



301 East Main Street  
Lowell, Michigan 49331  
Phone (616) 897-8457  
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CITY OF LOWELL  
CITY COUNCIL AGENDA  
MONDAY, AUGUST 7, 2023, 7:00 P.M.

1. CALL TO ORDER; PLEDGE OF ALLEGIANCE; ROLL CALL

2. CONSENT AGENDA

- Approval of the Agenda.
- Approve and place on file the minutes of the July 17, 2023 Regular City Council meeting.
- Authorize payment of invoices in the amount of \$1,266,645.79.

3. CITIZEN DISCUSSION FOR ITEMS NOT ON THE AGENDA

IF YOU WISH TO ADDRESS AN AGENDA ITEM, PUBLIC COMMENT FOR EACH ITEM WILL OCCUR AFTER THE INITIAL INFORMATION IS SHARED ON THE MATTER AND INITIAL DELIBERATIONS BY THE PUBLIC BODY. PUBLIC COMMENT WILL OCCUR BEFORE A VOTE ON THE AGENDA ITEM OCCURS.

4. OLD BUSINESS

- a. Tree Ordinance – 23-07

5. NEW BUSINESS

- a. Kent Street Design Engineering
- b. MML Annual Conference Delegate
- c. MERS Annual Meeting Officer Delegate

6. BOARD/COMMISSION REPORTS

7. MANAGER'S REPORT

8. APPOINTMENTS

9. COUNCIL COMMENTS

10. ADJOURNMENT

NOTE: Any person who wishes to speak on an item included on the printed meeting agenda may do so. Speakers will be recognized by the Chair, at which time they will be allowed five (5) minutes maximum to address the Council. A speaker representing a subdivision association or group will be allowed ten (10) minutes to address the Council.



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## MEMORANDUM

TO: Lowell City Council

FROM: Michael Burns, City Manager

RE: Council Agenda for Monday, August 7, 2023

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4. OLD BUSINESS

- a. Tree Ordinance 23-07. City Manager Michael Burns provided a memo.

Recommended Motion: That the Lowell City Council approve Ordinance 23-07 amending our current tree ordinance as presented.

5. NEW BUSINESS

- a. Kent Street Design Engineering. City Manager Michael Burns provided a memo.

Recommended Motion: That the Lowell City Council approve the attached design engineering proposal from Williams and Works for Kent Street at a cost not to exceed \$34,300.

- b. MML Annual Conference Delegate. City Manager Michael Burns provided a memo.

No recommendation will be provided by City Administration but a delegate will need to be selected by the City Council.

- c. MERS Annual Meeting Officer Delegate. City Manager Michael Burns provided a memo.

Recommended Motion: That the Lowell City Council appoint Todd Phillips as the Employee Delegate for the 2023 MERS Annual Meeting.

6. BOARD/COMMISSION REPORTS
7. MANAGER'S REPORT
8. APPOINTMENTS
9. COUNCIL COMMENTS
10. ADJOURNMENT

**PROCEEDINGS  
OF  
CITY COUNCIL  
OF THE  
CITY OF LOWELL  
MONDAY, JULY 17, 2023, 7:00 P.M.**

**1. CALL TO ORDER; PLEDGE OF ALLEGIANCE; ROLL CALL.**

Mayor DeVore called the Meeting to order at 7:00 p.m. and City Clerk Sue Ullery called roll.

Present: Councilmembers Marty Chambers, Leah Groves, Cliff Yankovich, Jim Salzwedel and Mayor DeVore.

Absent: None.

Present: City Clerk Sue Ullery, DPW Director Dan Czarnecki, City Manager Michael Burns via zoom, Police Chief Chris Hurst and LL&P Charlie West, City Attorney Jessica Wood and WWTP Superintendent Brian VanderMeulen.

**2. CONSENT AGENDA.**

- Approval of the Agenda.
- Approve and place on file the minutes of the June 19, 2023 Regular and Closed City Council meetings.
- Authorize payment of invoices for \$697,250.11.

IT WAS MOVED BY CHAMBERS and seconded by GROVES to approve the consent agenda as written.

YES: Councilmember Groves, Mayor Devore, Councilmember Yankovich, Councilmember Chambers, and Councilmember Salzwedel.

NO: None.

ABSENT: None.

MOTION CARRIED.

**3. CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA.**

Shannon Kennedy with the Lowell Area Chamber of Commerce thanked everyone including City Council, City Police Department, Fire Authority and everyone in the City of Lowell for the successful Riverwalk Festival and appreciated all the support.

**4. OLD BUSINESS**

**a.) Proposed Zoning Ordinance Text Amendment - Ordinance 23-05.**

City Manager Michael explained that our City's ordinance needed to comply with the Supreme Court Rulings pertaining to content on signs or doors. The amendment includes an expanded intent and purpose statement along with revisions to the sign definitions, general sign provisions, signs not requiring permits, supplementary signs and signs permitted by zoning district.

IT WAS MOVED BY GROVES and seconded by YANKOVICH that Lowell City Council accept the recommendation of the Planning Commission and approve the proposed zoning ordinance text

amendment- Ordinance 23-05.

YES: Mayor DeVore, Councilmember Salzwedel, Councilmember Yankovich, Councilmember Chambers, and Councilmember Groves.

NO: None.

ABSENT: None.

MOTION CARRIED.

b.) Rezoning Request for 112 Horatio St., 805 E. Main St., and 825 E. Main St.

City Manager Michael Burns read his memo stating at the July 10, 2023 Planning Commission meeting, the Commissioners reviewed a request from CopperRock Construction to rezone three parcels of land located at 112 Horatio St., 805 E. Main St., and 825 E. Main St. to MU Mixed Use. If rezoned, it will go back to Planning Commission for site plan review with CopperRock Construction.

Dennis Kent who resides at 1700 Faith Dr. asked if we have enough water in the City for 44 new dwelling units in Lowell along with all the new township properties being built.

Tyler Kent who resides at 280 Jane Ellen stated he would like to echo what Dennis Kent said and would like the City to take a holistic look at our water situation. The City of Lowell and Lowell Township are already taking a heavy burden of limited water usage to even/odd days. He is concerned with the parking for this project as well.

Burns addressed the water issue comments stating they do not believe they will have an impact to the water supply and the township water issue is going to have to be addressed, sooner than later.

Loretta Riley who resides at 818 East Main Street was concerned about water and parking as well. She has to leave her water on in the winter and takes her forever to water in summer because the pressure is so low. Also, it is very dangerous pulling out on M-21 from her driveway, and there are lots of accidents in that area. Speed limit is too high.

Councilmember Chambers stated the CopperRock site plan for these properties was tabled at the last Planning Commission meeting until the September meeting. Chamber is not in favor of tabling it until September and would like to get it on the August meeting agenda. Chambers feels, if a development is approved for this site, he would like to see the City sewer issue there fixed, take Avery street and move it ahead, address the neighbor water pressure issue and force MDOT/State to take care of the speeding problem and bring it back down to 25 speed limit or maybe even put a light down there. Address all these issues together.

Tyler Kent noted that MDOT doesn't control the speed.

Burns stated the water/sewer main issue are lateral connection problems.

Czarnecki will have the water department get out there and check on those issues.

IT WAS MOVED BY SALZWEDEL and seconded by CHAMBERS that the City of Lowell accept the recommendation of the Planning Commission and approve this rezoning request.

YES: Councilmember Salzwedel, Councilmember Yankovich, Councilmember Chambers, and Councilmember Groves.

NO: Mayor DeVore.

ABSENT: None.

MOTION CARRIED 4-1.

5. **NEW BUSINESS**

a. **Harassment Ordinance – 23-06.**

City Manager Michael Burns read his memo regarding the police creating a harassment ordinance to better address some issues they are facing. Our Police Department has researched other Michigan Communities' statutes and worked with the City Attorney to craft a municipal harassment ordinance we can enforce locally rather than having the Kent County Prosecutor's Office enforce for us.

City Attorney Jessica Wood stated, it is a new Section and it is an exception to those things that will be treated as something less than a misdemeanor so it gives the police a lot more authority to get a person to stop the behavior. Wood then explained how it works.

IT WAS MOVED BY CHAMBERS and seconded by GROVES that the Lowell City Council approve Ordinance 23-06 to establish a local misdemeanor harassment ordinance as presented.

YES: Councilmember Salzwedel, Councilmember Yankovich, Councilmember Chambers, Councilmember Groves, and Mayor DeVore.

NO: None.

ABSENT: None.

MOTION CARRIED.

b. **Tree Ordinance 23-07.**

DPW Director Dan Czarnecki read his memo about updating the tree ordinance.

Jim Reagan who resides at 753 Grindle Drive, talked about Arbor Board and its members, explained the background of the Arbor Board and thanked all those who served. Explained how we became a "Tree City".

Salzwedel thanked Dan Czarnecki, Ryan Teachworth, and all who were involved for all they done regarding updating this tree ordinance.

Mayor DeVore stated they will revisit this ordinance update in two weeks at the next City Council meeting.

c. **Grindle Drive and Shepard Blvd Improvements.**

DPW Director Dan Czarnecki read his memo regarding our street improvement project for 2023 Grindle Dr. and Shepard Blvd. The current 7-year street plan listed Grindle for this construction year. Bid specifications were developed and posted at the construction clearinghouse websites. The City opened bids for the construction on July 6, 2023. There were three. Michigan Paving recently performed our Gee Drive paving last fall and although it did not go perfectly the contractor did step up and made the proper repairs this spring, at no additional cost to the City. Past experiences working with Michigan Paving and Materials (previously Woodland Paving) have been positive.

IT WAS MOVED BY CHAMBERS and seconded by YANKOVICH that Lowell City Council approve the 2023 Grindle Drive and Shepard Blvd. Improvement Project bid from Michigan Paving and Materials, Inc., Grand Rapids, Michigan, for a cost of \$457,528.50, and authorize the Mayor to sign the documents.

YES: Councilmember Salzwedel, Councilmember Yankovich, Councilmember Chambers, Councilmember Groves and Mayor DeVore.

NO: None.

ABSENT: None.

MOTION CARRIED.

d.) 2023 Grindle Dr & Shepard Blvd Project Engineering Services.

DPW Dan Czarnecki read his memo regarding the engineering services needed for the Project.

Councilmember Salzwedel questioned the rain runoff direction.

Czarnecki stated most of it will be improved as we are putting in a basin on Shepard and a little ways up the hill we are going to collect rain and shoot it across with a culvert tile.

IT WAS MOVED BY SALZWEDEL and seconded by CHAMBERS that the Lowell City Council approves the 2023 Grindle Dr. and Shepard Blvd. Improvement Project Construction Engineering Services with Williams & Works, as outlined in their scope of services, dated July 11, 2023, for the amount of \$45,600.

YES: Mayor DeVore, Councilmember Salzwedel, Councilmember Yankovich, Councilmember Chambers, Councilmember Groves.

NO: None.

ABSENT: None.

MOTION CARRIED.

e.) Ottawa and Brook Design Engineering.

DPW Director Dan Czarnecki read his memo stating within the Downtown Development Area, we are looking at resurfacing Ottawa St. from Hudson St. to Brook St., utilizing DDA funding. Upon review of the deterioration of the connecting street, it was determined to include Brook St. for resurfacing. In order to obtain bids for the construction work, design engineering is needed. Williams & Works has proposed design services for \$19,800. The DDA will be responsible for \$11,500 of this amount, with local streets picking up the remainder of the cost.

IT WAS MOVED BY CHAMBERS and seconded by YANKOVICH that the Lowell City Council approve the Design Engineering Services quote for the 2024 Brook St and Ottawa St Resurfacing Project, as proposal by Williams & Works in their letter dated July 7, 2023, for \$19,800.

YES: Councilmember Salzwedel, Councilmember Yankovich, Councilmember Chambers, Councilmember Groves and Mayor DeVore.

NO: None.

ABSENT: None.

MOTION CARRIED.

f.) 2024 Street Improvements Projects Design Engineering Services.

DPW Director Dan Czarnecki read his memo stating to go along with the reconstruction of Washington St., and its water/sewer utilities, the 7-year street plan has an aggressive construction season scheduled for 2024 in the same vicinity. For next year, Lafayette St. and all the connecting streets between Lafayette and Jefferson will be resurfaced. With North Jefferson St. paved in 2017 and Monroe St. scheduled to be paved sometime this fall, the 2024 street improvement project will complete a huge area of needed street resurfacing in our community. Williams and Works have

proposed design services quote in the amount of \$82,000.

Councilmember Salzwedel questioned the Monroe project and if we have discovered any lead pipes.

Czarnecki said not yet, but we are right to that point, then he gave an update on the progress so far.

IT WAS MOVED BY YANKOVICH and seconded by SALZWEDEL that the Lowell City Council approve the Design Engineering Services quote for the 2024 Lafayette and Cross Streets Resurfacing Project, as proposed by Williams & Works in their letter dated July 10, 2023, for the amount of \$82,000.

YES: Councilmember Yankovich, Councilmember Chambers, Councilmember Groves, Mayor DeVore, and Councilmember Salzwedel.

NO: None.

ABSENT: None.

MOTION CARRIED.

g.) Social District Request.

City Manager Michael Burns read his memo stating the City has received a request from Red Barn Mercantile via Love Wines regarding being added to the Social District. Red Barn Mercantile LLC has partnered with Love Wines in Ludington to sell their product directly here in Lowell. Red Barn via Love Wines will be able to sell products out the door, have wine tasting events, and sell by the glass at 217 W. Main. In order for Love Wines to receive a Social District endorsement on their liquor licenses, they must fall within the district boundaries and be approved via City Council Resolution. 217 W. Main does fall within the boundaries and Resolution 16-23 needs to be approved.

IT WAS MOVED BY SALZWEDEL and seconded by GROVES that the Lowell City Council approve Resolution 16-23 to allow Love Wines to participate in the Social District at 217 W. Main as presented.

YES: Councilmember Groves, Mayor DeVore, Councilmember Salzwedel, and Councilmember Yankovich.

NO: None. ABSTAINED: Councilmember Chambers. ABSENT: None. MOTION CARRIED.

h.) Street Sweeping.

City Manager Michael Burns read memo stating he received some requests recently about additional street sweeping throughout the city this summer. Due to heat, pollen and areas with continued road deterioration, we asked Sanisweep for a quote for an additional sweep. The total cost of the sweep is \$10,600. Of this, \$1,100 would be reimbursed via MDOT as this would include Main St.

IT WAS MOVED BY SALZWEDEL and seconded by DEVORE that the Lowell City Council approve an additional street sweeping with Sanisweep at a cost not to exceed \$10,600.

YES: Councilmember Groves, Mayor DeVore, Councilmember Salzwedel, Councilmember Yankovich, and Councilmember Chambers.

NO: None.

ABSENT: None.

MOTION CARRIED.



i.) Request to Purchase a New Police Cruiser.

Chief of Police Chris Hurst read his memo requesting a new police cruiser, a 2024 Ford Police Interceptor Utility All Wheel Drive Hybrid.

IT WAS MOVED BY CHAMBERS and seconded by GROVES that the Lowell City Council approve the purchase of a 2024 Police Interceptor Utility AWD hybrid from Lunghammer Ford in Owosso, the up-fitting from Great Lakes Up-fitting, and the graphics from B&K Graphics at a cost not to exceed \$67,189.71.

YES: Mayor DeVore, Councilmember Salzwedel, Councilmember Yankovich, Councilmember Chambers, and Councilmember Groves.

NO: None.

ABSENT: None.

MOTION CARRIED.

6. BOARD/COMMISSION REPORTS.

Councilmember Yankovich stated LARA is moving along, the state is requiring us to put in some bridges but they are going to help us with funding. Again, Dave Austin does a great job on behalf of the Lowell City community with the LARA Trails.

Councilmember Salzwedel stated at Lowell Light & Power met, and Lisa celebrated her second year there. Ryan Teachworth gave some inside information on the East Side Project Review, which is the new power line coming up Jackson Street down to North Street and then Monroe. Very informative if you would like to view their meeting. Hats off to the community for supporting them.

Charlie West explained the project, stating they are building a new 3-phase tie-line that will ultimately serve as a basis for removing the two large step down transformers that have caused fire hazards in the past and replace aging infrastructure (poles and the wires on the east side of town).

Councilmember Groves stated that Parks meets tomorrow and Chamber of Commerce did not have a meeting for July due to the Riverwalk festival. It went really well. Loves to see the community show up and support each other.

Councilmember Chambers stated the Planning Commission had the rezoning we approved tonight and then the Shed in Huntington parking lot was tabled until next meeting because the contractor that erected it was not at the meeting to tell us what its intents are.

Mayor DeVore stated that Fire Authority is Thursday July 20, 2023.

7. CITY MANAGERS REPORT.

City Manager Michael Burns went over the following:

- Thank you to Dan Czarnecki for his years of service with the City of Lowell and also for all of his years in the Public Works profession. We are going to miss him when he retires on Friday but thank you for all your years of great service.
- Burns will be the interim Public Works director while we find a replacement, which we are working on.

- Attended the Great Riverwalk Festival, and it was a great event. Sold a lot of tickets for the ducks which funds the next year's festival.
- USDA application has been filed for the Washington Street project and we are just waiting to hear back.

8. **APPOINTMENTS.**

There were no changes.

9. **COUNCIL COMMENTS.**

Dan Czarnecki took a few moments to express his appreciation and thanks to the community and for those he has had the pleasure of working for and with for four years here in Lowell.

Councilmember Yankovich told the story of the boot scrapers that Czarnecki set up at City Hall and the Chamber, giving an example of how great he is at his job. Thank you, Dan. Also, we may need a bike rack near the Riverwalk.

Councilmember Groves thanked Dan and said he has been a pillar to this community.

Councilmember Chambers thanked Dan for the four years he has been here, that he has helped make us a better community.

Mayor DeVore stated the last three weeks have been an unmediated nightmare, but he has been surrounded by support, care and love. Thank you, Dan for the last 4 years, but even more for the last few weeks. Also, thank you to Councilmember Chambers, Chief Shannon and all who have supported him, cant imagine a better community to be in when tragedy strikes.

Councilmember Chambers reminisced about Mayor DeVore's dad, Mike DeVore and asked for a moment of silence for the loss of a good friend.

10. **ADJOURNMENT.**

IT WAS MOVED SALZWEDEL and seconded by CHAMBERS to adjourn @ 8:30 p.m.

DATE:

APPROVED:

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Mike DeVore, Mayor

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Sue Ullery, Lowell City Clerk

**CITY OF LOWELL  
KENT COUNTY, MICHIGAN**

**ORDINANCE NO. 23-05**

**AN ORDINANCE TO AMEND CHAPTER 20, "SIGNS" OF APPENDIX A,  
"ZONING," OF THE CODE OF ORDINANCES OF THE CITY OF LOWELL**

Councilmember GROVES supported by Councilmember YANKOVICH moved the adoption of the following ordinance:

**THE CITY OF LOWELL ORDAINS:**

**Section 1. Amendment to Chapter 20.** Chapter 20 "Signs," of Appendix A, "Zoning," of the Code of Ordinance of the City of Lowell is replaced in its entirety and shall read as follows:

**CHAPTER 20. - SIGNS**

**SECTION 20.01. - INTENT AND PURPOSE.**

A. Purpose. The purpose of this section is to coordinate the type, placement and physical dimensions of signs within the various zoning districts, to recognize the communication requirements of all sectors of the community, to promote both renovation and proper maintenance of signs, and to guarantee equal treatment under the law. In all respects, it is the intent of this section to comply with Reed v. Town of Gilbert, 135 S. Ct. 2218 (2015). The general objectives of these standards are to promote the health, safety, welfare, convenience, and enjoyment of the public, and in part, to achieve the following:

1. Safety. To promote the safety of persons and property by providing that signs:
  - a. do not create hazards due to collapse, fire, decay, collision or abandonment;
  - b. do not obstruct fire-fighting or security surveillance; and
  - c. do not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles or other vehicles, or to read traffic signs.

2. Communications efficiency. To promote the efficient transfer of information in sign messages by providing that:
    - a. businesses and services may identify themselves;
    - b. customers and other persons may effectively locate a business or service;
    - c. no person or group is arbitrarily denied the use of the sight lines from the public streets for communication purposes; and
    - d. persons exposed to signs are not overwhelmed by the number or size of messages presented and are able to exercise freedom of choice to observe or ignore messages.
  3. Landscape quality and preservation. To protect the public welfare and enhance the appearance and economic value of the landscape by providing that signs:
    - a. do not interfere with scenic views;
    - b. do not create a nuisance to persons using the public streets;
    - c. do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height or movement;
    - d. are not detrimental to land or property values; and
    - e. contribute to the special residential character of particular areas or districts within the city, helping the observer to understand the city and orient oneself within it.
- B. Message substitution. Notwithstanding any other provision of this section, noncommercial copy may be substituted for commercial copy or other noncommercial copy on any sign that is permissible under this section.
- C. Findings. The city finds that:
1. Content neutrality, viewpoint neutrality and fundamental fairness in regulation and review are essential to ensuring an appropriate balance between the important, substantial, and compelling interests set out in this section and the constitutionally protected right to free expression.
  2. The provisions in this section are unrelated to the suppression of constitutionally protected free expression, do not relate to the content of protected messages that may be displayed on signs, and do not relate to particular viewpoints.
  3. The incidental restriction on the freedom of speech that may result from the regulation of signs pursuant to this section is narrowly tailored, the least restrictive means and no greater than is essential to the furtherance of the important, substantial and compelling public purposes that are set out in this section.

4. The regulation of the location, number, materials, height, size, form and duration of display of temporary signs is essential to prevent sign clutter and to achieve the intent and purpose of this chapter.
- D. Temporary signs may be degraded, damaged, moved or destroyed by wind, rain, flooding and sun, and after such degradation, damage, movement or destruction, such signs harm the safety and aesthetics of the public on the city's streets or sidewalks if they are not removed.

## **SECTION 20.02. - SCOPE.**

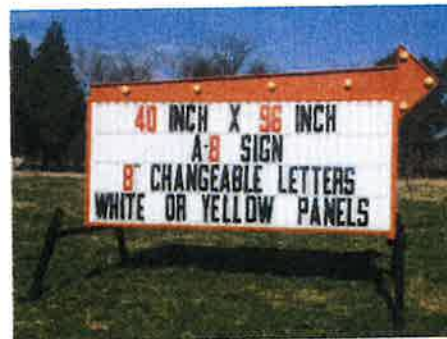
- A. Compliance. It shall be unlawful for any person to erect, place, or maintain a sign in the City of Lowell except in accordance with the provisions of this chapter.
- B. Permit Required. Unless otherwise provided by this chapter, all signs shall require permits and payment of fees as determined by the City Council. No permit is required for the maintenance of a sign or for a change of copy on painted, printed, or changeable copy signs. A building permit application shall be submitted along with the supplementary material noted below.
- C. Plan Required. When a site plan is required pursuant to Chapter 18 of the Zoning Ordinance, proposed signage shall be illustrated on the site plan showing the sign area, sign height, clearance between the ground and the bottom of the sign, sign illumination, sign location and setbacks from property lines, and other applicable information to enable the City to determine compliance with the requirements of this chapter. When a site plan is not required, a scaled drawing clearly depicting this information shall accompany the building permit application. The zoning enforcement officer may require that additional information be illustrated on a plan or drawing to determine compliance with this chapter.
- D. Additional Provisions. In addition to the provisions of this chapter, provisions of Section 11.5-6 of Chapter 11.5 of the Code shall apply to signs located in a historic district. Sponsorship signs are permitted and governed by Article IV of Chapter 14 of the Code of Ordinances.

## **SECTION 20.03. - DEFINITIONS.**

The following words shall have the meanings set forth in this section:

- A. *Changeable copy sign*: A sign that consists, in whole or in part, of a message or image that can be changed periodically, whether manually or by automatic or technical means.
- B. *Freestanding sign*: A sign supported by one (1) or more up-rights, poles or braces placed in or upon the ground and not attached to any building and having a clear space of at least eight (8) feet from the ground to the bottom of the sign.
- C. *Government sign*: A temporary or permanent sign erected by the City of Lowell, Kent County, the State of Michigan, or the federal government for public purposes and as the government's own speech.

- D. *Ground sign*: A sign supported by a foundation or base which is at least half as wide as the sign which it supports when looking at the sign face, with no more than thirty (30) inches clearance from the bottom of the sign to the ground below.
- E. *Feather Sign*: A freestanding temporary sign typically constructed of a shaft, driven in the ground or standing with supports, with an attached pennant that is vertically elongated and attached to the shaft.
- F. *Human sign*: A sign which is held by or attached to a human being.
- G. *Internal site sign*: Smaller signs internal to a parcel not oriented toward the public right-of-way.
- H. *Marquee*: A permanent structure that projects from the exterior wall of a building.
- I. *Marquee sign*: A sign attached to a marquee, canopy, or awning projecting from and supported by the building.
- J. *Mean grade*: A reference plane representing that arithmetic mean of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a sign structure, or in the area between the sign structure foundation line and the lot line, in the case where the sign structure foundation line is less than five (5) feet from the lot line.
- K. *Mural*: A graphic displayed on the exterior of a building, generally for the purposes of decoration or artistic expression, including but not limited to painting, fresco, or mosaic.
- O. *Off-premise sign or Billboard*: An outdoor sign advertising services, products, activities, persons, activities or events which are not made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premises upon which the sign is located.
- L. *Portable sign*: A temporary sign typically containing manually-changeable copy, and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character. (see images below)



- M. *Projecting sign*: A sign which projects from and is supported by the wall of a building.
- N. *Roof line*: That line which represents the highest portion of any part of the roof structure, excepting gables, chimneys or other incidental architectural features.

- O. *Roof signs*: Any sign erected, constructed, and maintained wholly upon or over the roof of any building with its principal support on the roof structure.
- P. *Sandwich board sign*: A temporary sign not secured or attached to the ground surface, constructed in such a manner as to form an "A" or tent-like shape.
- Q. *Sign*: Any device or structure, part thereof, or device attached thereto or painted or represented thereon, or any material or thing which displays numerals, letters, words, trademarks, or any other representational use for direction or designation of any person, firm, organization, place, product, service, business, establishment, activity or industry, which is located upon any land or building, in or upon a window, or indoors in such a manner as to attract attention from outside the building.
- R. *Sign area*: The entire area within a regular geometric form, or combination of regular geometric forms, comprising all of the display area of the sign and including all of the elements of the matter displayed.
- S. *Street frontage*: The distance for which the front boundary line of the lot and the street line are coincident.
- T. *Temporary sign*: A display, banner, or sign affixed to the ground or a building that is capable of being easily moved from place to place.
- U. *Vehicle sign*: A sign that is painted on or attached to a vehicle or trailer when such vehicle or trailer is parked. Currently licensed commercial vehicles in general daily off-site use are not included as part of this definition.
- V. *Wall sign*: A sign which is attached directly to or painted upon a building wall and which does not extend more than eighteen (18) inches therefrom with the exposed face of the sign in a plane parallel to the building wall.
- W. *Window sign*: A sign attached to, or in close proximity to, the window surface so as to be clearly and comprehensively visible from the outside.

#### **SECTION 20.04. - SIGNS PROHIBITED.**

The following types of signs are prohibited in all zoning districts:

- A. Abandoned signs, or signs in disrepair.
- B. Air-filled or gas-filled balloon signs.
- C. Signs with moving parts, audible signs, and/or flashing signs (except traffic control devices).
- D. Roof signs.
- E. Signs or illumination imitating or resembling official traffic or government signs or signals.
- F. Vehicle signs.
- G. Off-premise signs or billboards.

H. Other signs not expressly permitted or which do not conform to the provisions of this chapter.

## **SECTION 20.05. - GENERAL SIGN PROVISIONS.**

### **A. Sign Placement.**

1. Unless otherwise permitted, all signs shall be located on the same parcel for which the sign is intended to serve. The provisions of this Article are not intended to conflict with provisions controlling signs regulated under the authority of MCL 252.301 et seq., the Highway Advertising Act, as amended.
2. No sign shall be located closer than two (2) feet to a public road right-of-way or property line; provided that the zoning enforcement officer or Planning Commission may approve a lesser setback upon finding that the proposed sign will not interfere with motorist or pedestrian visibility and safety. No sign shall overhang a public street right-of-way except as otherwise permitted; and all signs, including wall signs, shall have a minimum ground clearance of eight (8) feet above a sidewalk or walkway.
3. Signs shall be placed in compliance with Section 4.06, Clear Vision; and no sign shall be placed within the clear vision area as defined in that Section 4.06. No sign (whether a permit is required or not) shall be located or erected in such a manner as to interfere with traffic visibility.
4. A wall sign shall not extend beyond the edge of the wall to which it is affixed; nor shall a wall, marquee, or projecting sign extend above the roof line of a building to which it is attached.
5. No light pole, utility pole, or other supporting member shall be used for the placement of any sign unless specifically designed and approved for such use.

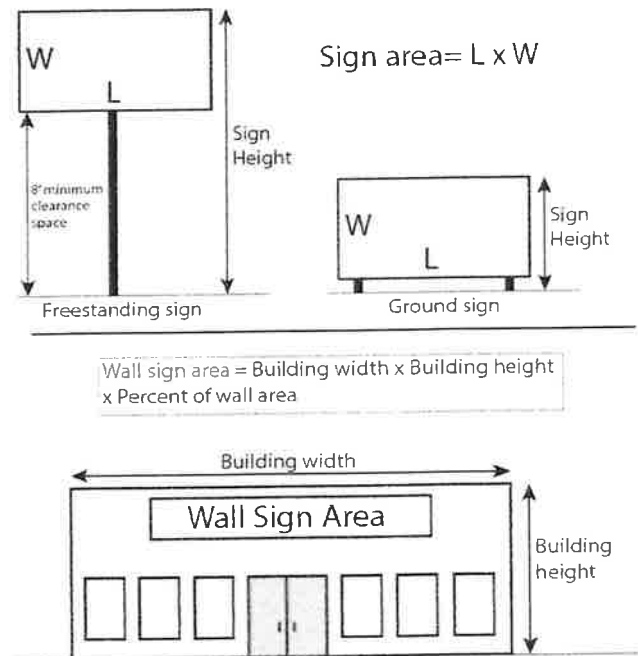
### **B. Sign Illumination.**

1. Unless otherwise specified by this Ordinance, all signs may be illuminated, except temporary signs and signs for home occupations.
2. Illumination shall not be flashing, blinking, intermittent, oscillating, or an on-and-off type of lighting. No sign may utilize a revolving beacon light.
3. Illumination shall be arranged so that light is deflected away from adjacent properties and that no direct sources of light shall be visible to any motorist or pedestrian located in a public right-of-way or from any adjacent property. Any external lighting of signs shall be downward facing or otherwise directed to illuminate only the sign face.
4. No illumination or sign shall be so placed or designed to be confused with, or appear similar to, a highway sign or traffic safety device.



5. All lighting on the underside of a vehicle service station canopy, building overhang, or similar structure shall be fully recessed. A maximum of twenty-five (25) percent of each canopy facade area may be internally illuminated. No portion of any canopy facade may be externally illuminated.
6. Internally-lit signs, electronic message boards, back-lit changeable copy signs and signs incorporating light emitting diode (LED), liquid crystal, video or other types of internally-lit systems shall be designed, shielded, and oriented so as not to interfere with adjacent public rights-of-way or private property and such signs shall not emit light exceeding either ten (10) foot candles measured four (4) feet perpendicular to the sign face or one-half (½) foot candle measured at the property line of the adjoining privately-owned property.

C. Sign Area and Height. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back to back and are at no point more than two (2) feet apart from one another, the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal area, or the area of the larger face if the two (2) faces are of unequal area. In the case of a circle or sphere, the total area of the circle or sphere is divided by two (2) for purposes of determining the maximum permitted sign area. Framed and structural members not bearing advertising matter shall not be included in computation of surface area; provided, that the base of a ground sign cannot exceed two (2) feet in height and the base and structural members of a freestanding sign cannot exceed fifty percent (50%) of the total area of the sign face.



The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the mean grade of the ground immediately beneath the sign, whichever is less.

- D. Where a proposed sign appears to meet the definition of more than one (1) sign, the most restrictive requirements and limitations of the defined sign types shall apply, as determined by the zoning enforcement officer.
- E. For buildings with multiple tenants, sign areas for wall signs, projecting signs, and marquee signs shall be determined by taking that portion of the front wall of the building applicable to each tenant and computing sign limits for that portion of the total wall. Where a wall sign, projecting sign, or marquee sign is permitted in a multi-tenant building or site, each individual establishment is permitted one such sign subject to standards applying in the zoning district,

in which case wall surface applies to the wall surface of the individual establishment.

F. All signs shall be maintained in a safe condition with proper bracing, anchorage and foundation and be subject to inspection by the Building Inspector or other designated representative. An abandoned sign or a sign not maintained in accordance with applicable regulations of the City of Lowell shall be removed by the owner.**SECTION 20.06. - SIGNS NOT REQUIRING PERMITS**

A. Signs shall not be erected without the issuance of a building or zoning permit, except for the following signs, provided that such signs comply with the provisions of this chapter and other applicable provisions in this Ordinance:

1. Government signs.
2. Signs erected by an essential public services establishments such as those denoting utility lines, railroad lines, hazards, and precautions, including portable flashing signs
3. Signs not larger than twelve (12) square feet in area which are either 1) cut into the face of a masonry surface; or 2) constructed of bronze or other incombustible material when located flat on the face of a building.
4. Holiday lights, murals, works of art, and decorations with no commercial message.
5. Placards not exceeding two (2) square feet in area.
6. Internal signs up to six (6) square feet in area and four (4) feet in height that, by the nature of their design and location, are not intended to be viewed from the street right-of-way.
7. One two (2) square foot wall sign located on a parcel containing a permitted home occupation
8. Window signs, provided that window signs shall not cover more than fifty percent (50%) of the windows on any building wall.
9. Flags no larger than five (5) feet by eight (8) feet; provided that no more than one (1) such flag shall be permitted on each lot or parcel of land for every twenty (20) linear feet of street frontage. The maximum sign height of flagpoles shall be thirty-five (35) feet.
10. Sandwich Boards. Notwithstanding any other conflicting provisions contained in this Chapter 20, sandwich board signs shall only be permitted in the C-2 Central Business or MU Mixed Use Districts.
  - a. A sandwich board sign shall not exceed:
    - 1) twelve (12) square feet per side,
    - 2) a height of four (4) feet, and;
    - 3) a width of three (3) feet

- b. A sandwich board sign shall not be permanently moored or anchored to any other object or structure, but shall be designed or weighted to prevent instability or movement by wind or other natural forces.
  - c. A sandwich board sign may only be placed in front of the facade of the building front of the business or establishment during the hours the business or establishment is open to customers, patrons or the public.
  - d. Only one (1) sandwich board sign shall be permitted for each business or establishment and it shall not be in any way illuminated.
  - e. All sandwich board signs shall be placed in alignment with city light poles and tree grates and so as not to block neighboring sandwich board signs or unreasonably interfere with pedestrian traffic.
11. One (1) human sign is permitted per lot at any given time, provided that the human sign does not block the sidewalk or unreasonably interfere with pedestrian, bicycle, or vehicular movement or circulation.

## **SECTION 20.07. - SUPPLEMENTARY SIGNS**

In addition to the signs permitted and regulated in this chapter, the signs listed below shall be permitted in accordance with the following standards.

A. Temporary Signs. Temporary signs shall be permitted in any district subject to the following:

1. Non-residential Lots. Temporary signs shall be permitted on nonresidential lots as follows:
  - a. One (1) temporary sign shall be permitted for each separate establishment located on a parcel of land.
  - b. A temporary sign shall be displayed for not more than sixty (60) days (whether or not consecutive) in a calendar year.
  - c. A temporary sign shall not be larger than thirty-two (32) square feet and shall not be illuminated.
  - d. Interim Signage. Notwithstanding the foregoing, signs on non-residential lots intended to be utilized only until a permanent sign may be obtained and erected may be approved by the zoning administrator for a period not to exceed 60 days. Such signs shall not exceed sign area permitted within the appropriate zoning district
2. Residential Lots. Temporary signs shall be permitted on any lot used as a single-family, two-family, or owner occupied multi-family dwelling, as follows:
  - a. Up to four (4) non-permanent signs per street frontage may be generally permitted to be displayed on a pole or stake affixed to the ground.
  - b. Such signs shall not exceed 6 square feet in area per side, and the top of such sign

shall be no more than 6 feet from ground level.

- c. Such signs may display noncommercial messages or on-premises commercial messages (including, but not limited to, messages conveying that the dwelling is for sale, that work is being performed on the dwelling by a particular individual or business, or that a garage sale will be held)
  - d. A temporary sign shall include any other or subsequent temporary sign of generally similar appearance, nature, and purpose, as compared to the temporary sign initially permitted under the terms of this Section. Accordingly, an applicant shall not seek to extend the time limitation on the display of a temporary sign by the attempted display of a different, though similar, temporary sign following the maximum permitted period of display of a permitted temporary sign.
5. Permit Required. A permit for a temporary sign on a non-residential lot shall be required. An application for the permit, as well as an application fee as set by City Council, shall be submitted and include the following:
- a. An accurate sketch, indicating the exact dimensions of the sign, its height, the structure upon which it will be placed, its location in relation to buildings, property lines, driveways and off-street parking areas, and such other information as may be required by the zoning enforcement officer in order to assure that the sign shall comply with the applicable requirements of this Ordinance.
  - b. A statement, signed by the applicant, listing specifically the days, or the span of consecutive days, during which the sign will be displayed, and also the date or dates on which the sign shall be removed and, if applicable, the subsequent date or dates on which the sign shall be re-installed and again removed, during the calendar year.
  - c. A listing and description of the other temporary signs, if any, located on the property at the time of the application.
7. Portable Signs. In the C-3, I-L, I, and PF Districts, one (1) portable sign may be erected on a lot in lieu of a temporary sign, subject to the provisions in subsection B above, provided that only one (1) is permitted per lot at any given time, and provided that the portable sign shall not exceed thirty-two (32) square feet in area. In addition, notwithstanding the provisions of subsection A(1)(b) above, a portable sign shall not be displayed for more than seven (7) consecutive days and not more than three (3) times in any calendar year.
- C. Changeable Copy Signs. All or a portion of a ground or freestanding sign may be a changeable copy sign in compliance with all of the following requirements; provided, that a changeable copy sign is not permitted in any residential zoning district except when the changeable copy sign is also a government sign.
- 1. The area of a changeable copy sign shall be included in the maximum sign area limitation. The area of a changeable copy sign shall not exceed fifty percent (50%) of the maximum

permitted sign area, except that portable signs may consist entirely of changeable copy.

2. A changeable copy sign shall not change its message, image, or other graphic material with such frequency as to be a flashing or oscillating sign, whether in whole or in part. For purposes of this Section, a flashing or oscillating sign shall include not only a sign having a message or image that changes with high rapidity, but shall also include a sign having a message or image that changes with a frequency such as to serve as a means of attracting attention to the sign or the land use, rather than for the purpose of providing identification or information. The message, image or other graphic material of a changeable copy sign shall change no more frequently than six (6) seconds and each change shall occur in one (1) second or less.
3. The message, image or other graphic material of a changeable copy sign shall, when changing, appear only in its entirety or shall appear in successive letters, words or other graphic elements from left to right only. The message, image or other graphic material shall not appear to flash, move from the center of the sign outward, move from the corners of the sign inward or demonstrate any other unusual movement, oscillation or method of appearance.

#### **SECTION 20.08. - PERMITTED SIGNS BY ZONING DISTRICT**

- A. The following sign types shall be permitted in accord with the following regulations, in the SR, R-1, R-2, R-3, MHP and RE Districts:

1. The following sign is permitted at the entrance of a permitted residential development or on a parcel containing a non-residential use:

Type	Maximum Number	Maximum Sign Area	Height
Ground	1 per lot or parcel	20 square feet	6 feet

- B. The following sign types shall be permitted in accord with the following regulations, in the C-1 and PF Districts:

Type	Maximum Number	Maximum Sign Area	Height
Ground	1 per lot or parcel	32 square feet	6 feet
Wall OR Marquee	1 per building wall facing a parking lot or public street	15% of the wall surface or 30% of marquee face, as applicable, or 50 square feet, whichever is less	See Section 20.05, A, 4

- C. The following sign types shall be permitted in accord with the following regulations in the C-2 – Central Business District and the MU – Mixed Use District.

Type	Maximum Number	Maximum Sign Area	Height	Location
Projecting	1 per building wall facing a parking lot or public street	20 square feet	See Section 20.05, A, 4	Cannot extend more than 5 feet from building wall
Wall OR Marquee	1 per building wall facing a parking lot or public street	20% of the wall surface or 30% of marquee face, as applicable, or 50 square feet, whichever is less	See Section 20.05, A, 4	

- D. The following sign types shall be permitted in accord with the following regulations, in the C-3 District:

Type	Maximum Number	Maximum Sign Area	Height
Ground OR Freestanding	1 per street frontage; provided that a double-frontage lot is permitted only one freestanding sign	48 square feet, or 32 square feet if the lot has a street frontage of 66 feet or less	6 feet for a ground sign and 20 feet for a freestanding sign
Wall OR Marquee	1 per building wall facing a parking lot or public street	20% of the wall surface or 30% of marquee face, as applicable, or 50 square feet, whichever is less	See Section 20.05, A, 4

- Each individual establishment in a multi-tenant commercial building or development is not permitted a separate ground or freestanding sign; one (1) collective ground or freestanding sign may be used subject to the standards above, provided that a collective ground or freestanding sign shall be permitted a maximum sign area of 72 square feet

- E. The following sign types shall be permitted in accord with the following regulations, in the I and I-L Districts:

Type	Maximum Number	Maximum Sign Area	Height
Ground	1 per lot or parcel	32 square feet	6 feet
Wall	1 per building wall facing a public street	5% of the wall surface or 50 square feet, whichever is less	See Section 20.05, A, 4

## **SECTION 20.09. - CONSTRUCTION AND MAINTENANCE.**

- All signs shall be constructed and maintained in accordance with the BOCA National Building Code adopted by the City of Lowell.
- Signs shall be maintained free of peeling paint or paper, fading, staining, rust, or other conditions which impair legibility.
- All signs, sign supports, frames, braces, wiring, guys, and anchors shall not be maintained in such a manner which, in the opinion of the zoning enforcement officer, has the potential to create a hazard for pedestrians and vehicles.
- Signs shall not be allowed to become unsightly through disrepair or action of the elements. Internal framing, light fixtures and bulbs, and wiring shall not be permitted to be exposed to the elements.
- All signs shall be designed to ensure a dead load and wind pressure in any direction of not

less than thirty (30) pounds per square foot of area. All signs shall be securely anchored or otherwise made immobile. Temporary signs, portable signs, or signs made of cloth, fabric, lightweight plastic, or other easily combustible material, or which are produced or originally constructed to flutter in the wind, as determined by the zoning enforcement officer, shall not be placed or left as permanent signs.

#### **SECTION 20.10. - NONCONFORMING SIGNS.**

- A. Signs lawfully erected prior to the adoption of this ordinance or applicable amendment thereto which do not meet the standards of this section may be continued, except as hereinafter provided. No nonconforming sign shall:
  - 1. Have any changes made in the words or symbols used or the message displayed on the sign, unless the sign is specifically designed for periodic change of message;
  - 2. Be structurally altered so as to change the shape, size, type or design of the sign; or
  - 3. Be reestablished or continued after the activity, business, or use to which it applied has been discontinued for ninety (90) days or longer.
- B. Signs lawfully erected prior to the adoption of this ordinance or applicable amendment thereto which do not meet the size limitations of this section may be changed to another nonconforming sign, provided that the sign replacing the original nonconforming sign is at least thirty-three (33) percent smaller in area than the original nonconforming sign.
- C. No sign shall be required to be removed which was erected in compliance with this section if such sign becomes nonconforming due to a change occurring after the adoption of this ordinance or applicable amendment thereto in the location of a building, streets, or other signs, and which change is beyond the control of the owner of the premises on which the sign is located.
- D. If the owner of the premises on which a sign is located changes the use of the building, or changes the location of any property line or sign, so that any sign is rendered nonconforming, such sign must be removed or made to conform to this section.

#### **SECTION 20.11. - DISCONTINUANCE OR ABANDONMENT.**

Whenever the activity, business or use of a primary premises to which a sign is attached or related has been discontinued for a period of ninety (90) days or longer, such discontinuance shall be considered conclusive evidence of an intention to abandon the sign attached or related thereto. At the end of this period of abandonment, the sign shall either be removed or altered to conform with the provisions of this section. All costs of removal shall be at the property owner's expense.

#### **SECTION 20.12 – SUBSTITUTION CLAUSE**

Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.

#### **SECTION 20.13 – SAVINGS AND SEVERABILITY**



If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this chapter is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of the code.

**Section 2. Publication.** After its adoption, the City Clerk shall publish this ordinance or a summary thereof, as permitted by law, along with its date of adoption in the *Lowell Ledger*, a newspaper of general circulation in the City, at least ten (10) days before its effective date.

**Section 3. Effective Date.** This ordinance shall take effect ten (10) days after it, or a summary thereof, as permitted by law, along with the date of its adoption, is published in the *Lowell Ledger*, a newspaper of general circulation in the City.

YES: Councilmembers Mayor DeVore, Councilmembers Salzwedel, Yankovich,

Chambers and Groves

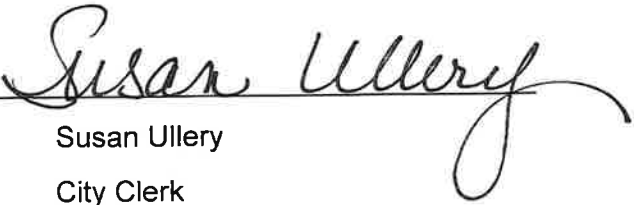
NO: Councilmembers None

ABSTAIN: Councilmembers None

ABSENT: Councilmembers None

**ORDINANCE DECLARED ADOPTED.**

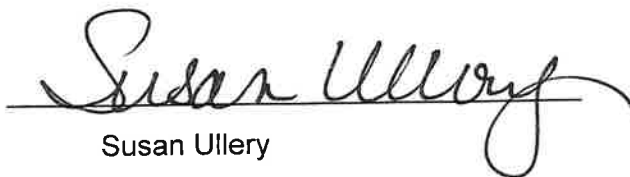
Dated: July 17, 2023

  
\_\_\_\_\_  
Susan Ullery  
City Clerk

## CERTIFICATION

I, the undersigned City Clerk of the City of Lowell, Michigan (the "City"), certify that the above ordinance is a true and complete copy of an ordinance adopted at a regular meeting of the Lowell City Council held on July 17, 2023, pursuant to notice given in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended, and notice of its adoption, including a summary of its contents and its effective date, was published in the *Lowell Ledger*, on August 9, 2023. I further certify that the above ordinance was entered into the Ordinance Book of the City on August 19, 2023, and was effective August 19, 2023, ten (10) days after publication.

Dated: July 17, 2023

A handwritten signature in cursive script, reading "Susan Ullery", written over a horizontal line.

Susan Ullery

City Clerk

**CITY OF LOWELL  
KENT COUNTY, MICHIGAN**

**ORDINANCE NO. 23 -06**

**AN ORDINANCE TO AMEND THE CODE OF  
ORDINANCES, CITY OF LOWELL, MICHIGAN, BY  
ADDING A NEW SECTION 13-69 AND TO AMEND  
SECTION 27-8 OF THE CODE OF ORDINANCES, CITY OF  
LOWELL, MICHIGAN, TO REGULATE HARASSMENT.**

Councilmember CHAMBERS supported by Councilmember GROVES moved the adoption of the following ordinance:

**THE CITY OF LOWELL ORDAINS AS FOLLOWS:**

**Section 1. Addition of Section 13-69.** Section 13-69 is added to Article IV, “Offenses Against Public Peace,” Chapter 13, “Offenses,” of the Code of Ordinances of the City of Lowell to read as follows:

**Sec. 13-69. – Insulting, Harassing, Annoying Others.**

It shall be unlawful for any person, with intent to harass, annoy, or alarm another person, to:

- (1) Follow a person in or about a public place or places;
- (2) Engage in a course of conduct or repeatedly commits acts that alarm or seriously annoy another person and that serve no legitimate purpose;
- (3) Insult, accost, molest, or otherwise annoy another person, either by word of mouth, sign, motion, or action, in a public space under circumstances in which that conduct is likely to provoke a retaliatory response.

**Section 2. Amendment to Section 27-8.** Section 27-8, “Violations Constituting Municipal Infractions,” Chapter 27, “Municipal Civil Infractions,” of the Code of Ordinance of the City of Lowell is amended to read as follows:

**Sec. 27-8. - Violations Constituting Municipal Civil Infractions.**

A municipal civil infraction shall include the following offenses set forth in this Code:

- (1) Violations of chapter 5, "Animals," of this Code.
- (2) Violations of chapter 6, "Auctions and Auctioneers," of this Code.
- (3) Violations of chapter 7, "Buildings and Building Regulations," of this Code.
- (4) Violations of chapter 9, "Cemeteries," of this Code.
- (5) Violations of chapter 10, "Fire Prevention and Protection" of this Code except for section 10-5.
- (6) Violations of chapter 11, "Garbage, Trash and Refuse," of this Code.
- (7) Violations of chapter 11.5, "Historic District," of this Code.
- (8) Violations of chapter 12, "Nuisances," of this Code.
- (9) Violations of chapter 13, "Offenses," of this Code except sections 13-2, 13-3, 13-4, 13-21, 13-22, 13-23, 13-42, 13-43, 13-44, 13-61, 13-63, 13-64, 13-65, 13-66, 13-67, 13-68, 13-69, 13-86, 13-87, 13-108, 13-133, 13-151, 13-152, 13-153, 13-154, 13-155, 13-156, 13-176, 13-177, 13-178, 13-179, 13-180, 13-196 and 13-198.
- (10) Violations of chapter 14, "Parks and Recreation," of this Code except section 14.55.
- (11) Violations of chapter 15, "Peddlers, Solicitors and Transient Merchants," of this Code.
- (12) Violations of chapter 19, "Streets, Sidewalks and Other Public Places," of this Code.
- (13) Violations of chapter 21, "Traffic and Motor Vehicles," of this Code.
- (14) Violations of chapter 23, "Vegetation," of this Code.
- (15) Violations of chapter 24, "Vehicles for Hire," of this Code.
- (16) Violations of chapter 25, "Water and Sewage Disposal Service," of this Code.
- (17) Violation of Appendix A, "Zoning," of this Code except chapter 17A.

Upon the effective date of this chapter, the offenses noted above are municipal civil infractions only and shall no longer constitute misdemeanor criminal offenses or subject the violator to any criminal sanctions, except as provided for by state law. This, however, shall not affect the sanctions provided for by state law or this chapter for a violator's or alleged violator's failure to comply

with an order or judgment of the 63rd District Court nor shall this section limit or restrict the authority of the court to enforce its orders by appropriate sanctions or actions. This section shall not restrict, limit or bar any action permitted under any other provision of law.

**Section 3. Repeal.** All ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

**Section 4. Publication.** After its adoption, the City Clerk shall publish this Ordinance or a summary thereof, as permitted by law, along with its date of adoption in the *Lowell Ledger*, a newspaper of general circulation in the City, at least ten (10) days before its effective date.

**Section 5. Effective Date.** This Ordinance shall take effect ten (10) days after it, or a summary thereof, as permitted by law, along with the date of its adoption, is published in the *Lowell Ledger*, a newspaper of general circulation in the City.

YEAS: Councilmembers Yankovich, Chambers, Groves, Mayor DeVore and

Councilmember Salwedel


NAYS: Councilmembers None

ABSTAIN: Councilmembers None

ABSENT: Councilmembers None

**ORDINANCE DECLARED ADOPTED.**

Dated: July 17, 2023

  
Susan Ullery  
City Clerk

## CERTIFICATION

I, the undersigned City Clerk of the City of Lowell, Michigan (the "City"), certify that the above ordinance is a true and complete copy of an ordinance adopted at a regular meeting of the Lowell City Council held on July 17, 2023 pursuant to notice given in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended, and notice of its adoption, including a summary of its contents and its effective date, was published in the *Lowell Ledger*, on August 2, 2023. I further certify that the above ordinance was entered into the Ordinance Book of the City on August 12, 2023, and was effective August 12, 2023, ten (10) days after publication.

Dated: July 17, 2023

  
\_\_\_\_\_  
Susan Ullery  
City Clerk

**CITY COUNCIL  
CITY OF LOWELL  
KENT COUNTY, MICHIGAN**

**RESOLUTION NO. 16-23**

**A RESOLUTION APPROVING AND RECOMMENDING  
MICHIGAN LIQUOR CONTROL COMMISSION  
CONSIDERATION AND APPROVAL OF LICENSEE FOR  
SOCIAL DISTRICT PERMIT PURSUANT TO PUBLIC ACT  
124 OF 2020**

Councilmember SALZWEDEL supported by Mayor DEVORE moved the adoption of the following resolution:

**WHEREAS**, the Michigan Liquor Control Code was amended by 2020 PA 124 (the Act), as amended, to allow the governing body of a local governmental unit to designate social districts and commons areas which may be used by qualified licensees that obtain a social district permit from the Michigan Liquor Control Commission (MLCC) to utilize expanded areas for the consumption of alcohol; and

**WHEREAS**, the City Council designated a social district that contains a commons area clearly marked with signs and established local management and maintenance plans for the commons area including, but not limited to, hours of operation, and the City of Lowell maintains the social district and commons areas in a manner that protects the health and safety of the community; and

**WHEREAS**, the City Council must approve licensee applications for social district permits prior to such applications being sent to the MLCC for consideration and issuance; and

**WHEREAS**, Love Wines, LLC, a licensee business located at 217 West Main Street, Lowell, MI 49331 (the "Applicant Licensee"), has applied for a social district permit; and

**WHEREAS**, the premises of the Applicant Licensee is shared by and contiguous to the designated commons area in the social district and is otherwise eligible for consideration for a social district permit.

**NOW, THEREFORE, RESOLVED THAT:**

1. The City Council hereby finds that the application for a social district permit from the Applicant Licensee set forth on the attachment hereto is recommended by this body for approval by the MLCC.
2. The licensed premises of the aforementioned Applicant Licensee is shared by and contiguous to the commons area as designated by this City Council pursuant to MCL 436.1551.
3. All resolutions and parts of resolutions in conflict herewith are rescinded.



YEAS: Councilmembers Groves, Mayor DeVore, Councilmembers Salzwedel and Yankovich


NAY: Councilmembers None

ABSTAIN: Councilmembers Chambers

ABSENT: Councilmembers None

**RESOLUTION DECLARED ADOPTED**

Dated: July 17, 2023

  
Susan Ullery  
City Clerk

**CERTIFICATION**

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Lowell at a regular meeting held on July 17, 2023, and that public notice of said meetings were given pursuant to, and in compliance with, Act 267 of the Public Acts of Michigan of 1976, as amended.

Dated: July 17, 2022

  
Susan Ullery  
City Clerk

08/03/2023 02:44 PM

User: SUE

DB: Lowell

INVOICE APPROVAL BY INVOICE REPORT FOR CITY OF LOWELL

EXP CHECK RUN DATES 07/15/2023 - 08/03/2023

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID - CHECK TYPE: PAPER CHECK

Page: 1/6

Vendor Code	Vendor Name	Description	Amount
Invoice			
00015	ALEXANDER CHEMICAL CORP		
	70556	WTP CHEMICALS	102.00
TOTAL FOR: ALEXANDER CHEMICAL CORP			102.00
REFUND UB	ALPHA GR RENTAL LLC		
	08/03/2023	UB refund for account: 4-00630-12	21.60
TOTAL FOR: ALPHA GR RENTAL LLC			21.60
10816	AMAZON CAPITAL SERVICES		
	143N-74KP-W9TJ	WASH & HORNET KILLER	137.92
	1GXF-7HKX-Q7Y6	WATER/SEWER DEPT	33.98
TOTAL FOR: AMAZON CAPITAL SERVICES			171.90
10731	APPLIED CAPITAL		
	34501351	CANON COPY MACHINE	208.00
TOTAL FOR: APPLIED CAPITAL			208.00
10985	APPLIED INNOVATION		
	2254795	CITY HALL COPY MACHINE	387.38
TOTAL FOR: APPLIED INNOVATION			387.38
10660	ARROW ENERGY, INC.		
	142168	AIRPORT AV GAS	6,914.22
TOTAL FOR: ARROW ENERGY, INC.			6,914.22
10818	AT&T MOBILITY		
	07/06/2023	FIRSTNET PHONE BILL JULY STATEMENT	1,050.12
TOTAL FOR: AT&T MOBILITY			1,050.12
10724	AXON ENTERPRISES, INC		
	INUS172279	POLICE TASER CERTIFICATION	2,088.98
TOTAL FOR: AXON ENTERPRISES, INC			2,088.98
10121	BEHRENS LIMITED, LCC		
	2709	CLEANER	197.00
	2721	FOAM HAND CLEANER	98.50
	2728	DPW PARTS CLEANER	94.20
	2730	ICE MELTER BAGS	410.00
TOTAL FOR: BEHRENS LIMITED, LCC			799.70
10178	BHS INSURANCE AGENCY INC.		
	48981	PLAN RENEWAL 7/01/2023 - 2024	184,188.00
	49418	MCCA SURCHARGE - 2023 FORD #2704	33.00
TOTAL FOR: BHS INSURANCE AGENCY INC.			184,221.00
01916	BS&A SOFTWARE		
	148701	ONLINE SERVICES ANNUAL SUPPORT	2,572.00
TOTAL FOR: BS&A SOFTWARE			2,572.00
REFUND UB	BURGER KING		
	08/03/2023	UB refund for account: 3-04655-1	2.56
TOTAL FOR: BURGER KING			2.56
00084	CANFIELD PLUMBING & HEATING IN		
	58788647	LOWEL MUSUEM SERVICE CALL	618.00
TOTAL FOR: CANFIELD PLUMBING & HEATING IN			618.00

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Vendor Code	Vendor Name	Description	Amount
Invoice			
10581	CINTAS CORPORATION		
9229945751	WATERBREAKER COUNTERTOP COOLER AGMT		45.54
TOTAL FOR: CINTAS CORPORATION			45.54
10981	CIVICPLUS LLC		
269394	ONLINE CODE HOSTING		900.00
TOTAL FOR: CIVICPLUS LLC			900.00
01343	CL TRUCKING & EXCAVATING		
7/21/2023	MONROE STREET - APPLICATION 2		655,675.42
TOTAL FOR: CL TRUCKING & EXCAVATING			655,675.42
10493	COMCAST CABLE		
6/23/2023	7/6 - 8/5/2023 DPW CABLE		67.65
8/6 - 9/5/2023	DPW CABLE		67.65
TOTAL FOR: COMCAST CABLE			135.30
10509	CONSUMERS ENERGY		
6/10 - 7/10	ACCOUNT STATEMENTS		1,301.71
6/22 - 7/23	ACCOUNT STATEMENTS		245.61
TOTAL FOR: CONSUMERS ENERGY			1,547.32
02019	CORPORATE CLEAN SERVICES		
3889	FLOOR WORK LIBRARY, CITY & POLICE		2,698.00
3896	TILE GROUT CLEANING		1,827.00
3915	JULY CLEANING SERVICES		2,535.00
TOTAL FOR: CORPORATE CLEAN SERVICES			7,060.00
10992	CUMMINS SALES AND SERVICE		
S3-82870	NE PUMP STATION GENERATOR SWITCH		506.29
S3-83115	NE PUMP SWITCH BOARDS		1,249.42
TOTAL FOR: CUMMINS SALES AND SERVICE			1,755.71
01156	CURTIS CLEANERS		
51BD43	POLICE UNIFORM CLEANING		8.65
TOTAL FOR: CURTIS CLEANERS			8.65
02035	DIGITAL OFFICE MACHINES, INC.		
20822	POLICE COPY MACHINE		68.27
TOTAL FOR: DIGITAL OFFICE MACHINES, INC.			68.27
REFUND UB	EMERSON, MONIQUE		
08/03/2023	UB refund for account: 5-04090-6		249.65
TOTAL FOR: EMERSON, MONIQUE			249.65
10713	EPS SECURITY		
S742212	SERVICE CALL FROM DEC 2022		205.90
TOTAL FOR: EPS SECURITY			205.90
10673	FERGUSON WATERWORKS		
0170026-10	WATER/SEWER METER PARTS		19,057.75
0170026-9	METER PARTS		2,371.90
TOTAL FOR: FERGUSON WATERWORKS			21,429.65
11038	FLOCK GROUP INC		
INV-18810	FLOCK CAMERAS & IMPLEMENTATION FEES		12,600.00
TOTAL FOR: FLOCK GROUP INC			12,600.00

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Vendor Code	Vendor Name	Description	Amount
	Invoice		
10966	GFL ENVIRONMENTAL		
	KR0000114819	TRASH SERVICE - CITY HALL	72.64
	KR0000114820	TRASH SERVICE - DPW	236.14
	KR0000114821	TRASH SERVICE - LIBRARY	52.16
	KR0000114822	TRASH SERVICE - AIRPORT	67.04
TOTAL FOR: GFL ENVIRONMENTAL			427.98
10413	GR CENTRAL IRON & STEEL INC		
	11216-434	#17 PLOW TRUCK CAB MOUNT REBUILD	540.00
TOTAL FOR: GR CENTRAL IRON & STEEL INC			540.00
00225	GRAND RAPIDS COMMUNITY COLLEGE		
	7/1 - 7/15/2023	TAX DISBURSEMENT	8,936.76
TOTAL FOR: GRAND RAPIDS COMMUNITY COLLEGE			8,936.76
11007	GRIZZLY REPAIR LLC		
	1092	#11 DUMP TRUCK R & M	1,151.00
	1097	#72 POLE SAW R & M	61.00
	1098	#6 PICKUP R & M	71.00
	1099	#17 PLOW TRUCK	5,601.00
	1101	#55 EXMARK MOWER	51.00
	1102	#62 TRIMMER	51.00
	1103	WATER/DPW	221.00
	1104	JOHN DEERE MOWER	51.00
	1105	#5 GATOR	401.00
	1106	#33 COMPRESSOR R & M	351.00
	1107	#1 PICKUP	101.00
	1108	#8 GATOR	51.00
	1109	#37-2 SWEEPSTER BROOM	121.00
	1110	#31 LOADER	351.00
TOTAL FOR: GRIZZLY REPAIR LLC			8,634.00
00248	HOOPER PRINTING, LLC		
	66783	POLICE CASE ENVELOPES	192.70
TOTAL FOR: HOOPER PRINTING, LLC			192.70
01524	IIMC		
	07/06/2023	MEMBERSHIP - ULLERY & BROWN	310.00
TOTAL FOR: IIMC			310.00
10973	INBODY TREE SERVICE		
	6/16/2023	TREE REMOVAL AMITY & CHATHAM	3,500.00
TOTAL FOR: INBODY TREE SERVICE			3,500.00
REFUND UB	JANOWSKI, RONALD		
	08/03/2023	UB refund for account: 4-00963-2	34.94
TOTAL FOR: JANOWSKI, RONALD			34.94
11037	JDH ENGINEERING, INC		
	JDH40211	CITY OFFICES CRACK EVALUATION	1,385.37
TOTAL FOR: JDH ENGINEERING, INC			1,385.37
00300	KENT COUNTY TREASURER		
	7/1 - 7/15/2023	TAX DISBURSEMENT	58,395.43
	7/1 - 7/15/23	TAX DISBURSEMENT - DELINQUENT	542.04
	7/25/2023	MAY TRAILER FEES	312.50
TOTAL FOR: KENT COUNTY TREASURER			59,249.97

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Vendor Code	Vendor Name	Description	Amount
	Invoice		
00303	KENT DISTRICT LIBRARY		
	7/1 - 7/15/2023	TAX DISBURSEMENT	52.80
TOTAL FOR: KENT DISTRICT LIBRARY			52.80
00302	KENT INTERMEDIATE SCHOOL DIST.		
	7/1 - 7/15/2023	TAX DISBURSEMENT	34,854.54
TOTAL FOR: KENT INTERMEDIATE SCHOOL DIST.			34,854.54
02209	KERKSTRA PORTABLE, INC.		
	227791	PORTABLE RESTROOM - CEMETERY	250.00
	228375	PORTABLE RESTROOM - DDA	250.00
	228376	PORTABLE RESTROOM - REC PARK	250.00
	228938	PORTABLE RESTROOM CREEKSIDE PARK	250.00
TOTAL FOR: KERKSTRA PORTABLE, INC.			1,000.00
10018	KORE/HI COM, INC.		
	31571	COMPUTER SYSTEM SERVICES	312.50
TOTAL FOR: KORE/HI COM, INC.			312.50
02216	LAKELAND ELECTRICAL MOTOR SERV		
	99083	GEARBOX REBUILD WASTEWATER	2,100.00
TOTAL FOR: LAKELAND ELECTRICAL MOTOR SERV			2,100.00
REFUND UB	LEINAAR, BOYD		
	08/03/2023	UB refund for account: 6-01680-24	41.73
TOTAL FOR: LEINAAR, BOYD			41.73
01374	LOWELL AREA HISTORICAL MUSEUM		
	7/1 - 7/15/2023	TAX DISBURSEMENT	1,083.65
TOTAL FOR: LOWELL AREA HISTORICAL MUSEUM			1,083.65
00562	LOWELL AREA SCHOOLS		
	7/1 - 7/15/2023	TAX DISBURSEMENT	49,694.36
TOTAL FOR: LOWELL AREA SCHOOLS			49,694.36
10143	LOWELL FIRE & EMERGENCY SERV. AUTH.		
	89	QTR 1 & 2 2023 SERVICES	90,770.47
TOTAL FOR: LOWELL FIRE & EMERGENCY SERV. AUTH.			90,770.47
00341	LOWELL LIGHT & POWER		
	3729	CEMENT & WATER PUMP PARTS	1,058.82
	6/25 - 7/25/2023	ELECTRIC STATEMENTS	22,369.30
TOTAL FOR: LOWELL LIGHT & POWER			23,428.12
10615	MANSZEWSKI LANDSCAPING LLC		
	578	MOWING PAYMENT 1 OF 4	10,650.00
	650	MOWING PAYMENT #2 OF 4	10,650.00
TOTAL FOR: MANSZEWSKI LANDSCAPING LLC			21,300.00
02550	MEADOWBROOK INC.		
	7/1/2023	AIRPORT LIABILITY RENEWAL	3,775.00
TOTAL FOR: MEADOWBROOK INC.			3,775.00
01211	MI. ASSOC. OF MUNICIPAL CLERKS		
	7/19/2023	MAMC CONFERENCE - ULLERY/BROWN	1,050.00
TOTAL FOR: MI. ASSOC. OF MUNICIPAL CLERKS			1,050.00

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Vendor Code	Vendor Name Invoice	Description	Amount
11039	MICHEAL TOMAC 008/01/23	ELECTRIC CART - AIRPORT SUPPLIES	2,000.00
TOTAL FOR: MICHEAL TOMAC			2,000.00
00414	MICHIGAN MUNICIPAL LEAGUE 26349	2023 MML CONVENTION - LABOMBARD	595.00
TOTAL FOR: MICHIGAN MUNICIPAL LEAGUE			595.00
02559	MITCHELL 1 29548403	ACCOUNT STATEMENT	2,736.00
TOTAL FOR: MITCHELL 1			2,736.00
00426	MODEL COVERALL SERVICE, INC. 8/2/2023	LIBRARY RUGS	251.56
TOTAL FOR: MODEL COVERALL SERVICE, INC.			251.56
00052	O.E. BIERI & SONS, INC. 230580	TOP SOIL	150.00
TOTAL FOR: O.E. BIERI & SONS, INC.			150.00
00478	O'LEARY PAINT 000463097 000463137 000463366	YELLOW & WHITE TRAFFIC PAINT ELASTIC STRAINER. YELLOW TRAFFIC PAINT	543.95 56.00 338.55
TOTAL FOR: O'LEARY PAINT			938.50
00501	PHILLIPS, TODD 7/28/2023	WORK BOOT REIMBURSEMENT	109.97
TOTAL FOR: PHILLIPS, TODD			109.97
10898	POINT BROADBAND 07/17/23	JULY INTERNET SERVICES	423.89
TOTAL FOR: POINT BROADBAND			423.89
00506	POSTMASTER 07/27/2023	POSTAGE WATER BILLS	546.79
TOTAL FOR: POSTMASTER			546.79
00512	PREIN & NEWHOF, INC. 108808	STONE LAKE TESTING	850.00
TOTAL FOR: PREIN & NEWHOF, INC.			850.00
02331	PROGRESSIVE HEATING COOLING, CORP. 2021810 2021820 2021850	SERVICE CALL CITY HALL CITY HALL PREVENTIVE MAINT MUSEUM PREVENTIVE CARE	344.00 447.00 195.00
TOTAL FOR: PROGRESSIVE HEATING COOLING, CORP.			986.00
02539	RONDA AUTO CENTERS 58591 58597	TIRE DISPOSAL TIRE DISPOSAL	36.00 16.00
TOTAL FOR: RONDA AUTO CENTERS			52.00
02575	SELF SERVE LUMBER 8/1/2023	ACCOUNT STATEMENT	294.42
TOTAL FOR: SELF SERVE LUMBER			294.42

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Vendor Code	Vendor Name	Description	Amount
	Invoice		
10849	SMART BUSINESS SOURCE		
	OE-56921	OFFICE SUPPLIES	12.40
	OE-66253	TISSUE FOR CITY & LIBRARY	157.40
	OE-66369-1	COPY PAPER	881.30
TOTAL FOR: SMART BUSINESS SOURCE			1,051.10
00924	STATE OF MICHIGAN		
	761-11102748	EGLE LAB SERVICES	580.00
TOTAL FOR: STATE OF MICHIGAN			580.00
10328	STEVENS, SUSAN M		
	4302023	APRIL NEWSLETTER	462.50
	5312023	MAY NEWSLETTER	450.00
	6302023	JUNE NEWSLETTER	675.00
TOTAL FOR: STEVENS, SUSAN M			1,587.50
10860	ULINE		
	1658861010	DDA & DPW SUPPLIES	354.88
TOTAL FOR: ULINE			354.88
10969	VEOLIA WATER NORTH AMERICA		
	9000106905	JUNE SURCHARGES	1,188.80
TOTAL FOR: VEOLIA WATER NORTH AMERICA			1,188.80
MISC	WILLIAM AND HEATHER DOANE		
	07/28/2023	Plot Refund: CEMETERY-4--020-0001	550.00
TOTAL FOR: WILLIAM AND HEATHER DOANE			550.00
00692	WILLIAMS & WORKS INC.		
	95850	LOWELL TRAIL PHASE 1 DESIGN	21,371.77
	96374	LOWELL TRAIL - PHASE 1 DESIGN	1,812.50
	96494	LOWELL TRAIL PHASE 1 DESIGN	8,398.45
	96551	TREE ORDINANCE	2,255.00
	96797	LOWELL TREE ORDINANCE	555.00
	96798	PLANNING SERVICES	2,388.00
TOTAL FOR: WILLIAMS & WORKS INC.			36,780.72
10567	WOLF KUBOTA		
	BYR-1030946	MOWER BLADES	376.20
	BYR-243524.	BLADE MULCH	376.20
TOTAL FOR: WOLF KUBOTA			752.40
01295	X-CEL CHEMICAL LLC		
	95416	CAN LINERS	352.50
TOTAL FOR: X-CEL CHEMICAL LLC			352.50
TOTAL - ALL VENDORS			1,266,645.79

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 101 GENERAL FUND					
Dept 000					
101-000-084.015	DUE FROM FIRE AUTHORITY	POINT BROADBAND	JULY INTERNET SERVICES	40.58	78891
101-000-085.000	DUE FROM LIGHT & POWER	BHS INSURANCE AGENCY INC.	MCCA SURCHARGE - 2023 FOR	33.00	78896
101-000-085.000	DUE FROM LIGHT & POWER	POINT BROADBAND	JULY INTERNET SERVICES	81.15	78891
101-000-222.000	DUE TO COUNTY-TRAILER FEE	KENT COUNTY TREASURER	MAY TRAILER FEES	62.50	78904
101-000-223.000	DUE TO LIBRARY	KENT COUNTY TREASURER	MAY TRAILER FEES	250.00	78904
Total For Dept 000				467.23	
Dept 101 COUNCIL					
101-101-955.000	MISCELLANEOUS EXPENSE	AT&T MOBILITY	FIRSTNET PHONE BILL JULY	36.24	78876
Total For Dept 101 COUNCI				36.24	
Dept 172 MANAGER					
101-172-801.000	PROFESSIONAL SERVICES	STEVENS, SUSAN M	APRIL NEWSLETTER	462.50	78886
101-172-801.000	PROFESSIONAL SERVICES	STEVENS, SUSAN M	MAY NEWSLETTER	450.00	78886
101-172-801.000	PROFESSIONAL SERVICES	STEVENS, SUSAN M	JUNE NEWSLETTER	675.00	78886
101-172-850.000	COMMUNICATIONS	AT&T MOBILITY	FIRSTNET PHONE BILL JULY	44.91	78876
Total For Dept 172 MANAGE				1,632.41	
Dept 215 CLERK					
101-215-850.000	COMMUNICATIONS	AT&T MOBILITY	FIRSTNET PHONE BILL JULY	44.91	78876
101-215-864.000	CONFERENCES & CONVENTIONS	MI. ASSOC. OF MUNICIPAL C	MAMC CONFERENCE - ULLERY/	525.00	78884
101-215-864.000	CONFERENCES & CONVENTIONS	MI. ASSOC. OF MUNICIPAL C	MAMC CONFERENCE - ULLERY/	525.00	78884
101-215-955.000	MISCELLANEOUS EXPENSE	IIMC	MEMBERSHIP - ULLERY & BRO	185.00	78871
101-215-955.000	MISCELLANEOUS EXPENSE	IIMC	MEMBERSHIP - ULLERY & BRO	125.00	78871
Total For Dept 215 CLERK				1,404.91	
Dept 265 CITY HALL					
101-265-727.000	OFFICE SUPPLIES	SMART BUSINESS SOURCE	OFFICE SUPPLIES	12.40	78918
101-265-740.000	OPERATING SUPPLIES	SMART BUSINESS SOURCE	TISSUE FOR CITY & LIBRARY	78.70	78918
101-265-802.000	CONTRACTUAL	GFL ENVIRONMENTAL	TRASH SERVICE - CITY HALL	72.64	78889
101-265-802.000	CONTRACTUAL	CORPORATE CLEAN SERVICES	FLOOR WORK LIBRARY, CITY	1,169.00	78897
101-265-802.000	CONTRACTUAL	CORPORATE CLEAN SERVICES	TILE GROUT CLEANING	1,213.00	78897
101-265-802.000	CONTRACTUAL	CORPORATE CLEAN SERVICES	JULY CLEANING SERVICES	585.00	
101-265-850.000	COMMUNICATIONS	POINT BROADBAND	JULY INTERNET SERVICES	62.72	78891
101-265-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENTS	767.23	78881
101-265-920.000	PUBLIC UTILITIES	LOWELL LIGHT & POWER	ELECTRIC STATEMENTS	3,305.30	78912
101-265-930.000	REPAIR & MAINTENANCE	LOWELL LIGHT & POWER	CEMENT & WATER PUMP PARTS	447.50	78883
101-265-930.000	REPAIR & MAINTENANCE	JDH ENGINEERING, INC	CITY OFFICES CRACK EVALUA	1,385.37	78903
101-265-930.000	REPAIR & MAINTENANCE	PROGRESSIVE HEATING COOLI	CITY HALL PREVENTIVE MAIN	447.00	78916
101-265-930.000	REPAIR & MAINTENANCE	PROGRESSIVE HEATING COOLI	SERVICE CALL CITY HALL	344.00	78916
Total For Dept 265 CITY H				9,889.86	
Dept 276 CEMETERY					
101-276-740.000	OPERATING SUPPLIES	WOLF KUBOTA	BLADE MULCH	300.96	78920
101-276-740.000	OPERATING SUPPLIES	SELF SERVE LUMBER	ACCOUNT STATEMENT	27.76	
101-276-802.000	CONTRACTUAL	KERKSTRA PORTABLE, INC.	PORTABLE RESTROOM - CEMET	250.00	78909
101-276-920.000	PUBLIC UTILITIES	LOWELL LIGHT & POWER	ELECTRIC STATEMENTS	58.40	78912
Total For Dept 276 CEMETE				637.12	
Dept 294 UNALLOCATED MISCELLANEOUS					
101-294-910.000	UNALLOCATED INSURANCE	BHS INSURANCE AGENCY INC.	PLAN RENEWAL 7/01/2023 -	184,188.00	78875
Total For Dept 294 UNALLO				184,188.00	
Dept 301 POLICE DEPARTMENT					
101-301-727.000	OFFICE SUPPLIES	HOOPER PRINTING, LLC	POLICE CASE ENVELOPES	192.70	
101-301-740.000	OPERATING SUPPLIES	CINTAS CORPORATION	WATERBREAKER COUNTERTOP C	45.54	78870
101-301-744.000	UNIFORMS	CURTIS CLEANERS	POLICE UNIFORM CLEANING	8.65	
101-301-802.000	CONTRACTUAL	AXON ENTERPRISES, INC	POLICE TASER CERTIFICATIO	2,088.98	78894
101-301-802.000	CONTRACTUAL	CORPORATE CLEAN SERVICES	FLOOR WORK LIBRARY, CITY	490.00	78897
101-301-802.000	CONTRACTUAL	CORPORATE CLEAN SERVICES	JULY CLEANING SERVICES	477.00	
101-301-850.000	COMMUNICATIONS	AT&T MOBILITY	FIRSTNET PHONE BILL JULY	596.74	78876



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Fund 101 GENERAL FUND					
Dept 301 POLICE DEPARTMENT					
101-301-850.000	COMMUNICATIONS	POINT BROADBAND	JULY INTERNET SERVICES	62.71	78891
101-301-984.000	EQUIPMENT	FLOCK GROUP INC	FLOCK CAMERAS & IMPLEMENT	3,150.00	78900
Total For Dept 301 POLICE				7,112.32	
Dept 336 FIRE					
101-336-985.000	FIRE COMMISSION PAYMENT	LOWELL FIRE & EMERGENCY S	QTR 1 & 2 2023 SERVICES	90,770.47	78872
Total For Dept 336 FIRE				90,770.47	
Dept 400 PLANNING & ZONING					
101-400-801.000	PROFESSIONAL SERVICES	WILLIAMS & WORKS INC.	PLANNING SERVICES	1,093.00	78888
101-400-801.000	PROFESSIONAL SERVICES	WILLIAMS & WORKS INC.	PLANNING SERVICES	130.00	78888
101-400-801.000	PROFESSIONAL SERVICES	WILLIAMS & WORKS INC.	PLANNING SERVICES	240.00	78888
101-400-801.000	PROFESSIONAL SERVICES	WILLIAMS & WORKS INC.	PLANNING SERVICES	925.00	78888
Total For Dept 400 PLANNI				2,388.00	
Dept 441 DEPARTMENT OF PUBLIC WORKS					
101-441-740.000	OPERATING SUPPLIES	ULINE	DDA & DPW SUPPLIES	50.44	
101-441-802.000	CONTRACTUAL	GFL ENVIRONMENTAL	TRASH SERVICE - DPW	236.14	78889
101-441-802.000	CONTRACTUAL	MANSZEWSKI LANDSCAPING LL	MOWING PAYMENT 1 OF 4	360.00	78913
101-441-802.000	CONTRACTUAL	CORPORATE CLEAN SERVICES	JULY CLEANING SERVICES	476.00	
101-441-802.000	CONTRACTUAL	MANSZEWSKI LANDSCAPING LL	MOWING PAYMENT #2 OF 4	360.00	
101-441-850.000	COMMUNICATIONS	AT&T MOBILITY	FIRSTNET PHONE BILL JULY	88.18	78876
101-441-850.000	COMMUNICATIONS	COMCAST CABLE	7/6 - 8/5/2023 DPW CABLE	67.65	78880
101-441-850.000	COMMUNICATIONS	POINT BROADBAND	JULY INTERNET SERVICES	40.58	78891
101-441-850.000	COMMUNICATIONS	COMCAST CABLE	DPW CABLE	67.65	
101-441-864.000	CONFERENCES & CONVENTIONS	MICHIGAN MUNICIPAL LEAGUE	2023 MML CONVENTION - LAB	595.00	78914
101-441-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENTS	42.06	78881
101-441-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENTS	109.83	78881
101-441-920.000	PUBLIC UTILITIES	LOWELL LIGHT & POWER	ELECTRIC STATEMENTS	525.21	78912
101-441-926.000	STREET LIGHTING	LOWELL LIGHT & POWER	ELECTRIC STATEMENTS	1,147.21	78912
101-441-930.000	REPAIR & MAINTENANCE	WILLIAMS & WORKS INC.	LOWELL TREE ORDINANCE	555.00	78888
Total For Dept 441 DEPART				4,720.95	
Dept 747 CHAMBER/RIVERWALK					
101-747-920.000	CHAMBER UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENTS	19.72	78881
101-747-920.000	CHAMBER UTILITIES	LOWELL LIGHT & POWER	ELECTRIC STATEMENTS	237.93	78912
Total For Dept 747 CHAMBE				257.65	
Dept 751 PARKS					
101-751-740.000	OPERATING SUPPLIES	BEHRENS LIMITED, LCC	CLEANER	197.00	78867
101-751-740.000	OPERATING SUPPLIES	AMAZON CAPITAL SERVICES	WASH & HORNET KILLER	137.92	78892
101-751-740.000	OPERATING SUPPLIES	BEHRENS LIMITED, LCC	FOAM HAND CLEANER	98.50	78895
101-751-740.000	OPERATING SUPPLIES	O'LEARY PAINT	YELLOW TRAFFIC PAINT	338.55	
101-751-802.000	CONTRACTUAL	KERKSTRA PORTABLE, INC.	PORTABLE RESTROOM - REC P	250.00	78909
101-751-802.000	CONTRACTUAL	MANSZEWSKI LANDSCAPING LL	MOWING PAYMENT 1 OF 4	9,450.00	78913
101-751-802.000	CONTRACTUAL	KERKSTRA PORTABLE, INC.	PORTABLE RESTROOM CREEKSI	250.00	
101-751-802.000	CONTRACTUAL	MANSZEWSKI LANDSCAPING LL	MOWING PAYMENT #2 OF 4	9,450.00	
101-751-802.000	CONTRACTUAL	PREIN & NEWHOF, INC.	STONEY LAKE TESTING	850.00	
101-751-850.000	COMMUNICATIONS	AT&T MOBILITY	FIRSTNET PHONE BILL JULY	38.24	78876
101-751-920.000	PUBLIC UTILITIES	LOWELL LIGHT & POWER	ELECTRIC STATEMENTS	744.91	78912
101-751-930.000	REPAIR & MAINTENANCE	LOWELL LIGHT & POWER	CEMENT & WATER PUMP PARTS	163.82	78883
101-751-930.000	REPAIR & MAINTENANCE	WILLIAMS & WORKS INC.	TREE ORDINANCE	2,255.00	78888
101-751-930.000	REPAIR & MAINTENANCE	GRIZZLY REPAIR LLC	JOHN DEERE MOWER	51.00	
101-751-930.000	REPAIR & MAINTENANCE	SELF SERVE LUMBER	ACCOUNT STATEMENT	76.22	
Total For Dept 751 PARKS				24,351.16	
Dept 790 LIBRARY					
101-790-740.000	OPERATING SUPPLIES	SMART BUSINESS SOURCE	TISSUE FOR CITY & LIBRARY	78.70	78918
101-790-740.000	OPERATING SUPPLIES	WOLF KUBOTA	BLADE MULCH	37.62	78920
101-790-802.000	CONTRACTUAL	GFL ENVIRONMENTAL	TRASH SERVICE - LIBRARY	52.16	78889

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 101 GENERAL FUND					
Dept 790 LIBRARY					
101-790-802.000	CONTRACTUAL	CORPORATE CLEAN SERVICES	FLOOR WORK LIBRARY, CITY	1,039.00	78897
101-790-802.000	CONTRACTUAL	CORPORATE CLEAN SERVICES	TILE GROUT CLEANING	614.00	78897
101-790-802.000	CONTRACTUAL	CORPORATE CLEAN SERVICES	JULY CLEANING SERVICES	997.00	
101-790-802.000	CONTRACTUAL	MODEL COVERALL SERVICE, I	LIBRARY RUGS	251.56	
101-790-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENTS	113.93	78881
101-790-920.000	PUBLIC UTILITIES	LOWELL LIGHT & POWER	ELECTRIC STATEMENTS	1,331.94	78912
Total For Dept 790 LIBRAR				4,515.91	
Dept 804 MUSEUM					
101-804-887.000	CONTRIBUTIONS & MAINTENAN	CANFIELD PLUMBING & HEATI	LOWEL MUSUEM SERVICE CALL	618.00	78868
101-804-887.000	CONTRIBUTIONS & MAINTENAN	CONSUMERS ENERGY	ACCOUNT STATEMENTS	16.00	78881
101-804-887.000	CONTRIBUTIONS & MAINTENAN	PROGRESSIVE HEATING COOLI	MUSEUM PREVENTIVE CARE	195.00	78916
101-804-920.000	PUBLIC UTILITIES	LOWELL LIGHT & POWER	ELECTRIC STATEMENTS	393.89	78912
101-804-955.000	PROPERTY TAX DISTRIBUTION	LOWELL AREA HISTORICAL MU	TAX DISBURSEMENT	1,083.65	78910
Total For Dept 804 MUSEUM				2,306.54	
Total For Fund 101 GENERA				334,678.77	
Fund 202 MAJOR STREET FUND					
Dept 463 MAINTENANCE					
202-463-740.000	OPERATING SUPPLIES	SELF SERVE LUMBER	ACCOUNT STATEMENT	190.44	
Total For Dept 463 MAINTEN				190.44	
Total For Fund 202 MAJOR				190.44	
Fund 203 LOCAL STREET FUND					
Dept 463 MAINTENANCE					
203-463-740.000	OPERATING SUPPLIES	O'LEARY PAINT	YELLOW & WHITE TRAFFIC PA	135.99	78915
203-463-802.000	CONTRACTUAL	INBODY TREE SERVICE	TREE REMOVAL AMITY & CHAT	3,500.00	78902
Total For Dept 463 MAINTEN				3,635.99	
Total For Fund 203 LOCAL				3,635.99	
Fund 248 DOWNTOWN DEVELOPMENT AUTHORITY					
Dept 450 CAPITAL OUTLAY					
248-450-970.000	CAPITAL OUTLAY	FLOCK GROUP INC	FLOCK CAMERAS & IMPLEMENT	9,450.00	78900
Total For Dept 450 CAPITA				9,450.00	
Dept 463 MAINTENANCE					
248-463-740.000	OPERATING SUPPLIES	BEHRENS LIMITED, LCC	ICE MELTER BAGS	410.00	78895
248-463-740.000	OPERATING SUPPLIES	O'LEARY PAINT	YELLOW & WHITE TRAFFIC PA	407.96	78915
248-463-740.000	OPERATING SUPPLIES	O'LEARY PAINT	ELASTIC STRAINER.	56.00	78915
248-463-740.000	OPERATING SUPPLIES	WOLF KUBOTA	BLADE MULCH	37.62	78920
248-463-740.000	OPERATING SUPPLIES	ULINE	DDA & DPW SUPPLIES	304.44	
248-463-740.000	OPERATING SUPPLIES	X-CEL CHEMICAL LLC	CAN LINERS	352.50	
248-463-802.000	CONTRACTUAL	KERKSTRA PORTABLE, INC.	PORTABLE RESTROOM - DDA	250.00	78909
248-463-920.000	PUBLIC UTILITIES	LOWELL LIGHT & POWER	ELECTRIC STATEMENTS	512.96	78912
248-463-930.000	REPAIR & MAINTENANCE	LOWELL LIGHT & POWER	CEMENT & WATER PUMP PARTS	447.50	78883
Total For Dept 463 MAINTEN				2,778.98	
Total For Fund 248 DOWNTO				12,228.98	
Fund 407 LOWELL TRAIL PHASE 1					
Dept 450 CAPITAL OUTLAY					
407-450-970.000	CAPITAL OUTLAY	WILLIAMS & WORKS INC.	LOWELL TRAIL - PHASE 1 DE	1,812.50	78874
407-450-970.000	CAPITAL OUTLAY	WILLIAMS & WORKS INC.	LOWELL TRAIL PHASE 1 DESI	8,398.45	78888
407-450-970.000	CAPITAL OUTLAY	WILLIAMS & WORKS INC.	LOWELL TRAIL PHASE 1 DESI	21,371.77	78888
Total For Dept 450 CAPITA				31,582.72	
Total For Fund 407 LOWELL				31,582.72	
Fund 581 AIRPORT FUND					
Dept 000					
581-000-740.000	OPERATING SUPPLIES	MICHEAL TOMAC	ELECTRIC CART - AIRPORT S	2,000.00	78890
581-000-740.000	OPERATING SUPPLIES	ARROW ENERGY, INC.	AIRPORT AV GAS	6,914.22	

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GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 581 AIRPORT FUND					
Dept 000					
581-000-910.000	INSURANCE	MEADOWBROOK INC.	AIRPORT LIABILITY RENEWAL	3,775.00	
581-000-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENTS	24.94	78881
581-000-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENTS	150.49	78881
581-000-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENTS	29.43	78881
581-000-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENTS	40.75	78881
581-000-920.000	PUBLIC UTILITIES	GFL ENVIRONMENTAL	TRASH SERVICE - AIRPORT	67.04	78889
581-000-955.000	MISCELLANEOUS EXPENSE	POINT BROADBAND	JULY INTERNET SERVICES	54.99	78891
Total For Dept 000				13,056.86	
Total For Fund 581 AIRPOR				13,056.86	
Fund 590 WASTEWATER FUND					
Dept 000					
590-000-043.000	DUE FROM VEOLIA	LOWELL LIGHT & POWER	ELECTRIC STATEMENTS	5,606.51	78912
590-000-043.000	DUE FROM VEOLIA	POINT BROADBAND	JULY INTERNET SERVICES	40.58	78891
590-000-276.000	Sewer Inside 5/8"	LEINAAR, BOYD	UB refund for account: 6-	14.49	
590-000-276.000	Sewer	LEINAAR, BOYD	UB refund for account: 6-	8.29	
Total For Dept 000				5,669.87	
Dept 550 TREATMENT					
590-550-802.000	CONTRACTUAL	VEOLIA WATER NORTH AMERIC	JUNE SURCHARGES	1,188.80	78919
590-550-930.000	REPAIR & MAINTENANCE	LAKELAND ELECTRICAL MOTOR	GEARBOX REBUILD WASTEWATE	2,100.00	78882
Total For Dept 550 TREATM				3,288.80	
Dept 551 COLLECTION					
590-551-850.000	COMMUNICATIONS	AT&T MOBILITY	FIRSTNET PHONE BILL JULY	81.33	78876
590-551-930.000	REPAIR & MAINTENANCE	AMAZON CAPITAL SERVICES	WATER/SEWER DEPT	16.99	
590-551-930.000	REPAIR & MAINTENANCE	FERGUSON WATERWORKS	WATER/SEWER METER PARTS	9,528.87	
590-551-930.000	REPAIR & MAINTENANCE	FERGUSON WATERWORKS	METER PARTS	1,185.95	
590-551-930.000	REPAIR & MAINTENANCE	O.E. BIERI & SONS, INC.	TOP SOIL	75.00	
Total For Dept 551 COLLEC				10,888.14	
Dept 552 CUSTOMER ACCOUNTS					
590-552-730.000	POSTAGE	POSTMASTER	POSTAGE WATER BILLS	273.39	78878
Total For Dept 552 CUSTOM				273.39	
Total For Fund 590 WASTE				20,120.20	
Fund 591 WATER FUND					
Dept 000					
591-000-276.000	Water	ALPHA GR RENTAL LLC	UB refund for account: 4-	21.60	
591-000-276.000	Water	BURGER KING	UB refund for account: 3-	2.56	
591-000-276.000	Water	EMERSON, MONIQUE	UB refund for account: 5-	249.65	
591-000-276.000	Water	JANOWSKI, RONALD	UB refund for account: 4-	34.94	
591-000-276.000	Water	LEINAAR, BOYD	UB refund for account: 6-	4.78	
591-000-276.000	Water Inside 5/8"	LEINAAR, BOYD	UB refund for account: 6-	14.17	
Total For Dept 000				327.70	
Dept 570 TREATMENT					
591-570-743.000	CHEMICALS	ALEXANDER CHEMICAL CORP	WTP CHEMICALS	102.00	
591-570-802.000	CONTRACTUAL	EPS SECURITY	SERVICE CALL FROM DEC 202	205.90	78899
591-570-850.000	COMMUNICATIONS	AT&T MOBILITY	FIRSTNET PHONE BILL JULY	38.24	78876
591-570-850.000	COMMUNICATIONS	POINT BROADBAND	JULY INTERNET SERVICES	40.58	78891
591-570-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENTS	186.98	78881
591-570-920.000	PUBLIC UTILITIES	LOWELL LIGHT & POWER	ELECTRIC STATEMENTS	5,815.58	78912
591-570-955.000	MISCELLANEOUS EXPENSE	STATE OF MICHIGAN	EGLE LAB SERVICES	580.00	
Total For Dept 570 TREATM				6,969.28	
Dept 571 DISTRIBUTION					
591-571-744.000	UNIFORMS	PHILLIPS, TODD	WORK BOOT REIMBURSEMENT	109.97	78885
591-571-802.000	CONTRACTUAL	MANSZEWSKI LANDSCAPING LL	MOWING PAYMENT 1 OF 4	840.00	78913
591-571-802.000	CONTRACTUAL	MANSZEWSKI LANDSCAPING LL	MOWING PAYMENT #2 OF 4	840.00	

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Fund 591 WATER FUND					
Dept 571 DISTRIBUTION					
591-571-850.000	COMMUNICATIONS	AT&T MOBILITY	FIRSTNET PHONE BILL JULY	81.33	78876
591-571-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENTS	29.96	78881
591-571-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	ACCOUNT STATEMENTS	16.00	78881
591-571-920.000	PUBLIC UTILITIES	LOWELL LIGHT & POWER	ELECTRIC STATEMENTS	2,511.07	78912
591-571-930.000	REPAIR & MAINTENANCE	AMAZON CAPITAL SERVICES	WATER/SEWER DEPT	16.99	
591-571-930.000	REPAIR & MAINTENANCE	CUMMINS SALES AND SERVICE	NE PUMP SWITCH BOARDS	1,249.42	
591-571-930.000	REPAIR & MAINTENANCE	CUMMINS SALES AND SERVICE	NE PUMP STATION GENERATOR	506.29	
591-571-930.000	REPAIR & MAINTENANCE	FERGUSON WATERWORKS	WATER/SEWER METER PARTS	9,528.88	
591-571-930.000	REPAIR & MAINTENANCE	FERGUSON WATERWORKS	METER PARTS	1,185.95	
591-571-930.000	REPAIR & MAINTENANCE	GRIZZLY REPAIR LLC	WATER/DPW	33.15	
591-571-930.000	REPAIR & MAINTENANCE	O.E. BIERI & SONS, INC.	TOP SOIL	75.00	
	Total For Dept 571 DISTRI			17,024.01	
Dept 572 CUSTOMER ACCOUNTS					
591-572-730.000	POSTAGE	POSTMASTER	POSTAGE WATER BILLS	273.40	78878
	Total For Dept 572 CUSTOM			273.40	
	Total For Fund 591 WATER			24,594.39	
Fund 596 CAPITAL PROJECTS WATER FUND					
Dept 000					
596-000-970.000	CAPITAL OUTLAY	CL TRUCKING & EXCAVATING	MONROE STREET - APPLICATI	380,291.74	
	Total For Dept 000			380,291.74	
	Total For Fund 596 CAPITA			380,291.74	
Fund 597 ELECTRIC CHARGING STATION FUND					
Dept 463 MAINTENANCE					
597-463-920.000	PUBLIC UTILITIES	LOWELL LIGHT & POWER	ELECTRIC STATEMENTS	178.39	78912
	Total For Dept 463 MAINTEN			178.39	
	Total For Fund 597 ELECT			178.39	
Fund 598 CABLE TV FUND					
Dept 000					
598-000-970.000	CAPITAL OUTLAY	CL TRUCKING & EXCAVATING	MONROE STREET - APPLICATI	275,383.68	
	Total For Dept 000			275,383.68	
	Total For Fund 598 CABLE			275,383.68	
Fund 636 DATA PROCESSING FUND					
Dept 000					
636-000-740.000	OPERATING SUPPLIES	SMART BUSINESS SOURCE	COPY PAPER	881.30	78918
636-000-801.000	PROFESSIONAL SERVICES	CIVICPLUS LLC	ONLINE CODE HOSTING	900.00	
636-000-801.000	PROFESSIONAL SERVICES	KORE/HI COM, INC.	COMPUTER SYSTEM SERVICES	312.50	
636-000-802.000	CONTRACTUAL	BS&A SOFTWARE	ONLINE SERVICES ANNUAL SU	2,572.00	78879
636-000-802.000	CONTRACTUAL	APPLIED INNOVATION	CITY HALL COPY MACHINE	387.38	78893
636-000-802.000	CONTRACTUAL	DIGITAL OFFICE MACHINES,	POLICE COPY MACHINE	68.27	78898
636-000-802.000	CONTRACTUAL	APPLIED CAPITAL	CANON COPY MACHINE	208.00	
	Total For Dept 000			5,329.45	
	Total For Fund 636 DATA P			5,329.45	
Fund 661 EQUIPMENT FUND					
Dept 895 FLEET MAINT. & REPLACEMENT					
661-895-727.000	OFFICE SUPPLIES	MITCHELL 1	ACCOUNT STATEMENT	2,736.00	
661-895-930.000	REPAIR & MAINTENANCE	RONDA AUTO CENTERS	TIRE DISPOSAL	16.00	78917
661-895-930.000	REPAIR & MAINTENANCE	RONDA AUTO CENTERS	TIRE DISPOSAL	36.00	78917
661-895-930.000	REPAIR & MAINTENANCE	WOLF KUBOTA	MOWER BLADES	376.20	78920
661-895-930.000	REPAIR & MAINTENANCE	BEHRENS LIMITED, LCC	DPW PARTS CLEANER	94.20	
661-895-930.000	REPAIR & MAINTENANCE	GR CENTRAL IRON & STEEL I	#17 PLOW TRUCK CAB MOUNT	540.00	
661-895-930.000	REPAIR & MAINTENANCE	GRIZZLY REPAIR LLC	#72 POLE SAW R & M	61.00	
661-895-930.000	REPAIR & MAINTENANCE	GRIZZLY REPAIR LLC	#55 EXMARK MOWER	51.00	
661-895-930.000	REPAIR & MAINTENANCE	GRIZZLY REPAIR LLC	#17 PLOW TRUCK	5,601.00	

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Fund 661 EQUIPMENT FUND					
Dept 895 FLEET MAINT. & REPLACEMENT					
661-895-930.000	REPAIR & MAINTENANCE	GRIZZLY REPAIR LLC	#6 PICKUP R & M	71.00	
661-895-930.000	REPAIR & MAINTENANCE	GRIZZLY REPAIR LLC	#11 DUMP TRUCK R & M	1,151.00	
661-895-930.000	REPAIR & MAINTENANCE	GRIZZLY REPAIR LLC	#37-2 SWEEPSTER BROOM	121.00	
661-895-930.000	REPAIR & MAINTENANCE	GRIZZLY REPAIR LLC	#8 GATOR	51.00	
661-895-930.000	REPAIR & MAINTENANCE	GRIZZLY REPAIR LLC	#1 PICKUP	101.00	
661-895-930.000	REPAIR & MAINTENANCE	GRIZZLY REPAIR LLC	#33 COMPRESSOR R & M	351.00	
661-895-930.000	REPAIR & MAINTENANCE	GRIZZLY REPAIR LLC	#5 GATOR	401.00	
661-895-930.000	REPAIR & MAINTENANCE	GRIZZLY REPAIR LLC	WATER/DPW	187.85	
661-895-930.000	REPAIR & MAINTENANCE	GRIZZLY REPAIR LLC	#62 TRIMMER	51.00	
661-895-930.000	REPAIR & MAINTENANCE	GRIZZLY REPAIR LLC	#31 LOADER	351.00	
Total For Dept 895 FLEET				12,348.25	
Total For Fund 661 EQUIPM				12,348.25	
Fund 703 CURRENT TAX COLLECTION FUND					
Dept 000					
703-000-222.000	DUE TO COUNTY-CURRENT TAX	KENT COUNTY TREASURER	TAX DISBURSEMENT	21,258.01	78905
703-000-222.000	DUE TO COUNTY-CURRENT TAX	KENT COUNTY TREASURER	TAX DISBURSEMENT - DELINQ	270.78	78906
703-000-223.000	DUE TO LIBRARY	KENT DISTRICT LIBRARY	TAX DISBURSEMENT	52.80	78907
703-000-225.000	DUE TO SCHOOLS	LOWELL AREA SCHOOLS	TAX DISBURSEMENT	49,694.36	78911
703-000-228.009	DUE TO STATE-S.E.T.	KENT COUNTY TREASURER	TAX DISBURSEMENT	37,137.42	78905
703-000-228.009	DUE TO STATE-S.E.T.	KENT COUNTY TREASURER	TAX DISBURSEMENT - DELINQ	271.26	78906
703-000-234.000	DUE TO INTERMED SCH DISTR	KENT INTERMEDIATE SCHOOL	TAX DISBURSEMENT	34,854.54	78908
703-000-235.000	DUE TO COMMUNITY COLLEGE	GRAND RAPIDS COMMUNITY CO	TAX DISBURSEMENT	8,936.76	78901
Total For Dept 000				152,475.93	
Total For Fund 703 CURREN				152,475.93	
Fund 711 CEMETERY FUND					
Dept 000					
711-000-027.000	PLOT PURCHASE - NON	WILLIAM AND HEATHER DOANE	Plot Refund: CEMETERY-4--	550.00	78887
Total For Dept 000				550.00	
Total For Fund 711 CEMETE				550.00	

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Fund Totals:

Fund 101	GENERAL FUND	334,678.77
Fund 202	MAJOR STREET FUN	190.44
Fund 203	LOCAL STREET FUN	3,635.99
Fund 248	DOWNTOWN DEVELOP	12,228.98
Fund 407	LOWELL TRAIL PHA	31,582.72
Fund 581	AIRPORT FUND	13,056.86
Fund 590	WASTEWATER FUND	20,120.20
Fund 591	WATER FUND	24,594.39
Fund 596	CAPITAL PROJECTS	380,291.74
Fund 597	ELECTRIC CHARGI	178.39
Fund 598	CABLE TV FUND	275,383.68
Fund 636	DATA PROCESSING	5,329.45
Fund 661	EQUIPMENT FUND	12,348.25
Fund 703	CURRENT TAX COLL	152,475.93
Fund 711	CEMETERY FUND	550.00

1,266,645.79



**LOWELL CITY ADMINISTRATION**  
**INTER OFFICE MEMORANDUM**

**DATE:** August 3, 2023  
**TO:** Mayor DeVore and the Lowell City Council  
**FROM:** Michael T. Burns, City Manager MB  
**RE:** Tree Ordinance 23-07

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At our last City Council meeting, staff presented the Tree Ordinance for consideration. We were asked to bring back to the next meeting for future consideration. Maleah Rakestraw from Williams and Works will be present for any additional questions.

I attached the correspondence from the last City Council meeting. **I am recommending the Lowell City Council approve Ordinance 23-07 amending our current tree ordinance as presented.**



**PUBLIC WORKS**

# Memorandum

**DATE:** April 14, 2023

**TO:** Michael Burns, City Manager

**FROM:** Daniel Czarnecki, Public Works Director

**RE:** Tree Ordinance Updating

Earlier this year we came across an issue with the City's ordinance on Trees not covering all the aspects of how to go about maintaining trees in the public way within our community. Some issues that were lacking included proper tree planting procedures, types of trees allowed and their location within the right-of-way, process for review of trees for removal, and replacement fees. In April the City hired Williams & Works to review our current ordinance and help the Arbor Board review and update the existing ordinance.

The ordinance review work has been completed, and an updated ordinance is attached for review (including a redlined version of the original ordinance).

Some of the significant changes include:

- Defining and establishing the tree fund for replacement of trees. A fee is mentioned in the original ordinance under tree removals/replacement, however, it was not clearly defined. The new ordinance explains the tree fund, how the fee is established, and fund usage reporting procedures to City Council and to the Arbor Board.
- Review of existing trees, and procedures for the recommendations for removal, trimming, and/or replacement of trees to the City Manager by staff with follow up by arborists or landscape architects. Cooperation has been established within the ordinance to have staff from the Department of Public Works and Lowell Light and Power work together on the review and recommendation of tree trimming/removal for those trees that may affect both departments.
- Tree trimming and removal requirements.
- Procedure for the public to dispute tree trimming/removals.
- Allowable areas to plant trees in the right-of-way or on public property, and allowable types of trees for these different public spaces.
- Species of trees allowed to be planted on public property, and those prohibited.
- Better defined tree trimming standards.
- Protection standards for trees during construction activities.
- More defined procedures for tree removals.
- More details for the replacement of trees, such as defining the rate for replacement of trees on city property, size of new trees to be planted, and how the fee is established.

Once City Council has had time for review, the final ordinance will be brought back for authorization.



**CITY OF LOWELL  
KENT COUNTY, MICHIGAN**

**ORDINANCE NO. 23-\_\_**

**AN ORDINANCE TO REPLACE IN ITS ENTIRETY CHAPTER 23,  
"VEGETATION" TO THE CODE OF ORDINANCES OF THE CITY OF  
LOWELL**

Councilmember \_\_\_\_\_, supported by Councilmember \_\_\_\_\_, moved the adoption of the following ordinance:

**THE CITY OF LOWELL ORDAINS:**

**Section 1. Restatement of Chapter 23.** Chapter 23, "Vegetation" of the Code of Ordinances of the City of Lowell is restated in its entirety as follows:

**Chapter 23 - VEGETATION**

**ARTICLE I. - IN GENERAL**

**Sec. 23-1. - Intent.**

It is the intent of this article to promote and protect the public health, safety, and welfare by regulating the planting, maintenance and removal of trees, shrubs, and other woody plants within the city to maintain a healthy tree canopy, encourage biodiversity, reduce impacts of stormwater and urban heat island effects, provide habitat for wildlife, and enhance community aesthetics. It is the further intent of this article to cause the replacement of each approved tree species that is removed from public street right-of-ways, city parks and other city-owned property. Such replacements shall be of an approved species and at locations as shall be determined by the city manager or their designee; thereby ensuring the variety and longevity of the city tree inventory.

Additionally, the City of Lowell is a recognized Tree City USA, as established by the Arbor Day Foundation. To maintain this designation, the City must satisfy the following standards: (1) it must maintain a tree board or department, (2) it must adopt a community tree ordinance, (3) it must spend at least \$2 per capita on urban forestry, and (4) it must celebrate Arbor Day.

**Sec. 23-2. - Definitions.**

For purposes of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(a) Boulevard: A landscaped median in the center of a street, typically lined with trees.

- (b) City arbor board: An advisory board established by the City of Lowell tasked with the development and annual update of the city's tree plan, documenting the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in public parks, along public streets and roads, within public right-of-ways and within other public areas.
- (c) Caliper: Thickness or diameter of the trunk of a tree taken at a standard height, used in specifying nursery stock. Trees under four (4) inch caliper are measured at six (6) inches above the soil line; trees over four (4) inch caliper are measured at twelve (12) inches above the soil line.
- (d) Certified arborist: A professional who possesses the technical competence gained through experience and related training to provide for or supervise the management of trees and other woody plants in residential, commercial, and public landscapes. A professional arborist is certified by the International Society of Arboriculture (ISA).
- (e) Critical root zone (CRZ): Area of soil around a tree where the minimum amount of roots considered critical to the structural stability or health of the tree are located.
- (f) Drip line: The imaginary vertical line that extends downward from the outermost tips of tree branches to the ground.
- (g) Public property: Land owned by the city, including, but not limited, to rights-of-way, easements, parks, trails, cemeteries, or government facilities.
- (h) Root collar: Transition zone from trunk to roots where the trunk expands into the buttress or structural roots. Also known as root crown, root flare, and trunk flare.
- (i) Department of Public Works (DPW): City of Lowell Department of Public Works.
- (j) Diameter Breast Height (DBH): Thickness or diameter of the trunk of a tree taken at four and one-half feet above the existing grade, used in measuring established trees. DBH is measured in inches.
- (k) Landscape Architect: A professional who performs services such as consultation, investigation, research, planning, design, or responsible field observation in connection with the development of land areas where, and to the extent that the dominant purpose of the services is the preservation, enhancement, or determination of proper land uses, natural land resources, ground cover and planting, naturalistic and aesthetic values, the settings and approaches to structures or other improvements, natural drainage, and the consideration and determination of inherent problems of the land relating to erosion, use and stress, blight, or other hazards. A landscape architect is licensed by the Michigan Department of Licensing and Regulatory Affairs.
- (l) Lowell Light and Power (LLP): City of Lowell owned and operated electric utility, governed by an appointed board.

- (m) Parkway: A landscaped edge of a street, typically lined with trees. Parkways are often situated between paved areas along the street edge, like sidewalks and the back of curb.
- (n) Private property: Land owned by non-governmental entities, which includes, but is not limited to, residences, businesses, or churches.
- (o) Topping: The severe pruning of limbs to such a degree so as to remove the normal canopy and disfigure the tree.
- (p) Tree, dead or dying: A tree that is diseased or damaged beyond repair, has no live tissue or is determined to have less than 10% live tissue by a certified arborist.
- (q) Tree fund: A budget account to be used for activities associated with public tree inventory, protection, maintenance and planting.
- (r) Tree, fruit bearing: Trees that produce fleshy fruit, such as a berry or drupe. This does not include trees that create seeds in the form of cones, capsules, pods, samaras, or nuts.
- (s) Tree, healthy: A tree showing good structural integrity, free of serious diseases, and maintaining normal appearance appropriate to the species including size of tree and leaves, normal coloration, and displaying normal vigor and growth characteristics.
- (t) Tree, limited use: See Sec. 23-70.
- (u) Tree, powerline friendly: Woody perennial having one dominant trunk and an estimated mature height equal to or less than twenty (20) feet, that when fully grown, will have minimal conflict with overhead power utilities while allowing clear passage of people, animals and/or vehicles below its crown.
- (v) Tree, prohibited: See Sec. 23-70.
- (w) Tree protection plan (TPP): A plan which outlines specific measures to protect trees during construction or other site disturbance. The TPP also addresses requirements for offsetting or mitigating impacts to protected trees, such as transplanting or planting replacement trees.
- (x) Tree, street: Woody perennial with good tolerance of urban conditions, having one dominant trunk and an estimated mature height greater twenty-five (25) feet and, when fully grown, will provide shade and/or shelter for the land beneath while allowing clear passage of people, animals and/or vehicles below its crown.
- (y) Tree, unsafe condition: A tree that, by reason of its nature, inappropriate location, or lifecycle, is injurious to public utilities, blocks clear vision of traffic control devices, damages or impedes zones of travel, or is dead or diseased.

**Secs. 23-3. – 23.22. - Reserved.**

## **ARTICLE II. - CITY ARBOR BOARD**

### **Sec. 23-23. - Creation.**

There is hereby created a board of the city to be known as the city arbor board to accomplish the public purposes and who shall have such powers, duties, and responsibilities as hereinafter set forth.

### **Sec. 23-24. - Duties and responsibilities.**

- (a) The city arbor board shall study, investigate, counsel, and develop, annually update, and administer, a written plan for the care, preservation, pruning, planting, replanting, removal, or disposition of trees and shrubs in public parks, along public streets and roads, within public right-of-ways, and within other public areas. Such plan as annually updated shall be for the immediately succeeding fiscal year of the city and shall be presented to the city council in April of each year. Upon review, acceptance, and approval by the city council, it shall constitute the official comprehensive tree plan of the city. In addition, the city arbor board shall, at the request of the city council, consider, investigate, make findings, report, and make recommendations to the city council on any matter or question within the scope of its work as set forth in this article.
- (b) To ensure the intent of this ordinance and the city's tree plan are being followed, the city arbor board shall review and make recommendations on projects that may impact the care, preservation, pruning, placement, removal or disposition of trees and shrubs on public property. This may include, but is not limited to, the following project types:
  - (1) Public road construction/reconstruction and/or streetscape enhancements;
  - (2) Utility placement and/or removal that may conflict with existing trees or inhibit the placement of future trees;
  - (3) Park, cemetery, or public facility site construction/reconstruction;
  - (4) Public or private development projects that may remove five (5) or more trees measuring 6 inch DBH or greater on public property.
- (c) City arbor board review is not required for the removal of hazardous and diseased trees which pose a threat to public health, safety, and welfare.

### **Sec. 23-25. - Composition.**

The city arbor board shall consist of five (5) voting members, all of whom shall be registered electors of the city. One (1) voting member shall be a currently serving city councilperson and one (1) voting member shall be a current member of the city board of Lowell Light and Power. All members shall be approved by the mayor and confirmed by a majority of the members then serving on the city council, provided, however, the councilperson to be appointed shall not vote on the confirmation of his or her appointment. In addition, the city may appoint not more than one (1) ex-officio nonvoting member who shall be a certified tree arborist, landscape architect, horticulturalist, or other similar professional who need not be a registered elector of the city, who shall be identified by the city manager, and who shall agree to serve in such capacity.

**Sec. 23-26. - Term of office.**

The term of office for city arbor board voting members, other than the member also serving on the city council and the member also serving on the city board of Lowell Light and Power, shall be for three (3) years, provided, that for the first members appointed, one (1) member shall be appointed for a three-year term, one (1) member shall be appointed for a two-year term, and one (1) member shall be appointed for a one-year term. Except for the initial appointment of such board members where a member's term shall commence upon appointment, all terms of such members shall commence on July 1. If such board member's term has expired, and a successor has not been appointed, such board member shall continue to serve until a successor is appointed. The terms of the board member appointed as a currently serving city councilperson and the board member appointed as a current member of the city board of Lowell Light and Power shall begin on the date of appointment and end on date such member is no longer a city councilperson or member of the city board of Lowell Light and Power. Such board members shall not continue to serve after their term has ended even if a successor has not been appointed.

**Sec. 23-27. - Vacancies.**

Vacancies on the city arbor board shall be filled in the same manner as regular appointments for the remainder of the unexpired term of the appointment vacated.

**Sec. 23-28. - Removal from office.**

A board member may be removed from the city arbor board by the city council at any time for cause as determined solely by the city council upon receiving a recommendation for removal by the city arbor board.

**Sec. 23-29. - Compensation.**

Members of the city arbor board shall receive no compensation, but shall be entitled to their actual and necessary reasonable expenses incurred in the performance of their duties as approved by the city council.

**Sec. 23-30. - Rules of procedure.**

The city arbor board may adopt such rules of procedure for carrying out its powers, duties and responsibilities that are not inconsistent with the provisions of this article.

**Sec. 23-31. - Meetings.**

All meetings of the city arbor board shall, except as otherwise permitted by law, be open to the public and held in compliance with the Michigan Open Meetings Act, Act 267 of the Public Acts of Michigan of 1976, as amended (MCL 15.261 et seq.). Meetings of the city arbor board may be called by the board chairperson or by any two (2) of its board members.

**Sec. 23-32. - Quorum.**

A majority of the voting board members then serving on the city arbor board shall constitute a quorum for the conducting of the business of the board.

**Sec. 23-33. - Chairperson.**

The members of the city arbor board shall annually elect one (1) of its members as chairperson. The chairperson shall be responsible for conducting all meetings of the board. Another member of the board, selected by board members present at the meeting, may serve as temporary chairperson for a meeting at which the chairperson is absent.

**Sec. 23-34. - Execution of contracts and commitment of funds.**

- (a) The city arbor board may advise and make recommendations to the city council regarding the entering into contracts or the expenditure of city funds in connection with its duties and responsibilities, but may not itself enter into contracts or commit city funds.
- (b) A tree fund shall be established and reserved for the replacement of and/or planting of new trees on public property. The city arbor board should be provided status updates of the tree fund balance during each regular meeting to inform recommended expenditures to the city council. The city manager or their designee shall provide an annual report to the city arbor board at the final meeting of each calendar year that summarized the prior year's activities, expenditures, and shall include an estimate of necessary funding for the upcoming year based on anticipated tree replacement and planting needs.

**Secs. 23-35—23-45. - Reserved.**

**ARTICLE III. - NOXIOUS SHRUBS, WEEDS AND GRASS**

**Sec. 23-46. - Property conditions declared a public nuisance.**

The following conditions are declared to be a public nuisance:

- (1) Trees, shrubs, bushes, weeds, or other plant growth obstructing a public sidewalk or pedestrian walkway, a road or street right-of-way, or other public way;
- (2) Weeds, grasses, or other plant growth that endanger public property or the health or safety of the public, or interfere with, obstruct or render dangerous any public way including noxious weeds, as defined in Section 2 of Act 359 of the Public Acts of Michigan of 1941, as amended, including ragweed, poison ivy, poison sumac, poison oak, and Canada thistle;
- (3) Weeds, grasses, and undergrowth higher than twelve (12) inches; and
- (4) Dead trees deemed hazardous to the public or to an adjacent property.

**Sec. 23-47. - Nuisances prohibited.**

- (a) For all residentially zoned properties and all other properties on which residential uses are located regardless of the zone district, a property owner, tenant, or other responsible party shall maintain such property, occupied or vacant, improved or unimproved, free of the nuisances described in section 23-46 in the following areas:

- (1) On areas of developed lots, parcels, and units where a traditional lawn has been established;
  - (2) The front twenty-five (25) feet measured from the improved right-of-way of residentially zoned lots or parcels, whether or not vacant, or lots or parcels with residential uses in which more than eighty-five (85) percent of the lot or parcel has been developed (for corner lots and parcels, the front twenty-five (25) feet shall be measured from both improved public rights-of-ways); and
  - (3) All cleared and graded areas of lots and parcels where lawns or other landscaped improvements are intended to be planted, but have not yet been established.
- (b) For all business and industrial zoned property and all other properties on which there are commercial, office, business, and industrial uses regardless of the zone district, a property owner, tenant or other responsible party shall maintain all landscaped areas of the property free of the nuisances described in section 23-46.
- (c) This article is not intended to prohibit or discourage the practice of developing natural groundcover areas, prairie yards, or gardens and lawns using accepted xerophytic plantings and techniques. It is intended to abate and eliminate situations where property is in a state of actual neglect and shows no distinct plan or pattern of upkeep or maintenance.

**Sec. 23-48. - Responsibility for maintenance of adjacent properties.**

Every property that is to be maintained pursuant to subsections 23-47(a) and (b) shall also include the same maintenance by a property owner, tenant, or other responsible party of such property in the area between that property's front property line and an improved public road or street, and in the case of private roads and streets, between the improved private road or street and the front property line.

**Sec. 23-49. - Notice of violation.**

- (a) In the event that a property owner fails to comply or cause compliance with this article, the city shall notify the property owner of the violation and direct that the nuisance be abated. Such notice shall be in writing, addressed to the property owner as shown on the latest ad valorem property tax assessment roll, and shall inform the property owner:
- (1) Of the nature of the violation;
  - (2) Of the time in which the violation must be abated, which shall not be less than five (5) days;
  - (3) That the city may act to abate any violation that is not abated within the time prescribed;
  - (4) That if the city abates the nuisance, the cost of such abatement plus an administrative fee as prescribed in section 23-51 shall be assessed as a lien against the property until paid; and

- (5) That failure of the property owner to abate or cause the abatement of the nuisance may result in civil enforcement or criminal prosecution and/or abatement of the nuisance by the city.
- (b) The failure to receive such notice shall not be a defense against the city's right to collect the costs of nuisance abatement including administrative fees or the initiation of civil enforcement or criminal prosecution of the violation.

**Sec. 23-50. - Abatement.**

Upon failure, neglect or refusal of a property owner to comply or cause compliance with the provisions of this article, the city or its authorized contractor or designee is authorized to enter upon the property of the property owner to abate the nuisance.

**Sec. 23-51. - Administrative fee.**

An administrative fee reflecting the city's cost of enforcing this article and as established by resolution of the city council shall be added to the actual costs charged to a property owner for abating a nuisance under this article.

**Sec. 23-52. - Charges a lien on property.**

Unpaid charges and administrative fees related to the failure to abate a nuisance to a property shall be a lien on such property and, if delinquent, may be collected in the same manner as the collection of delinquent ad valorem property taxes.

**Secs. 23-53—23-65. - Reserved.**

**ARTICLE IV. - TREES**

**Sec. 23-66. - Permits for tree planting, care, and removal.**

The city manager or their designee shall have control of the planting, removal, and care of trees, shrubs, and other woody plants in the public street right-of-way, city parks, and other city-owned property, subject to the provisions of this article. The Department of Public Works (DPW) director and Lowell Light and Power (LLP) distribution manager shall review all permits for tree planting, care, and removal, and provide recommendations to the city manager or their designee. The city manager may request input on tree condition, removal, and replacement from a certified arborist or licensed landscape architect. The owner of land abutting a public street right-of-way may, upon obtaining a written permit from the city manager or his/her designee, prune, plant, remove, spray, and otherwise maintain trees, shrubs, and other woody plants in that part of the street right-of-way abutting such owners land not used for pedestrian or vehicular travel. No person shall otherwise prune, plant, remove, spray, or otherwise maintain trees, shrubs, and other woody plants in any public street right-of-way, city park or other city-owned property. Each permit shall specify the extent and conditions of authorization.



**Sec. 23-67. - Road commission jurisdiction.**

For those public street right-of-ways in the city which the Kent County Road Commission has jurisdiction or maintenance responsibility, the tree policy of the road commission, rather than the provisions of this article, shall apply.

**Sec. 23-68. - Persons engaged in trimming, pruning and removal.**

All persons, firms, and companies providing trimming, pruning, and removal services of trees, shrubs, and woody plants within the public street right-of-ways or in city parks or other city-owned property shall be, if required, currently licensed by the appropriate state authority, if any, and shall have in effect a general liability policy of insurance which names the city as an additional or co-insured. A copy of the policy or a certificate of insurance shall be filed with the city clerk before beginning work within the city.

(a) Responsibility of persons engaged in trimming, pruning, and removal services.

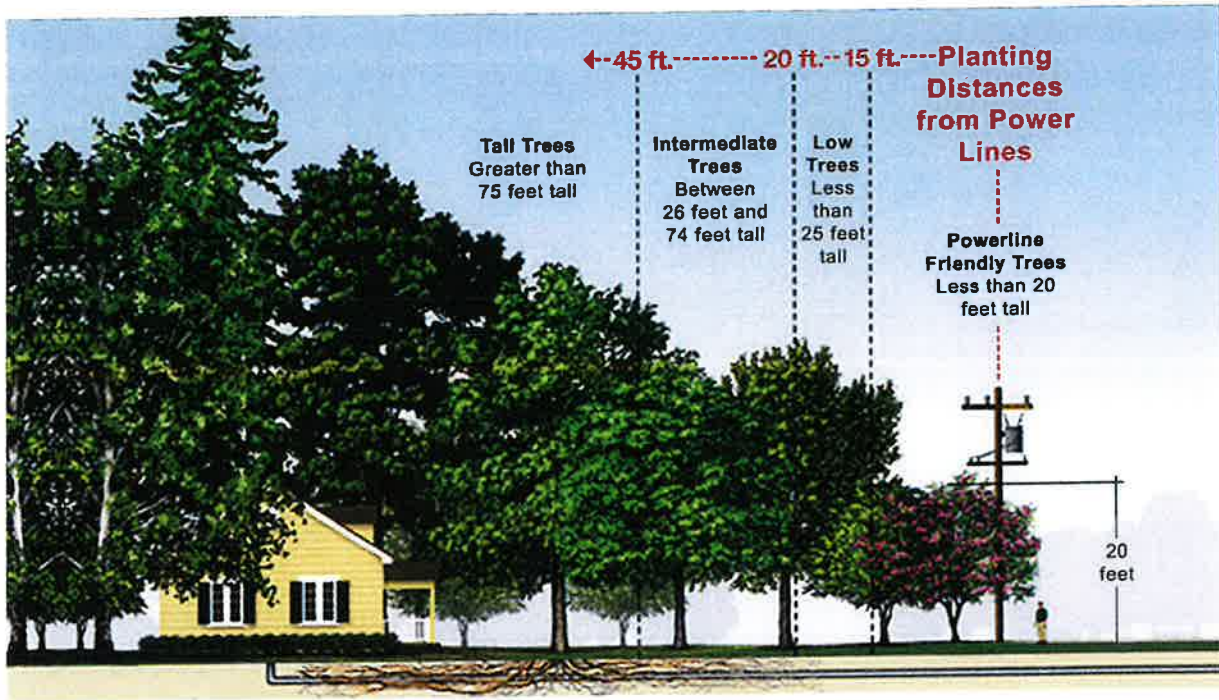
- (1) Following trimming, pruning, and removal, all debris and brush shall be cleared from the site and properly disposed. Wood 4" in diameter and larger shall be left for the property owner, if so requested, or removed from the site entirely.
- (2) When a tree is removed from city property, the persons completing said tree removal shall remove the tree stump and restore the lawn or surrounding groundcover, including any backfilling of clean topsoil necessary for future viable plant growth.
- (3) If a tree is to be replaced in the same or near approximate location as the removed tree, full stump removal will be required. If no tree is planned for the location of the removed tree, stump grinding to a depth of 6" below grade will be required, pending DPW director approval.

**Sec. 23-69. - Community feedback regarding trees on public property.**

- (a) Persons with concern or comment regarding the removal or placement of trees on public property may submit a completed tree feedback form to the city, which will be reviewed by the DPW director and shared with the city arbor board at their next regularly scheduled meeting. The City may seek assistance from a certified arborist or licensed landscape architect to help review these concerns.
- (b) In the case of a dispute regarding property lines, right-of-way locations, or similar issues, a survey may be ordered to determine the actual boundary. In such cases, the person raising the boundary dispute shall be responsible for the costs associated with this determination.

**Sec. 23-70. - Planting trees on public property.**

- (a) Consent required for planting trees. Whenever any person desires to plant any shade or ornamental trees in any of the public highways, streets, or avenues of the city, they shall submit an application to the city manager in writing specifying the number and kind of trees they desire to plant and the location. The city manager shall determine by an order providing whether such person may plant any trees upon such highway, street, or avenue without injury or detriment to the public interest.
- (b) Clear vision clearance. No trees, shrubs, woody plants, other plantings, fencing, or other obstruction shall be located or maintained on a corner lot which will obstruct the view of the driver or operator of a vehicle within the public street right-of-way. Such unobstructed view area shall mean a triangular area formed by the private property lines along each public street right-of-way and a line connecting them at a point twenty-five (25) feet from the private property lines extended. Trees, shrubs, woody plants, and other plantings may be located in such unobstructed view area provided they will not achieve a height at maturity greater than thirty (30) inches. In addition, no trees, shrubs, woody plants, or other plantings shall be located or maintained in any front, side or rear yard of a lot which, in the opinion of the city manager or his/her designee will obstruct the view from vehicles entering or leaving the lot from driveways or adjacent private roadways.
- (c) Planting and spacing of trees. The planting of trees, shrubs, and other woody plants in public street right-of-ways, city parks, and other city-owned property shall be authorized by the city manager or their designee in accordance with prescribed planting practices. The planting and spacing of city-provided trees on private property shall be mutually approved by the property owner and the city manager or their designee. Methods and timing for tree planting and establishment shall conform to the United States Department of Agriculture (USDA) Code 612 regarding tree/shrub establishment in Michigan. Thirty (30) feet on-center planting should be used as a minimum spacing for street trees, when feasible. For newly-planted trees, spacing from the on-center measurement of the tree to the following items is required:
- (1) 15 feet from fire hydrants, utility junction boxes, and utility poles
  - (2) 10 feet from alleys, driveways, or other curb cuts
  - (3) 10 feet from underground utility service lines and stormwater catch basins



(d) Protection of sidewalks and streets

- (1) Covering soil surface near trees; sidewalks. No person shall place within the public street right-of-way any material which will impede or redirect the full and free passage of water, air, fertilizer, or other plant food to the roots of any tree, shrub, or other woody plant except for a sidewalk of authorized width and location. Where there are sidewalks within the public street right-of-way, every effort shall be made to place materials that will prevent the growth of root structures from impacting the sidewalk. This includes providing proper spacing between sidewalks and planting areas, providing adequate soil volumes for trees to thrive, and the use of root barriers near underground utilities and curbs, when necessary.
- (2) Parkway and boulevard authorized widths. Trees planted in parkways and boulevards should be centered within the landscape area, when feasible. Consideration should be given to the placement of new trees so that conflicts with future sidewalks will not occur and parkway widths will provide enough space to meet the following requirements. Parkway and boulevard widths shall adhere to the minimum dimensional standards described below to protect sidewalks, curbs, and roads from pavement due to root growth:
  - i. Parkway or boulevards that will accommodate large canopy trees with a mature canopy of thirty-six (36) feet wide or greater shall provide a minimum landscape area of eight (8) feet wide.

- ii. Parkways or boulevards that will accommodate medium canopy trees with a mature canopy between thirty-five (35) feet and twenty-six (26) feet wide shall provide a minimum landscape area of six (6) feet wide.
  - iii. Parkways and boulevards that will accommodate small canopy trees with a mature canopy of twenty-five (25) feet wide or less shall provide a minimum landscape area of four (4) feet wide.
- (e) Species of trees. It is the policy of the city that it will not plant more than fifty (50) percent of the trees in one (1) area of the city with one (1) single species of trees during a calendar year. It is recommended that the species of trees planted throughout the city be staggered to prevent the loss of inventory from disease or infestation. Species indicated on the recommended tree species list shall be planted in the public street right-of-way, city parks, or other city-owned property with funds made available from the designated city tree fund.
- (1) Prohibited Trees. The following trees are not permitted in an effort to protect the health, safety, and welfare of the city. The species listed below have characteristics that make them poor fits for urban spaces, such as being prone to splitting; having wood that is brittle and breaks easily; roots that clog drains and sewers; have been identified as invasive species, or may be unusually susceptible to disease or pests.

Prohibited Trees	
Common Name	Botanical Name
Norway Maple	<i>Acer platanoides</i>
Tree of Heaven	<i>Ailanthus species</i>
Russian Olive	<i>Elaeagnus Angustifolia</i>
Ash	<i>Fraxinus species (without Emerald Ash Borer resistance)</i>
Female Ginkgo	<i>Ginkgo biloba</i>
Honey Locust (with thorns)	<i>Gleditsia triacanthos (with thorns)</i>
Populus nigra var. italica	<i>Lombardy Poplar</i>
Mulberry	<i>Morus species (non-native varieties)</i>
Bradford Pear	<i>Pyrus calleryana 'Bradford'</i>
Black Locust	<i>Robinia species</i>
Willow Tree	<i>Salix tree species (non-native varieties)</i>
Elm	<i>Ulmus (without Dutch Elm disease resistance or treatment)</i>
Chinese Elm	<i>Ulmus Parvifolia</i>

- (2) Limited Use Trees. Trees listed under the Limited Use category are permitted in locations with open spaces, like parks or large greens, where there is limited contact with people spaces (walkways, picnic areas, etc.), vehicles, utilities, and structures.

Limited Use Trees	
Common Name	Botanical Name
Box Elder	<i>Acer negundo</i>
Silver Maple	<i>Acer Saccharinum</i>
Catalpa	<i>Catalpa speciosa</i>
Black Walnut	<i>Juglans Nigra</i>
Mulberry	<i>Morus rubra</i>
Eastern Cottonwood	<i>Populus deltoids</i>
Black Willow	<i>Salix nigra</i>

- (3) Recommended Trees. The following table includes suggested trees that meet USDA plant hardiness standards for the City of Lowell and have characteristics that make them more tolerant of urban conditions. This list is non-exhaustive, but is intended to provide a standard reference for pre-approved trees that may be considered for use on public property.

- i. A mixture of species to increase biodiversity and the use of native species is encouraged. Native species or cultivars in the recommended trees list are identified with an (N) at the end of the botanical name.
  - ii. Fruit bearing trees shall not be planted in the right of way because of the associated maintenance burden, unless they are fruitless varieties or male selections. Fruit bearing trees with favorable characteristics for urban conditions are included in the recommended trees list and are identified with an asterisk (\*) at the end of the botanical name.
- (4) Trees shall be selected based on specific environmental conditions and space needs. This includes sourcing trees regionally so that they are acclimated to USDA plant hardiness zone 5. Tree form (single trunk) should be specified for all species selected as street trees. Powerline friendly trees are illustrated in the following table. The mature height of selected powerline friendly trees should not conflict with the height of overhead utilities placed nearby.

Recommended Trees		
Tree Type	Common Name	Botanical Name
Street Trees	Freeman Maple	<i>Acer × freemanii</i>
	Red Maple	<i>Acer rubrum (N)</i>
	Sugar Maple	<i>Acer saccharum (N)</i>
	Allegheny Serviceberry	<i>Amelanchier laevis (N)*</i>
	River Birch	<i>Betula nigra (N)</i>
	European Hornbeam	<i>Carpinus betulus</i>
	American Hornbeam	<i>Carpinus caroliniana (N)</i>
	Hackberry	<i>Celtis occidentalis (N)*</i>
	Fringe Tree	<i>Chionanthus virginicus (N)*</i>
	American Hazelnut	<i>Corylus americana (N)</i>
	Cockspur hawthorn	<i>Crataegus crus-galli (N)*</i>
	Washington Hawthorn	<i>Crataegus phaenopyrum (N)*</i>
	Hardy Rubber Tree	<i>Eucommia ulmoides</i>
	Ginkgo (Male)	<i>Ginkgo biloba*</i>
	Thornless Honeylocust	<i>Gleditsia triacanthos f. inermis (N)</i>
	Kentucky Coffee Tree (Seedless Varieties)	<i>Gymnocladus dioicus (N)</i>
	Golden Rain Tree	<i>Koelreuteria paniculata</i>
	Sweetgum	<i>Liquidambar styraciflua</i>
	Amur Maackia	<i>Maackia amurensis</i>
	Osage orange (Fruitless Varieties)	<i>Maclura pomifera (N)*</i>
	Black Gum	<i>Nyssa sylvatica (N)*</i>
	Ironwood	<i>Ostrya virginiana (N)</i>
	Sycamore	<i>Platanus occidentalis (N)</i>
	Sawtooth Oak	<i>Quercus acutissima</i>
	White Oak	<i>Quercus alba (N)</i>
	Northern Pink Oak	<i>Quercus ellipsoidalis (N)</i>

Recommended Trees Continued		
Tree Type	Common Name	Botanical Name
Street Trees	Fastigate Columnar Oak	<i>Quercus robur f. fastigiata</i>
	Red Oak	<i>Quercus rubra (N)</i>
	Shumard Oak	<i>Quercus shumardii</i>
	Black Oak	<i>Quercus velutina (N)</i>
	Littleleaf Linden	<i>Tilia cordata</i>
	Silver Linden	<i>Tilia tomentosa</i>
	Valley Forge American Elm	<i>Ulmus americana 'Valley Forge' (N)</i>
	Japanese Zelkova	<i>Zelkova serrata</i>
Powerline Friendly Trees	Trident Maple	<i>Acer buergerianum</i>
	Grandiflora Serviceberry (Select Cultivars)	<i>Amelanchier × grandiflora</i> 'Autumn Brilliance'; 'Princess Diana'*
	Eastern Red Bud	<i>Cercis canadensis (N)</i>
	Tokyo Tower Fringe Tree	<i>Chionanthus retusus 'Tokyo Tower'*</i>
	Pagoda Dogwood	<i>Cornus alternifolia (N)*</i>
	Kousa Dogwood	<i>Cornus kousa*</i>
	English hawthorn (Select Cultivars)	<i>Crataegus laevigata 'Paul's Scarlet'*</i>
	Crabapple (Select Cultivars)	<i>Malus 'Adirondack'*</i> ; 'Schmidtcutleaf'*; 'Red Barron'*; 'Jewelcole'*
	Ornamental Plum (Select Cultivars)	<i>Prunus 'Newport'*</i> ; 'Thundercloud'*
	Sargent Cherry	<i>Prunus sargentii*</i>
	Ivory Silk Japanese Tree Lilac	<i>Syringa reticulata 'Ivory Silk'</i>
	Summer Sprite Linden	<i>Tilia cordata 'Halka'</i>

**Sec. 23-71. - Tree protection and maintenance**

- (a) Injuring or destroying trees. It shall be unlawful to cut, destroy, or otherwise injure any shade or ornamental tree or shrub growing within the limits of any public street, highway, or place within the city, without the consent of the city manager.

- (b) Trimming of trees by city. It shall be lawful for the DPW director to cause to be properly and necessarily trimmed all trees standing in or that may overhang any highways, streets, or avenues. Trimming may occur upon mutual agreement between the DPW director and the LLP distribution manager for trees which in any manner obstruct the public electrical lines or lighting of the city.
- (c) Tree trimming standards. All trees, shrubs, and other woody plants that are subject to this article shall be trimmed and pruned in accordance with the then current standards established by the American National Standard Institute for tree care operations (American National Standards Institute (ANSI) A-300) or, with respect to any activities of the city board of Lowell Light and Power related to this article, the Lowell Light and Power Operating Policy 6-9 for Power Line Clearance as it may be revised from time to time. In no case shall a tree be "topped" or improperly pruned.
- (1) Removal of more than twenty-five (25) percent of the tree canopy within an annual growing season shall be considered tree removal and necessitate replacement.
  - (2) Removal of more than twenty (20) percent of the tree root zone within a two year period shall be considered tree removal and necessitate replacement.
- (d) Maintenance of trees on private property. The owner of a tree located on private property which overhangs onto a public street right-of-way shall periodically be responsible for trimming its branches (a) so the tree does not obstruct the light from any street lamp or the clear view of any public street intersection, and (b) so there is a clear space of thirteen (13) feet above the surface of the public street right-of-way. The owner of a dead, diseased, infested, or dangerous tree, or a tree with broken or decayed limbs on private property which constitutes a danger to public safety, shall promptly remove such tree or limbs. The city has the right to trim any tree, shrub, or other woody plant that obstructs the light of any street lamp in the public street right-of-way or interferes with the visibility of any traffic control device or sign. Such trimming shall be confined to the area immediately above the public street right-of-way.
- (e) Protection of trees during construction. A tree protection plan shall be prepared for all construction projects on public property that require engineered or architectural drawings. This plan will outline specific measures to protect trees during construction and offset or mitigate impacts to protected trees.
- (1) All trees to be preserved in construction work zones shall be protected by a protection fencing that extends to the drip line of the protected tree(s). Construction activities, including driving of machinery or pedestrian movements, and the storage of equipment, shall not occur within these protected areas. The fence shall be four (4) feet in height, clearly signed, and firmly anchored into the ground. Barriers shall be erected before demolition, grading, or construction begins and remain in place until all construction activities have been completed.



(2) When utility work or excavation near a tree to be protected must be carried out, damage can be limited by root pruning or directional boring.

- i. Root pruning shall be completed before grading is started and shall occur outside the protective tree fencing. When root pruning is necessary, clean cuts perpendicular to the natural growth direction shall be made, excavated areas shall be backfilled within an hour of pruning, and watering shall occur within twenty-four (24) hours. Not more than thirty-three percent (33%) of the critical root zone shall be disturbed.
- ii. Directional boring, sometimes referred to as tunneling, moling, or trenchless technology, may be utilized to repair or place utility lines or conduit near a tree to be protected, so long as the pits for machinery access are located outside of the critical root zone. Boring shall occur at least 36 inches below grade and be offset horizontally by a minimum of 6 inches from the outer edge of the tree trunk.

**Sec. 23-72. - Removal and replacement of trees on public property**

**(a) Procedures for tree removal:**

- (1) Submit a completed tree removal permit to the city, as described in Sec. 23-66.
- (2) If the request for tree removal includes five (5) or more trees measuring six (6) inch DBH or greater, the request will be sent to the city arbor board for review and recommendation.
- (3) A determination by the DPW director and LLP Distribution Manager shall be made to the city manager or their designee regarding the removal request, and the city manager will provide a written denial or issued permit.
- (4) Additional terms of the tree removal permit may include tree protection measures for adjacent trees and/or replacement of the tree(s) to be removed in accordance with this section.

- (b) Tree removal for non-utility operation or public safety requests. If the DPW director or LLP Distribution Manager, or their designee, determine that an existing tree, shrub, or other woody plant located in the public street right-of-way, a city park, or other city-owned property has died or is diseased, is disfigured, or is partially destroyed, they shall recommend the city manager authorize its removal. The preservation of woodland areas, individual trees, similar woody vegetation, and related natural resources, shall have priority over development when there are other functional on-site location/design alternatives. Trees proposed for removal to accommodate new public site features, such as sidewalks, roads, or buildings, will be addressed on a case-by-case basis.

- (c) Tree removal for utility operation or public safety. If a public or private utility company (which shall include LLP) or the city manager or their designee determines that a tree, shrub, or other woody plant located in a public street right-of-way, city park or other city-owned property is a detriment to utility operations or a public safety concern, it may be trimmed or removed to provide the necessary and appropriate clearance or to otherwise eliminate the operational or public safety concern. Any tree, shrub, or other woody plant removed shall be replaced at a location determined by the city manager or their designee.
- (d) Tree replacement and fees. All trees that are removed from public street right-of-ways, city parks, and other city-owned property shall be replaced by the city as follows:
- (1) Preference will be given to placing replacement trees at or adjacent to the former location of the removed tree, if feasible. If the tree was removed due to conflict with utilities, lines of site, or new site features, such as sidewalks, roads, or public buildings, a more appropriate tree species or alternate location for the tree replacement shall be determined by the city manager or their designee.
  - (2) Trees removed for public safety concerns, such as utility or line of site conflict, tree death, disease, disfigurement, or partial destruction due to natural causes shall be replaced on a per tree basis.
  - (3) Trees removed because of proposed site features, such as sidewalks, roads, or public buildings, shall be replaced in caliper inches at a rate of 50% the total DBH removed or as determined by the City Manager or the designee's discretion. The City manager shall only permit a replacement of less than 50% of the DBH removed if one or more of the following factors exist:
    - i. If compliance would be unnecessarily burdensome or otherwise impractical
    - ii. If compliance would be contrary to the purpose and intent of this Ordinance or would be detrimental to the public health, safety, or welfare
    - iii. If compliance would adversely impact neighboring public or private property
  - (4) Tree replacement for trail projects in wooded landscapes is not required but the adjustment of proposed trail alignments to preserve trees over six (6) inch DBH is highly encouraged.
  - (5) Replacement trees shall be at least two and a half (2.5) caliper inches upon installation.

- (6) At the time of the authorization and removal of a healthy tree on public property, a fee as established annually based on the average local pricing of the below listed two and a half (2.5) caliper inch trees, including installation, shall be paid by the party responsible for removal and deposited in a designated city tree fund for its replacement. Parties responsible for removal may include, but are not limited to, public and private entities.

Trees to be averaged annually for replacement fee establishment		
Average Cost	Common Name	Botanical Name
\$	Freeman Maple	<i>Acer × freemanii</i>
\$	Ginkgo (Male)	<i>Ginkgo biloba</i>
\$	Sycamore	<i>Platanus occidentalis</i>
\$	Littleleaf Linden	<i>Tilia cordata</i>
\$	Japanese Zelkova	<i>Zelkova serrata</i>
Replacement Fee = Total Average Costs ÷ 5		

**Section 2. Publication.** After its adoption, the City Clerk shall publish or cause to be published this ordinance or a summary thereof, as permitted by law, along with its date of adoption in the *Lowell Ledger*, a newspaper of general circulation in the City, at least ten (10) days before its effective date.

**Section 3. Effective Date.** This ordinance shall take effect ten (10) days after it, or a summary thereof, as permitted by law, along with the date of its adoption, is published as provided in Section 2 above.

YES: Councilmembers \_\_\_\_\_

NO: Councilmembers \_\_\_\_\_

ABSTAIN: Councilmembers \_\_\_\_\_

ABSENT: Councilmember \_\_\_\_\_

**ORDINANCE DECLARED ADOPTED.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Susan Ullery  
City Clerk

### CERTIFICATION

I, the undersigned City Clerk of the City of Lowell, Michigan (the "City"), certify that the above ordinance is a true and complete copy of an ordinance adopted at a regular meeting of the Lowell City Council held on \_\_\_\_\_, pursuant to notice given in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended, and notice of its adoption, including the full ordinance or a summary of its contents and its effective date, was published in the *Lowell Ledger*, on A \_\_\_\_\_. I further certify that the above ordinance was entered into the Ordinance Book of the City on A \_\_\_\_\_, and was effective \_\_\_\_\_, ten (10) days after publication.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Susan Ullery  
City Clerk

## Existing Ordinance Organization

### ARTICLE I. - IN GENERAL

Secs. 23-1—23-25. - Reserved.

### ARTICLE II. - TREES AND SHRUBS

Sec. 23-26. - Injuring or destroying trees.

Sec. 23-27. - Trimming of trees by city.

Sec. 23-28. - City manager consent required for planting trees.

Secs. 23-29—23-45. - Reserved.

### ARTICLE III. - NOXIOUS SHRUBS, WEEDS AND GRASS[2]

Sec. 23-46. - Property conditions declared a public nuisance.

Sec. 23-47. - Nuisances prohibited.

Sec. 23-48. - Responsibility for maintenance of adjacent properties.

Sec. 23-49. - Notice of violation.

Sec. 23-50. - Abatement.

Sec. 23-51. - Administrative fee.

Sec. 23-52. - Charges a lien on property.

Secs. 23-53—23-65. - Reserved.

### ARTICLE IV. - CITY ARBOR BOARD

Sec. 23-66. - Creation.

Sec. 23-67. - Duties and responsibilities.

Sec. 23-68. - Composition.

Sec. 23-69. - Term of office.

Sec. 23-70. - Vacancies.

Sec. 23-71. - Removal from office.

Sec. 23-72. - Compensation.

Sec. 23-73. - Rules of procedure.

Sec. 23-74. - Meetings.

Sec. 23-75. - Quorum.

Sec. 23-76. - Chairperson.

Sec. 23-77. - Execution of contracts and commitment of funds.

Secs. 23-78—23-90. - Reserved.

### ARTICLE V. - TREES

Sec. 23-91. - Intent.

Sec. 23-92. - Permits for tree planting, care and removal.

Sec. 23-93. - Tree removal and replacement.

Sec. 23-94. - Planting and spacing of trees.

Sec. 23-95. - Covering soil surface near trees; sidewalks.

Sec. 23-96. - Clear vision clearance.

Sec. 23-97. - Tree removal for utility operation or public safety.

Sec. 23-98. - Maintenance of trees on private property.

Sec. 23-99. - Tree trimming standards.

Sec. 23-100. - Persons engaged in trimming, pruning and removal.

Sec. 23-101. - Species of trees.

Sec. 23-102. - Road commission jurisdiction.

## Proposed Ordinance Organization

### ARTICLE I. - IN GENERAL

Sec. 23-1. - Intent.

Sec. 23-2. - Definitions.

Secs. 23-3. – 23.22. - Reserved.

### ARTICLE II. - CITY ARBOR BOARD

Sec. 23-23. - Creation.

Sec. 23-24. - Duties and responsibilities.

Sec. 23-25. - Composition.

Sec. 23-26. - Term of office.

Sec. 23-27. - Vacancies.

Sec. 23-28. - Removal from office.

Sec. 23-29. - Compensation.

Sec. 23-30. - Rules of procedure.

Sec. 23-31. - Meetings.

Sec. 23-32. - Quorum.

Sec. 23-33. - Chairperson.

Sec. 23-34. - Execution of contracts and commitment of funds.

Secs. 23-35—23-45. - Reserved.

### ARTICLE III. - NOXIOUS SHRUBS, WEEDS AND GRASS

Sec. 23-46. - Property conditions declared a public nuisance.

Sec. 23-47. - Nuisances prohibited.

Sec. 23-48. - Responsibility for maintenance of adjacent properties.

Sec. 23-49. - Notice of violation.

Sec. 23-50. - Abatement.

Sec. 23-51. - Administrative fee.

Sec. 23-52. - Charges a lien on property.

Secs. 23-53—23-65. - Reserved.

### ARTICLE IV. - TREES

Sec. 23-66. - Permits for tree planting, care, and removal.

Sec. 23-67. - Road commission jurisdiction.

Sec. 23-68. - Persons engaged in trimming, pruning and removal.

Sec. 23-69. - Community feedback regarding trees on public property.

Sec. 23-70. - Planting trees on public property.

Sec. 23-71. - Tree protection and maintenance

Sec. 23-72. - Removal and replacement of trees on public property

REORGANIZATION NOTES: All content from the existing ordinance has been carried over, modified, and/or added to for the proposed draft ordinance.

Content from ARTICLE II – TREES AND SHRUBS and Article V. TREES from the existing ordinance was consolidated into a single section, ARTICLE IV. – TREES, for the proposed draft ordinance.

The CITY ARBOR BOARD section was moved to ARTICLE II to reinforce the intent of this ordinance.

The NOXIOUS SHRUBS, WEEDS AND GRASS section was moved to ARTICLE III, preceeding ARTICLE IV. – TREES

## Chapter 23 - VEGETATION<sup>[4]</sup>

Footnotes:

~~— (1) —~~

~~Charter reference— Authority to regulate location of trees and shrubs, § 3.1(b)(3)(j); to provide for planting, care, protection and removal of trees and shrubs, §§ 3.1(b)(3)(m), (b)(3)(o).~~

~~Cross reference— Nuisances, Ch. 12; offenses, Ch. 13.~~

### ARTICLE I. - IN GENERAL

~~Sees. 23-1 - 23-25. — Reserved.~~

### ~~ARTICLE II. — TREES AND SHRUBS~~

~~Sec. 23-1. - Intent. 23-26. Injuring or destroying trees.~~

~~It is the intent of this article to promote and protect the public health, safety, and welfare by regulating the planting, maintenance and removal of trees, shrubs, and other woody plants within the city to maintain a healthy tree canopy, encourage biodiversity, reduce impacts of stormwater and urban heat island effects, provide habitat for wildlife, and enhance community aesthetics. It is the further intent of this article to cause the replacement of each approved tree species that is removed from public street right-of-ways, city parks and other city-owned property. Such replacements shall be unlawful to cut, destroy of an approved species and at locations as shall be determined by the city manager or otherwise injure any shade or ornamental tree or shrub growing within the limits of any public street, highway or place within their designee; thereby ensuring the city, without the consent variety and longevity of the city manager tree inventory.~~

~~(Code 1971, § 22-16)~~

~~Additionally, the City Sec. 23-27. — of Lowell is a recognized Tree City USA, as established by the Arbor Day Foundation. To maintain this designation, the City must satisfy the following standards: (1) it must maintain a tree board or department, (2) it must adopt a community tree ordinance, (3) it must spend at least \$2 per capita on urban forestry, and (4) it must celebrate Arbor Day.~~

#### ~~Trimming of trees by city~~

~~It shall be lawful for the city manager to cause to be properly and necessarily trimmed all trees standing in or that may overhang any highways, streets or avenues, or which in any manner obstruct the public lighting of the city.~~

~~(Code 1971, § 22-17)~~

~~Sec. 23-28. — City manager consent required for planting trees.~~

~~Whenever any person desires to plant any shade or ornamental trees in any of the public highways, streets and avenues of the city, he shall make application to Sec. 23-2. - Definitions.~~

~~For purposes of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~



- (a) Boulevard: A landscaped median in the center of a street, typically lined with trees.
- (b) City arbor board: An advisory board established by the City of Lowell tasked with the development and annual update of the city's tree plan, documenting the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in public parks, along public streets and roads, within public right-of-ways and within other public areas.
- (c) Caliper: Thickness or diameter of the trunk of a tree taken at a standard height, used in specifying nursery stock. Trees under four (4) inch caliper are measured at six (6) inches above the soil line; trees over four (4) inch caliper are measured at twelve (12) inches above the soil line.
- (d) Certified arborist: A professional who possesses the technical competence gained through experience and related training to provide for or supervise the management of trees and other woody plants in residential, commercial, and public landscapes. A professional arborist is certified by the International Society of Arboriculture (ISA).
- (e) Critical root zone (CRZ): Area of soil around a tree where the minimum amount of roots considered critical to the structural stability or health of the tree are located.
- (f) Drip line: The imaginary vertical line that extends downward from the outermost tips of tree branches to the ground.
- (g) Public property: Land owned by the city, including, but not limited, to rights-of-way, easements, parks, trails, cemeteries, or government facilities.
- (h) Root collar: Transition zone from trunk to roots where the trunk expands into the buttress or structural roots. Also known as root crown, root flare, and trunk flare.
- (i) Department of Public Works (DPW): City of Lowell Department of Public Works.
- (j) Diameter Breast Height (DBH): Thickness or diameter of the trunk of a tree taken at four and one-half feet above the existing grade, used in measuring established trees. DBH is measured in inches.
- (k) Landscape Architect: A professional who performs services such as consultation, investigation, research, planning, design, or responsible field observation in connection with the development of land areas where, and to the extent that the dominant purpose of the services is the preservation, enhancement, or determination of proper land uses, natural land resources, ground cover and planting, naturalistic and aesthetic values, the settings and approaches to structures or other improvements, natural drainage, and the consideration and determination of inherent problems of the land relating to erosion, use and stress, blight, or other hazards. A landscape architect is licensed by the Michigan Department of Licensing and Regulatory Affairs.
- (l) Lowell Light and Power (LLP): City of Lowell owned and operated electric utility, governed by an appointed board.



- (m) Parkway: A landscaped edge of a street, typically lined with trees. Parkways are often situated between paved areas along the street edge, like sidewalks and the back of curb.
- (n) Private property: Land owned by non-governmental entities, which includes, but is not limited to, residences, businesses, or churches.
- (o) Topping: The severe pruning of limbs to such a degree so as to remove the normal canopy and disfigure the tree.
- (p) Tree, dead or dying: A tree that is diseased or damaged beyond repair, has no live tissue or is determined to have less than 10% live tissue by a certified arborist.
- (q) Tree fund: A budget account to be used for activities associated with public tree inventory, protection, maintenance and planting.
- (r) Tree, fruit bearing: Trees that produce fleshy fruit, such as a berry or drupe. This does not include trees that create seeds in the form of cones, capsules, pods, samaras, or nuts.
- (s) Tree, healthy: A tree showing good structural integrity, free of serious diseases, and maintaining normal appearance appropriate to the species including size of tree and leaves, normal coloration, and displaying normal vigor and growth characteristics.
- (t) Tree, limited use: See Sec. 23-70.
- (u) Tree, powerline friendly: Woody perennial having one dominant trunk and an estimated mature height equal to or less than twenty (20) feet, that when fully grown, will have minimal conflict with overhead power utilities while allowing clear passage of people, animals and/or vehicles below its crown.
- (v) Tree, prohibited: See Sec. 23-70.
- (w) Tree protection plan (TPP): A plan which outlines specific measures to protect trees during construction or other site disturbance. The TPP also addresses requirements for offsetting or mitigating impacts to protected trees, such as transplanting or planting replacement trees.
- (x) Tree, street: Woody perennial with good tolerance of urban conditions, having one dominant trunk and an estimated mature height greater twenty-five (25) feet and, when fully grown, will provide shade and/or shelter for the land beneath while allowing clear passage of people, animals and/or vehicles below its crown.
- (y) Tree, unsafe condition: A tree that, by reason of its nature, inappropriate location, or lifecycle, is injurious to public utilities, blocks clear vision of traffic control devices, damages or impedes zones of travel, or is dead or diseased.

**Secs. 23-3. – 23.22. - Reserved.**



## **ARTICLE II. - CITY ARBOR BOARD**

### **Sec. 23-23. - Creation.**

There is hereby created a board of the city to be known as the city arbor board to accomplish the public purposes and who shall have such powers, duties, and responsibilities as hereinafter set forth.

### **Sec. 23-24. - Duties and responsibilities.**

- (a) The city arbor board shall study, investigate, counsel, and develop, annually update, and administer, a written plan for the care, preservation, pruning, planting, replanting, removal, or disposition of trees and shrubs in public parks, along public streets and roads, within public right-of-ways, and within other public areas. Such plan as annually updated shall be for the immediately succeeding fiscal year of the city and shall be presented to the city council in April of each year. Upon review, acceptance, and approval by the city council, it shall constitute the official comprehensive tree plan of the city. In addition, the city arbor board shall, at the request of the city council, consider, investigate, make findings, report, and make recommendations to the city council on any matter or question within the scope of its work as set forth in this article.
- (b) To ensure the intent of this ordinance and the city's tree plan are being followed, the city arbor board shall review and make recommendations on projects that may impact the care, preservation, pruning, placement, removal or disposition of trees and shrubs on public property. This may include, but is not limited to, the following project types:
- (1) Public road construction/reconstruction and/or streetscape enhancements;
  - (2) Utility placement and/or removal that may conflict with existing trees or inhibit the placement of future trees;
  - (3) Park, cemetery, or public facility site construction/reconstruction;
  - (4) Public or private development projects that may remove five (5) or more trees measuring 6 inch DBH or greater on public property.
- (c) City arbor board review is not required for the removal of hazardous and diseased trees which pose a threat to public health, safety, and welfare.

### **Sec. 23-25. - Composition.**

The city arbor board shall consist of five (5) voting members, all of whom shall be registered electors of the city. One (1) voting member shall be a currently serving city councilperson and one (1) voting member shall be a current member of the city board of Lowell Light and Power. All members shall be approved by the mayor and confirmed by a majority of the members then serving on the city council, provided, however, the councilperson to be appointed shall not vote on the confirmation of his or her appointment. In addition, the city may appoint not more than one (1) ex-officio nonvoting member who shall be a certified tree arborist, landscape architect, horticulturalist, or other similar professional who need not be a registered elector of the city, who shall be identified by the city manager, and who shall agree to serve in such capacity.



**Sec. 23-26. - Term of office.**

The term of office for city arbor board voting members, other than the member also serving on the city council and the member also serving on the city board of Lowell Light and Power, shall be for three (3) years, provided, that for the first members appointed, one (1) member shall be appointed for a three-year term, one (1) member shall be appointed for a two-year term, and one (1) member shall be appointed for a one-year term. Except for the initial appointment of such board members where a member's term shall commence upon appointment, all terms of such members shall commence on July 1. If such board member's term has expired, and a successor has not been appointed, such board member shall continue to serve until a successor is appointed. The terms of the board member appointed as a currently serving city councilperson and the board member appointed as a current member of the city board of Lowell Light and Power shall begin on the date of appointment and end on date such member is no longer a city councilperson or member of the city board of Lowell Light and Power. Such board members shall not continue to serve after their term has ended even if a successor has not been appointed.

**Sec. 23-27. - Vacancies.**

Vacancies on the city arbor board shall be filled in the same manner as regular appointments for the remainder of the unexpired term of the appointment vacated.

**Sec. 23-28. - Removal from office.**

A board member may be removed from the city arbor board by the city council at any time for cause as determined solely by the city council upon receiving a recommendation for removal by the city arbor board.

~~the city manager in writing, specifying the number and kind he desires to plant and the highway, street and avenue where he desires to plant the same. Whereupon the city manager shall determine by an order providing whether such person may plant any trees upon such highway, street or avenue without injury or detriment to the public interest.~~

~~(Code 1971, § 22-18)~~

~~Secs.~~ **Sec. 23-29. - Compensation.**

Members of the city arbor board shall receive no compensation, but shall be entitled to their actual and necessary reasonable expenses incurred in the performance of their duties as approved by the city council.

**Sec. 23-30. - Rules of procedure.**

The city arbor board may adopt such rules of procedure for carrying out its powers, duties and responsibilities that are not inconsistent with the provisions of this article.

**Sec. 23-31. - Meetings.**

All meetings of the city arbor board shall, except as otherwise permitted by law, be open to the public and held in compliance with the Michigan Open Meetings Act, Act 267 of the Public Acts of Michigan of 1976, as amended (MCL 15.261 et seq.). Meetings of the city arbor board may be called by the board chairperson or by any two (2) of its board members.

**Sec. 23-32. - Quorum.**

A majority of the voting board members then serving on the city arbor board shall constitute a quorum for the conducting of the business of the board.

**Sec. 23-33. - Chairperson.**

The members of the city arbor board shall annually elect one (1) of its members as chairperson. The chairperson shall be responsible for conducting all meetings of the board. Another member of the board, selected by board members present at the meeting, may serve as temporary chairperson for a meeting at which the chairperson is absent.

**Sec. 23-34. - Execution of contracts and commitment of funds.**

(a) The city arbor board may advise and make recommendations to the city council regarding the entering into contracts or the expenditure of city funds in connection with its duties and responsibilities, but may not itself enter into contracts or commit city funds.

(b) A tree fund shall be established and reserved for the replacement of and/or planting of new trees on public property. The city arbor board should be provided status updates of the tree fund balance during each regular meeting to inform recommended expenditures to the city council. The city manager or their designee shall provide an annual report to the city arbor board at the final meeting of each calendar year that summarized the prior year's activities, expenditures, and shall include an estimate of necessary funding for the upcoming year based on anticipated tree replacement and planting needs.

**Secs. 23-35—23-45. - Reserved.**

**ARTICLE III. - NOXIOUS SHRUBS, WEEDS AND GRASS<sup>(2)</sup>**

~~Footnotes:~~

~~—(2)—~~

~~Editor's note — Ord. No. 08-06, § 1, adopted Dec. 15, 2008, amended Art. III in its entirety to read as herein set out. Former Art. III, § 23-46, pertained to grass and noxious weeds, and derived from Code 1971, § 11-10.~~

**Sec. 23-46. - Property conditions declared a public nuisance.**

The following conditions are declared to be a public nuisance:

- (1) ~~(1)~~—Trees, shrubs, bushes, weeds, or other plant growth obstructing a public sidewalk or pedestrian walkway, a road or street right-of-way, or other public way;
- (2) ~~(2)~~—Weeds, grasses, or other plant growth that endanger public property or the health or safety of the public, or interfere with, obstruct or render dangerous any public way including noxious weeds, as defined in Section 2 of Act 359 of



the Public Acts of Michigan of 1941, as amended, including ragweed, poison ivy, poison sumac, poison oak, and Canada thistle;

(3) ~~(3)~~ Weeds, grasses, and undergrowth higher than twelve (12) inches; and

(4) ~~(4)~~ Dead trees deemed hazardous to the public or to an adjacent property.

~~(Ord. No. 08-06, § 1, 12-15-08)~~

**Sec. 23-47. - Nuisances prohibited.**

(a) ~~(a)~~ For all residentially zoned properties and all other properties on which residential uses are located regardless ~~to of~~ the zone district, a property owner, tenant, or other responsible party shall maintain such property, occupied or vacant, improved or unimproved, free of the nuisances described in section 23-46 in the following areas:

(1) ~~(1)~~ On areas of developed lots, parcels, and units where a traditional lawn has been established;

(2) ~~(2)~~ The front twenty-five (25) feet measured from the improved right-of-way of residentially zoned lots or parcels, whether or not vacant, or lots or parcels with residential uses in which more than eighty-five (85) percent of the lot or parcel has been developed (for corner lots and parcels, the front twenty-five (25) feet shall be measured from both improved public ~~right~~ rights-of-ways); and

(3) ~~(3)~~ All cleared and graded areas of lots and parcels where lawns or other landscaped improvements are intended to be planted, but have not yet been established.

(b) ~~(b)~~ For all business and industrial zoned property and all other properties on which there are commercial, office, business, and industrial uses regardless of the zone district, a property owner, tenant or other responsible party shall maintain all landscaped areas of the property free of the nuisances described in section 23-46.

(c) ~~(c)~~ This article is not intended to prohibit or discourage the practice of developing natural groundcover areas, prairie yards, or gardens and lawns using accepted xerophytic plantings and techniques. It is intended to abate and eliminate situations where property is in a state of actual neglect and shows no distinct plan or pattern of upkeep or maintenance.

~~(Ord. No. 08-06, § 1, 12-15-08)~~

**Sec. 23-48. - Responsibility for maintenance of adjacent properties.**

~~For~~ Every property that is to be maintained pursuant to subsections 23-47(a) and ~~(b),~~ shall also include the same maintenance by a property owner, tenant, or other responsible party of such property in the area between that property's front property line and an improved public road or street, and in the case of private roads and streets, between the improved private road or street and the front property line.

~~(Ord. No. 08-06, § 1, 12-15-08)~~

**Sec. 23-49. - Notice of violation.**

(a) ~~(a)~~—In the event that a property owner fails to comply or cause compliance with this article, the city shall notify the property owner of the violation and direct that the nuisance be abated. Such notice shall be in writing, addressed to the property owner as shown on the latest ad valorem property tax assessment roll, and shall inform the property owner:

- (1) ~~(1)~~—Of the nature of the violation;
- (2) ~~(2)~~—Of the time in which the violation must be abated, which shall not be less than five (5) days;
- (3) ~~(3)~~—That the city may act to abate any violation that is not abated within the time prescribed;
- (4) ~~(4)~~—That if the city abates the nuisance, the cost of such abatement plus an administrative fee as prescribed in section 23-51 shall be assessed as a lien against the property until paid; and
- (5) ~~(5)~~—That failure of the property owner to abate or cause the abatement of the nuisance may result in civil enforcement or criminal prosecution and/or abatement of the nuisance by the city.

(b) ~~(b)~~—The failure to receive such notice shall not be a defense against the city's right to collect the costs of nuisance abatement including administrative fees or the initiation of civil enforcement or criminal prosecution of the violation.

~~(Ord. No. 08-06, § 1, 12-15-08)~~

**Sec. 23-50. - Abatement.**

Upon failure, neglect or refusal of a property owner to comply or cause compliance with the provisions of this article, the city or its authorized contractor or designee is authorized to enter upon the property of the property owner to abate the nuisance.

~~(Ord. No. 08-06, § 1, 12-15-08)~~

**Sec. 23-51. - Administrative fee.**

An administrative fee reflecting the city's cost of enforcing this article and as established by resolution of the city council shall be added to the actual costs charged to a property owner for abating a nuisance under this article.

~~(Ord. No. 08-06, § 1, 12-15-08)~~

**Sec. 23-52. - Charges a lien on property.**

Unpaid charges and administrative fees related to the failure to abate a nuisance to a property shall be a lien on such property and, if delinquent, may be collected in the same manner as the collection of delinquent ad valorem property taxes.

Secs. 23-53—23-65. - Reserved.

*(Ord. No. 08-06, § 1, 12-15-08)*

~~Secs. 23-53—23-65. - Reserved.~~

#### ARTICLE IV. ~~CITY ARBOR BOARD~~

##### ~~Sec. 23-66. - Creation.~~

~~There is hereby created a board of the city to be known as the city arbor board to accomplish the public purposes and who shall have such powers, duties and responsibilities as hereinafter set forth.~~

*(Ord. No. 07-06, § 1, 5-21-07)*

##### ~~Sec. 23-67. - Duties and responsibilities.~~

~~The city arbor board shall study, investigate, counsel, and develop, annually update and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in public parks, along public streets and roads, within public right-of-ways and within other public areas. Such plan as annually updated shall be for the immediately succeeding fiscal year of the city and shall be presented to the city council in April of each year. Upon review, acceptance and approval by the city council it shall constitute the official comprehensive tree plan of the city. In addition, the city arbor board shall, at the request of the city council, consider, investigate, make findings, report and make recommendations to the city council on any matter or question within the scope of its work as set forth in this section.~~

*(Ord. No. 07-06, § 1, 5-21-07)*

##### ~~Sec. 23-68. - Composition.~~

~~The city arbor board shall consist of five (5) voting members, all of whom shall be registered electors of the city. One (1) voting member shall be a currently serving city councilperson and one (1) voting member shall be a current member of the city board of light and power. All members shall be approved by the mayor and confirmed by a majority of the members then serving on the city council, provided, however, the councilperson to be appointed shall not vote on the confirmation of his or her appointment. In addition, there shall be one (1) ex-officio nonvoting member who shall be a certified tree arborist who need not be a registered elector of the city, who shall be identified by the city manager and who shall agree to serve in such capacity.~~

~~(a) (Ord. No. 07-06, § 1, 5-21-07; Ord. No. 08-01, § 1, 1-22-08)~~

##### ~~Sec. 23-69. - Term of office.~~

~~The term of office for city arbor board voting members, other than the member also serving on the city council and the member also serving on the city board of Light and Power, shall be for three (3) years, provided, that for the first members appointed, one (1) member shall be~~



~~appointed for a three-year term, one (1) member shall be appointed for a two-year term, and one (1) member shall be appointed for a one-year term. Except for the initial appointment of such board members where a member's term shall commence upon appointment, all terms of such members shall commence on July 1. If such board member's term has expired, and a successor has not been appointed, such board member shall continue to serve until a successor is appointed. The terms of the board member appointed as a currently serving city councilperson and the board member appointed as a current member of the city board of light and power shall begin on the date of appointment and end on date such member is no longer a city councilperson or member of the city board of light and power. Such board members shall not continue to serve after their term has ended even if a successor has not been appointed.~~

~~(Ord. No. 07-06, § 1, 5-21-07; Ord. No. 08-01, § 1, 1-22-08)~~

**~~Sec. 23-70. Vacancies.~~**

~~Vacancies on the city arbor board shall be filled in the same manner as regular appointments for the remainder of the unexpired term of the appointment vacated.~~

~~(Ord. No. 07-06, § 1, 5-21-07)~~

**~~Sec. 23-71. Removal from office.~~**

~~A board member may be removed from the city arbor board by the city council at any time for cause as determined solely by the city council upon receiving a recommendation for removal by the city arbor board.~~

~~(Ord. No. 07-06, § 1, 5-21-07)~~

**~~Sec. 23-72. Compensation.~~**

~~Members of the city arbor board shall receive no compensation, but shall be entitled to their actual and necessary reasonable expenses incurred in the performance of their duties as approved by the city council.~~

~~(Ord. No. 07-06, § 1, 5-21-07)~~

**~~Sec. 23-73. Rules of procedure.~~**

~~The city arbor board may adopt such rules of procedure for carrying out its powers, duties and responsibilities that are not inconsistent with the provisions of this article.~~

~~(Ord. No. 07-06, § 1, 5-21-07)~~

**~~Sec. 23-74. Meetings.~~**

~~All meetings of the city arbor board shall, except as otherwise permitted by law, be open to the public and held in compliance with the Michigan Open Meetings Act, Act 267 of the Public Acts of Michigan of 1976, as amended (MCL 15.261 et seq.). Meetings of the city arbor board may be called by the board chairperson or by any two (2) of its board members.~~

~~(Ord. No. 07-06, § 1, 5-21-07)~~



~~Sec. 23-75. Quorum.~~

~~A majority of the voting board members then serving on the city arbor board shall constitute a quorum for the conducting of the business of the board.~~

~~(Ord. No. 07-06, § 1, 5-21-07)~~

~~Sec. 23-76. Chairperson.~~

~~The members of the city arbor board shall annually elect one (1) of its members as chairperson. The chairperson shall be responsible for conducting all meetings of the board. Another member of the board, selected by board members present at the meeting, may serve as temporary chairperson for a meeting at which the chairperson is absent.~~

~~(Ord. No. 07-06, § 1, 5-21-07)~~

~~Sec. 23-77. Execution of contracts and commitment of funds.~~

~~(a) The city arbor board may advise and make recommendations to the city council regarding the entering into contracts or the expenditure of city funds in connection with its duties and responsibilities, but may not itself enter into contracts or commit city funds.~~

~~(Ord. No. 07-06, § 1, 5-21-07)~~

~~Secs. 23-78—23-90. Reserved.~~

**ARTICLE V. TREES**

~~Sec. 23-91. Intent.~~

~~It is the intent of this article to promote and protect the public health, safety and welfare by providing for the regulation of the planting, maintenance and removal of trees, shrubs and other woody plants within the city. It is the further intent of this article to cause the replacement of each approved tree species that is removed from public street right-of-ways, city parks and other city-owned property. Such replacements shall be of an approved species as designated by the city arbor board and at locations as shall be determined by the city manager or his/her designee; thereby ensuring the variety and longevity of the city tree inventory.~~

~~(Ord. No. 08-04, § 1, 11-3-08)~~

**66Sec. 23-92. - Permits for tree planting, care, and removal.**

The city manager or his/her~~their~~ designee shall have control of the planting, removal, and care of trees, shrubs, and other woody plants in the public street right-of-~~ways~~way, city parks, and other city-owned property, subject to the provisions of this article. The Department of Public Works (DPW) director and Lowell Light and Power (LLP) distribution manager shall review all permits for tree planting, care, and removal, and provide recommendations to the city manager or their designee. The city manager may request input on tree condition, removal, and replacement from a certified arborist or licensed landscape architect. The owner of land abutting a public street right-of-way may, upon obtaining a written permit from the city manager or his/her designee, prune, plant,

remove, spray, and otherwise maintain trees, shrubs, and other woody plants in that part of the street right-of-way abutting such owners land not used for pedestrian or vehicular travel. No person shall otherwise prune, plant, remove, spray, or otherwise maintain trees, shrubs, and other woody plants in any public street right-of-way, city park or other city-owned property. Each permit shall specify the extent and conditions of authorization.

~~and other woody plants in any public street right-of-way, city park or other city-owned property. Each permit shall specify the extent and conditions of authorization.~~

~~(Ord. No. 08-04, § 1, 11-3-08)~~

**Sec. 23-67. - Road commission jurisdiction.**

For those public street right-of-ways in the city which the Kent County Road Commission has jurisdiction or maintenance responsibility, the tree policy of the road commission, rather than the provisions of this article, shall apply.

**Sec. 23-68. - Persons engaged in trimming, pruning and removal.**

**93. - Tree removal and replacement.**

If the city manager or his/her designee shall determine that an existing tree, shrub or other woody plant located in the public street right-of-way, a city park or other city-owned property has died or is diseased, disfigured or partially destroyed, he/she shall authorize its removal. All trees, shrubs and other woody plants that are removed from public street right-of-ways, city parks and other city-owned property shall be replaced on a one-to-one basis at a location to be determined by the city manager or his/her designee. At the time of the authorization and removal of a tree, shrub or other woody plant a fee as established from time to time by resolution of the city council shall be paid by the party responsible for removal and deposited in a designated city tree fund for its replacement unless otherwise provided by resolution of the city council.

~~(Ord. No. 08-04, § 1, 11-3-08)~~

**All persons, firms, and companies providing trimming, pruning, and removal services of trees, shrubs, and woody plants See. 23-94. Planting and spacing of trees.**

The planting of trees, shrubs and other woody plants in public street right-of-ways, city parks and other city-owned property shall be authorized by the city manager or his/her designee in accordance with prescribed planting practices and their location and spacing shall be determined by the city manager or his/her designee. The planting and spacing of city provided trees on private property shall be mutually approved by the property owner and the city manager or his/her designee.

~~(Ord. No. 08-04, § 1, 11-3-08)~~

**Sec. 23-95. - Covering soil surface near trees; sidewalks.**

~~No person shall place within the public street right-of-ways any material which will impede or redirect the full and free passage of water, air or fertilizer in city parks or other city-owned property shall be, if required, currently licensed by the appropriate state authority, if any, and shall have in effect a general liability policy of insurance which names the city as an~~



additional or co-insured. A copy of the policy or a certificate of insurance shall be filed with the city clerk before beginning work within the city.

(a) Responsibility of persons engaged in trimming, pruning, and removal services.

(1) Following trimming, pruning, and removal, all debris and brush shall be cleared from the site and properly disposed. Wood 4" in diameter and larger shall be left for the property owner, if so requested, or removed from the site entirely.

(2) When a tree is removed from city property, the persons completing said tree removal shall remove the tree stump and restore the lawn or surrounding groundcover, including any backfilling of clean topsoil necessary for future viable plant food to the roots of any tree, shrub or other woody plant except for a sidewalk of authorized width and growth.

(3) If a tree is to be replaced in the same or near approximate location as the removed tree, full stump removal will be required. If no tree is planned for the location of the removed tree, stump grinding to a depth of 6" below grade will be required, pending DPW director approval.

**Sec. 23.** ~~Where there are sidewalks within the~~ **69. - Community feedback regarding trees on public street property.**

(a) Persons with concern or comment regarding the removal or placement of trees on public property may submit a completed tree feedback form to the city, which will be reviewed by the DPW director and shared with the city arbor board at their next regularly scheduled meeting. The City may seek assistance from a certified arborist or licensed landscape architect to help review these concerns.

~~(a)(b)~~ In the case of a dispute regarding property lines, right-of-way, every effort shall be made to place materials that will inhibit the growth of root structures under the sidewalk, locations, or similar issues, a survey may be ordered to determine the actual boundary. In such cases, the person raising the boundary dispute shall be responsible for the costs associated with this determination.

**Sec. 23-96. ~~70.~~ - Planting trees on public property.**

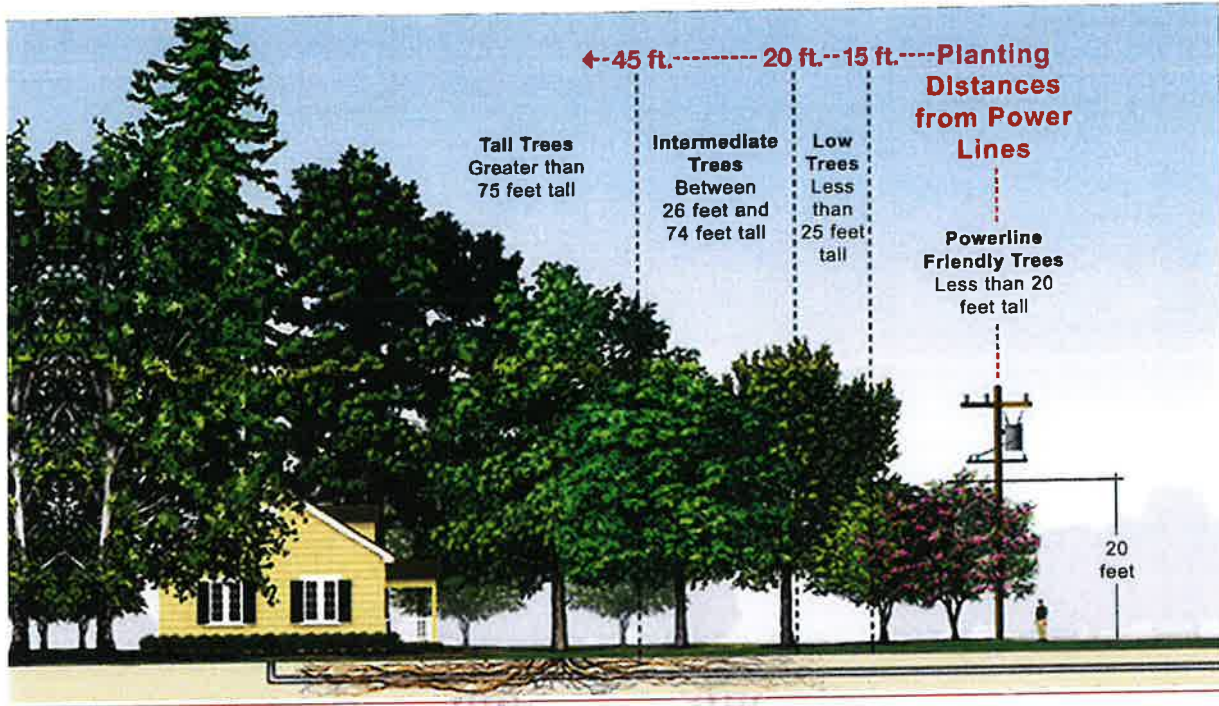
(a) Consent required for planting trees. Whenever any person desires to plant any shade or ornamental trees in any of the public highways, streets, or avenues of the city, they shall submit an application to the city manager in writing specifying the number and kind of trees they desire to plant and the location. The city manager shall determine by an order providing whether such person may plant any trees upon such highway, street, or avenue without injury or detriment to the public interest.

(a)(b) Clear vision clearance. No trees, shrubs, woody plants, other plantings, fencing, or other obstruction shall be located or maintained on a corner lot which will obstruct the view of the driver or operator of a vehicle within the public street right-of-way. Such unobstructed view area shall mean a triangular area formed by the private property lines along each public street right-of-way and a line connecting them at a point twenty-five (25) feet from the private property lines extended. Trees, shrubs, woody plants, and other plantings may be located in such unobstructed view area provided they will not achieve a height at maturity greater than thirty (30) inches. In addition, no trees, shrubs, woody plants, or other plantings shall be located or maintained in any front, side or rear yard of a lot which, in the opinion of the city manager or his/her designee will obstruct the view from vehicles entering or leaving the lot from driveways or adjacent private roadways.

(c) Planting and spacing of trees. The planting of trees, shrubs, and other woody plants in public street right-of-ways, city parks, and other city-owned property shall be authorized by the city manager or their designee in accordance with prescribed planting practices. The planting and spacing of city-provided trees on private property shall be mutually approved by the property owner and the city manager or their designee. Methods and timing for tree planting and establishment shall conform to the United States Department of Agriculture (USDA) Code 612 regarding tree/shrub establishment in Michigan. Thirty (30) feet on-center planting should be used as a minimum spacing for street trees, when feasible. For newly-planted trees, spacing from the on-center measurement of the tree to the following items is required:

- (1) 15 feet from fire hydrants, utility junction boxes, and utility poles
- (2) 10 feet from alleys, driveways, or other curb cuts
- (3) 10 feet from underground utility service lines and stormwater catch basins





(d) Protection of sidewalks and streets

- (1) Covering soil surface near trees; sidewalks. No person shall place within the public street right-of-way any material which will impede or redirect the full and free passage of water, air, fertilizer, or other plant food to the roots of any tree, shrub, or other woody plant except for a sidewalk of authorized width and location. Where there are sidewalks within the public street right-of-way, every effort shall be made to place materials that will prevent the growth of root structures from impacting the sidewalk. This includes providing proper spacing between sidewalks and planting areas, providing adequate soil volumes for trees to thrive, and the use of root barriers near underground utilities and curbs, when necessary.
- (2) Parkway and boulevard authorized widths. Trees planted in parkways and boulevards should be centered within the landscape area, when feasible. Consideration should be given to the placement of new trees so that conflicts with future sidewalks will not occur and parkway widths will provide enough space to meet the following requirements. Parkway and boulevard widths shall adhere to the minimum dimensional standards described below to protect sidewalks, curbs, and roads from pavement due to root growth:
  - i. Parkway or boulevards that will accommodate large canopy trees with a mature canopy of thirty-six (36) feet wide or greater shall provide a minimum landscape area of eight (8) feet wide.



- ii. Parkways or boulevards that will accommodate medium canopy trees with a mature canopy between thirty-five (35) feet and twenty-six (26) feet wide shall provide a minimum landscape area of six (6) feet wide.
- iii. Parkways and boulevards that will accommodate small canopy trees with a mature canopy of twenty-five (25) feet wide or less shall provide a minimum landscape area of four (4) feet wide.

Species of trees. It is the policy of the city that it will not plant more than fifty (50) percent of the trees in one (1) area of the city with one (1) single species of trees during a calendar year. It is recommended that the species of trees planted throughout the city be staggered to prevent the loss of inventory from disease or infestation. (Ord. No. 08-04, § 1, 11-3-08)

Sec. 23-97. Tree removal for utility operation or public safety.

(e) If a public or private utility company (which shall include Species indicated on the city department of light and power) or the city manager or his/her designee determines that arecommended tree, shrub or other woody plant located species list shall be planted in atthe public street right-of-way, city parkparks, or other city-owned property is-a detriment to utility operations or a public safety concern it may be trimmed or removed to provide the necessary and appropriate clearance or to otherwise eliminate the operational or public safety concern. Any tree, shrub or other woody plant removed shall be replaced at a location determined by the city manager or his/her designee. At the time of removal, a fee as established with funds made available from time to time by resolution of the city council shall be paid by the party responsible for the removal and deposited in a-the designated city tree fund-to pay.

(1) Prohibited Trees. The following trees are not permitted in an effort to protect the health, safety, and welfare of the city. The species listed below have characteristics that make them poor fits for urban spaces, such as being prone to splitting; having wood that is brittle and breaks easily; roots that clog drains and sewers; have been identified as invasive species, or may be unusually susceptible to disease or pests.

<u>Prohibited Trees</u>	
<u>Common Name</u>	<u>Botanical Name</u>
<u>Norway Maple</u>	<u>Acer platanoides</u>
<u>Tree of Heaven</u>	<u>Ailanthus species</u>
<u>Russian Olive</u>	<u>Elaeagnus Angustifolia</u>
<u>Ash</u>	<u>Fraxinus species (without Emerald Ash Borer resistance)</u>
<u>Female Ginkgo</u>	<u>Ginkgo biloba</u>

<u>Honey Locust (with thorns)</u>	<u><i>Gleditsia triacanthos (with thorns)</i></u>
<u>Populus nigra var. italica</u>	<u><i>Lombardy Poplar</i></u>
<u>Mulberry</u>	<u><i>Morus species (non-native varieties)</i></u>
<u>Bradford Pear</u>	<u><i>Pyrus calleryana 'Bradford'</i></u>
<u>Black Locust</u>	<u><i>Robinia species</i></u>
<u>Willow Tree</u>	<u><i>Salix tree species (non-native varieties)</i></u>
<u>Elm</u>	<u><i>Ulmus (without Dutch Elm disease resistance or treatment)</i></u>
<u>Chinese Elm</u>	<u><i>Ulmus Parvifolia</i></u>

(2) Limited Use Trees. Trees listed under the Limited Use category are permitted in locations with open spaces, like parks or large greens, where there is limited contact with people spaces (walkways, picnic areas, etc.), vehicles, utilities, and structures.

<u>Limited Use Trees</u>	
<u>Common Name</u>	<u>Botanical Name</u>
<u>Box Elder</u>	<u><i>Acer negundo</i></u>
<u>Silver Maple</u>	<u><i>Acer Saccharinum</i></u>
<u>Catalpa</u>	<u><i>Catalpa speciosa</i></u>
<u>Black Walnut</u>	<u><i>Juglans Nigra</i></u>
<u>Mulberry</u>	<u><i>Morus rubra</i></u>
<u>Eastern Cottonwood</u>	<u><i>Populus deltoids</i></u>
<u>Black Willow</u>	<u><i>Salix nigra</i></u>

(3) Recommended Trees. The following table includes suggested trees that meet USDA plant hardiness standards for the City of Lowell and have characteristics that make them more tolerant of urban conditions. This list is non-exhaustive, but is intended to provide a standard reference for pre-approved trees that may be considered for use on public property.

- i. A mixture of species to increase biodiversity and the use of native species is encouraged. Native species or cultivars in the recommended trees list are identified with an (N) at the replacement end of the botanical name.



- ii. Fruit bearing trees shall not be planted in the right of way because of the associated maintenance burden, unless they are fruitless varieties or male selections. Fruit bearing trees with favorable characteristics for urban conditions are included in the recommended trees list and are identified with an asterisk (\*) at the end of the botanical name.

(4) Trees shall be selected based on specific environmental conditions and space needs. This includes sourcing trees regionally so that they are acclimated to USDA plant hardiness zone 5. Tree form (single trunk) should be specified for all species selected as street trees. Powerline friendly trees are illustrated in the following table. The mature height of selected powerline friendly trees should not conflict with the height of overhead utilities placed nearby.

<u>Recommended Trees</u>		
<u>Tree Type</u>	<u>Common Name</u>	<u>Botanical Name</u>
<u>Street Trees</u>	<u>Freeman Maple</u>	<u><i>Acer × freemanii</i></u>
	<u>Red Maple</u>	<u><i>Acer rubrum (N)</i></u>
	<u>Sugar Maple</u>	<u><i>Acer saccharum (N)</i></u>
	<u>Allegheny Serviceberry</u>	<u><i>Amelanchier laevis (N)*</i></u>
	<u>River Birch</u>	<u><i>Betula nigra (N)</i></u>
	<u>European Hornbeam</u>	<u><i>Carpinus betulus</i></u>
	<u>American Hornbeam</u>	<u><i>Carpinus caroliniana (N)</i></u>
	<u>Hackberry</u>	<u><i>Celtis occidentalis (N)*</i></u>
	<u>Fringe Tree</u>	<u><i>Chionanthus virginicus (N)*</i></u>
	<u>American Hazelnut</u>	<u><i>Corylus americana (N)</i></u>
	<u>Cockspur hawthorn</u>	<u><i>Crataegus crus-galli (N)*</i></u>
	<u>Washington Hawthorn</u>	<u><i>Crataegus phaenopyrum (N)*</i></u>
	<u>Hardy Rubber Tree</u>	<u><i>Eucommia ulmoides</i></u>
	<u>Ginkgo (Male)</u>	<u><i>Ginkgo biloba*</i></u>
	<u>Thornless Honeylocust</u>	<u><i>Gleditsia triacanthos f. inermis (N)</i></u>
	<u>Kentucky Coffee Tree (Seedless Varieties)</u>	<u><i>Gymnocladus dioica (N)</i></u>
	<u>Golden Rain Tree</u>	<u><i>Koelreuteria paniculata</i></u>



	<u>Sweetgum</u>	<u>Liquidambar styraciflua</u>
	<u>Amur Maackia</u>	<u>Maackia amurensis</u>
	<u>Osage orange</u> <u>(Fruitless Varieties)</u>	<u>Maclura pomifera (N)*</u>
	<u>Black Gum</u>	<u>Nyssa sylvatica (N)*</u>
	<u>Ironwood</u>	<u>Ostrya virginiana (N)</u>
	<u>Sycamore</u>	<u>Platanus occidentalis (N)</u>
	<u>Sawtooth Oak</u>	<u>Quercus acutissima</u>
	<u>White Oak</u>	<u>Quercus alba (N)</u>
	<u>Northern Pink Oak</u>	<u>Quercus ellipsoidalis (N)</u>
<b><u>Recommended Trees Continued</u></b>		
<b><u>Tree Type</u></b>	<b><u>Common Name</u></b>	<b><u>Botanical Name</u></b>
<b><u>Street Trees</u></b>	<u>Fastigate Columnar Oak</u>	<u>Quercus robur f. fastigiata</u>
	<u>Red Oak</u>	<u>Quercus rubra (N)</u>
	<u>Shumard Oak</u>	<u>Quercus shumardii</u>
	<u>Black Oak</u>	<u>Quercus velutina (N)</u>
	<u>Littleleaf Linden</u>	<u>Tilia cordata</u>
	<u>Silver Linden</u>	<u>Tilia tomentosa</u>
	<u>Valley Forge American Elm</u>	<u>Ulmus americana 'Valley Forge' (N)</u>
	<u>Japanese Zelkova</u>	<u>Zelkova serrata</u>
<b><u>Powerline Friendly Trees</u></b>	<u>Trident Maple</u>	<u>Acer buergerianum</u>
	<u>Grandiflora Serviceberry</u> <u>(Select Cultivars)</u>	<u>Amelanchier × grandiflora</u> <u>'Autumn Brilliance'; 'Princess Diana'*</u>
	<u>Eastern Red Bud</u>	<u>Cercis canadensis (N)</u>
	<u>Tokyo Tower Fringe Tree</u>	<u>Chionanthus retusus 'Tokyo Tower'*</u>
	<u>Pagoda Dogwood</u>	<u>Cornus alternifolia (N)*</u>
	<u>Kousa Dogwood</u>	<u>Cornus kousa*</u>
	<u>English hawthorn</u> <u>(Select Cultivars)</u>	<u>Crataegus laevigata 'Paul's Scarlet'*</u>

<u>Crabapple (Select Cultivars)</u>	<u><i>Malus 'Adirondack'</i> ; <i>'Schmidtcutleaf'</i> ; <i>'Red Barron'</i> ; <i>'Jewelcole'</i></u>
<u>Ornamental Plum (Select Cultivars)</u>	<u><i>Prunus 'Newport'</i> ; <i>'Thundercloud'</i></u>
<u>Sargent Cherry</u>	<u><i>Prunus sargentii</i></u>
<u>Ivory Silk Japanese Tree Lilac</u>	<u><i>Syringa reticulata 'Ivory Silk'</i></u>
<u>Summer Sprite Linden</u>	<u><i>Tilia cordata 'Halka'</i></u>

**Sec. 23-71. - Tree protection and maintenance**

(a) Injuring or destroying trees. It shall be unlawful to cut, destroy, or otherwise injure any shade or ornamental tree or shrub growing within the limits of any public street, highway, or place within the city, without the consent of the city manager.

(a)(b) Trimming of trees by city. ~~otherwise provided by resolution~~ It shall be lawful for the DPW director to cause to be properly and necessarily trimmed all trees standing in or that may overhang any highways, streets, or avenues. Trimming may occur upon mutual agreement between the DPW director and the LLP distribution manager for trees which in any manner obstruct the public electrical lines or lighting of the city council.

(c) Tree trimming standards. All trees, shrubs, and other woody plants that are subject to this article shall be trimmed and pruned in accordance with the then current standards established by the American National Standard Institute for tree care operations (American National Standards Institute (ANSI) A-300) or, with respect to any activities of the city board of Lowell Light and Power related to this article, the Lowell Light and Power Operating Policy 6-9 for Power Line Clearance as it may be revised from time to time. In no case shall a tree be "topped" or improperly pruned.

~~(Ord. No. 08-04, § 1, 11-3-08)~~

(1) Sec. 23-98. — Removal of more than twenty-five (25) percent of the tree canopy within an annual growing season shall be considered tree removal and necessitate replacement.

(2) Removal of more than twenty (20) percent of the tree root zone within a two year period shall be considered tree removal and necessitate replacement.

(b)(d) Maintenance of trees on private property. The owner of a tree located on private property which overhangs onto a public street right-of-way shall periodically be responsible for trimming its branches (a) so the tree does not obstruct the light from any street lamp or the clear view of any public street intersection, and (b) so there is a clear space of thirteen (13) feet above the surface of the public street right-of-way. The owner of a dead, diseased, infested, or dangerous tree, or a tree with broken or decayed



limbs on private property which constitutes a danger to public safety, shall promptly remove such tree or limbs. The city has the right to trim any tree, shrub, or other woody plant that obstructs the light of any street lamp in the public street right-of-way or interferes with the visibility of any traffic control device or sign. Such trimming shall be confined to the area immediately above the public street right-of-way.

~~(Ord. No. 08-04, § 1, 11-3-08)~~

~~Sec. 23-99. Tree trimming standards.~~

~~(e)(a) All trees, shrubs and other woody plants that are subject to this article shall be trimmed and pruned in accordance with the then current standards established by the American National Standard Institute for tree care operations (ANSI A-300) or, with respect to any activities of the city board of light and power related to this article, the Lowell Light and Power Operating Policy 5-14 for Power Line Clearance as it may be revised from time to time. In no case shall a tree be "topped" or improperly pruned.~~

~~(Ord. No. 08-04, § 1, 11-3-08)~~

~~Sec. 23-100. Persons engaged in trimming, pruning and removal.~~

~~All persons, firms and companies providing trimming, pruning and removal services of trees, shrubs and woody plants within the public street right-of-ways or in city parks or other city-owned property shall be, if required, currently licensed by the appropriate state authority, if any, and shall have in effect a general liability policy of insurance which names the city as an additional or co insured. A copy of the policy or a certificate of insurance shall be filed with the city clerk before beginning work within the city.~~

~~(Ord. No. 08-04, § 1, 11-3-08)~~

~~(e) Sec. 23-101. Species of trees. It is the policy of the city that it will not plant more than fifty (50) percent of the trees in one (1) area of the city with one (1) single species of trees during a calendar year. It is recommended that the species of trees planted throughout the city be staggered to prevent the loss of inventory from disease or infestation. A list of approved~~ Protection of trees during construction. A tree protection plan shall be prepared for all construction projects on public property that require engineered or architectural drawings. This plan will outline specific measures to protect trees during construction and offset or mitigate impacts to protected trees.

(1) All trees to be preserved in construction work zones shall be protected by a protection fencing that extends to the drip line of the protected tree(s). Construction activities, including driving of machinery or pedestrian movements, and the storage of equipment, shall not occur within these protected areas. The fence shall be four (4) feet in height, clearly signed, and firmly anchored into the ground. Barriers shall be erected before demolition, grading, or construction begins and remain in place until all construction activities have been completed.



(2) When utility work or excavation near a tree species compiled by the city arbor board to be protected must be carried out, damage can be limited by root pruning or directional boring.

i. Root pruning shall be kept by the city clerk completed before grading is started and shall be available occur outside the protective tree fencing. When root pruning is necessary, clean cuts perpendicular to the general public upon request. Only species indicated on such list natural growth direction shall be made, excavated areas shall be backfilled within an hour of pruning, and watering shall occur within twenty-four (24) hours. Not more than thirty-three percent (33%) of the critical root zone shall be disturbed.

ii. Directional boring, sometimes referred to as tunneling, moling, or trenchless technology, may be utilized to repair or place utility lines or conduit near a tree to be protected, so long as the pits for machinery access are located outside of the critical root zone. Boring shall occur at least 36 inches below grade and be offset horizontally by a minimum of 6 inches from the outer edge of the tree trunk.

**Sec. 23-72, planted - Removal and replacement of trees on public property**

**(a) Procedures for tree removal:**

(1) Submit a completed tree removal permit to the city, as described in Sec. 23-66.

(2) If the request for tree removal includes five (5) or more trees measuring six (6) inch DBH or greater, the request will be sent to the city arbor board for review and recommendation.

(3) A determination by the DPW director and LLP Distribution Manager shall be made to the city manager or their designee regarding the removal request, and the city manager will provide a written denial or issued permit.

(4) Additional terms of the tree removal permit may include tree protection measures for adjacent trees and/or replacement of the tree(s) to be removed in accordance with this section.

(b) Tree removal for non-utility operation or public safety requests. If the DPW director or LLP Distribution Manager, or their designee, determine that an existing tree, shrub, or other woody plant located in the public street right-of-ways, city parkway, a city park, or other city-owned property has died or is diseased, is disfigured, or is partially destroyed, they shall recommend the city manager authorize its removal. The preservation of woodland areas, individual trees, similar woody vegetation, and related natural resources, shall have priority over development when there are other functional on-site location/design alternatives. Trees proposed for removal to accommodate new public site features, such as sidewalks, roads, or buildings, will be addressed on a case-by-case basis.



(c) Tree removal for utility operation or public safety. If a public or private utility company (which shall include LLP) or the city manager or their designee determines that a tree, shrub, or other woody plant located in a public street right-of-way, city park or other city-owned property ~~or with funds made available from the~~ is a detriment to utility operations or a public safety concern, it may be trimmed or removed to provide the necessary and appropriate clearance or to otherwise eliminate the operational or public safety concern. Any tree, shrub, or other woody plant removed shall be replaced at a location determined by the city manager or their designee.

(d) Tree replacement and fees. All trees that are removed from public street right-of-ways, city parks, and other city-owned property shall be replaced by the city as follows:

(1) Preference will be given to placing replacement trees at or adjacent to the former location of the removed tree, if feasible. If the tree was removed due to conflict with utilities, lines of site, or new site features, such as sidewalks, roads, or public buildings, a more appropriate tree species or alternate location for the tree replacement shall be determined by the city manager or their designee.

(2) Trees removed for public safety concerns, such as utility or line of site conflict, tree death, disease, disfigurement, or partial destruction due to natural causes shall be replaced on a per tree basis.

(3) Trees removed because of proposed site features, such as sidewalks, roads, or public buildings, shall be replaced in caliper inches at a rate of 50% the total DBH removed or as determined by the City Manager or the designee's discretion. The City manager shall only permit a replacement of less than 50% of the DBH removed if one or more of the following factors exist:

- i. If compliance would be unnecessarily burdensome or otherwise impractical
- ii. If compliance would be contrary to the purpose and intent of this Ordinance or would be detrimental to the public health, safety, or welfare
- iii. If compliance would adversely impact neighboring public or private property

(4) Tree replacement for trail projects in wooded landscapes is not required but the adjustment of proposed trail alignments to preserve trees over six (6) inch DBH is highly encouraged.

(5) Replacement trees shall be at least two and a half (2.5) caliper inches upon installation.

(1)(6) At the time of the authorization and removal of a healthy tree on public property, a fee as established annually based on the average local pricing of the below listed two and a half (2.5) caliper inch trees, including installation, shall be paid by the party responsible for removal and deposited in a designated city tree fund- for its replacement. Parties responsible for removal may include, but are not limited to, public and private entities.

~~(Ord. No. 08-04, § 1, 11-3-08)~~

~~Sec. 23-102.~~

~~**Road commission jurisdiction.**~~

~~For those public street right-of-ways in the city which the Kent County Road Commission has jurisdiction or maintenance responsibility, the tree policy of the road commission, rather than the provisions of this article shall apply.~~

~~(Ord. No. 08-04, § 1, 11-3-08)~~

<u>Trees to be averaged annually for replacement fee establishment</u>		
<u>Average Cost</u>	<u>Common Name</u>	<u>Botanical Name</u>
<u>\$</u>	<u>Freeman Maple</u>	<u><i>Acer × freemanii</i></u>
<u>\$</u>	<u>Ginkgo (Male)</u>	<u><i>Ginkgo biloba</i></u>
<u>\$</u>	<u>Sycamore</u>	<u><i>Platanus occidentalis</i></u>
<u>\$</u>	<u>Littleleaf Linden</u>	<u><i>Tilia cordata</i></u>
<u>\$</u>	<u>Japanese Zelkova</u>	<u><i>Zelkova serrata</i></u>
<u>Replacement Fee = Total Average Costs ÷ 5</u>		



**LOWELL CITY ADMINISTRATION**  
**INTER OFFICE MEMORANDUM**

**DATE:** August 3, 2023  
**TO:** Mayor DeVore and the Lowell City Council  
**FROM:** Michael T. Burns, City Manager *MB*  
**RE:** Kent Street Design Engineering

---

At our last council meeting, the City Council approved design engineering for a number of streets adjacent to Monroe and Washington for next year. With Kent Street being deemed a major street, we did not submit a request for engineering as the one's presented were local streets.

We are proposing to pave Kent Street from Kent to Jackson Street and we are also looking at adding a water main on Washington to Jackson and sanitary sewer main from Jefferson and Jackson. Adding the water and sewer mains in these locations are recommended as it provides better reliability to this area.

This street is in the seven-year street plan slated for improvement in Fiscal Year 2024-2025 and was estimated at \$160,000. We didn't account for any water and sewer at the time but I will have an updated engineer estimate for the project by Monday.

Attached is a proposal from Williams and Works for Design Engineering for \$34,300. This includes design engineering and a soil boring allowance.

**I recommend for the Lowell City Council to approve the attached design engineering proposal from Williams and Works for Kent Street at a cost not to exceed \$34,300.**

# williams&works

engineers | surveyors | planners

Mr. Mike Burns, City Manager  
City of Lowell  
301 E. Main Street  
Lowell, MI 49331

Via email to:  
[mburns@ci.lowell.mi.us](mailto:mburns@ci.lowell.mi.us)

## Re: Kent Street Improvements Project Design Engineering Services

Dear Mr. Burns:

The city desires to proceed with the improvements of Kent Street during the 2024 construction season. This letter details our proposed services for the necessary design engineering tasks.

### Project Scope

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The primary scope of the proposed construction project includes the pavement resurfacing of the following local street sections:

The project limits are Kent Street from Washington Street to Jackson Street. The proposed scope includes removal of the existing pavement, replacement of any unsuitable sand and gravel base material, replace existing water main with 8-inch water main on Kent Street from Washington to Jackson St, replace existing sanitary between Jefferson and Jackson, improvements to existing drainage structures, and paving with a new Hot Mix Asphalt (HMA) surface.

These projects will be constructed with local funds and do not involve any state or federal grants.

### Design Engineering Services

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- **Soil Borings** – We recommend that a total of 4 soil borings, spaced approximately 200 ft., at a depth of 15 feet, be taken to verify the thickness of the HMA, make-up of the underlying materials and check for ground water. This will help determine the proper resurfacing process identify areas for potential base material upgrades and define any areas of potential utility excavation conflicts.
- **Survey** – A topographic survey will be provided to identify the elevations of the existing centerline and gutters. It will also include features such as driveway openings, utility castings, and power poles. This will aid in the bidding process and will be information available to the city for future utility and sidewalk work if needed. The survey limits would be 50 feet either

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side of the centerline and connecting intersections.

- **Design Engineering** – Using the soil boring and survey information, we will prepare preliminary plans, specifications, and estimate. Once complete, we will review the documents in detail with the city. After review, we will address all comments and prepare a final set of all construction documents, and submit a bid package for review by the city.
- **Advertisement & Bidding** – On behalf of the City of Lowell, we will advertise the project for bidding in late fall 2023 to allow for a Spring 2024 construction. We will advertise the project in the state wide MITN web site and will alert local contractors directly and will propose a 3-week advertisement period. We will attend the bid opening and review the bids received for accuracy. If necessary, we will check references on the lowest qualified bidders and issue a letter to the city summarizing the results.

#### **Schedule**

Williams & Works can begin work on this project immediately upon authorization. We will pursue the design efforts to allow the city to bid the project at their earliest convenience in the coming year.

#### **Proposed Fee**

We propose to provide the design engineering services as defined above for the Kent Street Resurfacing Project for the proposed fee of **\$34,300**.

Design Surveying and Engineering -	\$ 30,300
Soil Boring Allowance-	\$ 4,000
<b>Kent Street - Total</b>	<b>\$ 34,300</b>

Thank you for this opportunity to be of service and please feel free to contact us should you have any questions.

Respectfully,

**Williams & Works**



Katie Mendez, E.I.T.  
Project Engineer

cc: Brandon Mieras P.E., Williams & Works



**LOWELL CITY ADMINISTRATION**  
**INTER OFFICE MEMORANDUM**

**DATE:** August 3, 2023  
**TO:** Mayor DeVore and the Lowell City Council  
**FROM:** Michael T. Burns, City Manager *MM*  
**RE:** MML Annual Conference Delegate

---

The Michigan Municipal League Annual Convention will be held in Traverse City, October 18-20, 2023 at the Grand Traverse Resort & Spa. The city needs to select a voting delegate for the annual meeting on October 18.

Currently four council members are planning to attend the conference. One of them should be selected to be the member.

**No recommendation will be provided by City Administration but a delegate will need to be selected by the City Council.**

July 10, 2023

## **Michigan Municipal League Annual Meeting Notice**

**(Please present at the next Council, Commission or Board Meeting)**

Dear Official:

The Michigan Municipal League Annual Convention will be held in Traverse City, October 18-20, 2023. The League's "**Annual Meeting**" is scheduled for 4:30 pm on Wednesday, October 18 in Governors' Hall A at the Grand Traverse Resort & Spa. The meeting will be held for the following purposes:

1. **Election of Trustees.** To elect five members of the Board of Trustees for terms of four years each (see #1 on page 2).
2. **Policy.** A) **To vote on the Core Legislative Principles document.**

In regard to the proposed League Core Legislative Principles, the document is available on the League website at <https://mml.org/resources-research/delegate/>. If you would like to receive a copy of the proposed principles by fax, please call Monica Druksis at the League at 800-653-2483.

**B) If the League Board of Trustees has presented any resolutions to the membership, they also will be voted on.** (See #2 on page 2.)

In regard to resolutions, member municipalities planning on submitting resolutions for consideration by the League Trustees are reminded that under the Bylaws, they must be submitted to the Trustees for their review by **September 18, 2023.**

3. **Other Business.** To transact such other business as may properly come before the meeting.

### **Designation of Voting Delegates**

Pursuant to the provisions of the League Bylaws, you are requested to designate by action of your governing body one of your officials who will be in attendance at the Convention as your official representative to cast the vote of the municipality at the Annual Meeting, and, if possible, to designate one other official to serve as alternate. Please submit this information through the League website by visiting <https://mml.org/resources-research/delegate/> **no later than September 18, 2023.**

We love where you live.



Regarding the designation of an official representative of the member to the annual meeting, please note the following section of the League Bylaws:

“Section 4.4 - Votes of Members. Each member shall be equally privileged with all other members in its voice and vote in the election of officers and upon any proposition presented for discussion or decision at any meeting of the members. Honorary Members shall be entitled to participate in the discussion of any question, but such members shall not be entitled to vote. The vote of each member shall be cast by its official representative attending the meeting at which an election of officers or a decision on any proposition shall take place. Each member shall, by action of its governing body prior to the annual meeting or any special meeting, appoint one official of such member as its principal official representative to cast the vote of the member at such meeting, and may appoint one official as its alternate official representative to serve in the absence or inability to act of the principal representative.”

#### 1. Election of Trustees

Regarding election of Trustees, under Section 5.3 of the League Bylaws, five members of the Board of Trustees will be elected at the annual meeting for a term of four years. The regulations of the Board of Trustees require the Nominations Committee to complete its recommendations and post the names of the nominees for the Board of Trustees on a board at the registration desk at least four hours before the hour of the business meeting.

#### 2. Statements of Policy and Resolutions

Regarding consideration of resolutions and statements of policy, under Section 4.5 of the League Bylaws, the Board of Trustees acts as the Resolutions Committee, and “no resolution or motion, except procedural and incidental matters having to do with business properly before the annual meeting or pertaining to the conduct of the meeting, shall be considered at the annual meeting unless it is either (1) submitted to the meeting by the Board of Trustees, or (2) submitted in writing to the Board of Trustees by resolution of the governing body of a member at least thirty (30) days preceding the date of the annual meeting.” Thus, the deadline this year for the League to receive resolutions is **September 18, 2023**. Please submit resolutions to the attention of Daniel P. Gilmartin, Executive Director/CEO at 1675 Green Rd., Ann Arbor, MI 48105. **Any resolution submitted by a member municipality will go to the League Board of Trustees, serving as the resolutions committee under the Bylaws, which may present it to the membership at the Annual Meeting or refer it to the appropriate policy committee for additional action.**

Further, “Every proposed resolution submitted to the Board of Trustees by a member shall be stated in clear and concise language and shall be accompanied by a statement setting forth the reasons for recommending the proposed resolution. The Board shall consider the proposal at a Board meeting prior to the next annual meeting and, after consideration, shall make a recommendation as to the advisability of adopting each such resolution or a modification thereof.

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# LOWELL CITY COUNCIL

## MEMORANDUM



**DATE:** August 3, 2023

**TO:** Mayor DeVore and the City Council

**FROM:** Michael T. Burns, City Manager *MTB*

**RE:** MERS Annual Meeting Officer Delegate

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The 2023 Michigan Municipal Employees' Retirement (MERS) Annual Meeting is being held this year on September 27 and 28th, 2023 at the Renaissance Center in Detroit, MI. Council needs to appoint an Employer and Employee Delegate to the Annual Meeting. This year no employer representatives plan to attend the conference. Ballots were distributed to the employees and they selected Todd Phillips as their delegate to represent the City of Lowell Employees.

**Recommended Motion: That the Lowell City Council appoint Todd Phillips as the Employee Delegate for the 2023 MERS Annual Meeting.**

## **APPOINTMENTS**

	Expires
Airport Board	
Vacancy (Paul Nicholls – Currently Serving)	01/01/2023
Vacancy (Jeff Ostrander – Currently Serving)	01/01/2023
Vacancy (Tom Grimm – Currently Serving)	01/01/2023
Arbor Board	
Vacancy (Matthew Silverman – Resigned)	06/30/2023
Vacancy (Leah Groves – Resigned)	06/30/2023
Board of Review	
Vacancy (Maureen Pawloski – Currently Serving)	01/01/2023
Vacancy (Leah Vredenburg – Currently Serving)	01/01/2023
Vacancy (Jim Hodges – Currently Serving)	01/01/2023
Construction Board of Appeals	
Vacancy (Greg Canfield – Currently Serving)	01/01/2023
Downtown Development Authority	
Vacancy (Rick Seese – Currently Serving)	01/01/2023
Vacancy (Eric Wakeman – Resignation)	01/01/2024
Downtown Historic District Commission	
Vacancy (Ardis Barber – Currently Serving)	01/01/2023
Planning Commission	
Vacancy (David Cadwallader – Currently Serving)	06/30/2023