



**CITY OF ALLEGAN
CITY COUNCIL STUDY SESSION MEETING
Monday, February 24, 2020 6:00PM
City Council Chambers - 231 Trowbridge Street
Allegan, Michigan**

*****NO ACTION IS TAKEN DURING THE STUDY SESSION*****

Call to Order

Public Comment Period

Public Murals/Paintings

Cemetery Rules

Safe Routes to School project Updates

Review of Regular Meeting Agenda for Monday, February 24, 2020

Other

Adjourn to regular meeting to begin at 7:00 pm

Study Session

MEMORANDUM

TO: Allegan City Council
FROM: Joel Dye, City Manager
RE: Mural Ordinance Discussion
DATE: February 24, 2020

Summary

It is requested that the Allegan City Council discuss the idea of permitting and regulating the placement of Murals throughout the City.

Over the past several months, the Public Spaces Commission has been discussing how to better regulate and promote the placement of murals throughout the City. Through this discussion the Public Spaces Commission looked at how murals in other communities added value to the built environment, while at the same time, recognizing that in these communities there was an approval process to ensure that murals that were installed, were installed in such a manner that they didn't detract from the surrounding area or caused lasting damage to the building.

To this end, the Public Spaces Commission has created the attached amendments to Sections 23-4 and 23-6 of the City's Sign Ordinance. And through discussion with the Public Spaces Commission, staff has put together the attached Mural Approval Process, Flow Chart, Mural Application, and Draft Rules for the mural approval process.

During the Study Session on Monday February 24, 2020 members from the Public Spaces Commission and Staff will be present at the City Council meeting to discuss with City Council how best to permit and regulate murals throughout the City.

Recommend

It is recommended that the Allegan City Council discuss the idea of permitting and regulating the placement of Murals throughout the City.

Attachments

Proposed Amendments to the Ordinance
Application
Rules
Mural Approval Process Chart

Sec. 23-4. - Signs not requiring permits.

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- (a) Signs shall not be erected without the issuance of a building permit, except for the following signs, provided that such signs comply with the provisions of this section and other applicable provisions in this chapter:
- (1) Signs erected by the city, county, state, or federal government for street direction or traffic control; to designate hours of activity; or use of parking lots, recreational areas, governmental buildings or other public space; or for other public purposes.
 - (2) Signs erected by an essential service establishment denoting utility lines, railroad lines, hazards, and precautions, including portable flashing signs.
 - (3) Signs designating sites recognized by the State Historical Commission as Historic Landmarks.
 - (4) Real estate signs advertising premises for sale, rent, or lease when not more than thirty (30) square feet in area and six (6) feet in height for a commercial or industrial zoned property, or six (6) square feet in area and four (4) feet in height for other properties. A real estate sign shall be located on the property that is for sale, rent, or lease.
 - (5) Signs not larger than two (2) square feet in area posted to control and/or prohibit hunting or trespassing within the city. Such signs shall be spaced not less than fifty (50) feet apart.
 - (6) Political signs not larger than six (6) square feet in area may be placed upon any parcel of property in all districts provided they do not obstruct the vision of vehicular traffic on any street. Political signs erected in connection with an election or referendum shall be removed within forty-eight (48) hours following the election or referendum.
 - (7) A temporary special event sign, used to advertise a garage sale or estate sale on residential property, graduation party or similar temporary event, not to exceed six (6) square feet in area. Such sign shall be removed within forty-eight (48) hours after the completion of the event. Such sign shall be placed on private property with appropriate permission of property owners received.
 - (8) Holiday lights, ~~works of art~~, and decorations with no commercial message.
 - (9) Memorial 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.
 - (10) A construction sign not exceeding thirty-two (32) square feet in area and having a height not greater than six (6) feet. There shall be only one construction sign for a development or project, and the sign shall be removed not later than the issuance of certificates of occupancy for ninety (90) percent of the building(s) in the development or project.

(11) In parking areas, no signs other than directional or regulatory signs shall be permitted. Signs shall not include any advertising matter or commercial message and shall have a sign area no greater than four (4) square feet.

(12) One (1) human sign is permitted per lot at any given time, provided that the human sign does not block the sidewalk and remains outside of public rights-of-way.

Sec. 23-6. - Supplementary signs.

(a) [Generally.] In addition to the signs permitted and regulated in section 23-7 the signs listed below may be permitted in accordance with the following standards.

(b) Temporary signs. Temporary signs shall be permitted on a parcel of land zoned C-1 - Central Business, C-2 - General Commercial, C-3 - Restricted Commercial, M-1 - Manufacturing, and PGL - Public/Governmental Lands, as follows:

(1) Only one (1) temporary sign shall be permitted for each separate commercial establishment (that is, each separate store, market, office or other permitted use) located on a parcel of land.

(2) A temporary sign shall be displayed for not more than one hundred (100) days (whether or not consecutive) in a calendar year; provided, however, that after the removal of a temporary banner sign, the sign may be re-displayed during the calendar year following any interval of time, so long as the total number of days of display during the calendar year does not exceed one hundred (100).

(3) A temporary sign shall not be larger than eight (8) square feet. A temporary banner sign shall not utilize its own illumination.

(4) A permit for a temporary sign shall be required. An application fee and application form shall be submitted, in addition to 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 administrator in order to assure that the sign shall comply with the applicable requirements of this chapter.

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.

(5) 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.

(6) Notwithstanding the provisions above, air-filled or gas-filled balloon signs may be permitted outside of a public right-of-way and for a period of up to thirty (30) days in a calendar year.

(c) Changeable copy signs. All or a portion of a pole or ground sign permitted by this chapter, except a development sign, may be a changeable copy sign in compliance with all of the following requirements:

(1) The area of a changeable copy sign shall be included in the maximum sign area requirement. The area of a changeable copy sign shall not exceed fifty (50) percent of the maximum permitted sign area.

(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.

(4) A changeable copy sign shall not display full white copy between sunset and sunrise and otherwise shall not feature a brightness level deemed to be a distraction or injurious to the vision of motorists, as determined by the zoning administrator.

(d) Portable signs. One portable sign without illumination not larger than thirty-five (35) square feet in size, upon obtaining a permit, is permitted on a parcel with a non-residential use provided that, it is located on the parcel that it serves for not more than fourteen (14) days and not more than four (4) times in any calendar year.

(e) Mural.

(1) Intent. It is the intent of the City of Allegan to allow for the placement of Murals throughout the City as a measure to add beauty, vibrancy, and artistic expression to otherwise blank exteriors of buildings.

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(2) Definitions.

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a) Mural. Any inscription, artwork, figure, urban wall art, marking or design that is marked, etched, scratched, drawn or painted on any exterior wall of a property, not expressly considered as another type of sign under the City of Allegan Code of Ordinances.

b) Property Owner. The legal owner of the property as commonly defined under Michigan Property Law.

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c) Property. Any public property or any private property which is observable from the public right of way or from a public space.

(3) Defacement of Property. No person shall place artwork, mural, graffiti, write, paint or draw an inscription, figure, or mark of any type on any property unless the express permission of the property owner has been obtained and a permit has been issued from the City of Allegan.

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(4) Mural Application Permit. Any person, firm, corporation or association desiring to place on any property an inscription, figure, artwork or mark of any type shall first obtain permit from the City of Allegan. Applications for the permit shall be made available by the City of Allegan and must include the following information:

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a. Name and address of the creator of the artwork or mural.

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b. Name, address and phone number of the owner, operator, or the person in possession of the premises where the artwork is located or to be located together with a written signed statement by the property owner.

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c. Clear and legible scaled drawings with a description definitely showing location of the mural which is the subject of the permit and all other existing artwork whose construction requires permits, when such artworks are on the same premises.

d. Drawings showing the dimensions, construction, supports, sizes, foundation, electrical wiring and components, materials of the mural and method of attachment and character of structure members to which attachment is to be made. The design, quality, materials and loading shall conform to the requirements of the Building Code, as amended. If requested by the City engineering data shall be supplied on plans submitted certified by a duly licensed structural engineer.

(5) Upon receipt of a completed application, The City shall conduct a review within forty – five (45) days.

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(6) The City of Allegan Council through resolution from time to time shall approve the application, rules and processes to guide the mural review and approval process.

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(7) Approval for the construction of a mural by The City of Allegan is granted for a one (1) year. The permit will be valid for the specific design submitted and approved by the City.

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(8) An Applicant who has been denied a permit under this section may appeal the denial to the City Council of the City of Allegan.

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(9) Mural Maintenance, penalty.

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a. It shall be the responsibility of the owner of the property upon which a mural is placed to maintain the appearance of the mural. A mural that is permitted to remain in a condition of disrepair shall constitute a public nuisance as defined in the City of Allegan Code of Ordinances.

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b. Whoever violates this section will be notified by the City of Allegan for corrective action. If the corrective action is not completed within 30 days, the Allegan City Council has the authority to order the mural to be removed or painted over. The City of Allegan has the right to contract the removal of the mural and charge the property owner for the removal costs.

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Mural Application

Applicant Information

(who is applying for the Mural and will serve as the project manager for the project)

Name: _____

Address: _____ Primary Phone: _____

Email Address: _____

Property Owner Information

(who owns or has the legal authority to approve this project on the subject property)

Name: _____

Address: _____ Phone: _____

Email Address: _____

Artist Information

(who will actually be the artist in charge of painting the mural)

Name: _____

Address: _____ Phone: _____

Email Address: _____

Project Location

(where will the mural actually be located)

Address: _____

What side of Building (east, north, south, west): _____

(please note, a picture of the exact mural location must be submitted)



Mural Physical Type and Size

Paint	Other Material	Width	Height	Total Area
Yes or No	Yes or No	ft.	ft.	sq. ft.

Mural Design

(in your own words please describe your mural, highlighting the building location, the material you will use, and the message your mural is trying to convey)

Please submit a colored scaled drawing showing the actual depiction of your proposed mural and how it will fit on the proposed building.

Responsibility Statement

By signing below, the applicant and property owner and applicant must agree to comply with each of the following terms as consideration for issuance of an Original Art Mural Project. The application will not be accepted unless the property owner of the property on which the mural is to be located agrees to these terms by initialing each of them:

- I certify that no compensation will be given or received for the display of the mural or the right to place the mural on this site.
- The proposed mural is a hand-produced work of visual art.
- The proposed mural will remain in place, without alterations other than necessary maintenance and repairs, for a period of at least five years.

Applicant Signature

Property Owner Signature

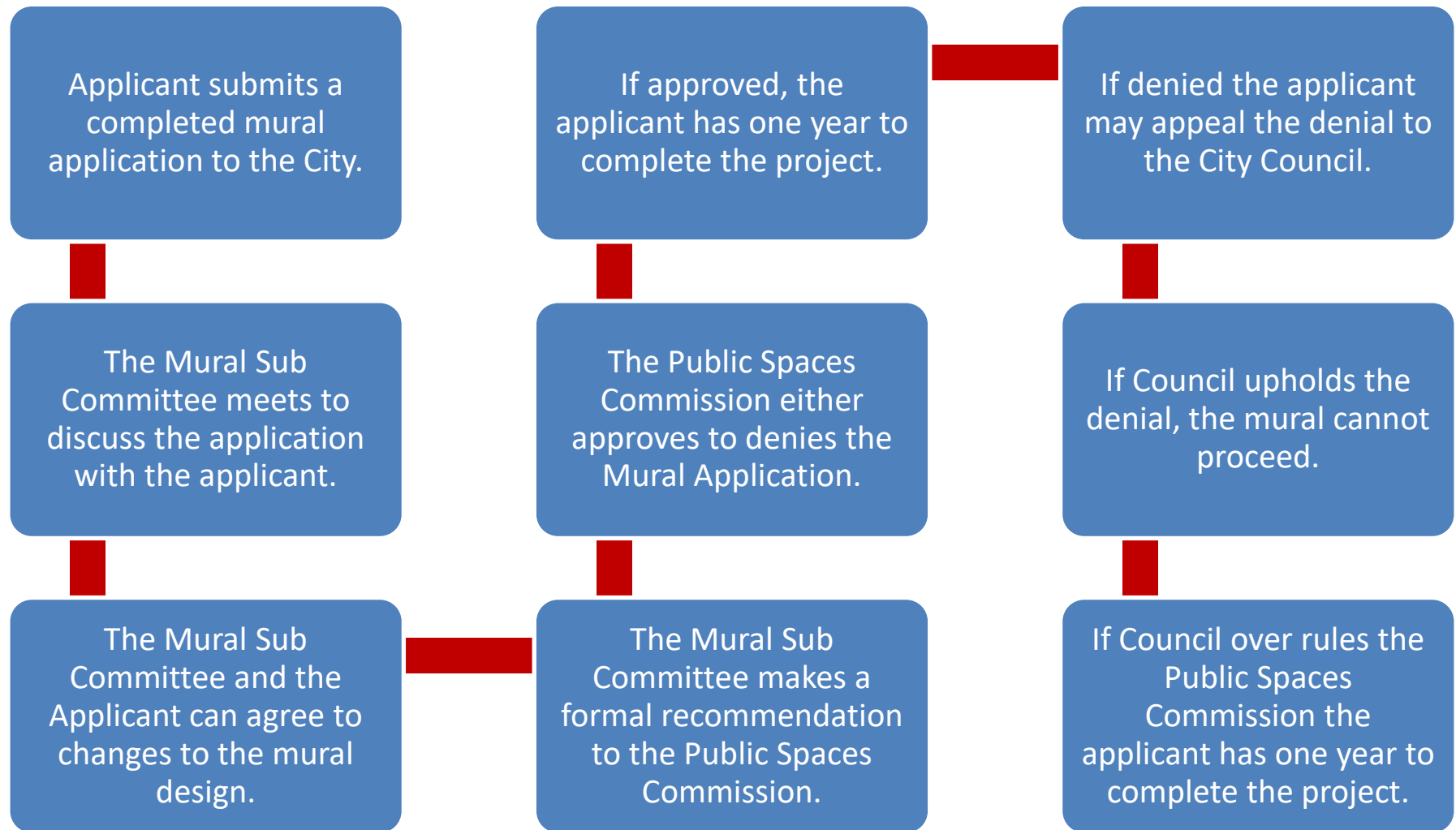
Date

Date

Rules for Installing Murals in the City of Allegan

1. Every mural must be approved through a City of Allegan Application and receive a permit and conform to City of Allegan Code of Ordinances.
2. Every mural application shall conform to the City of Allegan Code of Ordinances.
3. Each application must be submitted to the City of Allegan City Hall 231 Trowbridge Street, Allegan, MI 49010.
4. Each application must be fully complete when submitted.
5. There shall be no fee associated to the application.
6. City Staff shall convene the Mural Sub Committee within 14 days of receiving a complete application.
7. The Mural Sub Committee shall comprise of two (2) Public Space Commissioners, two (2) Downtown Development Authority Members and one (1) City Councilmember.
8. The Mural Sub Committee shall review the application and meet with the applicant to discuss the mural and whether there should be any desired changes to the mural design.
9. The Mural Sub Committee shall then make a formal recommendation to the Public Spaces Commission.
10. The Public Spaces Commission then either approves or denies the application.
11. If approved, the applicant has one year to complete the project.
12. If denied, the applicant may resubmit their design with any changes recommended by the Public Spaces Commission or the applicant may appeal the denial to City Council.
13. If City Council upholds the denial, the mural can't proceed. If City Council overrules the denial, the applicant has one year to complete the project.
14. No mural can include, offensive images or offensive words.
15. All murals must be at least 8' 5" in height.

City of Allegan Mural Approval Process



Study Session

MEMORANDUM

TO: Allegan City Council
FROM: Joel Dye, City Manager
RE: Cemetery Rules Discussion
DATE: February 24, 2020

Summary

It is requested that the Allegan City Council discuss the proposed changes to the cemetery rules for the Oakwood Cemetery.

Over the past several months, the Public Spaces Commission has been discussing updates to the rules governing the Oakwood Cemetery. As part of that discussion, the Public Spaces Commission has engaged a group of members of the public to make several recommended changes to Chapter 8 of the Code of Ordinances.

As you can see in the attached document, several changes are being proposed to better meet current operations of the cemetery as well as accommodate a variety people on how they grieve and honor loved ones.

During the Study Session on Monday February 24, 2020 we will discuss with City Council these proposed changes City.

Recommend

It is recommended that the Allegan City Council discuss the proposed changes to the cemetery rules for the Oakwood Cemetery.

Attachments

Proposed Amendments to the Ordinance

- **Chapter 8 - CEMETERIES^[u]**

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- **Sec. 8-1. - Declaration as public burying grounds; determination of necessity.**

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All cemeteries now owned or which may hereafter be acquired by the city, wherever located, are hereby declared to be public burying grounds, and no person shall establish or locate any other cemetery within the limits of the city unless the necessity or desirability for the establishment of such cemetery has been affirmatively determined by the council and it has approved the location of such proposed cemetery.

(Ord. No. 11, § 1, 5-2-49)

- **Sec. 8-2. - Proper interments.**

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No interment of any deceased person shall be made in any other place than within cemeteries devoted to that purpose; nor shall the interment of anything other than human bodies be permitted therein.

(Ord. No. 11, § 2, 5-2-49)

- **Sec. 8-3. - Rules and regulations.**

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(a)

No person shall interfere with any city employee in the discharge of his duties, or refuse to obey any lawful command of a city employee or law officer.

(b)

~~Walking or driving~~ Driving through the cemetery for the purpose of saving time or distance is strictly prohibited.

(c)

No person shall sit or stand on monuments or headstones.

(d)

~~No person shall possess or consume any intoxicating liquor, including, but not limited to, beer and wine in the cemetery. No person shall sell, use, or have in his possession any controlled substance for sale or use, that is prohibited by law. Intoxication in the cemetery is strictly prohibited.~~

(e)

~~All vehicles shall be parked as far off the cemetery streets as possible to allow another vehicle to pass, only in areas so provided and designated by the city. Parking in places contrary to posted regulations is prohibited, except when directed to do so by a city employee or law enforcement officer.~~

(f)

~~No person shall deposit any household trash, garbage, or litter in the cemetery. All headstone decorations may be discarded in cemetery owned trash cans, or discarded flowers on any cemetery property.~~

(g)

~~Glass, ceramic or clay containers, jars, dishes or clay pots used as flower containers are not permitted.~~

Cement, metal, and plastic urns are allowed.

Any knick knacks or statues must be placed on a headstone or planter unless they are part of a well maintained and purposefully designed burial plot.

Faded or unsightly flowers, wreaths or small mementos must be removed. If not done in a timely manner, they will be removed by the city.

One (1) shepherd hook may be placed to the left or right of the headstone and must hang over the headstone. A planter, regardless of material, may be placed on the shepherd hook.

Burial plots may include edging, mementos, ground cover, etc., as long as the area is well maintained. If not well maintained, the City has the right to remove any faded, unsightly or broken edging, mementos or ground cover.

No offensive material can be placed in the cemetery.

(Ord. No. 11, § 3, 5-2-49; Ord. No. 239, § 1, 2-22-88)

Cross reference— Alcoholic liquor, [Ch. 4](#); throwing garbage and refuse prohibited, [§ 12-22](#); interference with police authority of city employees or city officers, [§ 17-32](#); littering, [§ 17-76](#); disorderly intoxication in a public place, [§ 17-158](#); parking, stopping, standing, § 28-31 et seq.

- **Sec. 8-4. - Enforcement by city manager.**

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The city manager shall have charge of the city cemeteries and he shall enforce the rules and regulations that may from time to time be adopted by the council. He shall maintain order in the cemeteries and make complaints for every violation of this chapter. Any exceptions to these rules must be approved by the city manager or an authorized representative.

(Ord. No. 11, § 4, 5-2-49; Ord. No. 425, § 1, 1-9-12)

- **Sec. 8-5. - Purchase of lots.**

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Any person wishing to purchase a lot or fraction of a lot in any cemetery belonging to the city may do so by paying to the city clerk such sum as the council may have from time to time established by resolution, and upon such payment shall receive a certificate of purchase therefor, signed by the clerk, which shall grant exclusive license and privilege of burial only, subject to all the ordinances, rules and regulations as may be adopted by the council for the care, management and preservation of such cemetery and grounds, the monuments, memorials and vaults therein. Such money shall be credited to the cemetery fund. No lot or fraction thereof shall be considered sold or reserved until a receipt in full for the purchase price thereof has been obtained from the city clerk and no interment will be allowed until payment has been made for the grave, opening of grave and marker.

(Ord. No. 11, § 6, 5-2-49)

- **Sec. 8-6. - Rights of grave or lot purchasers.**

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The purchaser of any single grave or lot in the cemetery shall acquire thereby only the privilege or license to make interments in the grave or lot purchased. The owner of any lot shall not allow interment to be made therein for remuneration to himself, nor shall a lot be used for any other purpose than a place for burial of the dead. All interments in lots shall be restricted to members of the owner's family and relatives unless special permission to the contrary shall have been obtained in writing from the city manager.

(Ord. No. 11, § 5, 5-2-49)

- **Sec. 8-7. - Reserved.**

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Editor's note— Ord. No. 425, § 1, adopted Jan. 9, 2012, deleted [§ 8-7](#), which pertained to annual care charges; lien; foreclosure and derived from Ord. No. 11, §§ 13, 15, adopted May 2, 1949; and Ord. No. 54, §§ 1—5, adopted Dec. 17, 1962.

- **Sec. 8-8. - Cemetery perpetual care fund.**

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(a)

Any person shall deposit with the city treasurer, in irrevocable trust, for the purpose of keeping in perpetual order and care any grave, lot or fraction of a lot in any cemetery owned by the city, such a sum as shall be prescribed by resolution of the council, which monies shall be maintained in a fund separate from all other funds of the city and which shall be known as the "cemetery perpetual care fund," and such depositors shall designate the particular lot or fraction of a lot to be cared for from the trust fund.

(b)

The city clerk, under the corporate seal of the city, shall issue a receipt to such depositor for the amount so deposited, upon which shall be noted the description of a lot or fraction of a lot to be cared for, which receipt shall be signed by the city clerk and the amount so deposited shall be duly recorded in the "cemetery perpetual care fund," and together with a description of the lot or fraction of a lot to be maintained, and the city treasurer and the surety on his bond shall be liable for the safe keeping of the funds so deposited.

(c)

The council shall, by resolution, direct the investment of the principal thereof, provided that such fund is in accordance with state law.

(d)

The city treasurer shall cause a separate account to be kept of the cemetery perpetual care fund and of the income therefrom and the same shall be accounted for in the city treasurer's annual statement and included in the annual audit of the city.

(e)

Perpetual care is hereby defined to include watering and mowing at reasonable intervals, raking leaves, reseeding and fertilizing, trimming trees and shrubs when necessary, bringing sunken graves to grade, trimming grass around monuments or markers and sodding or seeding after burials. It does not include watering and care of plants and flowers, repairing and resetting of monuments and markers nor any repairs of damage caused by the elements.

(f)

The entire revenue received from the investment of cemetery perpetual care fund shall be expended annually for the care and maintenance of the respective lots and burial spaces for which deposits were made and in accordance with the provisions thereof.

(g)

This section shall stand as a continuing contract with all persons who shall make deposits to the "cemetery perpetual care fund" as herein provided for; any willful diversion or misappropriation of the funds so deposited shall constitute a breach of trust and shall subject the offender to the penalties provided by the laws of the state.

(Ord. No. 11, §§ 17—23, 5-2-49; Ord. No. 241, § 1, 2-22-88; Ord. No. 318, § 1, 8-12-96)

- **Sec. 8-9. - Refunds on lot purchase.**

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The city may refund the purchase price of any lot without interest, upon surrender of the deed or lease agreement, except such lot or fraction of lot in which a body has been buried or a memorial of any kind erected.

- **Sec. 8-10. - Number of graves per lot; markers, monuments; grade.**

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The number of graves to be allowed in lots shall be as determined by the council. Not more than one (1) monument or vault above ground shall be allowed on any one (1) lot nor more than one (1) marker or index stone on any one (1) grave. No lot or part thereof shall be enclosed by a fence, railing, coping, hedge, embankment or ditch. Grave mounds shall not be allowed and no lot shall be raised above the grade established by the council.

(Ord. No. 11, § 7, 5-2-49)

- **Sec. 8-11. - Foundations for monumental structures; approval of vaults.**

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All foundations for monumental structures must be built of concrete and of depth and size provided for in the rules and regulations, and no vault above ground for the reception of the dead shall be built within the limits of any cemetery belonging to the city until a plan of such vault showing location, dimensions, the construction material to be used, and the manner of construction thereof shall have first been submitted to the council and approved by it.

(Ord. No. 11, § 8, 5-2-49)

- **Sec. 8-12. - Use of vaults.**

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If and when a receiving vault is available it shall be used when, in the opinion of the city manager, weather conditions make it necessary or advisable. In case earth burial is demanded during this period an extra charge will be made in accordance with that set forth in the rules and regulations. Persons owning private vaults are expressly forbidden to charge for the use of their vault for other than their own family or relatives. Bodies of persons dying of infectious or contagious diseases shall not be permitted to be deposited in the public vaults.

(Ord. No. 11, § 14, 5-2-49)

- **Sec. 8-13. - Burial permits; disinterments.**

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No interment will be permitted nor dead body received without a burial permit and all interments and removals of deceased persons from the city shall be made subject to such rules and regulations as may from time to time be adopted by the council. No person shall disinter any body without permission of the city manager and all transfers or assignments of rights of owners in and to any unused portion of any lot shall be recorded with the city clerk.

(Ord. No. 11, § 11, 5-2-49)

- ~~**Sec. 8-14. - Use of water for sprinkling or watering.**~~

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~~No person shall use water from any hydrants or fixtures in the cemetery for the purpose of sprinkling or watering lots, flowers, shrubs, or trees, without first having received a permit to do so from the city clerk, and paying therefor such reasonable sum per lot per year, annually in advance prior to May fifteenth, as provided by rules and regulations.~~

(Ord. No. 11, § 12, 5-2-49)

• **Sec. 8-15. — Hours and Months of Decoration.**

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~~Any person not directly connected with the operation of the cemetery shall not enter it between the hours of 8:00 p.m. and 7:00 a.m., unless given permission by the city manager.~~

- ~~a. The cemetery shall be open 24 hours a day, 365 days a year.~~
- ~~b. The city shall be authorized to remove decorations alongside burial plots and on the headstones between April 15th and May 15th.~~
- ~~c. The city shall not be authorized to remove decorations alongside burial plots and on the headstones between May 15th and September 30th unless removed under guidelines stated above.~~
- ~~d. The City shall be authorized to remove decorations alongside burial plots and on the headstones between October 1st and October 31st.~~
- ~~e. The City shall not be authorized to remove decorations alongside burial plots and on the headstones between November 1st and April 14th unless removed under the guidelines stated above.~~

(Ord. No. 11, § 10, 5-2-49; Ord. No. 166, § 2, 11-12-79; Ord. No. 425, § 1, 1-9-12)

• **Sec. 8-16. - Pedestrian and vehicular traffic.**

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All pedestrian traffic shall use avenues or drives in going about the cemetery and they shall not trespass upon burial spaces where interment has been made. Vehicular traffic shall be confined to the avenues or drives and the speed of same shall not exceed fifteen (15) miles per hour. Bicycles and motorcycles shall be classed as vehicular traffic and shall be subject to this section. The excessive sounding of horns or the use of a muffler cutout shall not be permitted.

(Ord. No. 166, § 3, 11-12-79)

Cross reference— Traffic and motor vehicles generally, [Ch. 28](#).

• **Sec. 8-17. - Dogs prohibited.**

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~~Dogs must be kept on leash at all times while in the cemetery and not be permitted to bark excessively. No dogs shall be allowed in the cemetery, whether accompanied by a person or alone. Dog waste shall be cleaned up.~~

Cross reference— Dogs generally, [§ 6-21](#) et seq.

- **Sec. 8-18. - Reserved.**

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Editor's note— Ord. No. 425, § 1, adopted Jan. 9, 2012, deleted [§ 8-18](#), which pertained to use of firearms.

- **Sec. 8-19. - Disturbance.**

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No person shall create a disturbance of any kind at any time in any cemetery and shall at all times conduct themselves in a manner showing proper respect for the dead and the bereaved.

Cross reference— Offenses against public peace, [§ 17-156](#) et seq.

- **Sec. 8-20. - Injuring or taking vegetation or structures.**

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No person shall cut, remove, injure or carry away any flowers, trees, shrubs, plants or vines being in or growing upon any cemetery lots or grounds and for cemetery purposes, or deface, injure or write upon any markers, monuments, headstones, fence or structure within any of the city-owned cemeteries, nor shall any person injure or destroy, take or carry away any vases, flower pots, or other ornaments that may have been placed upon graves or grounds plotted for cemetery purposes, unless by permission of the city manager. If the trees or shrubbery situated in any lot, by means of their roots, branches or otherwise, or because they have died, become detrimental to the adjacent lots or avenues, or have grown to a height of over ten (10) feet, or have become unsightly or inconvenient to passersby, it shall be the right of the council to authorize the city to enter the lot and to remove such trees and shrubbery or any part thereof. ~~Provided, however that~~ Prior to removal, the city shall attempt to notify the owner of the lot ~~shall first have been notified in writing to remove the same within one (1) week after receipt of notice and shall have refused or neglected so to do through certified mail.~~

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and after two (2) weeks if the owner does not remove the same or contact the city to make arrangements, the city may proceed with removal.

(Ord. No. 11, § 9, 5-2-49; Ord. No. 166, § 1, 11-12-79)

Cross reference— Offenses against property, [§ 17-76](#) et seq.; tree protection, [§ 30-16](#) et seq.

State Law reference— Malicious mischief, MCL 750.377 et seq.

[Sec. 7.5-20](#). - Effective date.

Study Session

MEMORANDUM

TO: Allegan City Council
FROM: Joel Dye, City Manager, Christopher Tapper, City Clerk
RE: City Council Updates – Safe Routes to School Project & City Light options
DATE: February 24, 2020

Summary

Safe Routes to School Project

The Safe Routes to School sidewalk and path project was on the December 6, 2019 MDOT Bid Letting. The contract was awarded to Milbocker and Sons, Inc. Milbocker and Sons submitted the low bid for the project at \$647,654.89 and the Safe Routes to School grant amount is \$650,535. The project is awarded and will be paid by the MDOT due to the funding grant. This is a 100% grant for construction up to \$650,535. Any additional amounts over the grant will be the responsibility of the City of Allegan and Allegan Township; the City will be billed by the MDOT for any amount over the grant. The City of Allegan and Allegan Township will be splitting the costs for change orders, tree removals and engineering based on the location of the work being done in both jurisdictions.

The engineering for the project is being done by Prein&Newhof. The costs for these services are \$6,000 for the preliminary engineering to complete and receive the grant, \$54,500 for the design and initial surveying and 11% of the accepted construction bid which is \$71,242 for construction engineering services. The total amount for engineering is \$131,742.

In the winter of 2019 tree removals for this project were completed at a cost of \$24,600.

After the sidewalks are completed, we are planning on having 26 lights installed along the sidewalks of Grant Street to provide pedestrian lighting. This will need City Council approval to move forward. Consumers Energy quoted the lighting along grant street at \$39,873.50. If Consumers Energy installs the lights, they will maintain them and the energy for the lighting will be added to our street lighting contract. Consumers Energy quoted the lights using the Avery style lighting fixture with a black smooth fiberglass pole.

The current total amount of the project including the lighting is \$843,870.39. Milbocker and Sons have submitted a preliminary construction schedule to be June 15 to August 15, 2020.

Lighting Options

Consumers Energy – Roadway Lighting Standard Post Top Fixtures

HPS and/or MH Light Source



Washington
(NCO)
100W & 150W HPS



Acorn
(NCO and CO)
100W & 150W HPS



Arlington
(CO)
100W & 150W HPS



Traditional
(CO)
100W HPS
150W MH



Traditional
(NCO)
100W HPS



Contemporary
(NCO)
100W HPS

LED Light Sources



Washington
(NCO)
81W LED



Acorn
(NCO)
81W LED



Avery
(CO)
65W LED



Traditional
(NCO)
46W LED

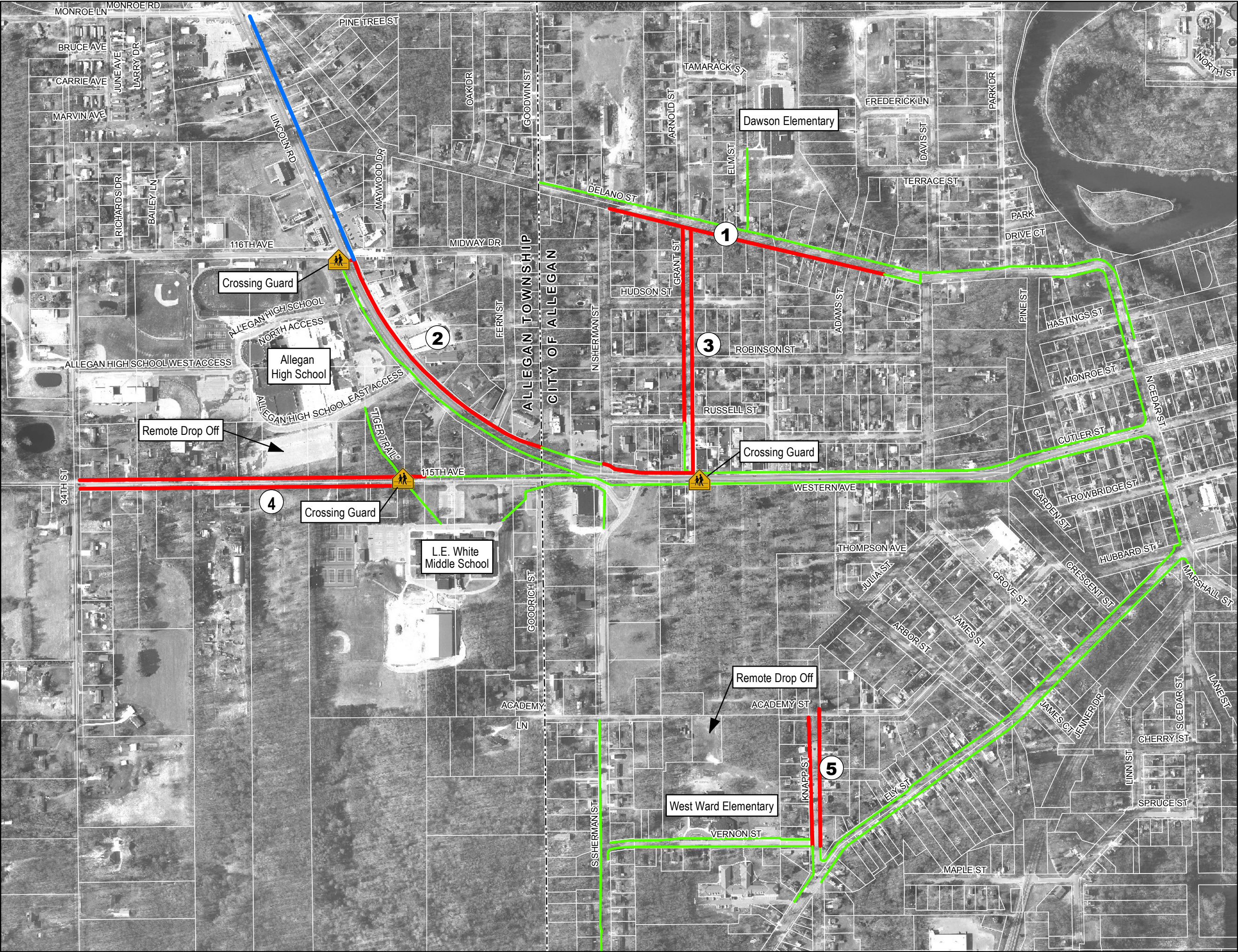
Note: CO = Cutoff style,
NCO = Non-Cutoff Style

CITY OF ALLEGAN
ALLEGAN COUNTY, MICHIGAN
SAFE ROUTES TO SCHOOL

Prein&Newhof
2170007

LEGEND

- Existing Sidewalk or HMA Path
- Proposed Sidewalk
- Proposed HMA Path
- 1 Project Priority



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