

**ORDINANCE NO. 378**  
**CITY OF LINDEN**  
**AMEND TITLE 15 – SECTION 15.04**

AN ORDINANCE TO AMEND TITLE 15 – SECTION 15.04 TO ADOPT THE 2015 MICHIGAN BUILDING CODE INCLUDING THE 2015 MICHIGAN RESIDENTIAL CODE WHICH ESTABLISHES MINIMUM REGULATIONS GOVERNING THE DESIGN, CONSTRUCTION, ALTERATION, ENLARGEMENT, REPAIR, DEMOLITION, REMOVAL, MAINTENANCE AND USE OF ALL BUILDINGS AND STRUCTURES; AND TO REPEAL ANY AND ALL INCONSISTENT ORDINANCES IN CONFLICT HEREWITH; EFFECTIVE DATE.

THE CITY OF LINDEN ORDAINS:

Section 15.04.010 Adoption of Building Code. That a certain document, three (3) copies of which are on file in the office of the city clerk, city of Linden, being marked and designated as the “2015 Michigan Building Code” including the “2015 Michigan Residential Code” and the “2015 Michigan Rehabilitation Code for Existing Buildings”, as published, by the Michigan Department of Consumer Industry & Industry Services, is hereby adopted as the building code of the city of Linden, Genesee County, Michigan; for control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said 2015 MICHIGAN BUILDING CODE including the 2015 MICHIGAN RESIDENTIAL CODE and the 2015 MICHIGAN REHABILITATION CODE FOR EXISTING BUILDINGS are hereby referred to, adopted and made part hereof, as if fully set out in this ordinance.

Section 15.04.030 Repealing Clause. All other ordinances of the city of Linden or parts of ordinances in conflict herewith are hereby repealed.

Section 15.04.040 Severability Clause. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Linden hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

Section 15.04.050 Savings Clause. Nothing in the ordinance or in the building code hereby adopted shall be construed to affect any suit or proceeding in any court or any rights acquired or liability incurred, or any cause or causes of acquired or existing, under any act or ordinance hereby repealed as cited in Section 15.04.030 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this ordinance.

Publication: That the City Clerk is hereby ordered and directed to cause this ordinance to be published on April 9, 2017.

Effective Date. This ordinance shall be published as required by law and shall become effective on April 20, 2017.

**ENACTED** at a regular meeting of the Linden City Council on the 27th day of March, 2017.

THE CITY OF LINDEN:

By \_\_\_\_\_  
Danielle N. Cusson, Mayor

By \_\_\_\_\_  
Lynn M. Henry, City Clerk

ORDINANCE NO. 379  
CITY OF LINDEN  
AMEND TITLE 15 – SECTION 15.06

AN ORDINANCE OF THE CITY OF LINDEN ADOPTING THE 2012 EDITION OF THE *INTERNATIONAL FIRE CODE*, REGULATING AND GOVERNING SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AND EXPLOSION HAZARDS ARISING FROM THE STORAGE, HANDLING AND USE OF HAZARDOUS SUBSTANCES, MATERIALS, DEVICES, AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY OF BUILDINGS AND PREMISES IN THE CITY OF LINDEN; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTING OF FEES THEREFOR; REPEALING ALL ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH; EFFECTIVE DATE.

THE CITY OF LINDEN ORDAINS:

Chapter 15.06

FIRE CODE ADOPTED

Sections:

- |           |                       |
|-----------|-----------------------|
| 15.06.010 | Adoption of fire code |
| 15.06.020 | Revisions             |
| 15.06.030 | Repealing clause      |
| 15.06.040 | Savings clause        |

Section 15.06.010 Adoption of Fire Code. A certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Linden, being marked and designated as the *International Fire Code*, 2012 Edition, including Appendix Chapters as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of Linden, in the State of Michigan regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the City of Linden and hereby referred to, adopted and made part hereof, as if fully set out in the Ordinance, with the additions, insertions, deletions and changes, if any prescribed in Section 15.06.020 of the City of Linden Municipal Code.

Section 15.06.020 Revisions. The following sections are hereby revised:

- A. Section 101.1: These regulations shall be known as the Fire Code of the City of Linden, hereinafter referred to “this code”.
- B. Section 109.3: Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof under the provisions of this code shall be guilty of a misdemeanor punishable by a fine of not more than five hundred (\$500.00) dollars or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

Section 15.06.030 Repealing Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 15.06.040 Severability Clause. That if any section, subsection, sentence, clause or phrase if this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Linden hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

Section 15.06.050 Savings Clause. That nothing in this ordinance or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 15.06.030 of this City of Linden Municipal Code; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Publication: That the City Clerk is hereby ordered and directed to cause this ordinance to be published on April 9, 2017.

Effective Date. This ordinance shall become effective on April 20, 2017.

**ENACTED** at a regular meeting of the Linden City Council held on the 27<sup>th</sup> day of March, 2017.

THE CITY OF LINDEN:

By \_\_\_\_\_  
Danielle N. Cusson, Mayor

By \_\_\_\_\_  
Lynn M. Henry, City Clerk

**ORDINANCE NO. 380**

AN ORDINANCE TO AMEND ARTICLE 2 AND SECTION 9.7.1 OF ARTICLE 9 OF THE CITY OF LINDEN ZONING ORDINANCE (ORDINANCE NO. 285) TO ADDRESS DRIVE-IN ESTABLISHMENTS AND DRIVE-THROUGH ESTABLISHMENTS; EFFECTIVE DATE; PUBLICATION

THE CITY OF LINDEN ORDAINS:

**Section 1.** Amendment of Article 2 of the City of Linden Zoning Ordinance No. 285 by Deletion of “Menu Boards” from Definitions.

Article 2 of the City of Linden Zoning Ordinance No. 285 is hereby amended by deleting the definition of “Menu Boards” therefrom.

**Section 2.** Amendment of Article 2 of the City of Linden Zoning Ordinance No. 285 by Addition of Definitions for “Drive-In Establishments” and “Drive-Through Establishments.”

Article 2 of the City of Linden Zoning Ordinance No. 285 is hereby amended by adding thereto the following definitions:

**Drive-In Establishment.** A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in or momentarily stepped away from their motor vehicles, rather than within a building or structure, so that consumption of goods or services within motor vehicles may be facilitated.

**Drive-Through Establishment.** A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to services patrons from a window or booth while in their motor vehicles, rather than within a building or structure, so that consumption of goods or services off the premises may be facilitated.

**Section 3.** Amendment of Section 9.7.1 of Article 9 of the City of Linden Zoning Ordinance No. 285 Regarding Miscellaneous Permitted Signs.

Section 9.7.1 of Article 9 of the City of Linden Zoning Ordinance No. 285 is hereby amended to read as follows:

**9.7.1 Additional Signage for Drive-In and Drive-Through Establishments (All Districts).**

1. Additional signage for drive-in establishments shall be permitted subject to the following:
  - a. Such signage shall only be located adjacent to, and shall be oriented to only be visible from, designated drive-in parking spaces. No such signage shall be located within a required front yard.
  - b. No more than one sign per designated drive-in parking space is allowed, not to exceed twelve (12) square feet in area and six (6) feet in height.
  - c. Internally illuminated signs, including electronic or digital signage, shall only be allowed within the GC District and shall be at least fifty (50) feet from any Residential District.
  - d. Approval by the Sign Review Committee shall be required.
2. Additional signage for drive-through establishments shall be permitted subject to the following:
  - a. Such signage shall only be located adjacent to, and shall be oriented to only be visible from, designated drive-through lanes. No such signage shall be located within a required front yard.
  - b. No more than two (2) signs per designated drive-through lane are allowed, one not exceeding the maximum allowable area for ground signs for the district in which the property is located, and the second not exceeding fifty percent (50%) of the maximum allowable area for ground signs for the district in which the property is located. Such signs may not exceed eight (8) feet in height.
  - c. Internally illuminated signs, including electronic or digital signage, shall only be allowed within the GC District and shall be at least fifty (50) feet from any Residential District.
  - d. Approval by the Sign Review Committee shall be required.

**Section 4.** **Effective Date.** This Ordinance shall become effective ten (10) days following publication.

Enacted at a regular meeting of the City Council of the City of Linden held on the 25<sup>th</sup> day of September 2017.

THE CITY OF LINDEN:

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Danielle N. Cusson, Mayor

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Lynn M. Henry, Clerk

**Certification.** Lynn M. Henry, City Clerk, certifies that the foregoing is a true copy of Ordinance No. 380, which was enacted by the City Council of the City of Linden at a regular meeting held on September 25, 2017.

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Lynn M. Henry, City Clerk

## ORDINANCE NO. 381

AN ORDINANCE TO AMEND SECTION 2.2, SECTION 4.5.1 AND SECTION 10.2.6,(1) OF THE CITY OF LINDEN ZONING ORDINANCE (ORDINANCE NO. 285) TO ADDRESS DRIVEWAYS AND FRONT YARD PARKING; EFFECTIVE DATE; PUBLICATION

THE CITY OF LINDEN ORDAINS:

**Section 1.** Amendment of Section 2.2 of Article 2 of the City of Linden Zoning Ordinance No. 285 by the Addition of a Definition for “Driveway.”

Section 2.2 of Article 2 of the City of Linden Zoning Ordinance No. 285 is hereby amended by adding thereto the following definition:

**Driveway.** A way located upon a parcel, lot or limited common area, specifically constructed and maintained to provide ingress and egress from the road or street onto the site and circulation about the site. In order to be considered a driveway under this Ordinance, such an area must be surfaced with concrete, asphalt, brick, cut stone, or a minimum four (4) inch depth of crushed materials (stone, concrete, asphalt, etc.) having a size of at least one-half (1/2) inch in diameter. Further, such driveway must be properly graded for drainage and be maintained in good condition free of dust, trash and debris. Within a front yard, newly constructed driveways shall be no less than ten (10) feet in width, and shall be no wider than thirty-two (32) feet or the width of the garage, whichever is greater.

**Section 2.** Amendment of Section 4.5.1 of Article 4 of the City of Linden Zoning Ordinance No. 285 by the Addition of a Footnote to the Schedule of Area, Height, Width and Setback Regulations, to be Applicable to the R-1, R-2 and R-3 Districts.

Section 4.5.1 of Article 4 of the City of Linden Zoning Ordinance No. 285 is hereby amended by adding a new Footnote K thereto, to be applicable to the R-1, R-2 and R-3 Districts:

K. Within the front yard, the total driveway surface area for single- and two-family dwellings shall not exceed forty percent (40%) of the total front yard area.

**Section 3.** Amendment of Section 10.2.6,(1) of Article 10 of the City of Linden Zoning Ordinance No. 285 Regarding the Location of Parking for Single and Two Family Dwellings.

Section 10.2.6,(1) of Article 10 of the City of Linden Zoning Ordinance No. 285 is hereby amended to read as follows:

1. Single and Two Family Dwellings.



- a. The off-street parking facilities required for single- and two-family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve, but shall not be considered a parking lot under the provisions of this Article.
- b. Off-street parking shall not be permitted within the right-of-way adjacent to the lot except within the street or driveway approach.
- c. Off-street parking shall not be permitted within the front yard, except within a properly constructed driveway, as defined in this Ordinance.
- d. Where no properly constructed driveway exists, an exception to Subsection c, above, shall be made for an existing driveway within the front yard that is not properly constructed. In such case, off-street parking shall be allowed within an area no wider than twelve (12) feet, or the width of an existing garage, whichever is greater, centered on such existing driveway, but not within any area between the dwelling and street.
- e. The requirement of Subsection c, above, shall not apply to parking for temporary special events normally associated with the residential use of the property such as graduation and holiday parties.

**Section 4.** **Effective Date.** This Ordinance shall become effective thirty (30) days following publication.

Enacted at a regular meeting of the City Council of the City of Linden held on the \_\_\_\_ day of \_\_\_\_\_ 2017.

THE CITY OF LINDEN:

\_\_\_\_\_  
Danielle N. Cusson, Mayor

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Lynn M. Henry, Clerk

**Certification.** Lynn M. Henry, City Clerk, certifies that the foregoing is a true copy of Ordinance No. 381, which was enacted by the City Council of the City of Linden at a regular meeting held on \_\_\_\_\_, 2017.

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Lynn M. Henry, City Clerk