and disposed of for landfill placement. In no case should the spillage be swept into a storm sewer or on city property.

**Accidental spills on roadways**

If personnel encounter a spill on roadways or from accidental releases IN EXCESS OF FIVE GALLONS, they should follow this procedure:

- ❑ Contain the spill with pigs, absorbant material, sand, or other emergency device
- ❑ Apply absorbant material (if possible) to further isolate the spill
- ❑ If the spill is significant, Public Safety should be contacted and will have a person trained at the technician level in hazardous materials respond to the scene.
- ❑ The Public Safety person in charge shall determine if Youngs Environmental Company should be contacted. Youngs is under contract with the City for emergency services. If they are contacted, follow their direction and monitor the event.
- ❑ If material has been or may or has the potential of entering either the sanitary or storm sewer collection system, the Department of Public Works and Department of Public Utilities are to be immediately notified.
- ❑ Personnel should attempt to block storm and sanitary sewer inlets so that the material may not enter the piping. If it has entered the piping, manholes should be opened downstream to vent the material so as to not allow explosive levels to build up in the collection system.
- ❑ The DPU shall prepare for any inflow into the Publicly Owned Treatment Works (POTW). This may include bypass pumping to holding tanks so that vapors to not build to the explosive level.
- ❑ In the case of the stormwater system, if the release is able to reach the Grand River, the Michigan Department of Environmental Quality should be notified immediately. Again, Youngs environmental can offer advice and guidance on the spill.
- ❑ All care and caution should be given to prevent vapors from building in the system which can be ignited by pilot lights or other sparks or flames in the systems.

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**Definitions**

"Action level" means an airborne concentration of benzene of 0.5 ppm calculated as an 8-hour time-weighted average.

"Assistant Secretary" means the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, or designee.

"Authorized person" means any person specifically authorized by the City whose duties require the person to enter a regulated area, or any person entering such an area as a designated representative of employees for the purpose of exercising the right to observe monitoring and measuring procedures under paragraph (l) of this section, or any other person authorized by the Act or regulations issued under the Act.

"Benzene" (C(6)H(6)) (CAS Registry No. 71-43-2) means liquefied or gaseous benzene. It includes benzene contained in liquid mixtures and the benzene vapors released by these liquids. It does not include trace amounts of unreacted benzene contained in solid materials.

"Bulk wholesale storage facility" means a bulk terminal or bulk plant where fuel is stored prior to its delivery to wholesale customers.

"Container" means any barrel, bottle, can, cylinder, drum, reaction vessel, storage tank, or the like, but does not include piping systems.

"Day" means any part of a calendar day.

"Director" means the Director of the National Institute for Occupational Safety and Health, U.S. Department of Health and Human Services, or designee.

"Emergency" means any occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment which may or does result in an unexpected significant release of benzene.

"Employee exposure" means exposure to airborne benzene which would occur if the employee were not using respiratory protective equipment.

"Regulated area" means any area where airborne concentrations of benzene exceed or can reasonably be expected to exceed, the permissible exposure limits, either the 8-hour time weighted average exposure of 1 ppm or the short-term exposure limit of 5 ppm for 15 minutes.

"Vapor control system" means any equipment used for containing the total vapors displaced during the loading of gasoline, motor fuel or other fuel tank trucks and the

## City of Ionia Safety and Health Resource Manual

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displacing of these vapors through a vapor processing system or balancing the vapor with the storage tank. This equipment also includes systems containing the vapors displaced from the storage tank during the unloading of the tank truck which balance the vapors back to the tank truck.

### **Permissible exposure limits (PELs)**

- Time-weighted average limit (TWA). The City shall assure that no employee is exposed to an airborne concentration of benzene in excess of one part of benzene per million parts of air (1 ppm) as an 8-hour time-weighted average.
- Short-term exposure limit (STEL). The City shall assure that no employee is exposed to an airborne concentration of benzene in excess of five (5) ppm as averaged over any 15 minute period.

### **Regulated areas.**

The City shall establish a regulated area wherever the airborne concentration of benzene exceeds or can reasonably be expected to exceed the permissible exposure limits, either the 8-hour time weighted average exposure of 1 ppm or the short-term exposure limit of 5 ppm for 15 minutes.

### **Access to regulated areas shall be limited to authorized persons.**

Regulated areas shall be determined from the rest of the workplace in any manner that minimizes the number of employees exposed to benzene within the regulated area.

### **Exposure monitoring -**

#### **General.**

Determinations of employee exposure shall be made from breathing zone air samples that are representative of each employee's average exposure to airborne benzene.

Representative 8-hour TWA employee exposures shall be determined on the basis of one sample or samples representing the full shift exposure for each job classification in each work area.

#### **Initial monitoring.**

The City will inventory and determine if any employees are subject to exposed or prolonged contact with benzene or gasoline. At this time, it has been determined that no employee is located in a work site which causes such exposure. During the work place and facility checks, care shall be taken to note the location of benzene products to ensure that if this changes, an initial screening and monitoring can take place.

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**Periodic monitoring and monitoring frequency.**

If the monitoring required of this section reveals employee exposure at or above the action level but at or below the TWA, the City shall repeat such monitoring for each such employee at least every year.

If the monitoring required by this section reveals employee exposure above the TWA, the City shall repeat such monitoring for each such employee at least every six (6) months.

Monitoring for the STEL shall be repeated as necessary to evaluate exposures of employees subject to short term exposures.

**Additional monitoring.**

The City shall institute the exposure monitoring required under this section when there has been a change in the production, process, control equipment, personnel or work practices which may result in new or additional exposures to benzene, or when the City has any reason to suspect a change which may result in new or additional exposures.

Whenever spills, leaks, ruptures or other breakdowns occur that may lead to employee exposure, the City shall monitor (using area or personal sampling) after the cleanup of the spill or repair of the leak, rupture or other breakdown to ensure that exposures have returned to the level that existed prior to the incident.

Accuracy of monitoring. Monitoring shall be accurate, to a confidence level of 95 percent, to within plus or minus 25 percent for airborne concentrations of benzene.

**Employee notification of monitoring results.**

The City shall, within 15 working days after the receipt of the results of any monitoring performed under this standard, notify each employee of these results in writing either individually or by posting of results in an appropriate location that is accessible to affected employees.

Whenever the PELs are exceeded, the written notification required by this section shall contain the corrective action being taken by the City to reduce the employee exposure to or below the PEL, or shall refer to a document available to the employee which states the corrective actions to be taken.

**Methods of compliance -**

**Engineering controls and work practices.**

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The City shall institute engineering controls and work practices to reduce and maintain employee exposure to benzene at or below the permissible exposure limits, except to the extent that the City can establish that these controls are not feasible.

Wherever the feasible engineering controls and work practices which can be instituted are not sufficient to reduce employee exposure to or below the PELs, the City shall use them to reduce employee exposure to the lowest levels achievable by these controls and shall supplement them by the use of respiratory protection which complies with the requirements of this section.

Where the City can document that benzene is used in a workplace less than a total of 30 days per year, the City shall use engineering controls, work practice controls or respiratory protection or any combination of these controls to reduce employee exposure to benzene to or below the PELs, except that City shall use engineering and work practice controls, if feasible, to reduce exposure to or below 10 ppm as an 8-hour TWA.

**Compliance program.**

When any exposures are over the PEL, the City shall establish and implement a written program to reduce employee exposure to or below the PEL primarily by means of engineering and work practice controls, as required by this section.

The written program shall include a schedule for development and implementation of the engineering and work practice controls. These plans shall be reviewed and revised as appropriate based on the most recent exposure monitoring data, to reflect the current status of the program.

**Respiratory protection.**

**General.** For employees who use respirators required by this section, the City must provide respirators that comply with the requirements of this paragraph. Respirators must be used when exposure to benzene products is probable.

***Clothing***

Any employee who cannot use a negative-pressure respirator must be allowed to use a respirator with less breathing resistance, such as a powered air-purifying respirator or supplied-air respirator.

Protective clothing and equipment. Personal protective clothing and equipment shall be worn where appropriate to prevent eye contact and limit dermal exposure to liquid benzene. Protective clothing and equipment shall be provided by the City at no cost to

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the employee and the City shall assure its use where appropriate. Eye and face protection shall meet the requirements of the City safety policy.

***Medical surveillance -***

The City shall make available a medical surveillance program for employees who are or may be exposed to benzene at or above the action level 30 or more days per year; for employees who are or may be exposed to benzene at or above the PELs 10 or more days per year; for employees who have been exposed to more than 10 ppm of benzene for 30 or more days in a year prior to the effective date of the standard. The City shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician and that all laboratory tests are conducted by an accredited laboratory.

The City shall assure that persons other than licensed physicians who administer the pulmonary function testing required by this section shall complete a training course in spirometry sponsored by an appropriate governmental, academic or professional institution.

The City shall assure that all examinations and procedures are provided without cost to the employee and at a reasonable time and place.

***Initial examination.***

Within 60 days of the effective date of this standard, or before the time of initial assignment, the City shall provide each employee covered by this section (at this time none have been identified) with a medical examination including the following elements:

A detailed occupational history which includes:

Past work exposure to benzene or any other hematological toxins,

A family history of blood dyscrasias including hematological neoplasms;

A history of blood dyscrasias including genetic hemoglobin abnormalities, bleeding abnormalities, abnormal function of formed blood elements;

A history of renal or liver dysfunction;

A history of medicinal drugs routinely taken;

A history of previous exposure to ionizing radiation and

Exposure to marrow toxins outside of the current work situation.

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A complete physical examination.

Laboratory tests. A complete blood count including a leukocyte count with differential, a quantitative thrombocyte count, hematocrit, hemoglobin, erythrocyte count and erythrocyte indices (MCV, MCH, MCHC). The results of these tests shall be reviewed by the examining physician.

Additional tests as necessary in the opinion of the examining physician, based on alterations to the components of the blood or other signs which may be related to benzene exposure; and

For all workers required to wear respirators for at least 30 days a year, the physical examination shall pay special attention to the cardiopulmonary system and shall include a pulmonary function test.

***Periodic examinations.***

The City shall provide each employee covered under this section with a medical examination annually following the previous examination. These periodic examinations shall include at least the following elements:

A brief history regarding any new exposure to potential marrow toxins, changes in medicinal drug use, and the appearance of physical signs relating to blood disorders:

A complete blood count including a leukocyte count with differential, quantitative thrombocyte count, hemoglobin, hematocrit, erythrocyte count and erythrocyte indices (MCV, MCH, MCHC); and

Appropriate additional tests as necessary, in the opinion of the examining physician, in consequence of alterations in the components of the blood or other signs which may be related to benzene exposure.

Where the employee develops signs and symptoms commonly associated with toxic exposure to benzene, the City shall provide the employee with an additional medical examination which shall include those elements considered appropriate by the examining physician.

For persons required to use respirators for at least 30 days a year, a pulmonary function test shall be performed every three (3) years. A specific evaluation of the cardiopulmonary system shall be made at the time of the pulmonary function test.

***Emergency examinations.***

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In addition to the surveillance required, if an employee is exposed to benzene in an emergency situation, the City shall have the employee provide a urine sample at the end of the employee's shift and have a urinary phenol test performed on the sample within 72 hours. The urine specific gravity shall be corrected to 1.024.

If the result of the urinary phenol test is below 75 mg phenol/L of urine, no further testing is required.

If the result of the urinary phenol test is equal to or greater than 75 mg phenol/L of urine, the City shall provide the employee with a complete blood count including an erythrocyte count, leukocyte count with differential and thrombocyte count at monthly intervals for a duration of three (3) months following the emergency exposure.

If any of the conditions specified exists, then the further requirements of this section shall be met and the City shall, in addition, provide the employees with periodic examinations if directed by the physician.

***Additional examinations and referrals.***

Where the results of the complete blood count required for the initial and periodic examinations indicate any of the following abnormal conditions exist, then the blood count shall be repeated within 2 weeks.

The hemoglobin level or the hematocrit falls below the normal limit [outside the 95% confidence interval (C.I.)] as determined by the laboratory for the particular geographic area and/or these indices show a persistent downward trend from the individual's pre-exposure norms; provided these findings cannot be explained by other medical reasons.

The thrombocyte (platelet) count varies more than 20 percent below the employee's most recent values or falls outside the normal limit (95% C.I.) as determined by the laboratory.

The leukocyte count is below 4,000 per mm<sup>3</sup> or there is an abnormal differential count.

If the abnormality persists, the examining physician shall refer the employee to a hematologist or an internist for further evaluation unless the physician has good reason to believe such referral is unnecessary. (See Appendix C for examples of conditions where a referral may be unnecessary.)

For each examination under this section, the City shall obtain and provide the employee with a copy of the examining physician's written opinion within 15 days of the examination.

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**Communication of benzene hazards to employees -**

***Signs and labels.***

The City shall post signs at entrances to regulated areas. The signs shall bear the following legend:

DANGER  
BENZENE  
CANCER HAZARD  
FLAMMABLE – NO SMOKING  
AUTHORIZED PERSONNEL ONLY  
RESPIRATOR REQUIRED

The City shall ensure that labels or other appropriate forms of warning are provided for containers of benzene within the workplace. There is no requirement to label pipes. The labels shall comply with the requirements and in addition shall include the following legend:

DANGER  
CONTAINS BENZENE  
CANCER HAZARD

***Material safety data sheets.***

MSDS shall be kept in each department and access shall be provided to all employees.

***Information and training.***

The City shall provide employees with information and training at the time of their initial assignment to a work area where benzene is present. If exposures are above the action level, employees shall be provided with information and training at least annually thereafter.

## **VI. CALLS**

Any department head or employee in charge of events may contact the crisis team and ask for response. In addition, individual response can be coordinated by the employee directly with Ionia County Community Mental Health, Employee Assistance, or private care through our insurance programs.

## **VII. STATEMENT**

Findings support early intervention following traumatic events. It is the intent of the City to provide resources to assist employees in handling such events.

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# Team Contact Numbers



**IMPORTANT! AS OF 1/1/03, ONLY MCRA/ICISF REGISTERED TEAM INFORMATION WILL BE LISTED ON THIS PAGE. REGISTRATION INFORMATION IS AVAILABLE ON THE [TEAM REGISTRY PAGE](#).**

## CONTACT TELEPHONE NUMBERS OF MICHIGAN TEAMS

*Please call the Team Activation Number of the team in your area first!  
See Team List Below!*

MCRA's statewide 800 number is 1-800-969-0025  
**USE THIS NUMBER FOR TEAM ACTIVATION OR LOCATING A TEAM**  
(Your call will be answered by [Life Care Ambulance](#), Battle Creek)

\*Teams in BLUE are registered with MCRA\*

Alger-Marquette CISM Team 906-225-7201	Alger-Marquette
Alger-Marquette Crisis Response Team 562-9753 Ext 4521	800-Marquette, Delta, Alger, Ontonagan (can video conference)
Allegan County Crisis Response Services Inc. 866-711-7777 616-673-8640	Allegan
Ausable Valley CISM Team 800-442-7315 517-345-5571 (24 hr crisis line)	Iosco, Ogemaw, Oscoda
Barry, Branch, Calhoun CISM Team 330 Hamblin Ave Battle Creek MI 49015 800-969-0025	Barry, Branch, Calhoun
Bay Area CISD Team Bay - Arenac CMH 800-327-4693	Bay, Saginaw
Bay County CISM Team 517-920-0414	Bay, Saginaw
Beaver Island CISM Team 231-448-2275 231-448-2072	Beaver Island

Berrien County CISD Team 616-983-3911	Berrien
Branch County Critical Incident Response Team 517-278-3091 pager 517-279-1014 pager	Branch
Capital Area CISM Team 601 N. Waverly Rd Lansing MI 48917 517-543-9508	Clinton, Eaton, Ingham
CISM of Southwest Michigan 616-381-4357	Cass, St. Joseph, VanBuren
Clare County Crisis Response Team 517-539-2141	Clare
Community Traumatic Incident Response Team 616-381-4357	Kalamazoo, any SW counties needed
Critical Incident Response Team of Northern Michigan 3857 Paddock Dr Traverse City MI 49684 800-442-7315 231-941-1911	Alpena, Antrim, Benzie, Charlevoix, Cheyboygan, Crawford, Emmet, Grand Traverse, Kalkaska, Lake, Leelanau, Manistee, Mason, Missaukee, Montmorency, Oscoda, Otsego, Presque Isle, Roscommon, Wexford
Eastern Upper Peninsula Crisis Response Team 800-839-9443 906-632-2805	Chippewa, Luce, Mackinac, Schoolcraft
Genesee-Lapeer Critical Incident Stress Management Team PO Box 4142 Flint MI 48504 810-833-7149	Genesee, Lapeer
Grand Rapids Fire Department CISM Team 616-230-9852	Kent
Iron County School CISD Team 906-265-3583	Iron
Isabella County Crisis Response Team Listening Ear 517-772-2918	Isabella
Jackson Area Crisis Response Team 517-787-7920	Jackson
Kent County Crisis Response Team 616-336-3535	Kent
Kentwood Fire Department CISM Team 616-554-0806	Kent, City of Kentwood Fire Department, Other depts.
Lakeshore CISM Team 231-737-6666	Muskegon
Lapeer County Fire Association Stress Debriefing Team 989-761-9800	Lapeer County Fire Departments
Lenawee County Critical Incident Stress Management Team 517-263-0524 517-265-6560 (Lenawee Co.Sheriffs' Dept/Madison Twp. Fire)	Lenawee, Hillsdale

Lenawee Youth Crisis Team 517-263-2323	Lenawee
Livingston County Critical Incident Stress Management Team 517-546-4126	Livingston
Macomb Emergency Response Group (MERG) Administrative Office 46380 Gratiot Ave Chesterfield Township MI 48051 810-307-9100	Macomb
Mecosta County Crisis Response Team Mecosta County General Hospital 231-796-8691 231-591-5968	Mecosta, neighboring counties
Mid Michigan CISM Team 517-222-2667 517-920-9923 Pager	Saginaw
Midland-Gladwin CISM Team 701 East Cedar Gladwin MI 48624 989-633-1300 989-426-4567 FAX 989-426-2241	Midland, Gladwin
Mid-West Michigan Critical Incident Stress Management Team PO Box 90034 Wyoming MI 49509 800-853-9733 616-554-0806 if no response within 30 minutes (Kentwood Fire Dept)	Ionia, Kent, Montcalm, Newaygo, Ottawa
Monroe County CISD 734-457-1649 313-242-6500	Monroe
North Bay CISM 231- 547-5885	Charlevoix, Petoskey
North Oakland Medical Centers Emergency Center CISD Team 248-857-7200	
Northeast Michigan Crisis Response Team 517-356-4463	Alcona, Cheyboygan, Alpena, Alcona, Presque Isle, Montmorency
Northwest Airlines Pilot CISM Team 734-996-0205	Northwest Airlines Pilots
Oakland County Crisis Response Organization c/o Common Ground Sanctuary 1410 Old Telegraph Rd Bloomfield Hills MI 48302 800-231-1127 248-456-8150	Oakland
Osceola County Crisis Response Team 231-832-2247	Osceola
Pine Rest Christian Hospital CIRT 616-455-9200	Grand Rapids, Holland, Muskegon
Saginaw CMHA 517-797-4580 Pager	

Saginaw Fire Department CISM Team 517-797-4580	City of Saginaw Fire Department
Shiawassee County Mental Health Center Critical Incident Stress Management Team 800-622-4514 517-723-6791 517-730-4394 P 24 hrs	Shiawassee
Southwest Michigan CISM c/o Gryphon Place 1104 S. Westnedge Kalamazoo MI 49008 616-381-4357 616-381-1510	Cass, Kalamazoo, St. Joseph, Van Buren
St. Clair Crisis Response Team St. Clair County CMH 1011 Military St Port Huron MI 48060 810-985-8900 888-225-4447	St. Clair
State of Michigan Fire Chaplains Assoc 313-278-3979	State of Michigan
State of Michigan Traumatic Incident Stress Management Team Dept of Management & Budget PO Box 30669 Lansing MI 48909 800-521-1377	State of Michigan Employees
Traumatic Events Response Network (TERN) 971-3954 734-	Washtenaw
Washtenaw Area Critical Incident Stress Management Team 734-894-2911	Washtenaw
Wayne County Fire Fighters 313-990-5211	Wayne County Fire Fighters

## **ADVERTISING POLICY FOR CITY TRANSIT VEHICLES**

### **I. PURPOSE**

The purpose of this policy is to establish rules (“Advertising Policy and Regulations”) regarding the limited types of advertising that may be permitted in or on Ionia Dial-A-Ride and I-Go (“Transits”) transportation vehicles and the corresponding procedure by which such limited advertising may be requested and approved. The City of Ionia via its City Council is ultimately responsible for the adoption of this Advertising Policy and Regulations and any subsequent amendments and further recognizes its Transits vehicles constitute non-public forums that are subject to the viewpoint-neutral advertising restrictions set forth below.

The City of Ionia has approved the concept of commercial advertising on its vehicles as a means of raising revenue for its Transportation Department. Revenue generated from commercial advertising is returned to the Transits’ general operating budget and is used to supplement local revenue.

To maximize benefit from the sale of advertising space, the program will be managed to produce as much revenue as practical, while also ensuring that advertising does not:

- A. Discourage the use of the Transits systems;
- B. Diminish the Transits’ reputation in the service area;
- C. In any way interfere with operations or jeopardize the safety of passengers, the Transits’ employees, and/or the public; and
- D. Cause offense to the Transits’ customers and/or the public.

The exterior of the Transits’ vehicles is reserved for commercial advertising only. The Transits may also designate free space on the interior of its vehicles for public service advertising space for certain non-profit organizations.

Additionally, the Transits may use exterior and interior vehicle advertising to promote public awareness of Ionia Transits programs, services, and promotions. Such advertising may include the display of flyers, brochures, posters, and advertisements.

### **II. SCOPE**

This policy is applicable to all agents and employees of the City of Ionia and companies that contract with the Transits for leasing of advertising space on the Transits’ vehicles. The Director of Public Transportation shall be responsible for the direct administration and oversight of this policy.

### III. DEFINITIONS

- A. **City Announcements** - Advertising arranged by the City to promote Transits or other programs or initiatives coordinated by the City.
- B. **Commercial Advertising** - Advertising for the sole purpose of selling goods and/or services or property for a profit.
- C. **Political Advertising** - Any advertising that supports or opposes the election of any candidate or group of candidates, or any ballot question, initiative, petition, or referendum issue, including bond issues, constitutional amendments, or proposed legislation, or is intended to sway public opinion on an issue that is or could be considered political.
- D. **Public Service Announcements (PSA)** - Non-commercial and non-political advertising by Non-Profit Organizations promoting their social services.
- E. **Non-Profit Organizations** - Organizations that meet the requirements of a tax-exempt organization under Section 501 (c) (3) of the Internal Revenue Code and that: 1) have a physical office in the geographical boundaries served by the Transits; 2) provide social welfare services; and 3) serve the needs of the Transits' passengers.

### IV. COMMERCIAL ADVERTISING STANDARDS

Advertising displayed on the exterior of the Transits' vehicles shall be strictly commercial in nature and purpose. Commercial advertising also is available on the interior of the Transits' vehicles.

Since the Transits serve persons of all backgrounds, is accessible to the public, and strives to create a safe, comfortable, and enjoyable experience for all passengers, the following types of advertising are prohibited:

- A. Advertising messages and/or materials that contain false, misleading, libelous, slanderous, or deceptive images;
- B. Advertising for tobacco, tobacco-related products, vaping, alcoholic products, and illegal drugs under federal and/or state law;
- C. Advertising for adult products, services or entertainment directed to sexual stimulation;
- D. Advertising of contraceptive products or hygiene products of an intimately personal nature;
- E. Advertising that depicts sexually explicit, obscene and/or pornographic images or words;

- F. Advertising that portrays graphic violence;
- G. Advertising that contains discriminatory, derogatory, negative or personal attacks against individuals, groups, or organizations;
- H. Political Advertising;
- I. Advertising that promotes or opposes any identifiable or specific religion, religious viewpoint, or message;
- J. Advertising that is directed to inciting or producing imminent lawless action, or is likely to incite or produce such action, including but not limited to unlawful actions;
- K. Advertising that promotes illegal activities;
- L. Advertising that encourages people to refrain from using the Transits or any public transit;
- M. Advertising that explicitly and directly promotes and encourages the use of other means of transportation that is in direct competition with public transit;
- N. Advertising messages that conflict with the mission of the Transits; and
- O. Advertising that contains the Transits', the City's, or any of its department's name, brand logo, slogans or other graphic representations of the transit system, unless written consent from the City Manager is obtained prior to use.

The prohibitions also apply to advertisements that include a website URL or QR code that does not comply with this Section.

## **V. PRODUCTION AND PLACEMENT GUIDELINES**

The Transits, through its Transportation Director, will subcontract for production and installation of advertising materials. The cost of production, installation and removal will be included in the advertising price offered to advertisers. The Transits shall determine the standards for size, weight, material and other physical characteristics of the graphics used for advertising.

All costs will be determined by the Transits who will coordinate installation or removal of advertising. Upon expiration of an advertising contract, it is the advertiser's responsibility to reclaim materials in a timely fashion or such materials may be disposed of at the discretion of the Transits.

All advertisements placed on the Transits' vehicles are subject to approval by the Transportation Director.

## **VI. COMPLIANCE RESPONSIBILITY**

The Transits, through its Transportation Director, will determine the interior and exterior spaces that will serve as appropriate locations for commercial and/or non-profit

advertisements. The Transits reserves the right to modify, change, or alter the locations and sizes of the available advertisement spaces and the placement and size of any advertisement shall be the sole discretion of the Transits. Appeals of the Transits' decisions regarding placement and size of advertisements may be filed in accordance with Section VIII of this Policy.

## **VII. INTERIOR ADVERTISING FOR NON-PROFIT ORGANIZATION**

Interior advertising may be allowed and available to Non-Profit Organizations to display PSA materials free of charge at the discretion of the Transits. Guidelines for the acceptance, review, and approval of non-profit advertising are as follows:

- A. PSA materials will be produced at the non-profit organization's expense, and must be of good quality and conform to standards for size, weight, material, and other physical characteristics as set forth by the Transits and their advertising contractor;
- B. PSAs must be non-commercial, non-partisan, and non-political;
- C. PSAs are prohibited if the type of advertising is prohibited under the "Commercial Advertising Standards" section above;
- D. PSA space may be available on the interior of vehicles only on a limited first-come, first-served basis and may be displayed for up to ninety (90) days;
- E. The Transits shall be responsible for installation and removal of all PSA materials. The sponsor of the PSA shall pay the applicable labor costs of installation and removal of the PSA as charged by the Transits. It is the advertiser's responsibility to reclaim materials in a timely fashion or they will be disposed of by the Transits.

## **VIII. APPEAL OF REJECTION OF PROPOSED ADVERTISEMENT OR PUBLIC SERVICE ANNOUNCEMENT**

Within 10 days after the Transits have rejected a proposed advertisement/PSA and agreement regarding revisions acceptable to the Transits cannot be reached, the aggrieved party may file a written appeal with the Ionia City Manager. The written appeal must specifically state the word "appeal" and identify the reasons for the proposed advertising or PSA rejection reversal. The City Manager will review the appeal and provide a written response no later than 21 days following the filing of such appeal. The decision of the City Manager shall be final.

## **IX. LEGAL RESERVATION**

It is the express position of the Transits and the City of Ionia in establishing this Policy that the Transits' vehicles have traditionally been, and shall continue to be a non-public forum.

The Transits' acceptance of commercial advertising and/or PSAs shall not provide or create a designated public forum for expressive activities.

## **ORIENTATION POLICY**

### **I. PURPOSE**

To complete the new employee training process and familiarization to the City functions, an orientation policy and program is hereby created to assist new employees with acclimation to the City and their department.

### **II. SCOPE**

This policy applies to all employees

### **III. POLICY**

A. Probationary Period – All employees will have a probationary period during which time they will be subject to termination if they do not acclimate to their position. During this probationary period, the department head and staff should carefully review the individual with a formal review placed on file at the midway point of the probationary period and at the completion of the probationary period.

B. Review – The review should be general for the mid-point probationary period and thorough at the completion. The completed probationary period should be marked with formal completion and recording of the 10 year training program guide that is part of the review documents. All employees should complete a 10 year training curriculum at the completion of their probationary period. This may be changed during the yearly review process but is to serve as a guide for budgetary and training requirements.

C. Information – All new employees are to be provided with a “City of Ionia Guide for New Employees” booklet. The booklet is designed to explain all of the benefits that accompany employment with the City. In addition, a number of forms must be filled out and returned to the City prior to receiving the first paycheck. If a new employee fails to file the paperwork, they are subject to not receiving a paycheck, may be denied insurance benefits, and may subject themselves to dismissal for failure to follow orders if the request for information is not forthcoming. It is the intent of the City by providing this booklet, that all aspects of services available to the employee are explained and provided in a clear and concise manner. If new employees have questions, they are encouraged to

ask their department head, union representative (if applicable), or Pat Johnson in the Finance Department.

D. Training – All employees shall be given training prior to operating any equipment or performing tasks. The Department Head is responsible for ensuring that employees are trained in the proper use of equipment and other City functions. In no case shall new employees be allowed to operate equipment without first being trained or otherwise demonstrating proficiency in the operation and use of such equipment. The City will make every effort to train and prepare employees prior to them being asked to perform tasks.

E. Equipment – Each department in the City is unique but the City has designed and intended that it is a safe and desirable place to work. Because of its intent, the City purchases a number of pieces of safety equipment for employees in the various departments. All employees are to use the safety equipment that is assigned to them. In no case shall an employee not use the safety equipment and action may be taken against an employee caught not utilizing proper safety techniques. All employees should consult their union contract or the City Personnel Policy for a listing of the equipment provided them.

F. Standards of Conduct – In the general City Policy book is a statement of ethics that all employees are to adhere to. Our goal is that all employees be free from undue influence and that they enjoy their time with the City. Your work area should be kept clean as should all of your uniforms. All City employees are reminded that they do not just represent themselves; they represent everyone from their department to the City Council when they are in contact with our customers. For that reason, please consult your union agreement and, if provided, wear the uniforms specified. Also, uniforms are cleaned regularly by the City. If they are damaged, report damage and ask for replacement from your department head.

Employees are to arrive in clean, professional clothing. For persons in the City Hall, such clothing would not include jeans, although they may be allowed on “Friday Casual” days. City logo shirts are also provide for city hall employees while uniforms are provided for all other staff. Good personal hygiene should always be maintained so that a well groomed appearance is presented to the public.

G. Phones and computers – All employees will have access to a networked computer system. All employees have e-mail accounts and are

encouraged to use the electronic mail provided. Announcements and other matters are encouraged across the e-mail system. Employees should ensure, however, that inappropriate actions do not occur on the e-mail or internet system. City policies are in place to guide and prohibit certain offensive use of the computer system. Employees should familiarize themselves with these policies.

Likewise, phones and radios are available to all employees. Personal use should be kept brief and such calls should be taken during break or lunch periods.

H. Staff meetings – All departments are encouraged to have regular staff meetings to familiarize new employees with staff and staff with new employees as well as to share information and changes occurring in the department/City.

I. Time Clocks – Time clocks are provided in most departments in the City. Time cards are used to punch in and out as well as to record lunch breaks. If an employee forgets or misses a time punch, the department head should be notified and shall sign to record the proper time in hand-written notation. Abuse of not using the time clock may result in discipline.

J. Team – In the word “TEAM” you will notice there is no “I.” Similarly, the City operates on a team concept and “WE” all work together to better serve our customers. Employees are encouraged to meet and familiarize themselves with other departments and employees so that all agencies and departments work cooperatively in meeting the goal of providing superior customer service at all times.

K. Work areas – The first impression we often make to our customers is the appearance of our work area. It is critical that any work surface that is visible to the public be neat and clean as possible. Work areas may be the inside of a vehicle, the inside of a building, or a portion of a building. All employees should clean up their area and keep their assigned equipment/vehicle clean and tidy at all times. The overall effect to the public is that areas will be friendly yet organized and a positive view will be given to people seeking City help.

L. Policy and Procedures – A general policy manual has been prepared along with personnel policies, safety policies, job description manuals. Departments may also have specific procedures developed for

conducting business in that department. Employees are encouraged to familiarize themselves with all of these documents and procedures.

M. Hours – Employees shall consult their union contract or department head for normal working hours. Normal working hours are at the discretion of the department head unless otherwise stated.

**Policy 5-009**

**TITLE VI**  
**NON-DISCRIMINATION PLAN**

**CITY OF IONIA**  
**114 N KIDD STREET**  
**IONIA, MI 48846**  
**616-527-4170**

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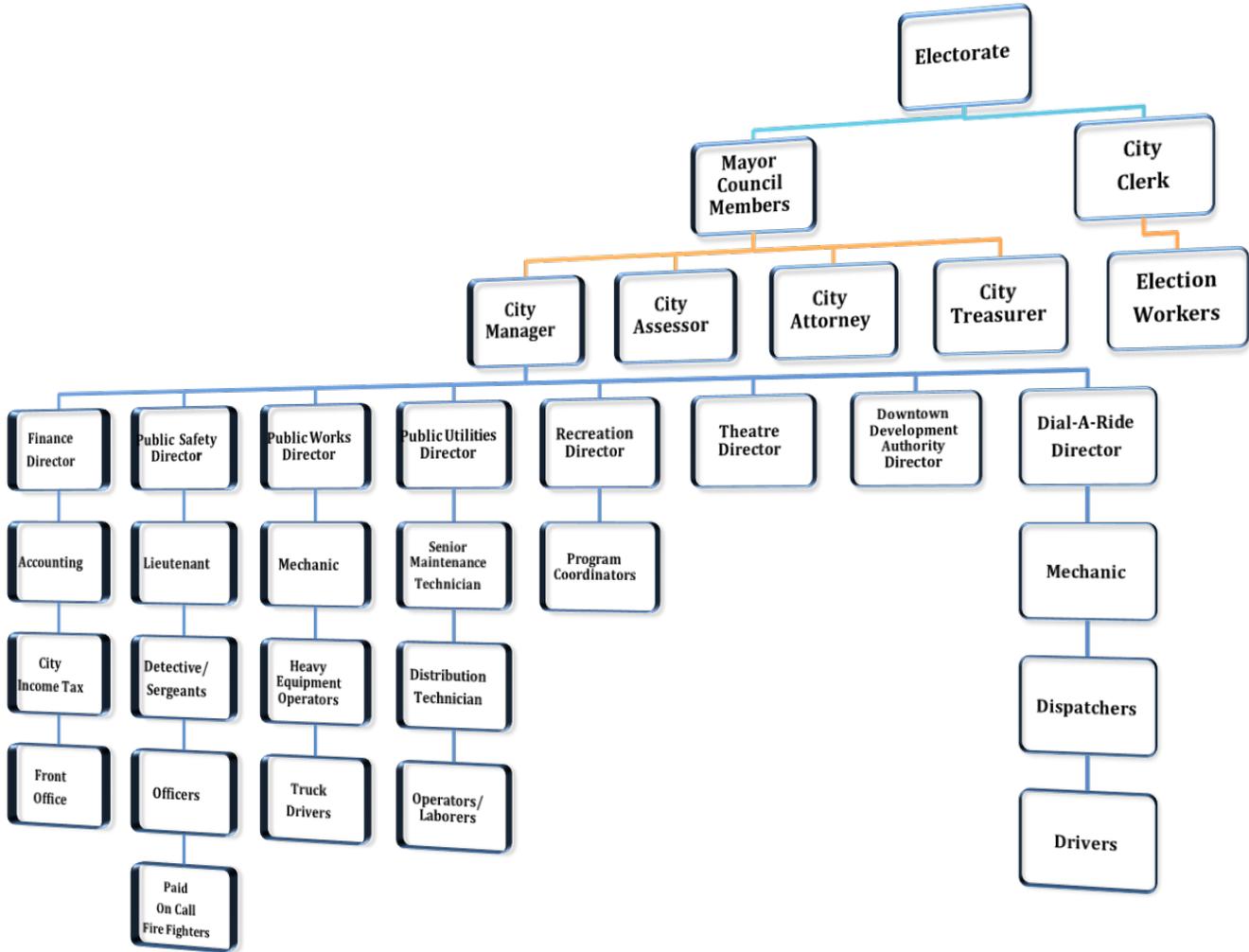
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## City of Ionia Organization Chart



**LOCAL ADVISORY COUNCIL**

<b>LAC Member Category</b>	<b>Race</b>	<b># of Individuals</b>
<b>Persons with Disabilities</b>	Caucasian	1
<b>Persons 65 years and older</b>	Caucasian	3
<b>Other</b>	Caucasian	1

Participation on the Local Advisor Council (LAC) is encouraged by word of mouth and outreach among passengers. Anyone that expresses an interest in having input is encouraged to join the council.

## **INTRODUCTION**

The City of Ionia is located in central Ionia County, Michigan and serves as County Seat. The City adjoins Ionia Township, Easton Township, Berlin Township and Orange Township. State of Michigan Highway M-21 runs east and west through the City, while State of Michigan Highway M-66 runs north and south through the City. Interstate Expressway I-96 is located approximately six and one-half miles south of the City. The Grand Rapids metropolitan area lies approximately 30 miles to the west, and the Lansing metropolitan area lies approximately 32 miles to the southeast.

Title VI of the Civil Rights Act of 1964, is the overarching civil rights law that prohibits discrimination based on race, color, or national origin, in any program, service or activity that receives federal assistance. Specifically, Title VI assures that, “No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance.” Title VI has been broadened by related statutes, regulations and executive orders. Discrimination based on sex is prohibited by Section 324 of the Federal-Aid Highway Act, which is the enabling legislation of the Federal Highway Administration (FHWA). The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibit unfair and inequitable treatment of persons as a result of projects which are undertaken with Federal financial assistance. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of federal-aid recipients and contractors whether those programs and activities are federally funded or not.

In addition to statutory authorities, Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” signed in February of 1994, requires federal agencies to achieve Environmental Justice as part of its mission by identifying disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. Environmental Justice Initiatives are accomplished by involving the potentially affected public in the development of transportation projects that fit within their communities without sacrificing safety or mobility. In 1997, the U.S. Department of Transportation (USDOT) issued its DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations to summarize and expand upon the requirements of Executive Order 12898 on Environmental Justice. Also, Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency (LEP),” provides that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives Federal financial assistance.

As a recipient of federal financial assistance, the City of Ionia must provide access to individuals with limited ability to speak, write, or understand the English language. The City of Ionia must

not restrict an individual in any way from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under its programs or projects. Individuals may not be subjected to criteria or methods of administration which cause adverse impact because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program because of race, color or religion. Therefore, the primary goals and objectives of the City of Ionia's Title VI Program that was developed in accordance with FTA C 4702.1B are:

1. To assign roles, responsibilities, and procedures for ensuring compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives;
2. To ensure that people affected by the City of Ionia's programs and projects receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, age, sex, or disability;
3. To prevent discrimination in the City of Ionia programs and activities, whether those programs and activities are federally funded or not;
4. To establish procedures for identifying impacts in any program, service, or activity that may create an illegal adverse impact on any person because of race, color, national origin, age, sex, or disability; or on minority populations, low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations;
5. To establish procedures to annually review Title VI compliance within specific program areas within, the City of Ionia
6. To set forth procedures for filing and processing complaints by persons who believe they have been subjected to illegal discrimination under Title VI in a City of Ionia service, program or activity.

As the sub-recipient of federal transportation funds, the City of Ionia must comply with federal and state laws, and related statutes, to ensure equal access and opportunity to all persons, with respect to transportation services, facilities, activities, and programs, without regard to race, color, religion, national origin, sex, socio-economic status, or geographical location. Every effort will be made to prevent discrimination in any program or activity, whether those programs and activities are federally funded or not, as guaranteed by the Civil Rights Restoration Act of 1987.

The City of Ionia shall also ensure that their sub-recipients adhere to state and federal law and include in all written agreements or contracts, assurances that the sub-recipient must comply with Title VI and other related statutes. The City of Ionia, as a sub-recipient who distributes

federal transportation funds, shall monitor their sub-recipients for voluntary compliance with Title VI. In the event that non-compliance is discovered, the City of Ionia will make a good faith effort to ensure that the sub-recipient corrects any deficiencies arising out of complaints related to Title VI; and that sub-recipients will proactively gauge the impacts of any program or activity on minority populations and low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations.

### **Discrimination under Title VI**

There are two types of illegal discrimination prohibited under Title VI and its related statutes. One type of discrimination which may or may not be intentional is “disparate treatment.” Disparate treatment is defined as treating similarly situated persons differently because of their race, color, national origin, sex, disability, or age.

The second type of illegal discrimination is “disparate impact.” Disparate impact discrimination occurs when a “neutral procedure or practice” results in fewer services or benefits, or inferior services or benefits, to members of a protected group. With disparate impact, the focus is on the consequences of a decision, policy, or practice rather than the intent.

The City of Ionia’s efforts to prevent such discrimination must address, but not be limited to, a program’s impacts, access, benefits, participation, treatment, services, contracting opportunities, training, investigation of complaints, allocation of funds, prioritization of projects, and the overarching functions of planning, project development and delivery, right-of-way, construction, and research.

The City of Ionia has developed this Title VI Plan to assure that services, programs, and activities of the department are offered, conducted, and administered fairly, without regard to race, color, national origin, sex, age, or disability of the participants or beneficiaries of federally funded programs, services, or activities (see Title VI Assurances).

**CITY OF IONIA  
POLICY STATEMENT**

City of Ionia reaffirms its policy to allow all individuals the opportunity to participate in federal financially assisted services and adopts the following provision:

No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. In applying this policy, the City of Ionia and its sub-recipients of federal funds will not:

1. Deny any individual with any services, opportunity, or other benefit for which such individual is otherwise qualified;
2. Provide any individual with any service, or other benefit, which is inferior (in quantity or quality) to, or which is provided in a different manner from that which is provided to others;
3. Subject any individual to segregated or disparate treatment in any manner related to such individual's receipt of services or benefits;
4. Restrict an individual in any way from the enjoyment of services, facilities or any other advantage, privilege or other benefit provided to others;
5. Adopt or use methods of administration, which would limit participation by any group of recipients or subject any individual to discrimination;
6. Address any individual in a manner that denotes inferiority because of race, color, or national origin;
7. Permit discriminatory activity in a facility built in whole or in part with federal funds;
8. Deny any segment of the population the opportunity to participate in the operations of a planning or advisory body that is an integral part of a federally funded program;
9. Fail to provide information in a language other than English to potential or actual beneficiaries who are of limited English-speaking ability, when requested and as appropriate;
10. Subject an individual to discriminatory employment practices under any federally funded program whose object is to provide employment;

11. Locate a facility in any way, which would limit or impede access to a federally funded service or benefit.

The City of Ionia will actively pursue the prevention of any Title VI deficiencies or violations and will take the necessary steps to ensure compliance. If irregularities occur in the administration of the program's operation, procedures will be promptly implemented to resolve Title VI issues all within a period not to exceed 90 days.

#### **Title VI Coordinator Contact Information**

The City of Ionia designates the City Manager, as the Title VI Coordinator. The City Manager will be responsible for initiating and monitoring Title VI activities and other required matters, ensuring that the City of Ionia complies with the Title VI regulations and pursues prevention of Title VI deficiencies or violations. Inquiries concerning the City of Ionia and Title VI may be directed to the City Manager, 114 N Kidd Street, Ionia, Michigan 48846, Phone (616) 523-0776, Email: [ioniamanager@ci.ionia.mi.us](mailto:ioniamanager@ci.ionia.mi.us).

#### **Title VI Information Dissemination**

Title VI information posters (Appendix G) shall be prominently and publicly displayed in the City of Ionia Dial-A-Ride facility and on the City of Ionia website at [www.ci.ionia.mi.us](http://www.ci.ionia.mi.us). Additional information relating to nondiscrimination obligation can be obtained from the city website as well.

Title VI information has been disseminated to all City employees. During New Employee Orientation, new employees shall be informed of the provisions of Title VI, and the City of Ionia Dial-A-Ride's expectations to perform their duties accordingly.

All employees shall be provided a copy of the Title VI Program and are required to sign the Acknowledgement of Receipt (see Appendix H).

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City Mayor

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City Manager

### **CITY OF IONIA TITLE VI ASSURANCE**

The City of Ionia (hereinafter referred to as the "Recipient") hereby agrees that as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d-42 USC 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-Assisted Programs for the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives including FTA C 4702.1B, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of gender, race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the City received Federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and hereby gives assurances that it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7 (a) (1) and (b) of the Regulations.

More specifically and without limiting the above general assurance, the City hereby gives the following specific assurance with respect to the Federal Aid Highway Program:

1. That the Recipient agrees that each "program" and each "facility as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all (Name of Appropriate Program) and, in adapted form in all proposals for negotiated agreements:

The (Recipient), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4, and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidden that it will affirmatively insure that in any contact entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
  - a. There are no current plans for a facility renovation or construction, but Title VI will be followed if there are in the future.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under (Name of Appropriate Program); and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under (Name of Appropriate Program).
8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the City under the Federal Aid Highway Program and is binding on it, other recipients, sub-grantees, contractors, sub-contractors, transferees, successors in interest and other participants in the Federal Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the City.

Dated: \_\_\_\_\_

City of Ionia

\_\_\_\_\_  
City Manager

## AUTHORITIES

**Title VI of the Civil Rights Act of 1964, 42 USC 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h);**

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, national origin (including Limited English Proficiency), or sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (please refer to 23 CFR 200.9 and 49 CFR 21). Related statutes have broadened the grounds to include age, low income, and disability.

The Civil Rights Restoration Act of 1987 also broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100-259 [S. 557] March 22, 1988).

**Federal Aid Highway Act of 1973, 23 USC 324:** No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance under this title or carried on under this title.

**Age Discrimination Act of 1975, 42 USC 6101:** No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving federal financial assistance.

**Americans With Disabilities Act of 1990 PL 101-336:** No qualified individual with a disability shall, by reason of his/her handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination by a department, agency, special purpose district or other instrumentality of a state or local government.

**Section 504 of the Rehabilitation Act of 1973:** No qualified handicapped person shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance.

**USDOT Order 1050.2:** Standard Title VI Assurances.

**EO12250:** Department of Justice Leadership and coordination of Non-discrimination Laws.

**EO12898:** Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.

**28 CFR 50.3:** Guidelines for the enforcement of Title VI, Civil Rights Act of 1964.

**EO13166:** Improving Access to Services for Persons with Limited English Proficiency.

## DEFINITIONS

Adverse Effects – The totality of significant individual or cumulative human health or environmental effects including interrelated social and economic effects, which may include, but are not limited to: (See Appendix E for additional discussion of “significant”)

- Bodily impairment, infirmity, illness or death
- Air, noise and water pollution and soil contamination
- Destruction or disruption of man-made or natural resources
- Destruction or diminution of aesthetic values
- Destruction or disruption of community cohesion or community’s economic vitality
- Destruction or disruption of the availability of public and private facilities and services
- Adverse employment effects
- Displacement of person’s businesses, farms or non-profit organizations
- Increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community
- Denial of, reduction in, or significant delay in the receipt of benefits of the City programs, policies and activities

Significant Adverse effects on Minority and Low-Income Populations – An adverse effect that:

- a. is predominantly borne by a minority population and/or a low-income population, or
- b. will be suffered by the minority population and/or low-income population and is shown to be appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.

Limited English Proficiency - Individuals with a primary or home language other than English who must, due to limited fluency in English, communicate in that primary or home language if the individuals are to have an equal opportunity to participate effectively in or benefit from any aid, service or benefit provided by the City.

Federal Assistance – Includes grants and loans of federal funds; the grant or donation of federal property and interests in property; the detail of federal personnel, federal property or any interest in such property without consideration or at a nominal consideration or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the

public interest to be served by such sale or lease to the recipient; and any federal agreement, arrangement or other contract which has, as one of its purposes, the provision of assistance.

Low-Income – A person whose median household income is at or below the Department of Health and Human Service Poverty guidelines. <http://aspe.hhs.gov/poverty/>

Low-Income Population – Any readily identifiable group of low-income persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed City program, policy or activity.

Minority – A person who is:

- a. Black – A person having origins in any of the black racial groups of Africa;
- b. Hispanic – A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
- c. Asian American – A person having origins in any of the original people of the Far East, Southeast Asia, the Indian sub-continent, or the Pacific Islands; or
- d. American Indian and Alaskan Native – A person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition.

Minority Population – Any readily identifiable groups of minority persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed City program, policy or activity.

Non-Compliance – A recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort in implementing all the requirements of Title VI and related statutes.

Persons – Where designation of persons by race, color or national origin is required, the following designation ordinarily may be used; “White not of Hispanic origin”, “Black not of Hispanic origin”, “Hispanic”, “Asian or Pacific Islander”, “American Indian or Alaskan Native”. Additional sub-categories based on national origin of primary language spoken may be used, where appropriate, on either a national or a regional basis.

Program – Includes any road or park project including planning or any activity for the provision of services financial aid or other benefits to individuals. This includes education or training, work opportunities, health welfare, rehabilitation, or other services, whether provided directly by the

recipient of federal financial assistance or provided by others through contracts or other arrangements with the recipient.

Recipient - Any state, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any state, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof, but does not include any ultimate beneficiary under any such program.

Sub-Recipient – Any agency such as a council or governments, regional planning agency, education institution, for example, that received Federal Highway Administration (FHWA) funds through the State DOT and not directly from the FHWA. Other agencies, local governments, contractors, consultants that receive these funds are all considered sub-recipients.

#### **ADMINISTRATION – GENERAL**

The City Manager shall have lead responsibility for coordinating the administration of the Title VI and related statutes program, plan and assurances.

Complaints: If any individual believes that he/she or any other program beneficiaries have been the object of unequal treatment or discrimination as to the receipt of benefits and/or service, or on the grounds of race, color, national origin (including Limited English Proficiency), sex, age or handicap, she/he may exercise his/her right to file a complaint with the City. Complaints may be filed with the City Manager. Every effort will be made to resolve complaints informally at the lowest level.

There have been no complaints filed since 2009 and there are no current ongoing or pending complaints.

Data Collection: Statistical data on race, color, national origin, English language ability and sex of participants in, and beneficiaries of City programs; e.g., impacted citizens and affected communities will be gathered and maintained by the City. The gathering procedures will be reviewed annually to ensure sufficiency of the data in meeting the requirements of the Title VI program.

City Reviews: Special emphasis program reviews will be conducted based on the annual summary of Title VI activities accomplishments and problems. The reviews will be conducted by the City to assure effectiveness in their compliance of Title VI provisions. The City Manager will

coordinate efforts to ensure the equal participation in all their programs and activities at all levels. The City does not have any special emphasis programs at this time.

Title VI Reviews on Sub-Recipients: Title VI compliance reviews will be conducted annually by the City Manager. Priority for conducting reviews will be given to those recipients of federal (U.S. Department of Transportation) funds with the greatest potential of impact to those groups covered by the act. The reviews will entail examination of the recipients' adherence to all Title VI requirements. The status of each review will be reported in the annual update and reported to relevant U.S. Department of Transportation (USDOT) modes upon request.

Annual Reporting Form: The City Manager will be responsible for coordination, compilation, and submission of the annual reporting form data to the Michigan Department of Transportation, Civil Rights Program Unit and Federal Highway Administration via the Sub-Recipient Annual Certification Form (MDOT form #0179) by October 5<sup>th</sup>.

Title VI Plan Updates: If updated, a copy of Title VI Plan will be submitted to the Michigan Department of Transportation as soon as the update has been completed, or as soon as practicable, and no later than 30 days if significant changes are made.

Public Dissemination: The City will disseminate Title VI Program information to City employees and to the general public. Title VI Program information will be submitted to sub-recipients, contractors and beneficiaries. Public dissemination will include inclusions of Title VI language in contracts and publishing the Title VI policy Statement on the City internet website, [www.ci.ionia.mi.us](http://www.ci.ionia.mi.us).

Remedial Action: The City, through the City Manager will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements. When deficiencies are found, procedures will be promptly implemented to correct the deficiencies and to put in writing the corrective action(s). The period to determine corrective action(s) and put it/them in writing to effect compliance may not exceed 90 days from the date the deficiencies are found.

## LIMITED ENGLISH PROFICIENCY

### Introduction

On August 11, 2000, President William J. Clinton signed an executive order, Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency<sup>i</sup>, to clarify Title VI of the Civil Rights Act of 1964. It had as its purpose, to ensure accessibility to programs and services to otherwise eligible persons who are not proficient in the English language.

This executive order stated that individuals who do not speak English well and who have a limited ability to read, write and speak, or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit, or encounter<sup>ii</sup>. These individuals are referred to as being limited English in their ability to speak, read, write, or understand English, hence the designation, “LEP,” or Limited English Proficient. The Executive Order states that:

“Each federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency’s programs and activities.”

Not only do all federal agencies have to develop LEP plans as a condition of receiving federal financial assistance, recipients have to comply with Title VI and LEP guidelines of the federal agency from which funds are provided as well.

Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance. Recipients of federal funds range from state and local agencies, to nonprofits and organizations. Title VI covers a recipient’s entire program or activity. This means all parts of a recipient’s operations are covered, even if only one part of a recipient’s organization receives the federal assistance. Simply put, any organization that receives federal financial assistance is required to follow this Executive Order.

The City of Ionia receives funds from the US Department of Transportation via the Federal Highway Administration.

The US Department of Transportation published *Policy Guidance Concerning Recipients’ responsibilities to a Limited English Proficient Person* in the December 14<sup>th</sup>, 2005 Federal Register.<sup>iii</sup>

The Guidance implies City of Ionia as organizations that must follow this guidance:

This guidance applies to all DOT funding recipients, which include state departments of transportation, state motor vehicle administrations, airport operators, metropolitan planning organizations, and regional, state, and local transit operators, among many others. Coverage extends to a recipient’s entire program or activity, i.e., to all parts of a recipient’s operations. This is true even if only one part of the recipient receives the Federal assistance. For example, if DOT provides assistance to a state department of transportation to rehabilitate a particular highway on the National Highway System, all of the operations of the entire state department of

transportation-not just the particular highway program or project-are covered by the DOT guidance.

### **Elements of an Effective LEP Policy**

The US Department of Justice, Civil Rights Division has developed a set of elements that may be helpful in designing and LEP policy or plan. These elements include:

1. Identifying LEP persons who need language assistance
2. Identifying ways in which language assistance will be provided
3. Training Staff
4. Providing notice to LEP persons
5. The recommended method of evaluating accessibility to available transportation services is the Four-Factor Analysis identified by the USDOT.

These recommended plan elements have been incorporated into this plan.

### **Methodology for Assessing Needs and Reasonable Steps for an Effective LEP Policy**

The DOT guidance outlines four factors recipients should apply to the various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
2. The frequency with which LEP individuals come in contact with the program.
3. The nature and importance of the program, activity, or service provided by the recipient to the LEP Community.
4. The resources available to the City of Ionia and overall cost.

The greater the number or proportion of eligible LEP persons; the greater the frequency with which they have contact with a program, activity, or service' and the greater the importance of that program, activity, or service, the more likely enhanced language services will be needed. The intent of DOT's guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small organizations and local governments.

Smaller recipients with more limited budgets are typically not expected to provide the same level of language service as larger recipients with larger budgets.

The DOT guidance is modeled after the Department of Justice’s guidance and requires recipients and sub recipients to take steps to ensure meaningful access their programs and activities to LEP persons. More information for recipients and sub recipients can be found at <http://www.lep.gov>.

### **The Four-Factor Analysis**

This plan uses the recommended four-factor analysis of an individualized assessment considering the four factors outlined above. Each of the following factors is examined to determine the level and extent of language assistance measures required to sufficiently ensure meaningful access to City of Ionia services and activities that may affect their quality of life. Recommendations are then based on the results of the analysis.

#### **Factor 1: The Proportion, Numbers and Distribution of LEP Persons**

The Census Bureau has a range of four classifications of how well people speak English. The classifications are ‘very well’, ‘not well’, and ‘not at all’. For our planning purposes, we are considering people that speak English ‘less than very well’ as Limited English Proficient persons.

As seen in Table #1, the Census 2010 Data for City of Ionia shows a small amount of the population that would speak English ‘less than very well’. List the percentages here and total percentage of all language groups.

**TABLE #1**

Subject	# of Individuals	Percent
<b>LANGUAGE SPOKEN AT HOME</b>		
<b>Population 5 years and over</b>	10,752	100%
<b>English only</b>	10,276	95.6%
<b>Language other than English</b>	476	4.4%
<b>Speak English less than "very well"</b>	105	22.1%
<b>Spanish</b>	305	2.8%
<b>Speak English less than "very well"</b>	38	12.5%
<b>Other Indo-European languages</b>	94	0.9%

Subject	# of Individuals	Percent
Speak English less than "very well"	3	3.2%
Asian and Pacific Islander languages	26	0.2%
Speak English less than "very well"	21	80.8%
Other languages	51	.5%
Speak English less than "very well"	43	84.3%

**Factor 2: Frequency of Contact with LEP Individuals**

The city has conducted an informal survey of their employees with regard to whether they have had encounters with LEP individuals in the performance of their job functions and found that they have not had any encounters with LEP individuals. We have offices accessible to the public and therefore accessible to LEP individuals and we have staff that work in the field that could encounter LEP individuals. Additionally, the City of Ionia Council meetings are held the first Tuesday of every month which would potentially bring LEP individuals to these meetings. Given the small concentration of LEP individuals as displayed in Table #1 (above) the probability of our employees to encounter and LEP individual is low.

**Factor 3: The Nature and Importance of the Program, Activity, or Service to LEP**

The City of Ionia serves individuals throughout the City in a variety of ways including managing roads, water, sewer, police, fire, elections, and other services to citizens of the City and individuals from outside of the city, such as visitors and those traversing the state. The nature of the services that the City provides is very important to an individual’s day-to-day life. Therefore, the denial of services to an LEP individual would have a significant detrimental effect. Although the LEP population in the city is small we will ensure that those individuals are not denied access to our programs, services, and activities.

**Factor 4: The Resources Available to the City of Ionia and Overall Cost**

US Department of Transportation Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons published in the Federal Register: December 14, 2005 (Volume 70, Number 239) states:

*Certain DOT recipients, such as those serving very few LEP persons or those with very limited resources, may choose not to develop a written LEP plan.*

While the City of Ionia does serve very few LEP persons and has very limited resources, it has decided to include a LEP section in its Title VI Plan.

### **Safe Harbor Stipulation**

Federal law provides a “Safe Harbor” situation so that recipients can ensure with greater certainty that they comply with their obligation to provide written translations in languages other than English. A “safe harbor” means that if a recipient provides written translation in certain circumstances, such action will be considered strong evidence of compliance with the recipient’s written-translation obligations under Title VI.

The failure to provide written translations under the circumstances does not mean there is noncompliance, but rather provides a guide for recipients that would like greater certainty of compliance than can be provided by a fact-intensive, four factor analysis. For example, even if a safe harbor is not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, it is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

Strong evidence of compliance with the recipient’s written-translation obligations under “safe harbor” includes providing written translations of vital documents for each eligible LEP language group eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally.

This “safe harbor” provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

Given the small number of LEP language group members, the City of Ionia budget and number of staff, it is deemed that written translations of vital documents would be so burdensome as to defeat the legitimate objectives of our programs. It is more appropriate for City of Ionia to proceed with oral interpretation options for compliance with LEP regulations.

### **Providing Notice to LEP Persons**

USDOT LEP guidance says:

Once an agency has decided, based on the four factors, that it will provide language service, it is important that the recipient notify LEP persons of services available free of charge. Recipients should provide this notice in languages LEP persons would understand.

The guidance provides several examples of notification including:

1. Signage in languages that an LEP individual would understand when free language assistance is available with advance notice.
2. Stating in outreach documents that free language services are available from the agency.
3. Working with community-based organizations and other stakeholders to inform LEP individuals of the recipient's services, including the availability of language assistance services.

The City of Ionia will provide statements in languages that an LEP individual would understand public information and public notices that persons requiring language assistance or special accommodations will be provided, with reasonable advance notice to the City of Ionia.

### **Options and Proposed Actions**

#### **Options:**

Federal fund recipients have two (2) main ways to provide language services: oral interpretation either in person or via telephone interpretation service and written translation. The correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis.<sup>iv</sup>

City of Ionia is defining as interpreter as a person who translates spoken language orally, as opposed to a translator, who translates written language and a translator as a person who transfers the meaning of written text from one language into another. The person who translates orally is not a translator, but an interpreter.<sup>v</sup>

Considering the relatively small scale of the City of Ionia, the small number of LEP individuals in the service area, and limited financial resources, it is necessary to limit language aid to the most basic and cost-effective services.

#### **What the City of Ionia will do. Public Participation Plan.**

With advance notice of seven calendar days, the City of Ionia will provide interpreter services at the public meetings. Interpretation services to include foreign language, and hearing impaired.

The City of Ionia will utilize the *Translators Resource List* as provided by MDOT for translation services and verbal interpretation.

Ensure placement of statements in languages that an LEP individual would understand in notices and publications that interpreter services are available for these meetings in a language that the affected LEP community could understand with seven days advance notice. The Census Bureau “I-speak” Language Identification Card will be distributed to all employees that may potentially encounter LEP individuals. Once the LEP individual’s language has been identified, the City Manager will contact an agency from the Translators Resource List to provide interpretation services to assist.

Publications of the city’s complaint form will be available at public meetings.

Since the last Title VI approval in 2017 Ionia Dial-A-Ride has made outreach efforts by having “I-speak” Language Identification Cards on all of the buses for the drivers to reference. In addition, the drivers have had refresher training on the use of the “I-speak” cards. Dispatchers have also been trained on how to assist LEP callers.

### **City of Ionia Staff Training**

City of Ionia staff will be provided training or made aware of the requirements for providing meaningful access to services for LEP persons.

### **LEP Plan Access**

A copy of the LEP Plan can be obtained at the City of Ionia’s main office and the plan is available on the website [www.ci.ionia.mi.us](http://www.ci.ionia.mi.us).

Any person or agency may also request a copy by contacting:

City of Ionia  
Attn: City Manager  
114 N Kidd Street, Ionia, MI 48846  
Phone: (616) 523-0776  
Fax: (616) 527-0810  
Email: [ioniamanager@ci.ionia.mi.us](mailto:ioniamanager@ci.ionia.mi.us)

### **ENVIRONMENTAL JUSTICE**

Compliance with Title VI includes ensuring that no minority or low-income population suffers “disproportionately high and adverse human health or environmental effect” due to any

“programs, policies and activities” undertaken by any agency receiving federal funds. This obligation will be met by the City of Ionia in the following ways:

- When planning specific programs or projects, identifying those populations that will be affected by a given program or project.
- If a disproportionate effect is anticipated, following mitigation procedures.
- If mitigation options do not sufficiently eliminate the disproportionate effect, discussing and, if necessary, implementing reasonable alternatives

Disproportionate effects are those effects which are appreciably more severe for one group or predominantly borne by a single group. The City of Ionia will use U.S. Census data to identify low income and minority populations.

Where a project impacts a small number or area of low income or minority populations, the City of Ionia will document that:

- Other reasonable alternatives were evaluated and were eliminated for reasons such as the alternatives impacted a far greater number of people or did greater harm to the environment, etc.
- The project’s impact is unavoidable,
- The benefits of the project far out-weigh the overall impacts and
- Mitigation measures are being taken to reduce the harm to low income or minority populations.

If it is concluded that no minority and/or low-income population groups are present in the project area, the City of Ionia will document how the conclusion was reached. If it is determined that one or more of these population groups are present in the area, the City of Ionia will administer potential disproportionate effects test.

The following steps will be taken to assess the impact of project on minority and/or low-income population groups:

**STEP ONE:** Determine if a minority of low-income population is present within the project area. If a conclusion is that no minority and/or low-income population is present within the project area, document how the conclusion was reached. If the conclusion is that there are minority population and/or low-income population groups present, proceed to Step Two.

**STEP TWO:** Determine whether project impacts associated with the identified low income and minority populations are disproportionately high and adverse. In doing so, refer to the list of potential impacts and questions contained in Appendix E. If it is determined that there are

disproportionately high and adverse impacts to minority and low-income populations, proceed to Step Three.

**STEP THREE:** Propose measures that will avoid, minimize and/or mitigate disproportionately high and disproportionate adverse impacts and provide offsetting benefits and opportunities to enhance communities, neighborhoods and individuals affected by proposed project.

**STEP FOUR:** If after mitigation, enhancements and offsetting benefits to the affected populations, there remains a high and disproportionate adverse impact to minority or low-income populations, then the following questions must be considered:

Question 1: Are there further mitigation measures that could be employed to avoid or reduce the adverse effect to the minority or low-income population?

Question 2: Are there other additional alternatives to the proposed action that would avoid or reduce the impacts to the low income or minority populations?

Question 3: Considering the overall public interest, is there a substantial need for the project?

Question 4: Will the alternatives that would satisfy the need for the project and have less impact on protected populations (a) have other social economic or environmental impacts that are more severe than those of the proposed action (b) have increased costs of extraordinary magnitude?

**STEP FIVE:** Include all findings, determinations or demonstrations in the environmental document prepared for the project.

## **FILING A COMPLAINT**

### **I. Introduction**

The Title VI complaint procedures are intended to provide aggrieved persons an avenue to raise complaints of discrimination regarding the City programs, activities and services as required by statute.

### **II. Purpose**

The purpose of the discrimination complaint procedures is to describe the process used by the City for processing complaints of discrimination under Title VI of the Civil Rights Act of 1964 and related statutes.

### **III. Roles and Responsibilities**

The City Manager has overall responsibility for the discrimination complaint process and procedures. The City Manager may, at his/her discretion assign a capable person to investigate the complaint.

The designated investigator will conduct an impartial and objective investigation, collect factual information and prepare a fact-finding report based upon information obtained from the investigation.

#### **IV. Filing a Complaint**

The complainant shall make him/herself reasonably available to the designated investigator, to ensure completion of the investigation within the timeframes set forth.

Applicability: The complaint procedures apply to the beneficiaries of City programs, activities and services, including but not limited to: the public, contractors, sub-contractors, consultants, and other sub-recipients of federal and state funds.

Eligibility: Any person who believes that he/she has been excluded from participation in, denied benefits or services of any program or activity administered by the City or its sub-recipients, consultants and contractors on the basis of race, color, national origin (including Limited English Proficiency), sex, age or disability may bring forth a complaint of discrimination under Title VI.

Time Limitation on Filing Complaints: Title VI complaints may be filed with the City of Ionia's City Manager. In all situations, the City of Ionia employees must contact the City Manager immediately upon receipt of Title VI related statutes complaints.

Complaints must be filed within 180 days of the alleged discrimination. If the complainant could not reasonably be expected to know that the act was discriminatory within the 180-day period, she/he will have 60 additional days after becoming aware of the illegal discrimination to file the complaint.

Complaints must be in writing, and must be signed by the complainant and/or the complainant's representative. The complaint must set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In cases where the complainant is unable or incapable of providing a written statement, the complainant will be assisted in converting the verbal complaint into a written complaint. All complaints, however, must be signed by the complainant and/or by the complainant's representative. Items that should not be considered a formal complaint: (unless the items contain a signed cover letter specifically alleging a violation of Title VI) include but are not limited to:

1. An anonymous complaint that is too vague to obtain required information

2. Inquiries seeking advice or information
3. Courtesy copies of court pleadings
4. Newspaper articles
5. Courtesy copies of internal grievances

## **V. Investigation**

Investigation Plan: The investigator shall prepare a written plan, which includes, but is not limited to the following:

- Names of the complainant(s) and respondent(s)
- Basis for complaint
- Issues, events or circumstances that caused the person to believe that he/she has been discriminated against
- Information needed to address the issue
- Criteria, sources necessary to obtain the information
- Identification of key people
- Estimated investigation time line
- Remedy sought by the complainant(s)

### Conducting the Investigation:

- The investigation will address only those issues relevant to the allegations in the complaint.
- Confidentiality will be maintained as much as possible.
- Interviews will be conducted to obtain facts and evidence regarding the allegations in the complaint. The investigator will ask questions to elicit information about aspects of the case.
- A chronological contact sheet is maintained in the case file throughout the investigation.
- If a Title VI complaint is received on a MDOT related contract against the City of Ionia, MDOT will be responsible for conducting the investigation of the complaint. Upon receipt of a Title VI complaint filed against the City of Ionia, the complaint and any pertinent information should immediately be forwarded to the MDOT Civil Rights Program Unit.

### Investigation Reporting Process:

- Within 40 days of receiving the complaint, the investigator prepares an investigative report and submits the report and supporting documentation to the office of the City Manager for review.

- The City Manager reviews the file and investigative report. Subsequent to the review, the City Manager makes a determination of “probable cause” or “no probable cause” and prepares the decision letter.

### Retaliation

The laws enforced by this City prohibit retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by these laws. If you experience retaliation or intimidation separate from the discrimination alleged in this complaint please contact:

City Manager  
City of Ionia  
114 N Kidd Street  
Ionia, MI 48846  
Phone: (616) 523-0776  
Fax: (616) 527-0810  
Email: [ioniamanager@ci.ionia.mi.us](mailto:ioniamanager@ci.ionia.mi.us)

### **Reporting Requirements to an External Agency**

A copy of the complaint, together with a copy of the investigation report and final decision letter will be forwarded to the Michigan Department of Transportation, Civil Rights Program Unit within 60 days of the date the complaint was received.

### **Records**

All records and investigative working files are maintained in a confidential area. Records are kept for three years.

**APPENDIX A: [To Be Inserted in All Federal-Aid Contracts]**

During the performance of this contract, the contractor, for itself, its assignees and successors, in interest (hereinafter referred to as the “contractor”) agrees, as follows:

1. **Compliance with Regulations:** The contractor shall comply with Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection, retention, and treatment of subcontractors, including procurements of materials in the discrimination prohibited by Section 21.5 of the Regulation, including employment practices when the contractor covers a program set for in Appendix B of the Regulations.
3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor’s obligations under the contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations, or directives issues pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State Highway Department of the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the State Highway Department or the Federal Highway Administration, as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event the contractor’s noncompliance with the nondiscrimination provisions of this contract, the State Highway Department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

- a. Withholding payments to the contractor under the contract until the contractor complies and/or
  - b. Cancellation, termination or suspension of the contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor shall include provisions of paragraphs (1) through (6) in every subcontract, including procurement of material and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the State Highway Department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the State Highway Department to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

## **APPENDIX B: TRANSFER OF PROPERTY**

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

### **(GRANTING CLAUSE)**

NOW THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the State of Michigan, will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4) does hereby remise, release, quitclaim and convey unto the State of Michigan all the right, title and interest of the Department of Transportation in and to said lands described Exhibit "A" attached hereto and made a part hereof.

### **(HABENDUM CLAUSE)\***

TO HAVE AND TO HOLD said lands and interests therein unto the State of Michigan, and its successors forever, subject, however, the covenant, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the State of Michigan, its successors and assigns.

The State of Michigan, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part, on, over, or under such lands hereby conveyed (,) (and)\*(2) that the State of Michigan shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended (,) and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land,

and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this deed.

\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

### **APPENDIX C: PERMITS, LEASES AND LICENSES**

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Michigan Department of Transportation, pursuant to the provisions of Assurance 7(a).

The grantee, licensee, lessee, permittee, etc., (as appropriate) for himself, his heirs, personal representative, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases, add, “as a covenant running with the land”) that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall remain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

(Include in licenses, leases, permits, etc.)\*

That in the event of breach of any of the above nondiscrimination covenants, the Michigan Department of Transportation shall have the right to terminate the license, lease, permit, etc., and to re-enter and repossess said land and the facilities thereon, and hold the same as if said license, lease, permit, etc., had never been made or issued.

(Include in deeds)\*

That in the event of breach of any of the above nondiscrimination covenants, the Michigan Department of Transportation shall have the right to re-enter lands and facilities hereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the State of Michigan Department of Transportation and its assigns.

\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of the Title VI of the Civil Rights Act of 1964 and the Civil Rights Act of 1987.

**APPENDIX D: TITLE VI COMPLAINT FORM**

**CITY OF IONIA  
TITLE VI COMPLAINT FORM**

This form may be used to file a complaint with the City of Ionia based on violations of Title VI of the Civil Rights Act of 1964. You are not required to use this form; a letter that provides the same information may be submitted to file your complaint.

Complaints should be filed within 180 days of the alleged discrimination. If you could not reasonably be expected to know the act was discriminatory within the 180 day period, you have 60 days after you became aware to file your complaint.

*If you need assistance completing this form due to a physical impairment, please contact City Manager at (616) 523-0776 or by fax at (616) 527-0810 or by e-mail at [ioniamanager@ci.ionia.mi.us](mailto:ioniamanager@ci.ionia.mi.us).*

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_(home) \_\_\_\_\_(work)

Individual(s) discriminated against, if different than above (use additional pages, if needed).

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_(home) \_\_\_\_\_(work)

Please explain your relationship with the individual(s) indicated above: \_\_\_\_\_

\_\_\_\_\_

Name of agency and department or program that discriminated:

Agency or department name: \_\_\_\_\_

Name of individual (if known): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Date(s) of alleged discrimination:

Date discrimination began \_\_\_\_\_ Last or most recent date \_\_\_\_\_

**ALLEGED DISCRIMINATION:**

If your complaint is in regard to discrimination in the delivery of services or discrimination that involved the treatment of you by others by the agency or department indicated above, please indicate below the basis on which you believe these discriminatory actions were taken.

\_\_\_\_ Race

\_\_\_\_ Religion

\_\_\_\_ Color

\_\_\_\_ National Origin

\_\_\_\_ Age

\_\_\_\_ Sex

\_\_\_\_ Disability

\_\_\_\_ Income

Explain: Please explain as clearly as possible what happened. Provide the name(s) of witness(es) and others involved in the alleged discrimination. (Attach additional sheets, if necessary, and provide a copy of written material pertaining to your case).

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Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Complaints forms should be turned into City Manager, 114 N Kidd, Ionia, Michigan 48846, Phone (616) 523-0776, Fax (616) 527-0810, Email [ioniamanager@ci.ionia.mi.us](mailto:ioniamanager@ci.ionia.mi.us).

Note: *The City of Ionia prohibits retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by policies of the City. Please inform the City Manager if you feel you were intimidated or experience perceived retaliation in relation to filing this complaint.*

### **Appendix E: Determine/Distinguish Significant/Non-significant Effects**

“Significant” requires considerations of both context and intensity:

(a) *Context*. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, nation), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the local area rather than in the world as a whole. Both short-and long-term effects are relevant.

(b) *Intensity*. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:

- (1) Impacts that may be both beneficial and adverse. A significant effect may exist even if, on balance, the effect would be beneficial.

“Non-significant effect” means no substantial change to an environmental component and this no material bearing on the decision-making process.

Scientific, technical, institutional, the public’s value, and the local economic conditions influence the meaning of significant effect.

If an alternative would provide a beneficial effect, then the alternative would cause no significant adverse effect. If an alternative would provide an adverse effect, the effect might be significant or the effect might be non-significant.

Determinations of “significant” and “non-significant” effects will be made by the City Manager.

**APPENDIX F: Program Compliance/Program review Goals for Current Plan Year**

1. The City Title VI Plan will be communicated to each City Department Head who will review the Plan with departmental employees.
2. The City Title VI Plan will be published on the City of Ionia's Website.
3. Appendix A will be included in all City contracts as outlined in the Title VI Plan.
4. The language in Number 2 of the City of Ionia Title VI Assurance will be included in all solicitations for bids for work or material subject to the Regulations and in all proposals for negotiated agreements.
5. A procedure for responding to individuals with Limited English Proficiency will be implemented.
6. All City employees will be trained or made aware of the LEP procedure and the Title VI complaint procedure.
7. A review of City facilities will be conducted in reference to compliance with the American Disabilities Act.
8. The following data will be collected and reviewed by the Title VI Coordinator and included, where appropriate, in the annual report submitted to MDOT.
  - a. **Boards and Commissions:** The number of vacancies; how vacancies are advertised and filled; the number of applicants; the representation of minorities will be evaluated.
  - b. **Public Meetings:** The number of open meetings. How meeting dates and times communicated to the general public and to individuals directly affected by the meeting.
  - c. **Construction Projects:** The number of construction projects, number of minority contractors bidding and the number selected; Verification that Title VI language was included in bids and contracts for each project.
  - d. **LEP Needs:** How many requests for language assistance were requested or required and the outcome of these requests.
  - e. **Complaints:** The number of Title VI complaints received; nature of the complaints; resolution of the complaints.
  - f. **Timeliness of Services:** Number of requests for services; Amount of time from request to when service was delivered; Number of requests denied.
  - g. **Right of Way/Imminent Domain:** Numbers of such actions and diversity of individual affected.
  - h. **Program Participants:** Racial Data of program participants where possible.

## **APPENDIX G: CITY OF IONIA DIAL-A-RIDE**

### **TITLE VI PUBLIC NOTICE**

The City of Ionia Dial-A-Ride operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the City of Ionia Dial-A-Ride.

The City of Ionia Dial-A-Ride's Title VI Public Notice is posted in the transit building located at 251 E Adams Street, Ionia, MI 48846, at City Hall located at 114 N Kidd Street, Ionia, MI 48846, in all transit vehicles, and on the City of Ionia website: [www.ci.ionia.mi.us](http://www.ci.ionia.mi.us) .

For more information on the City of Ionia Dial-A-Ride's civil rights program, and the procedures to file a complaint, contact 616-523-0776; or go on line at [www.ci.ionia.mi.us](http://www.ci.ionia.mi.us); or email [ioniamanager@ci.ionia.mi.us](mailto:ioniamanager@ci.ionia.mi.us); or visit our administrative offices located at 114 N Kidd Street, Ionia, MI 48846.

A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5<sup>th</sup> Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.

If information is needed in another language, please contact 616-523-0776.

**Appendix H: Acknowledgement of Receipt of Title VI Program**

I hereby acknowledge the receipt of the City of Ionia Dial-A-Ride’s Title VI Program. I have read the program and am committed to ensuring that no person is excluded from participation in, or denied the benefits of its transit services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1.B

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Your signature

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Print your name

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Date

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<sup>i</sup> The executive order verbatim can be found online at <http://www.usdoj.gov/crt/cor/Pubs/eolep.htm>.

<sup>ii</sup> Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons. Federal Register: December 14, 2005 (Volume 70, Number 239)

<sup>iii</sup> The DOT has also posted an abbreviated version of this guidance on their website at <http://www.dotcr.ost.dot.gov/asp/lep.asp>.

<sup>iv</sup> <http://www.dotcr.ost.dot.gov/asp/lep/asp>

<sup>v</sup> Department of Justice Final LEP Guidelines, Federal Register June 18, 2002-Vol. 67-Number 117.

## **SAFETY AND REPORTING POLICY**

### **I. PURPOSE**

The purpose of this policy is to provide for direction on monitoring and enforcing the City's Safety program. The policy shall be followed by all departments, agencies, and employees of the City.

### **II. SCOPE**

The policy covers all City of Ionia employees including those associated with the Hall-Fowler Memorial Library, Ionia Theater, and any ancillary services.

### **III. SAFETY POLICY**

A general safety policy has been promulgated and adopted by the Ionia City Council for all City departments. All department heads or department managers are responsible to ensure that the safety policy is located in an area of their department that is convenient and accessible to all of their employees.

A. Employee copies. All employees shall be given copies of the safety policy in a disk form when they hire into the city. The packet of disks shall include the safety policy, personnel policy, general city policies, job descriptions, organizational charts, department contracts, and any other policies affecting the employee or his/her workplace.

B. In the future, the policies will be located on the City Intranet system that is under development. This will provide for easy access. Currently the City Municipal Standards governing construction and in 2003, the City Code will be located on the City site.

C. All departments shall ensure that employees are briefed on the City Safety Policy as well as "Right to Know" with location of the Material Safety Data Sheets (MSDS) in a prominent place and accessible to all.

### **IV. SAFETY COMMITTEE**

There shall be a safety committee for the City of Ionia that shall have regular meetings and all departments or department managers shall ensure that the minutes and actions of the committee are communicated to all of their staff.

A. Each department shall name members to the general safety committee which shall have regular meetings governing safety topics.

B. Each department head shall ensure that the safety committee members bring back materials from the committee meetings and also that the policies contained in the Safety Manual are enacted. Examples would be checks of the building, equipment, MSDS, the Personal Protection Hazard Assessment Certification Forms, Fire Extinguisher Checks (monthly) as well as site specific items such as aerial tests, hoist tests, overhead crane tests, ladder tests, pump tests, etc.

C. The following training should take place for all members of departments:

1. At least once each year, a review of the MSDS sheets and hazardous materials found in the facility.
2. Bloodborne Pathogen training and review of the City Policy on pathogens
3. First Aid/CPR
4. On a basis to be determined by the committee: Fire Extinguisher Use.
5. Operations of vehicles
6. Sexual Harassment and Discrimination Policy/Programs
7. Workplace Violence Issues

D. All employees or volunteers in a department shall sign a "training acknowledgement form" that is attached to this policy. Those forms shall be kept in the Safety File of the Department; Safety Committee Chairman's Office; and the Personnel File of the Employee. In the case of volunteers, there is no Personnel File but the other two locations shall apply.

E. The Safety Committee shall make tours and inspections of the departments of the City to ensure that all compliance measures are being taken and met.

## V. REPORTING

The following reporting shall take place and shall be followed:

A. The Safety Committee Director/Chair is Larry Harvey in the Community Development Office. All reports shall be forwarded to him on a schedule he shall determine.

B. All injury reports shall be made on City Accident Report forms as well as MIOSHA approved forms and forwarded IMMEDIATELY to Larry Harvey and Lisa in the front office for city compilation totals.

C. All injury reports and forms shall be as provided by MIOSHA and shall be posted/reported according to approved schedules.

D. All injuries are to be reported IMMEDIATELY and investigated/documented. Injuries not reported immediately shall be investigated as to the validity of the claim and may be subject to dispute at a later time. Department Heads are to notify employees to report injuries according to this schedule so as to prevent unfavorable review.



## Employee Training Form

I \_\_\_\_\_, acknowledge that I have been trained in the use of equipment owned by the City of Ionia. I acknowledge that I was provided said training and the requirement that proper Personal Protective Equipment rules and regulations be followed. I have seen the Hazard Assessment for Personal Protective Equipment that has been developed for the equipment I will be operating and I will agree to follow all of the rules and standards set in this assessment for the City of Ionia Safety Program.

TRAINER: \_\_\_\_\_

EQUIPMENT/PROGRAM: \_\_\_\_\_

Signature of Employee/Volunteer: \_\_\_\_\_

Date: \_\_\_\_\_

## **COMPUTER AND EQUIPMENT DISPOSAL POLICY**

### **I. PURPOSE**

The purpose of this policy is to establish a procedure for the proper disposal of computers and computer/technology related equipment that may contain personal, sensitive or critical information.

### **II. POLICY**

It is the policy of the City to maintain an inventory of its computer and related equipment at the departmental level. The inventory shall be updated upon new equipment being purchased or existing equipment being disposed.

### **III. PROCEDURE**

The following procedure shall be observed when it is determine that a computer(s) or related equipment is no longer needed by a department and therefore determined to be surplus:

- 1) New equipment is purchased and the department's computer and equipment inventory is updated.
- 2) The equipment that is being replaced is removed from the department's computer and equipment inventory and is offered to other departments. The department disposing of the computer or equipment shall provide departments one-week to respond to the offer.
- 3) If a department accepts the computer or equipment that department shall update its computer and equipment inventory.
- 4) Computers and equipment not transferred to another department shall be disposed through a recycling process or discarded in the trash if recycling is not available. At the time of disposing of the computer or equipment the following shall occur:
  - a. The serial number and type of computer/equipment shall be documented.
  - b. The hard drive and/or devices containing sensitive information shall be removed from the computer/equipment and destroyed.
  - c. The date, location and method of destruction shall be documented.

## **DIAL-A-RIDE – ADA Complaint Policy**

### **I. PURPOSE**

To establish a policy regarding the processing of discrimination based complaints received by the City pursuant to the Americans With Disabilities Act of 1990 (ADA) regarding its public transportation operations.

### **II. POLICY**

The ADA provides that no entity shall discriminate against an individual with a disability in connection with the provision of transportation services. The law sets forth specific requirements for both vehicle and facility accessibility and the provision of services. The City is committed to providing safe and reliable public transportation services to all people without discrimination based on disabilities.

### **III. MAKING A COMPLAINT**

When making a complaint, the complainant shall provide in writing the following information:

- Name, address, telephone number;
- If known, the name of the person that complainant believes has committed the discrimination;
- A brief description of the acts of discrimination, the dates they occurred;
- Other information that complainant believes necessary to support their complaint;
- Information on how to best communicate with the complainant (large print, Braille, etc.)

Attachment A is intended to guide the complainant in submitting a complaint.

### **IV. PROCESSING OF A COMPLAINT**

If the City receives a complaint regarding discrimination against an individual pursuant to the ADA who is seeking, or has sought, public transportation services, the City will respond within 30 days of receiving the complaint and will work to resolve the complaint as quickly as possible. All aspects of the resolution process will be documented and, upon resolution, will share with the Michigan Department of Transportation (MDOT) details of the complaint and the associated resolution. Complaint related documentation will be retained by the City for one year from the date of notifying MDOT of the resolution. A summary of all complaints will be kept for five years with records being made available to MDOT for inspection, upon request.

Typically, when a complaint is received, the City will inform the complainant of the City's action, which may include:

- Contacting the complainant for additional information or copies of relevant documents;
- Working with the complainant to resolve the issue;
- Referring the complaint for possible action through the ADA Mediation Program;
- Referring the complaint to another federal agency with responsibility for resolving the types of issues that may be raised.

A complainant may check the status of their complaint by contacting the City's Dial-A-Ride offices.

### **V. NOTIFICATION OF COMPLAINT PROCESS**

The attached flyer outlining the complaint process will be posted in the City's public transportation buses and at the Dial-A-Ride facility (Attachment B).

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Attachment A  
**Title II of the Americans with Disabilities Act**  
**Section 504 of the Rehabilitation Act of 1973**  
**Discrimination Complaint Form**

Instructions: Please fill out this form completely, sign and mail or fax to:  
City of Ionia  
Dial-A-Ride  
Attention: DAR Director  
251 East Adams Street  
Ionia, Michigan 48846  
616-527-4000 (phone)  
616-527-5788 (fax)  
[hwenzel@ci.ionia.mi.us](mailto:hwenzel@ci.ionia.mi.us)

Complainant: \_\_\_\_\_

Address: \_\_\_\_\_

City, State and Zip Code: \_\_\_\_\_

Telephone: Home: \_\_\_\_\_ Business: \_\_\_\_\_

Person Discriminated Against: \_\_\_\_\_  
(if other than the complainant)

Address: \_\_\_\_\_

City, State and Zip Code: \_\_\_\_\_

Telephone: Home: \_\_\_\_\_ Business: \_\_\_\_\_

When did the discrimination occur? Date: \_\_\_\_\_

Describe the acts of discrimination providing the name(s) where possible of the individuals who discriminated:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*Flyer to be posted in all public buses and facilities*

**City of Ionia  
Dial-A-Ride  
Procedure to File a Complaint Under the  
Americans with Disabilities Act (ADA)**

If you believe you, or another person has been discriminated against under Title II and III of the American Disability Act of 1990 by Ionia Dial-A-Ride or one of our employees, you can file a complaint by mail or fax at:

City of Ionia  
Dial-A-Ride  
Attention: DAR Director  
251 East Adams Street  
Ionia, Michigan 48846  
616-527-4000 (phone)  
616-527-5788 (fax)  
[hwenzel@ci.ionia.mi.us](mailto:hwenzel@ci.ionia.mi.us)

**Take the first step:** Before filing your complaint, you may contact the Dial-A-Ride Director to discuss your concerns. The Dial-A-Ride Director can look into the issue and try to come up with an acceptable resolution to the situation.

**You can file a complaint against Ionia Dial-A-Ride using the following procedures:**

- File a written complaint with Ionia Dial-A-Ride's ADA Coordinator as soon as possible, but no later than 60 calendar days after the alleged violation.
- The written complaint should be submitted by the grievant and/or designee.
- Alternative means of filing complaints – such as a personal interview or a tape recording – will be made available on request by people with disabilities.
- The written complaint should contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem.
- Within 15 calendar days after receiving the complaint, an Ionia Dial-A-Ride official will meet with the complainant to discuss the complaint and possible resolutions.
- Within 15 calendar days of the meeting, the Ionia Dial-A-Ride ADA Coordinator will respond in writing or by other appropriate accessible format. The response will explain the position of Ionia Dial-A-Ride and offer options for substantive resolution of the complaint.
- If the response by the Ionia Dial-A-Ride ADA Coordinator does not resolve the issue, the complainant and/or designee may appeal the decision within 15 calendar days after receiving the response to the Federal Transit Administration Office for Civil Rights.
- All written documents in the process will be retained by Ionia Dial-A-Ride for at least 1 year

Alternative formats and language translations of this document are available on request.

Policy No. 5-012  
Adopted: September 3, 2019  
Council Action

## **FREEDOM OF INFORMATION ACT (FOIA) POLICY**

### PREAMBLE – Statement of Principals

It is the policy of the City that all persons, consistent with the Michigan Freedom of Information Act (FOIA), are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.

The City's policy with respect to FOIA requests is to comply with State law in all respects and to respond to FOIA requests in a consistent, fair, timely and even-handed manner regardless of who makes such a request.

### PURPOSE

The purpose of this policy is to identify procedures that City staff is to follow when processing a request pursuant to FOIA.

### DEFINITIONS

- Act: Shall mean the Michigan Freedom of Information Act, Act No. 442 of the Public Acts of 1976, as amended.
- City: This includes the City of Ionia and its duly constituted departments, commissions, boards, or committees. The City is also the "public body" as defined in the Act.
- FOIA Coordinator: The City Manager is responsible for accepting and processing requests for public records as outlined in this Policy and the Act and is responsible for issuing approvals or denials of requests. He or she is authorized to designate other City staff to act on his or her behalf to accept and process written requests for the City's public records and approve denials.
- Policy: This policy adopted by the City Council which is intended to serve as the "Procedures and Guidelines" referenced in Act No. 563 of the Public Acts of 2014.

## REQUESTING A PUBLIC RECORD

***Sufficient Description.*** A person requesting to inspect or obtain copies of public records prepared, owned, used, possessed or retained by the City must do so in writing. The request must sufficiently describe the public record to enable the FOIA Coordinator to identify the requested public record.

***Form:*** No specific form to submit a request for a public record is required. However, the FOIA Coordinator may make available a FOIA Request Form for use by the public, if he or she so desires. Regardless of the method that is utilized to request a public record, the following information is required:

- If the request is from an individual – The individual making the request must include his or her complete name, address, and contact information. The address shall be in a format that complies with United States Postal Service addressing standards. The contact information of the individual must include a valid telephone number or an electronic mail address.
- If the request is from an agents representing a legal entity – If the requestor is the agent of a corporation, limited liability company, partnership, firm, organization, association, governmental entity, or other legal entity, then:
  - The request must include the complete name and address of the requesting entity in a format that complies with United States Postal Service addressing standards.
  - The request must include the agent’s complete name, address and contact information and the agent’s contact information must include a valid telephone number or an electronic mail address.

***Method of Submitting a Request.*** Written requests for public records may be submitted in person or by mail to any City office. Requests may also be submitted electronically by facsimile and e-mail. Upon receiving their request, requests for public records shall be promptly forwarded to the FOIA Coordinator, or his or her designee, for processing.

***Method of Receipt.*** A person may request that public records be provided on non-paper physical media, electronically mailed or otherwise provided to him or her in lieu of paper copies. The City shall comply with the request only if it possesses the necessary technological capability to provide records in the requested non-paper physical media format.

***Subscription.*** A person may subscribe to future issues of public records that are created, issued or disseminated by the City on a regular basis. A subscription is valid for up to 6 months and may be renewed by the subscriber.

***On-Line Information.*** A person who makes a request for information believed to be available on the City’s website shall be informed of the pertinent website address.

***Exemption.*** A person serving a sentence of imprisonment in a local, state or federal correctional facility is not entitled to submit a request for a public record. The FOIA Coordinator shall deny all such requests.

### PROCESSING A REQUEST

Unless otherwise agreed to in writing by the person making the request, within five (5) business days of receipt of a FOIA request the City shall issue a response. If a request is received by facsimile, e-mail or other electronic transmission, the request is deemed to have been received on the following business day. The City shall respond to the request in one of the following ways:

- Grant the request.
- Issue a written notice denying the request.
- Grant the request in part and issue a written notice denying the request in part.
- Issue a notice indicating that due to the nature of the request the City needs an additional 10 days to respond. Only one such extension is permitted.
- Issue a written notice indicating that the public record requested is available at no charge on the City's website.

If the request is granted, or granted in part, the FOIA Coordinator shall require that payment be made in full for the allowable fees associated with responding to the request before the public record is made available. The FOIA Coordinator shall provide a detailed itemization of the allowable costs incurred to process the request to the person making the request. A copy of this policy shall be provided to the requestor with the response to a written request for public records, provided, however, that if this policy, and the associated written summary are maintained on the City's website, then a website link to those documents may be provided in lieu of providing paper copies.

*Processing Cost Equal/Less than \$50.00.* If the cost of processing a FOIA request is \$50.00 or less, the requestor shall be notified of the amount due and where the documents may be obtained.

*Processing Cost Greater than \$50.00.* If based on a calculation by the City, the cost of processing a FOIA request is expected to exceed \$50.00, or if the requestor has not fully paid for a previously granted request, the City shall require a good-faith deposit before processing the request. In making the request for a deposit, the FOIA Coordinator shall provide the requestor with a detailed itemization of the allowable costs estimated to be incurred by the City to process the request and also provide an estimate of a time frame it will take the City to provide the records to the requestor. The estimate shall be nonbinding on the City, but will be made in good faith and will strive to be reasonably accurate, given the nature of the request so as to provide the requested records in a manner consistent with this policy. The required deposit must be received (or appealed) within 48 days of the sending of the good faith calculation, otherwise, the FOIA request shall be considered to be abandoned.

Request Denied or Denied in Part. If the request is denied or denied in part, the FOIA Coordinator shall issue a Notice of Denial which shall provide in the applicable circumstance:

- An explanation as to why a requested public record is exempt from disclosure; or,
- A certificate that the requested record does not exist under the name or description provided by the requestor, or another name reasonably known to the City; or
- An explanation or description of the public record or information within a public record that is separated or deleted from the public record; and,
- An explanation of the person's right to submit an appeal of the denial to either the Mayor or seek judicial review in the Ionia County Circuit Court; and,
- An explanation of the right of receive attorneys' fees, costs, and disbursements as well as actual or compensatory damages, and punitive damages of \$1,000, should they prevail in Circuit Court.
- The Notice of Denial shall be signed by the FOIA Coordinator.

If the request does not sufficiently describe a public record, the FOIA Coordinator may, in lieu of issuing a Notice of Denial indicating that the request is deficient, seek clarification or amendment of the request by the person making the request. Any clarification or amendment shall be considered a new request subject to the timelines described in this policy.

The City shall provide reasonable facilities and opportunities for persons to examine and inspect public records during normal business hours. The FOIA Coordinator is authorized to develop rules regulating the manner in which records may be viewed so as to protect City records from loss, alteration, mutilation or destruction and to prevent excessive interference with normal City operations.

The FOIA Coordinator shall, upon written request, furnish a copy of a public record at no additional cost to the person requesting the public record.

#### FEE DEPOSITS

If the fee estimate is expected to exceed \$50.00 based on the calculation by the City, the requestor will be asked to provide a deposit not exceeding one-half of the total estimated fee.

If a request for public records is from a person who has not fully paid the City for copies of public records previously granted, the FOIA Coordinator shall require a deposit of 100% of the estimated processing fee before beginning to search for a public record for any subsequent written request by that person when all of the following conditions exist:

- the final fee for the prior written request is not more than 100% of the estimated fee;
- the public records made available contained the information sought in the prior written request and remain the City's possession;

- the public records were made available to the individual, subject to payment, within the time frame estimated by the City to provide the records;
- 90 days have passed since the FOIA Coordinator notified the individual in writing that the public records were available for pick-up or mailing;
- the individual is unable to show proof of prior payment to the City; and,
- the FOIA Coordinator has calculated a detailed itemization that is the basis for the current written request's increased estimated fee deposit.

The FOIA Coordinator shall not require an increased estimated fee deposit if any of the following apply:

- the person making the request is able to show proof of prior payment in full to the City;
- the City is subsequently paid in full for the applicable prior written request;
- 365 days have passed since the person made the request for which full payment was not remitted to the City.

#### FEE CALCULATION

A fee will not be charged for the cost of search, examination, review and the deletion and separation of exempt from non-exempt information unless failure to charge a fee would result in unreasonably high costs to the City because of the nature of the request in the particular instance, and the City specifically identifies the nature of the unreasonably high cost.

The following factors shall be used to determine an unreasonably high cost to the City:

- The particular request incurs costs greater than incurred from the typical or usual request received by the City.
- Volume of the public record requested.
- Amount of time spent to search for, examine, review and separate exempt and non-exempt information in the record requested.
- Whether public records from more than one City department or various City offices is necessary to respond to the request.
- The available staffing to respond to the request.
- Any other similar factors identified by the FOIA Coordinator in responding to the particular request.

The City may charge for the following costs associated with processing a FOIA request:

- Labor costs directly associated with searching for, locating and examining a requested public record.
- Labor costs associated with a review of a record to separate and delete information exempt from disclosure of information which is disclosed.
- The actual cost of computer discs, computer tapes or other digital or similar media.

- The cost of duplication of publication, not including labor, of paper copies of public records.
- The cost of labor associated with duplication or publication, including making paper copies, making digital copies or transferring digital public records to non-paper physical media or through the Internet or other electronic means.
- The actual cost of mailing or sending a public record.

Labor costs will be calculated based on the following requirements:

- All labor costs will be estimated and charged in 15 minute increments with all partial time increments rounded down.
- Labor costs will be charged at the hourly wage rate of the lowest-paid City employee capable of doing the work in the specific fee category, regardless of who actually performs the work.
- Labor costs will also include a charge to cover or partially cover the cost of fringe benefits. The City may add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits, but in no case may it exceed the actual cost of fringe benefits.
- Overtime wages will not be included in labor costs until agreed to by the requestor; overtime costs will not be used to calculate the fringe benefit cost.

The cost to provide records on non-paper physical media when so requested will be based on the actual and most reasonably economical cost for the non-paper media.

The cost to provide paper copies of records will be based on standard or legal sized paper at \$.10 per sheet of paper. The City will determine if it is practical to copy double-sided.

The cost to mail records to a requestor will be based on the actual cost to mail, with the City typically using the least expensive form of postal delivery.

#### WAIVER OF FEES

The cost of the search for and copying of a public record may be waived or reduced if in the judgement of the FOIA Coordinator a waiver or reduced fee is in the public interest because such can be considered as primarily benefiting the general public.

The FOIA Coordinator will waive the first \$20.00 of the processing fee for a request if the person requesting a public record submits an affidavit stating that they are indigent and receiving public assistance OR if not receiving public assistance, stating facts demonstrating an inability to pay because of being indigent. The discount is limited to twice during a calendar year.

## APPEALS

### Denial of a Public Record

When a requestor believes that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, he or she may file an appeal of the denial with the Mayor. The appeal must be in writing, specifically state the word “appeal” and identify the reason or reasons the requestor is seeking a reversal of the denial.

- A. Within 10 business days of receiving the appeal the Mayor will respond in writing by:
  - Reversing the disclosure denial;
  - Upholding the disclosure denial; or
  - Reverse the disclosure in part and uphold the disclosure denial in part.
  - Under unusual circumstances, such as the need to examine or review a voluminous amount of separate and distinct public records or the need to collect the request records from numerous City offices/departments, the Mayor may issue not more than 1 notice of extension for not more than 10 business days to respond to the appeal.
- B. The appellant may choose to commence an action in the Circuit Court to compel the City’s disclosure of the public records within 180 days after the Mayor’s determination to deny a request.

### Excessive FOIA Processing Fee

If a requestor believes that the fee charged by the City to process a FOIA request exceeds the amount permitted by state law, he or she must first submit a written appeal for a fee reduction to the Mayor. The appeal must be in writing, specifically state the word “appeal” and identify how the required fee exceeds the amount permitted.

- A. Within 10 business days of receiving the appeal the Mayor will respond in writing by:
  1. Waive the fee;
  2. Reduce the fee and issue a written determination indicating the specific basis that supports the remaining fee, accompanied by a certification by the Mayor that the statements in the determination are accurate and the reduced fee amount complies with this policy;
  3. Uphold the fee and issue a written determination indicating the specific basis of the FOIA that supports the required fee, accompanied by a certification by the Mayor that the statements in the determination are accurate and the fee amount complies with this policy; or,
  4. Issue a notice detailing the reason or reasons for extending for not more than 10 business days the period during which the Mayor will respond to the written appeal.
- B. Within 45 days after receiving notice of the Mayor’s determination of a fee appeal, the appellant may commence action in Ionia County Circuit Court for a fee reduction. If a civil infraction is filed appealing the fee, the City is not obligated to process the request for the public record until the Court resolves the fee dispute.

If the Court determines that the City required a fee that exceeds the amount permitted, it shall reduce the fee to a permissible amount. If the appellant in the civil action prevails by receiving a reduction of 50% or more of the total fee, the court may award all or appropriate amount of reasonable attorneys' fees, costs and disbursements.

If the Court determines that the City has acted arbitrarily and capriciously by charging an excessive fee, the Court shall also award the appellant punitive damages in the amount of \$500.

Adopted by the City Council – July 7, 2015

Revised by the City Council – September 3, 2019

**CITY OF IONIA**  
**Written Summary of Freedom of Information Act (FOIA) Policy**

Pursuant to Public Act 563 of 2014 amending the Michigan Freedom of Information Act (FOIA), the following is a Written Summary of the City's FOIA Policy.

**1. How do I submit a FOIA request to the City?**

- Requests to inspect/obtain copies of public records prepared, owned, used, possessed or retained by the City must be submitting in writing.
- A request must sufficiently describe a public record so as to enable the City to find it.
- No specific form to submit a written request is required. A request should be as descriptive as possible.
- Written requests can be made in person by delivery to City Hall or the Public Safety Facility or by mail.
- Requests can also be by facsimile by calling (616) 527-0810 for non-Public Safety records or (616) 527-5717 for Public Safety records.
- A request may also be submitted by e-mail. To ensure a prompt response, e-mail requests should contain the term FOIA Request in the subject line and e-mailed to the City Manager for non-Public Safety records or the Public Safety Department Administrative Assistant for Public safety records.
- Required Information:
  - o From individuals – The individual making the request must include his or her complete name, address, and contact information. The address shall be in a format that complies with United States Postal Service addressing standards. The contact information of the individual must include a valid telephone number or an electronic mail address.
  - o From agents representing a legal entity – If the requestor is the agent of a corporation, limited liability company, partnership, firm, organization, association, governmental entity, or other legal entity, then:
    - The request must include the complete name and address of the requesting entity in a format that complies with United States Postal Service addressing standards.
    - The request must include the agent's complete name, address and contact information and the agent's contact information must include a valid telephone number or an electronic mail address.

NOTE: If you are serving a sentence of imprisonment in a local, state or federal correctional facility you are not entitled to submit a request for a public record.

**2. What kind of response can I expect to receive regarding my request?**

- Within 5 business days of receipt of a FOIA request the City will issue a response. If a request is received by facsimile or e-mail the request is deemed to have been received on

the following business day. The City will respond to your request in one of the following ways:

- Grant the request.
  - Issue a written notice denying the request.
  - Grant the request in part and issue a written notice denying in part the request.
  - Issue a notice indicating that due to the nature of the request the City needs an additional 10 business days to respond.
  - Issue a written notice indicating the public record requested is available at no charge on the City's website.
- If the request is granted, or granted in part, the City will ask that payment be made for the allowable fees associated with responding to the request before the public record is made available. If the cost of processing the request is expected to exceed \$50.00, or if you have not paid for a previously granted request, the City will require a deposit before processing the request.

### **3. What are the City's fee deposit requirements?**

- If the City has made a good faith calculation that the total fee for processing the request exceeds \$50.00, the City will require that you provide a deposit in the amount of 50% of the total estimated fee. When the City requests the deposit it will provide you a non-binding best estimate of how long it will take to process the request following receipt by the City of your deposit. The required deposit must be received (or appealed) within 48 days of the sending of the good faith calculation, otherwise, the FOIA request shall be considered to be abandoned.
- If the City receives a request from a person who has not paid the City for copies of public records made in fulfillment of a previously granted written request, the City will require a deposit of 100% of the estimated processing fee before it begins to search for the public record for any subsequent written request when all of the following conditions exist:
- The final fee for the prior written request not more than 100% of the estimated fee;
  - The public records made available contained the information sought in the prior written request and remain in the City's possession;
  - The public records were made available to the individual, subject to payment, within the time frame estimated by the City to provide the records;
  - 90 days have passed since the City notified the individual in writing that the public records were available for pick-up or mailing;
  - The individual is unable to show proof of prior payment to the City; and,
  - The City has calculated an estimated detailed itemization that is the basis for the current written request's increased fee deposit.
- The City will not require the 100% estimated fee deposit if any of the following apply:

- The person making the request is able to show proof of prior payment in full to the City;
- The City is subsequently paid in full for all applicable prior written requests; or
- 365 days have passed since the person made the request for which full payment was not remitted to the City.

**4. How does the City calculate FOIA processing fees?**

- A fee will not be charged for the cost of search, examination, review and the deletion and separation of exempt from non-exempt information unless failure to charge a fee would result in unreasonably high costs to the City because of the nature of the request in the particular instance, and the City specifically identifies the nature of the unreasonably high costs.
- The Michigan FOIA statute permits the City to assess and collect a fee for six designated processing components. The City may charge for the following costs associated with processing a request:
  - Labor costs associated with searching for, location and examining a requested public record.
  - Labor costs associated with a review of a record to separate and delete information exempt from disclosure of information which is disclosed.
  - The cost of computer discs, computer tapes or other digital or similar media when the requestor asks for records in non-paper physical media.
  - The cost of duplication or publication, not including labor, of paper copies of public records.
  - Labor costs associated with duplication or publication, which includes making paper copies, making digital copies, or transferring digital public records to non-paper physical media or through the Internet.
  - The cost to mail or send a public record to a requestor.

**5. How do I qualify for a reduction of the processing fees?**

- The City may waive or reduce the fee associated with a request when the City determines that to do so is in the public interest because release of the information is considered as primarily benefitting the public.
- The City will waive the first \$20.00 of the processing fee for a request if you submit an affidavit stating that you are:
  - Indigent and receiving specific public assistance; or
  - If not receiving public assistance, stating facts demonstrating an inability to pay because of being indigent.
- You are not eligible to receive the \$20.00 waiver if you:
  - Have previously received discounted copies of public records from the City twice during the calendar year; or

- Are requesting information on behalf of other persons who are offering or providing payment to you to make the request.
- The City will waive the fee for a non-profit organization which meets all of the following conditions:
  - The organization is designated by the State under federal law to carry out activities under the Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the Protection and Advocacy for Individuals with Mental Illness Act;
  - The request is made directly on behalf of the organization or its clients;
  - The request is made for a reason wholly consistent with the provisions of federal law under Section 931 of the Mental Health Code.
  - The request is accompanied by documentation of the organization's designation by the State.

#### **6. How may I challenge the denial of a public record or an excessive fee?**

- *Appeal of a Denial of a Public Record*

If you believe that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, you may file an appeal of the denial with the Mayor. The appeal must be in writing, specifically state the word "appeal" and identify the reason or reasons you are seeking a reversal of a denial.

Subject to certain conditions, whether or not you submitted an appeal of a denial to the Mayor, you may file a civil action in Ionia County Circuit Court.

- *Appeal of an Excessive FOIA Processing Fee*

If you believe that the fee charged by the City to process your FOIA request exceeds the amount permitted by state law, you must first submit a written appeal for a fee reduction to the Mayor. The appeal must be in writing, specifically state the word "appeal" and identify how the required fee exceeds the amount permitted.

Subject to certain conditions, whether or not you submitted an appeal of a denial to the Mayor, you may file a civil action in Ionia County Circuit Court.

This is a summary of the City's FOIA Policy. A copy of the complete FOIA Policy is available from the City Manager at no charge or on the City's website at [www.ci.ionia.mi.us](http://www.ci.ionia.mi.us).

September 3, 2019



## Freedom of Information Act (FOIA) Request

Date Requested: \_\_\_\_\_ Name: \_\_\_\_\_

Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: (\_\_\_\_) \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

Please describe in detail the document(s) you are requesting. If you are not sufficiently specific, we may not be able to identify the document(s) you are requesting which may delay our response to your request:

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Assuming the document(s) that you are requesting exist, you may pick them up at:

City Hall, 114 North Kidd Street, Ionia, Michigan 48846

OR

Public Safety, 231 East Adams Street, Ionia, Michigan 48846

depending on the type of document(s) you are requesting or have them mailed to you after review and approval is complete. This can take up to five (5) working days to complete, or such later date as may be extended by law. You desire to.....

Pick-up the documents  Have the documents mailed to you

You will be charged the allowable fees and costs under FOIA or you need to provide documentation showing that you, the requestor, are receiving public assistance or other facts showing inability to pay due to indigence. You agree to pay such fees and costs prior to the release of the documents.

If I did not pay the fees and costs prior to the release of the documents, I, the requestor, agree to pay all allowable fees and any collection fees for my failure to pay the allowable fees and costs under FOIA within 30 days after the documents are ready or sent to me.

\_\_\_\_\_  
Signature

City Use Only:

# of Pages \_\_\_\_\_

Pick-Up Cost \$ \_\_\_\_\_

Mail Cost \$ \_\_\_\_\_

**FOIA Fee Itemization Form**  
**"Good Faith Calculation"**

**(Effective September 3, 2019)**

Component	Cost Calculations	Total
<b>1. Labor Costs – Search, Location, and Examination of Records*</b>	<p>Enter the hourly wage of lowest paid employee capable of performing the search, location and examination  \$_____ per hour</p> <p>Multiply the wage by the fringe benefit multiplier (maximum of 50% of the hourly wage); OR, if the requested information is available online and the requestor request the documents to be provided in another format, the fringe benefit multiplier may exceed 50% (not to exceed actual cost)  _____%</p> <p>Multiply the hourly wage times the fringe benefit multiplier  \$_____ x 1.____ = \$_____</p> <p>If stipulated by the requestor, add the hourly overtime wage increment (but do not include in the calculation of fringe benefit costs)  \$_____ + _____ = \$_____</p> <p>Divide the resulting hourly wage by four (4) to determine the charge per fifteen (15) minute increment  \$_____ / 4 = \$_____</p>	
	<p>Number of 15 minute increments (partial time increments must be rounded down) multiplied by the permitted rate  _____ x \$_____ = \$_____</p>	<p>\$_____</p>
<b>2. Employee Labor Costs – Redaction*</b>	<p>If performed by the public body's employee:</p> <p>Enter the hourly wage of lowest paid employee capable of performing the redaction  \$_____ per hour</p> <p>Multiply the wage by the fringe benefit multiplier (maximum of 50% of the hourly wage); OR, if the requested information is available online and the requestor request the documents to be provided in another format, the fringe benefit multiplier may exceed 50% (not to exceed actual cost)  _____%</p> <p>Multiply the hourly wage times the fringe benefit multiplier</p>	

	$\$ \underline{\hspace{2cm}} \times 1. \underline{\hspace{1cm}} = \$ \underline{\hspace{2cm}}$ <p>If stipulated by the requestor, add the hourly overtime wage increment (but do not include in the calculation of fringe benefit costs)</p> $\$ \underline{\hspace{2cm}} + \underline{\hspace{2cm}} = \$ \underline{\hspace{2cm}}$ <p>Divide the resulting hourly wage by four (4) to determine the charge per fifteen (15) minute increment</p> $\$ \underline{\hspace{2cm}} / 4 = \$ \underline{\hspace{2cm}}$	
	<p>Number of 15 minute increments (partial time increments must be rounded down) multiplied by the permitted rate</p> $\underline{\hspace{2cm}} \times \$ \underline{\hspace{2cm}} = \$ \underline{\hspace{2cm}}$	\$ <u>          </u>
<b>2. Contracted Labor Costs – Redaction*</b>	<p>If performed by Contracted Labor (Only permitted if the public body does not employ a person capable of redacting the records as determined by the FOIA Coordinator):</p> <p>Name of person or firm contracted:</p> <p>_____</p> <p>Enter the hourly rate charged by the contractor (may not exceed six (6) times the State minimum wage (i.e. \$8.15x6=\$48.90)</p> <p style="text-align: right;">\$ <u>          </u> per hour</p> <p>Divide the hourly rate by four (4) to determine the charge per fifteen (15) minute increment</p> $\$ \underline{\hspace{2cm}} / 4 = \$ \underline{\hspace{2cm}}$	
	<p>Number of 15 minute increments (partial time increments must be rounded down) multiplied by the permitted rate</p> $\underline{\hspace{2cm}} \times \$ \underline{\hspace{2cm}} = \$ \underline{\hspace{2cm}}$	\$ <u>          </u>
<b>3. Non-Paper Physical Media</b>	<p>Actual and most reasonably economical cost of:</p> <p>Flash Drives \$ <u>          </u> x number used <u>          </u> = \$ <u>          </u></p> <p>Computer Discs \$ <u>          </u> x number used <u>          </u> = \$ <u>          </u></p> <p>Other Media \$ <u>          </u> x number used <u>          </u> = \$ <u>          </u></p>	\$ <u>          </u>
<b>4. Paper Copies</b>	<p>Actual total incremental cost of duplication (not including labor) up to a <u>maximum of 10 cents per page</u>:</p> <p>Letter paper (8 1/2" x 11")</p> <p style="text-align: right;">number of sheets <u>          </u> x \$0. <u>          </u> = \$ <u>          </u></p> <p>Legal paper (8 1/2" x 14")</p>	

	<p style="text-align: right;">number of sheets ___ x \$0. ___ = \$ _____</p> <p>Actual cost of other types of paper:</p> <p>Type of Paper: _____  number of sheets ___ x \$ _____ = \$ _____</p> <p>Type of Paper: _____  number of sheets ___ x \$ _____ = \$ _____</p> <p>(NOTE: Must print double-sided if available and costs less.)</p>	\$ _____
<p><b>5. Labor Cost – Duplication Copying, and transferring records to non-paper physical media</b></p>	<p>Enter the hourly wage of lowest paid employee capable of performing the duplication, copying, or transferring digital records to non-paper physical media</p> <p style="text-align: right;">\$ _____ per hour</p> <p>Multiply the wage by the fringe benefit multiplier (maximum of 50% of the hourly wage); OR, if the requested information is available online and the requestor request the documents to be provided in another format, the fringe benefit multiplier may exceed 50% (not to exceed actual cost)</p> <p style="text-align: right;">_____ %</p> <p>Multiply the hourly wage times the fringe benefit multiplier</p> <p style="text-align: right;">\$ _____ x 1. _____ = \$ _____</p> <p>If stipulated by the requestor, add the hourly overtime wage increment (but do not include in the calculation of fringe benefit costs)</p> <p style="text-align: right;">\$ _____ + _____ = \$ _____</p> <p>Divide the resulting hourly wage by _____ to determine the charge per _____ ( ) minute increment</p> <p style="text-align: right;">\$ _____ / 4 = \$ _____</p> <p>(NOTE: May use any time increment for this category)</p>	
	<p>Number of ___ minute increments (partial time increments must be rounded down) multiplied by the permitted rate</p> <p style="text-align: right;">x \$ _____ = \$ _____</p>	\$ _____
<p><b>6. Mailing</b></p>	<p>Actual cost of mailing records in a reasonable and economical manner:</p> <p style="text-align: right;">Cost of mailing: \$ _____</p> <p>Cost of least expensive form of postal delivery confirmation:</p> <p style="text-align: right;">\$ _____</p> <p>Cost of expedited shipping or insurance only if specifically stipulated by the requestor:</p> <p style="text-align: right;">\$ _____</p>	\$ _____

	<b>Subtotal</b>	\$ _____
<b>Waivers and Reductions</b>	<p>Subtract any Fee Waiver or Reduction:            \$20.00 for indigency or nonprofit organization as further described in the Public Body's procedures and guidelines.</p> <p>Any amount determined by the Public Body due to the search and furnishing of the Public Record determined to be in the public interest. \$ _____</p> <p>The reduction amount due to the late response of the Public Body. 5% of fee x _____ days late = _____ % reduction (maximum reduction is 50%)</p>	-\$ _____
<b>Deposit</b>	Subtract any good-faith deposit received: \$ _____ ***	-\$ _____
	<b>Total Due</b>	\$ _____

\*Note: Labor costs for search, location, examination and redaction (categories 1 and 2 on the itemization form) may not be charged unless the failure to charge a fee would result in unreasonably high costs to the public body because of the nature of the request in the particular instance, and the public body specifically identifies the nature of these unreasonably high costs.

The Court of Appeals has interpreted this provision to require that the determination be made relative to the usual or typical costs incurred by the public body in responding to FOIA requests. The key factor in determining whether the costs are "unreasonably high" is the extent to which the particular request differs from the usual request. *Bloch v Davison Cmty Schools*, (Mich.App. Apr. 26, 2011), 2011 WL 1564645.

\*\*\*NOTE: The required deposit must be received (or appealed) within 48 days of the sending of the good faith calculation (this form), otherwise, the FOIA request shall be considered to be abandoned.



# CITY OF IONIA

## Notice of Denial of FOIA Request

Date Received: \_\_\_\_\_ Check if received via:  Email  Fax  Other Electronic Method

Date of This Notice: \_\_\_\_\_ Name: \_\_\_\_\_

Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_ (\_\_\_\_) \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

**Request for:**  Copy  Certified copy  Record inspection  Subscription to record issued on regular basis

**Delivery Method:**  Pick up  Make own copies onsite  Mail to address above  Email to address above

Deliver on digital media provided by the City: \_\_\_\_\_

**Record(s) You Requested:** *(Listed here or see attached copy of original request)* \_\_\_\_\_

**All OR**  **Part** of your request for records has been denied. Please refer to this form for an explanation. If you have any questions regarding this denial, contact \_\_\_\_\_ at \_\_\_\_\_

### Reason for Denial:

**1. Exempt from Disclosure:** This item is exempt from disclosure under FOIA Section 13, Subsection \_\_\_\_\_ *(insert number)*, because: \_\_\_\_\_

**2. Record Does Not Exist:** This item does not exist under the name provided in your request or by another name reasonably known to the City. A certificate that the public record does not exist under the name given is attached. If you believe this record does exist, provide a description that will enable us to locate the record: \_\_\_\_\_

**3. Redaction:** A portion of the requested record had to be separated or deleted (redacted) as it is exempt under FOIA Section 13, Subsection \_\_\_\_\_ *(insert number)*, because: \_\_\_\_\_

A brief description of the information that had to be separated or deleted: \_\_\_\_\_

**Notice of Requestor's Right to Seek Judicial Review** You are entitled under Section 10 of the Michigan Freedom of Information Act, MCL 15.240, to appeal this denial to the City Manager or to commence an action in the Circuit Court to compel disclosure of the requested records if you believe they were wrongfully withheld from disclosure. If, after judicial review, the court determines that the City has not complied with MCL 15.235 in making this denial and orders disclosure of all or a portion of a public record, you have the right to receive attorneys' fees and damages as provided in MCL 15.240. *(See back of this form for additional information on your rights.)* **Signature of FOIA Coordinator:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**FREEDOM OF INFORMATION ACT (EXCERPT)**  
**Act 442 of 1976**

**15.240.amended Options by requesting person; appeal; actions by public body; receipt of written appeal; judicial review; civil action; venue; de novo proceeding; burden of proof; private view of public record; contempt; assignment of action or appeal for hearing, trial, or argument; attorneys' fees, costs, and disbursements; assessment of award; damages.**

Sec. 10.

(1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:

- (a) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.
- (b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.

(2) Within 10 business days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do 1 of the following:

- (a) Reverse the disclosure denial.
- (b) Issue a written notice to the requesting person upholding the disclosure denial.
- (c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.
- (d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action under subsection (1)(b).

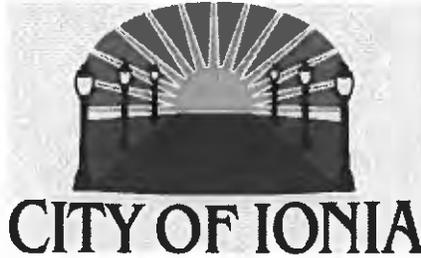
(4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the public body to pay a civil fine of \$1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

**History:** 1976, Act 442, Eff. Apr. 13, 1977 ;-- Am. 1978, Act 329, Imd. Eff. July 11, 1978 ;-- Am. 1996, Act 553, Eff. Mar. 31, 1997 ;-- Am. 2014, Act 563, Eff. July 1, 2015



## Notice to Extend Response Time for FOIA Request

Date Received: \_\_\_\_\_ Check if received via:  Email  Fax  Other Electronic Method

Date of This Notice: \_\_\_\_\_ Name: \_\_\_\_\_

Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: \_(\_\_\_\_)\_\_\_\_\_ E-Mail Address: \_\_\_\_\_

**Request for:**  Copy  Certified copy  Record inspection  Subscription to record issued on regular basis

**Delivery Method:**  Pick up  Make own copies onsite  Mail to address above  Email to address above

Deliver on digital media provided by the City: \_\_\_\_\_

**Record(s) You Requested:** (Listed here or see attached copy of original request) \_\_\_\_\_

We are extending the date to respond to your FOIA request for no more than 10 business days, until \_\_\_\_\_ (month, day, year). Only one extension may be taken per FOIA request. If you have any questions regarding this extension, contact \_\_\_\_\_ at \_\_\_\_\_

**Estimated Time Frame to Provide Records:** \_\_\_\_\_ (days or date)

The time frame estimate is nonbinding upon the City, but the City is providing the estimate in good faith. Providing an estimated time frame does not relieve the City from any of the other requirements of this act.

### Reason for Extension:

1. The City needs to search for, collect, or appropriately examine or review a voluminous amount of separate and distinct public records pursuant to your request. Specifically, the City must:

\_\_\_\_\_

2. The City needs to collect the requested public records from numerous field offices, facilities, or other establishments that are located apart from the City office. Specifically, the City must coordinate documents from the following locations:

\_\_\_\_\_

\_\_\_\_\_

3. Other (describe): \_\_\_\_\_

\_\_\_\_\_

**Signature of FOIA Coordinator:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**City:** Keep original and provide copy, along with Public Summary, to requestor at no charge.



# CITY OF IONIA

## FOIA Appeal Form—To Appeal an Excess Fee

Date Received: \_\_\_\_\_ Check if received via:  Email  Fax  Other Electronic Method  
 Date of This Notice: \_\_\_\_\_ Name: \_\_\_\_\_  
 Address: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone Number: (\_\_\_\_) \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

**Request for:**  Copy  Certified copy  Record inspection  Subscription to record issued on regular basis

**Delivery Method:**  Pick up  Will make own copies onsite  Mail to address above  Email to address above  Deliver on digital media provided by the City: \_\_\_\_\_

**Record(s) You Requested:** *(Listed here or see attached copy of original request)* \_\_\_\_\_

### Reason(s) for Appeal:

The appeal must specifically identify how the required fee(s) exceed the amount permitted. You may use this form or attach additional sheets: \_\_\_\_\_

**Requestor's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

### City Response:

The City must provide a response within 10 business days after receiving this appeal, including a determination or taking one 10-day extension.

**City Extension:** We are extending the date to respond to your FOIA fee appeal for no more than 10 business days, until \_\_\_\_\_ *(month, day, year)*. Only one extension may be taken per FOIA appeal.

Unusual circumstances warranting extension: \_\_\_\_\_

If you have any questions regarding this extension, contact: \_\_\_\_\_

**City Determination:**  Fee Waived  Fee Reduced  Fee Upheld

Written basis for City determination: \_\_\_\_\_

### Notice of Requestor's Right to Seek Judicial Review

You are entitled under Section 10a of the Michigan Freedom of Information Act, MCL 15.240a, to appeal a FOIA fee that you believe exceeds the amount permitted under the City's written Procedures and Guidelines to the City Manager or to commence an action in the Circuit Court for a fee reduction within 45 days after receiving the notice of the required fee or a determination of an appeal to the City Manager. If a civil action is commenced in court, the City is not obligated to compete processing the request until the court resolves the fee dispute. If the court determines that the City required a fee that exceeded the permitted amount, the court shall reduce the fee to a permissible amount. *(See back of this form for additional information on your rights.)*

**Signature of FOIA Coordinator:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**FREEDOM OF INFORMATION ACT (EXCERPT)**  
**Act 442 of 1976**

**15.240a.added Fee in excess of amount permitted under procedures and guidelines or MCL 5.234.**  
Sec. 10a.

(1) If a public body requires a fee that exceeds the amount permitted under its publicly available procedures and guidelines or section 4, the requesting person may do any of the following:

(a) If the public body provides for fee appeals to the head of the public body in its publicly available procedures and guidelines, submit to the head of the public body a written appeal for a fee reduction that specifically states the word "appeal" and identifies how the required fee exceeds the amount permitted under the public body's available procedures and guidelines or section 4.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, in the court of claims, for a fee reduction. The action must be filed within 45 days after receiving the notice of the required fee or a determination of an appeal to the head of a public body. If a civil action is commenced against the public body under this subdivision, the public body is not obligated to complete the processing of the written request for the public record at issue until the court resolves the fee dispute. An action shall not be filed under this subdivision unless 1 of the following applies:

(i) The public body does not provide for appeals under subdivision (a).

(ii) The head of the public body failed to respond to a written appeal as required under subsection (2).

(iii) The head of the public body issued a determination to a written appeal as required under subsection (2).

(2) Within 10 business days after receiving a written appeal under subsection (1)(a), the head of a public body shall do 1 of the following: (a) Waive the fee.

(b) Reduce the fee and issue a written determination to the requesting person indicating the specific basis under section 4 that supports the remaining fee. The determination shall include a certification from the head of the public body that the statements in the determination are accurate and that the reduced fee amount complies with its publicly available procedures and guidelines and section 4.

(c) Uphold the fee and issue a written determination to the requesting person indicating the specific basis under section 4 that supports the required fee. The determination shall include a certification from the head of the public body that the statements in the determination are accurate and that the fee amount complies with the public body's publicly available procedures and guidelines and section 4.

(d) Issue a notice extending for not more than 10 business days the period during which the head of the public body must respond to the written appeal. The notice of extension shall include a detailed reason or reasons why the extension is necessary. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a).

(4) In an action commenced under subsection (1)(b), a court that determines the public body required a fee that exceeds the amount permitted under its publicly available procedures and guidelines or section 4 shall reduce the fee to a permissible amount. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located. The court shall determine the matter de novo, and the burden is on the public body to establish that the required fee complies with its publicly available procedures and guidelines and section 4. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If the requesting person prevails in an action commenced under this section by receiving a reduction of 50% or more of the total fee, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by charging an excessive fee, the court shall order the public body to pay a civil fine of \$500.00, which shall be deposited in the general fund of the state treasury. The court may also award, in addition to any actual or compensatory damages, punitive damages in the amount of \$500.00 to the person seeking the fee reduction. The fine and any damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

(8) As used in this section, "fee" means the total fee or any component of the total fee calculated under section 4, including any deposit. **History:** Add. 2014, Act 563, Eff. July 1, 2015



# CITY OF IONIA

## FOIA Appeal Form—To Appeal a Denial of Records

Date Received: \_\_\_\_\_ Check if received via:  Email  Fax  Other Electronic Method

Date of This Notice: \_\_\_\_\_ Name: \_\_\_\_\_

Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: (\_\_\_\_) \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

**Request for:**  Copy  Certified copy  Record inspection  Subscription to record issued on regular basis

**Delivery Method:**  Pick up  Make own copies onsite  Mail to address above  Email to address above

Deliver on digital media provided by the City: \_\_\_\_\_

**Record(s) You Requested:** *(Listed here or see attached copy of original request)* \_\_\_\_\_

### Reason(s) for Appeal:

The appeal must identify the reason(s) for the denial. You may use this form or attach additional sheets:

**Requestor's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

### City Response:

The City must provide a response within 10 business days after receiving this appeal, including a determination or taking one 10-day extension.

**City Extension:** We are extending the date to respond to your FOIA fee appeal for no more than 10 business days, until \_\_\_\_\_ (*month, day, year*). Only one extension may be taken per FOIA appeal.

Unusual circumstances warranting extension: \_\_\_\_\_

If you have any questions regarding this extension, contact: \_\_\_\_\_

### City Determination:

Denial Reversed  Denial Upheld  Denial Reversed in Part and Upheld in Part

The following previously denied records will be released: \_\_\_\_\_

**Notice of Requestor's Right to Seek Judicial Review** You are entitled under Section 10 of the Michigan Freedom of Information Act, MCL 15.240, to appeal this denial to the City Manager or to commence an action in the Circuit Court to compel disclosure of the requested records if you believe they were wrongfully withheld from disclosure. If, after judicial review, the court determines that the City has not complied with MCL 15.235 in making this denial and orders disclosure of all or a portion of a public record, you have the right to receive attorneys' fees and damages as provided in MCL 15.240. *(See back of this form for additional information on your rights.)* **Signature of FOIA Coordinator:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**FREEDOM OF INFORMATION ACT (EXCERPT)**  
**Act 442 of 1976**

**15.240.amended Options by requesting person; appeal; actions by public body; receipt of written appeal; judicial review; civil action; venue; de novo proceeding; burden of proof; private view of public record; contempt; assignment of action or appeal for hearing, trial, or argument; attorneys' fees, costs, and disbursements; assessment of award; damages.**

Sec. 10.

(1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:

- (a) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.
- (b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.

(2) Within 10 business days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do 1 of the following:

- (a) Reverse the disclosure denial.
- (b) Issue a written notice to the requesting person upholding the disclosure denial.
- (c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.
- (d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action under subsection (1)(b).

(4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the public body to pay a civil fine of \$1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

**History:** 1976, Act 442, Eff. Apr. 13, 1977 ;-- Am. 1978, Act 329, Imd. Eff. July 11, 1978 ;-- Am. 1996, Act 553, Eff. Mar. 31, 1997 ;-- Am. 2014, Act 563, Eff. July 1, 2015.

## Americans with Disabilities Act Policy

### I. PURPOSE

The purpose of this policy is to provide guidance and direction regarding the implementation of the Americans with Disabilities Act (ADA) relative to delivery of the City of Ionia's programs, services, and activities. This policy was specifically designed to comply with Title II of the ADA, which applies to all "public entities" (i.e., state and local governments). Accordingly, no qualified person with a disability may be excluded for participating in, or denied the benefits of the programs, services, and activities provided by the City of Ionia because of a disability.

Implementation of the ADA relative to the City of Ionia's Dial-A-Ride Public Transit system shall be handled in accordance with the separate "Dial-A-Ride ADA Complaint Policy."

### II. COVERED INDIVIDUALS

1. Disability Defined – A disability is a mental or physical impairment that substantially limits one or more major life activities.
  - a. Impairments can be physical or mental. A physical impairment is a physiological disorder or condition, cosmetic disfigurement or anatomical loss impacting one or more body systems. A mental impairment is a mental or psychological disorder. A full list of impairments can be found at 28 C.F.R. §35.104(1).
  - b. A major life activity is an activity that is central to daily life. These include walking, seeing, hearing, breathing, caring for oneself, sitting, standing, lifting, learning, thinking working and performing manual tasks that are central to daily life. This is not a complete list.
  - c. A substantial limitation means that a person cannot perform a major life activity the way an average person in the general population can, or is significantly restricted in the condition, manner or duration of doing so. This refers to serious, long-term conditions and does not provide protection for minor, short-term conditions.
2. Qualified Person with a Disability – A "qualified individual with a disability" is someone who meets the essential eligibility requirements for a program, service or activity with or without (1) reasonable modifications to rules, policies, or procedures; (2) removal of physical and communication barriers; and (3) providing auxiliary aids or services for effective communications.

### **III. EXAMPLES OF REASONABLE MODIFICATIONS**

Reasonable modifications of rules, policies, and procedures avoid discriminating against people with disabilities. Examples include:

1. Granting a zoning variance to allow a ramp to be built inside a set-back.
2. Permitting a personal attendant to help a person with a disability to use a public restroom designated for the opposite gender.
3. Permitting a service animal in a place where animals are typically not allowed, such as City Hall.
4. Providing a qualified sign language interpreter or real-time captioning at a public meeting.

Note that reasonable modifications do not include fundamental alterations. A fundamental alteration is a change to such a degree that the original program, service, or activity is no longer the same.

### **IV. ADA COORDINATOR**

The City Manager of the City of Ionia or his/her designee shall serve as the ADA Coordinator. The ADA Coordinator is responsible for coordinating ADA compliance. The ADA Coordinator is available at Ionia City Hall, 114 North Kidd Street, Ionia, MI, 616-527-5776.

The ADA Coordinator shall ensure the City's ADA Notice is provided to the public in all facilities accessible to the public and on the City's website. The ADA Coordinator shall also receive and investigate ADA complaints following the ADA grievance procedure.

### **V. ADA GRIEVANCE PROCEDURE**

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act (ADA) of 1990, as amended. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the City of Ionia. The City of Ionia's Personnel Policy Manual governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date and description of the problem. Alternative means of filing complaints, such as personal interviews or a digital recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designate as soon as possible but no later than 60 calendar days after the alleged violation to:

City Manager/ADA Coordinator  
City of Ionia  
114 N. Kidd Street, PO Box 496  
Ionia MI 48846

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting the ADA Coordinator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City of Ionia and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Mayor of the City of Ionia or his/her designee.

Within 15 calendar days after receipt of the appeal, the Mayor or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Mayor or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the ADA Coordinator or his/her designee, appeals to the Mayor or his/her designee, and responses from these two offices will be retained by the City of Ionia for at least three (3) years.



## NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 (“ADA”) as amended, the City of Ionia will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

**Employment:** The City of Ionia does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.

**Effective Communication:** The City of Ionia will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City of Ionia’s programs, services and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

**Modifications to Policies and Procedures:** The City of Ionia will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in City of Ionia offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the city of Ionia, should contact the office of the City Manager/ADA Coordinator as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the City of Ionia to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service or activity of the City of Ionia is not accessible to persons with disabilities should be directed to the City Manager, City of Ionia, 114 N. Kidd Street, Ionia MI 48846, 616-527-5776.

The City of Ionia will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.



## CITY OF IONIA

### **GRIEVANCE PROCEDURE FOR THE AMERICANS WITH DISABILITIES ACT**

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act (ADA) of 1990, as amended. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the City of Ionia. The City of Ionia's Personnel Policy Manual governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date and description of the problem. Alternative means of filing complaints, such as personal interviews or a digital recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designate as soon as possible but no later than 60 calendar days after the alleged violation to:

City Manager/ADA Coordinator  
114 N. Kidd Street, PO Box 496  
Ionia MI 48846

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting the ADA Coordinator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City of Ionia and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Mayor of the City of Ionia or his/her designee.

Within 15 calendar days after receipt of the appeal, the Mayor or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Mayor or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the ADA Coordinator or his/her designee, appeals to the Mayor or his/her designee, and responses from these two offices will be retained by the City of Ionia for at least three (3) years.



## Americans with Disabilities Act (ADA) Grievance Form

Street Address: 114 North Kidd Street, Ionia, MI 48846

Mailing Address: P.O. Box 496, Ionia, MI 48846

Ph: (616) 527-4170 Website: [www.ci.ionia.mi.us](http://www.ci.ionia.mi.us)

Date: \_\_\_\_\_

**Purpose:** Use this form to file a grievance if you find that the City of Ionia has not provided adequate accommodations for disability.

**Instructions:** Please complete this form and submit to the City Manager no later than 60 calendar days following the alleged violation. The ADA Coordinator will respond to any grievances within 15 days.

### Grievant Information

Name of Grievant: \_\_\_\_\_

Person Preparing Grievance (If different): \_\_\_\_\_

Address of Grievant: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Date(s) the Incident Occurred: \_\_\_\_\_

### Incident Details

Please provide a complete description of the specific complaint or grievance:

Please specify any location(s) related to the complaint or grievance (If applicable):

Please state your suggested outcome for the resolution of your grievance:

*Please attach any photos or other documentation of the complaint or grievance that you have.*

**Signature**

Signature of Grievant: \_\_\_\_\_ Date: \_\_\_\_\_

**Grievances shall be submitted online or in writing to the City Manager:**

**Precia Garland**  
[pgarland@ci.ionia.mi.us](mailto:pgarland@ci.ionia.mi.us)  
P.O. Box 496  
Ionia, MI 48846

Physical copies of this grievance form are available at City Hall. Upon request, reasonable accommodations will be provided in completing this form. Contact the ADA Coordinator, Precia Garland at (616) 527-5776 or via email for more information.

# **Section 6**

# **ASSESSING**

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## **SECTION 6**

### **ASSESSING**

- 6-001 Auditing Procedures for Exempt Properties
- 6-002 Waiver of Property Transfer Affidavit Fees
- 6-003 Appeals by Letter to the Board of Review
- 6-004 Personal Property Canvas and Maintaining Personal Property Assessment Roll
- 6-005 Assessor Accessibility Policy
- 6-006 Board of Review Pay Policy
- 6-007 Poverty Exemption Policy
- 6-008 Public Inspection and Copying of Assessing Department Public Records

## **Auditing Procedures for Exempt Properties**

### **I. PURPOSE**

The State Tax Commission, per MCL 211.10f, has jurisdiction in the State to determine substantial compliance by local units of government with requirements of the General Property Tax Act. Minimum assessing standards established by the Commission require for local units of government to have a written policy regarding the auditing of properties that are considered exempt from property tax.

### **II. SCOPE**

This policy applies to the City Assessor as he or she audits properties located in the City that are considered exempt from property taxes.

### **III. POLICY**

To comply with the requirement of auditing properties considered exempt from property taxes, the City Assessor shall annually do the following:

- A. In conjunction with the annual inspection of twenty percent (20%) of properties located in the City, the City Assessor shall also conduct an audit of exempt properties within the same area of the City being inspected that year.
- B. Develop a questionnaire sent to each exempt property asking questions to confirm eligibility of the exemption status.
- C. Reclassifying properties from "exempt" to "taxable" as needed, based on the audit and questionnaire response.
- D. Developing an application to be completed by any property owner requesting exempt status for his or her property. The application shall be submitted to the City Assessor by March 1st of the year the exemption is being requested.

## **Waiver of Property Transfer Affidavit Fees**

### **I. PURPOSE**

Michigan Compiled Law (MCL) 211.27B, the General Property Tax Act, addresses charging a fee for interest and penalty for failure to timely file Form 2766, the Property Transfer Affidavit, unless the local unit of government waives the charging of said fee.

### **II. SCOPE**

To establish a Policy to be followed by the City Assessor regarding Property Transfer Affidavit fees.

### **III. POLICY**

Traditionally, Form 2766 is filed by the title company handling a property transfer between two parties and seldom has there been a problem with the form being filed in a timely matter. Considering past experience, it is the policy of the City to NOT charge a penalty for the failure to file Form 2766 (Property Transfer Affidavit) within forty-five days for all transfers.

Therefore, the fee is WAIVED.

## **Appeals by Letter to the Board of Review**

### **I. PURPOSE**

Pursuant to the General Property Tax Act and the Ionia City Charter, the Board of Review is charged with hearing various appeals, including valuation appeals.

### **II. SCOPE**

Michigan Compiled Law (MCL) 211.30(7) authorizes the governing body of a local unit of government to permit the Board of Review to hear an appeal by letter, without a personal appearance before the Board by the property taxpayer or his or her agent.

### **III. POLICY**

In order to ease the burden on property taxpayers, and to ensure that all taxpayers have an equal opportunity to be heard by the Board of Review, the City Council hereby authorizes the Board to receive and act on appeals submitted by letter rather than by personal appearance by the property taxpayer or his or her agent.

## **Policy for Personal Property Canvas and Maintaining Personal Property Assessment Roll**

### **I. PURPOSE**

This policy establishes rules and procedures as required by recent property assessing reform, enacted by Michigan Public Act 660 of 2018. This policy identifies a revised procedure for conducting the annual personal property canvas, as well as describes how personal property accounts will be managed throughout the year.

### **II. SCOPE**

This policy shall be followed by the City Assessor regarding Personal Property Canvas and Maintaining Personal Property Assessment Roll.

### **III. POLICY**

#### **A. Personal Property Canvas**

1. The City Assessor will keep records of new and closed businesses in the City as they are discovered throughout the year. The City Assessor shall receive business related notifications through regular Downtown Development Authority (DDA) reporting provided by the DDA Director.
2. Prior to performing the annual personal property canvas the City Assessor shall create a current listing of commercial and industrial properties from BS&A to help facilitate the personal property canvas along with current blank copies of the following forms:
  - a. Form L-4175, Form L-5076, Form L-5278
3. Annually on December 31 the City Assessor will perform a canvas of the City to:
  - a. Verify that the information reported in the personal property schedule is accurate and that the appraisal and assessment on the account is correct.
  - b. Update assessment rolls for errors and omissions so that future periods will reflect proper amounts.
  - c. Identify new businesses and also check for businesses that may have closed.
  - d. Aid property owners in understanding reporting and filing requirements.
  - e. Help create equity in taxation by ensuring that everyone pays their fair share.
4. The City Assessor will update business status changes in BS&A prior to personal property statements being mailed January 10th. New business locations shall have personal property accounts created in BS&A with current contact and mailing information.

## **B. Annual Personal Property Roll Maintenance**

1. Annually the City Assessor will perform a personal property canvas and update the current personal property roll with new and closed businesses as described previously in this policy.
2. Annually the City Assessor will mail Form L-4175, by January 10th, to all persons or businesses they believe had personal property in their possession as of Tax Day. This notice should also include information on personal property exemptions (9m, 9n, 9o) and where the corresponding exemption forms are available.
3. The City Assessor will date stamp all personal property forms when they are received by the assessor's office and process forms as received.
  - a. Personal property forms that are incomplete or missing required information will not be processed.
  - b. The assessor will make every effort to call or email all business owners that file an incomplete personal property form to gather the missing or omitted information prior to February 20th.
4. The City Assessor will file completed personal property forms in the corresponding property folder for record retention and make a copy for Ionia County Equalization.
5. Personal property forms received after February 20th but postmarked before will be processed if complete. Envelopes showing the postmark will be kept with the corresponding personal property form and filed in the property folder together.
6. Personal property forms received after February 20th and postmarked after will not be processed.
  - a. The assessor will contact the person responsible for the personal property form to notify him/her that the form was filed late and that he/she is required to file a petition to the March Board of Review for approval.
7. The City Assessor will send an assessment notice to all personal property accounts notifying owners of their current assessed value 14 days prior to the March Board of Review.

## **C. Personal Property Audit Procedure**

1. The City Assessor may audit any personal property filing or exemption he/she believes is not accurate or does not qualify for a personal property exemption.
2. The City Assessor will notify any taxpayer he/she has audited and believes there are errors in the personal property statement or personal property exemption.
3. The City Assessor will keep a record of all audit documentation, letters, and responses electronically and in the parcel folder.

## Assessor Accessibility Policy

### I. PURPOSE

Public Act 660 of 2018, was approved by Governor Snyder on December 28, 2018, and amended the General Property Tax Act to provide a statutory framework to ensure proper assessing in order to guarantee the highest quality assessments for taxpayers as well as local units. The Property Assessing Reform Act defines the requirements for substantial compliance with the General Property Tax Act, provides timelines for audits and follow-up audits, and details a process for bringing a local unit into compliance if they remain non-compliant after a follow-up review.

PA 660 contains several requirements in statute (MCL 211.10g (1)) that local units and assessors must follow. Local units are required to ensure that all requirements are being met beginning in the 2022 tax year. Subject to state tax commission guidelines the local unit is required to publish a policy under which its assessor's office is reasonably accessible to taxpayers.

### II. SCOPE

This policy shall apply to the City of Ionia Assessor's Office.

### III. POLICY

The City of Ionia Assessor's Office published policy is as follows:

#### A. Contact information relating to the Assessor's Office is as follows.

Assessor of Record:	Randy Jewell, MMAO
City Hall Address:	114 N. Kidd St, Ionia, MI 48846
Telephone Number:	(616) 523-0146
Electronic Mail Address:	<a href="mailto:rjewell@ci.ionia.mi.us">rjewell@ci.ionia.mi.us</a>

#### B. The City of Ionia Assessor's Office estimates a response time for taxpayer inquiries submitted under subparagraph A., not to exceed 7 business days from the date of inquiry.

#### C. A taxpayer may contact the Assessor's Office for to schedule an in-person meeting with the Assessor by calling in advance (616) 523-0146. A taxpayer may also make this request my emailing the Assessor at [rjewell@ci.ionia.mi.us](mailto:rjewell@ci.ionia.mi.us), or by making that request in person at the Ionia City Hall located at 114 N. Kidd St. in Ionia, Michigan.

- D. A taxpayer may contact the Assessor during normal business hours, Monday through Friday, between 8:00 AM and 4:00 PM, to request a property inspection or retrieve records maintained by the Assessor's Office. Inspection and record requests may also be made by calling the Assessor's Office at (616) 523-0146 or by emailing the Assessor at [rjewell@ci.ionia.mi.us](mailto:rjewell@ci.ionia.mi.us).

Inspection requests will be scheduled during normal business hours, Monday through Friday between 8:00 AM and 4:00 PM, as determined and agreed upon between the taxpayer and an employee of the Assessor's Office.

Records maintained by the assessor's office will be provided to the taxpayer by visiting Ionia City Hall during normal business hours, Monday through Friday between 8:00 AM and 4:00 PM, by mail, or by electronic mail, as determined and agreed upon between the taxpayer and an employee of the Assessor's Office. Records are also available 24 hours a day by visiting the City website at <https://cityofionia.org/> and then navigate to the Assessor page.

- E. Taxpayers may have their assessment reviewed by the City Assessor's Office at any time to informally hear and resolve disputes brought by taxpayers before the March meeting of the Board of Review. The assessment process is an annual process and information is gathered and assembled throughout the year to make changes for the following year. The Assessor has no jurisdiction to change an assessment for the current year. Any changes after Tax Day (December 31st of the prior year) must be made by the Board of Review before their last scheduled meeting in March.

## **Board of Review – Pay Schedule and Criteria**

### **I. PURPOSE**

The purpose of this policy is to establish a pay scale and pay criteria for members of the City's Board of Review. Section 4.03 (d) states that the City shall have a Board of Review who shall perform the duties of a board of review in accordance with State statute. The Board of Review consists of three members who are appointed by the Mayor, and confirmed by Council. Members must be registered electors of the City.

### **II. SCOPE**

This policy shall apply to Board of Review members, the City Assessor and the Finance Department.

### **III. POLICY**

Board of Review members shall receive compensation stated below for services rendered. Board of Review members shall be eligible for reimbursement for reasonable expenses incurred in performing duties as a member of the Board. Other applicable City policies shall apply in determining what expenses are considered reasonable.

Board of Review members shall be paid according to the following schedule:

- July Meeting - \$20
- December Meeting - \$20
- March Organizational Meeting - \$20
- March Board of Review – First Meeting - \$20 per hour
- March Board of Review – Second Meeting - \$20 per hour

The City Assessor shall be empowered to authorize additional pay for training sessions that he or she may determine necessary for a member to attend. The rate of pay for training shall be \$20 per hour.

## **Poverty Exemption Policy - 2026**

### **I. PURPOSE**

The purpose of this policy is to establish the process for receiving applications for annual property tax poverty exemptions in accordance with MCL 211.7u, as last amended by Public Act 253 of 2020.

This Public Act provides those in poverty with an exemption from paying property taxes on principal residences, subject to certain conditions. To meet the exemption requirements, there are specific steps an applicant must follow, including filing and being approved an application for an exemption by the City of Ionia Board of Review.

The statute requires the City Council to adopt from time to time, the federal poverty and asset guidelines as updated annually in the Federal Register by the United States Department of Health and Human Services.

### **II. DEADLINE FOR SUBMISSION OF POVERTY EXEMPTION APPLICATIONS**

For the March 2026 Board of Review, a complete application must be received by the office of the City Assessor by March 1, 2026.

For the July 2026 Board of Review, a complete application must be received by the office of the City Assessor by July 1, 2026.

For the December 2026 Board of Review, a complete application must be received by the office of the City Assessor by December 1, 2026.

### **III. APPLICATION AND POVERTY GUIDELINES**

To be eligible to receive a 100% property tax exemption based on poverty, an applicant shall do all of the following on an annual basis:

1. Be the owner of and occupy as a principal residence the property for which an exemption is sought.
2. File a claim in the form of a complete application with the City Assessor on forms prescribed by the Michigan State Tax Commission. These forms include:
  - Form 5737 – “Application for MCL 211.7u Poverty Exemption,” including all required documentation (i.e., federal and state income tax returns for all persons residing in the principal residence, including any property tax credit returns.)

- Form 5739 – “Affirmation of Ownership and Occupancy to Remain Exempt by Reason of Poverty”
  - Form 4988 – “Poverty Exemption Affidavit” – NOTE: This form is used by applicants who are not required to file federal and state income tax returns.
3. Produce a valid driver’s license or other form of identification, if requested.
  4. Produce a deed, land contract, or other evidence of ownership of the property, if requested.
  5. Meet the federal poverty guidelines for income, as published in the prior calendar year in the Federal Register by the United States Department of Health and Human Services, which are as follows:
  6. Income is defined as, but not limited to; salaries, self-employment, Social Security, pensions, IRAs, unemployment compensation, worker’s compensation, disability, dividends, rental income, claims and judgements from lawsuits, military payments, cash, assistance, child support, alimony, food assistance, friend or family contribution, and all other sources of income.

<u>Persons Residing in Residence</u>	<u>Annual Allowable Income</u>
1 person	\$15,650
2 persons	\$21,150
3 persons	\$26,650
4 persons	\$32,150
5 persons	\$37,650
6 persons	\$43,150
7 persons	\$48,650
8 persons	\$54,150
For Each Additional Person add	\$ 5,500

7. Meet the poverty guidelines for assets, as established by the Ionia City Council to determine the maximum value of all assets allowable to qualify for the poverty exemption. This asset test CANNOT include the value of the principal residence. The asset test can include assets such as, but not limited to, a second home, land, vehicles including recreational vehicles, buildings other than the principal residence, jewelry, antiques, artwork, bank accounts, stocks, withdrawals of bank deposits and borrowed money, gifts, loans, lump-sum inheritances, one-time insurance payments, etc. The maximum asset limits are as follows:

<u>Persons Residing in Residence</u>	<u>Annual Allowable Assets</u>
1 person	\$20,000
2 persons	\$25,000
3 persons	\$30,000
4 persons	\$35,000

5 persons	\$40,000
6 persons	\$45,000
7 persons	\$50,000
8 persons	\$55,000
For Each Additional Person add	\$ 5,000

8. Any poverty tax exemption approved under this policy shall be for one tax year only.

Last affirmed – January 7, 2026, to update guidelines for 2026.

## Public Inspection and Copying of Assessing Department Public Records

### I. PURPOSE

The following policy was prepared in accordance with Michigan Public Act 661 of 2018 – the Property Assessing Reform Act. While many of the provisions of this policy are duplicated by the City of Ionia’s FOIA Policy (5-012), this policy ensures public records from the assessing department will be available and further establishes a procedure for how an individual may arrange an in-person meeting with an official or employee of the assessor’s office for purposes of discussing an inquiry.

### II. SCOPE

This policy applies to the City of Ionia Assessing Department.

### III. POLICY AND PROCEDURES

1. Requests for public inspection and copying public records may be made verbally and/or in writing.
2. Said requests may be directed to the city official and/or authorized individual responsible for said public records. The authorized individual currently responsible for assessing records is Randy Jewell, City Assessor, 616-523-0146, [rjewell@ci.ionia.mi.us](mailto:rjewell@ci.ionia.mi.us), 114 N. Kidd Street, PO Box 496, Ionia MI 48846.
3. Any written requests made pursuant to Michigan’s Freedom of Information Act, shall be made to the FOIA coordinator and shall be subject to the statutory requirements of FOIA and the City of Ionia’s FOIA Policy (see City of Ionia Policy #5-012 Freedom of Information Act Policy.)
4. If a verbal request is made, the responding city official and/or authorized individual may prepare a checklist of items/records requested to be copied and/or inspected. Said list, if prepared, should be presented to the requesting party on the date set for inspection or copying.
5. The responding city official or authorized individual may require the requesting party to counter sign the check list to indicate compliance with the verbal request.
6. The responding city official and/or authorized individual shall be responsible for the production of the requested copies and will coordinate with the City of Ionia FOIA coordinator as necessary to ensure proper processing.
7. The responding party shall be billed for the copies and preparation time, if applicable, pursuant to the City of Ionia’s Freedom of Information Act Policy (5-012).
8. If the request is for the inspection of public records, the responding city official and/or authorized individual shall respond in a timely manner, not to exceed 5 business days, from the date of said request. Said response shall indicate the date, time and place when said public inspection of the requested public records shall take place.
9. The establishment of the date and time of the public inspection of the requested public records shall be at the discretion of the responding city official and/or

- authorized individual. The place designated for the requested inspection shall be Ionia City Hall, 114 N. Kidd Street, Ionia, MI 48846 or the location where said public records are officially retained.
10. The responding city official and/or authorized individual shall allow such inspection during normal business hours, unless mutually agreed to by the responding city official and/or authorized individual and the requesting party.
  11. If a person would like to arrange an in-person meeting with the authorized individual of the assessor's office for purposes of discussing an assessing-related inquiry, that person may make this request via telephone, email, or written communication, using the contact information noted in #2 of this policy.
  12. The assessor has limited authority to make simple, clerical-type corrections to assessing records (i.e., such as updating an address, adding a principal residence exemption (PRE) if previously missed.) The assessor has no authority to make changes to the assessment role, which remains under the authority of the Board of Review.