

ORDINANCE NO. 795-03-23

Commissioner Eppley moved, supported by Commissioner Johnson, the adoption of the following Ordinance.

ORDINANCE AMENDING SECTIONS 91.01 AND 91.02, TITLE IX, CHAPTER 91 OF THE BIG RAPIDS CITY CODE

THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Section 91.01 of the Big Rapids City Code is hereby repealed and replaced to read in its entirety as follows:

91.01 KEEPING OF ANIMALS; ANIMALS PROHIBITED

- (A) The keeping of household pets, including dogs, cats, rabbits, fish, birds, hamsters, certain reptiles, and other animals generally regarded as household pets is permitted subject to the regulations in this Chapter and all other City ordinances.
- (B) Except as otherwise provided in this Chapter, it shall be unlawful for any person to keep any animals not normally considered domesticated within the City including, but not limited to, horses, cattle, goats, pigs/swine, sheep, fowl and other wild, vicious and exotic animals.

Section 2. Section 91.02 of the Big Rapids City Code is hereby repealed and replaced to read in its entirety as follows:

91.02 EXCEPTIONS

The prohibitions in Section 91.01 shall not apply to:

- (A) Any animal properly kept and maintained at any zoological institution, conservation or rescue facility, educational institution, licensed circus, or City park.
- (B) Any animal properly kept and maintained at a licensed slaughterhouse.
- (C) Chickens kept on single-family residential parcels subject to Section 91.03 of this Chapter.

Section 3. This Ordinance shall be effective upon publication in the Pioneer.

Yeas: Cochran, Eppley, Guenther, Johnson, Simmon

Nays: None

The Mayor declared the ordinance adopted.

Date: March 6, 2023

Published: March 8, 2023

ORDINANCE NO. 796-05-23

Commissioner Johnson moved, seconded by Commissioner Eppley, the adoption of the following:

ORDINANCE AMENDING SECTION 4.1:25 OF ARTICLE 4 OF THE BIG RAPIDS ZONING ORDINANCE

THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Section 4.1:25 of the Big Rapids Zoning Ordinance is hereby amended to read in its entirety as follows:

4.1:25 Single Family Dwellings

Single family dwellings in the City of Big Rapids, included manufactured housing not located in a mobile home park shall be erected or constructed only if in compliance with the following residential design standards:

- 1) If the dwelling unit is a manufactured home, the manufactured home must be certified by either the manufacturer or an appropriate inspection agency as complying with the U.S. Department of Housing and Urban Developments Mobile Home Construction and Safety Standards as amended. If the manufactured home is not new from the manufacturer, it must also be found by the City Manager or designee to be in excellent, like new condition.
- 2) It complies with the minimum square footage requirements of this Ordinance for the zone in which it is located.
- 3) It has a minimum width across any section of twenty-four (24) feet and complies in all respects with the City Building Code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction which are less stringent than those imposed by the City Building Code, then the less stringent federal or state standard or regulation shall apply.
- 4) It is firmly attached to a permanent and continuous foundation, constructed on the building site. The foundation must have a wall of the same perimeter dimensions as the dwelling unit and be constructed of such materials and type as required by the City Building Code for on-site constructed single-family dwellings. If the dwelling unit is a manufactured home, its foundation shall fully enclose the chassis, undercarriage, and towing mechanism. The foundation also meets all applicable building codes and other state and federal regulations.
- 5) If the dwelling unit is a manufactured home, the manufactured home shall be installed with the wheels removed.

- 6) If the dwelling unit is a manufactured home, it shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the building site by an anchoring system or device that complies with the rules and regulations of the Michigan Mobile Home Commission, as amended, or any successor agency having regulatory authority for manufactured homes.
- 7) The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local Health Department.
- 8) The dwelling contains a storage area either in the basement under the dwelling, in an attic area, in closet areas or a separate structure being standard construction similar to or of better quality than the principal dwelling. Such storage shall be in addition to the space for the storage of automobiles and shall be equal to not less than fifteen (15) percent of the minimum square footage requirement of this Ordinance for the zone in which the dwelling is located. In no case, however, shall more than two hundred (200) sq. ft. of storage area be required by this provision.
- 9) The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six (6) inches on all sides, or alternatively with window sills and roof drainage systems concentrating roof drainage along the sides of the dwelling; with not less than two (2) exterior doors with one being in the front of the dwelling and the other being either the rear or side of the dwelling; contains permanently attached steps connected to said exterior areas or to porches connected to said door areas where a difference in elevation requires the same. The compatibility of design and appearance shall be determined in the first instance by the City Zoning Administrator upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of fifteen (15) days from the receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth in the within definition of "dwelling" as well as the character of residential development outside of mobile home parks within three hundred (300) feet of the subject dwelling where such area is developed with dwellings to the extent of not less than twenty (20) percent of said area; where said area is not so developed, by the character of residential development outside of mobile home parks throughout the City. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
- 10) The dwellings shall front on a public or private street. For the purposes of this subsection "front" means that the dwelling is constructed so that the front door faces a public or private street. If the dwelling is a manufactured home, the dwelling must be installed or constructed so that the wide side of the home is facing the public or private street.
- 11) The dwelling contains no additions or rooms or other areas which are not constructed with similar materials and which are similar in appearance and which have similar quality of workmanship as the original structure, including the above-described foundation and permanent attachment to the principal structure.

- 12) The dwelling complies with all pertinent building and fire codes.
- 13) The foregoing standards shall not apply to a manufactured home located in a licensed mobile home park except to the extent required by a state or federal law or otherwise specifically required in the Ordinance of the City pertaining to such parks.

Section 2. **Publication; Effective Date.** This ordinance shall become effective 7 days after publication or 7 days after the publication of a summary of its provisions in the Pioneer, which is a local newspaper of general circulation in the City.

Yeas: Cochran, Eppley, Guenther, Johnson, Simmon

Nays: None

The Mayor declared the ordinance adopted.

Dated: May 8, 2023

Published: Summary published May 17, 2023

ORDINANCE NO. 797-05-23

Commissioner Simmon moved, supported by Commissioner Johnson, the adoption of the following Ordinance.

ORDINANCE AMENDING TITLE XI, CHAPTER 116 OF THE BIG RAPIDS CITY CODE – MARIHUANA SECURITY

THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Section 116.42 of the Big Rapid City Code is hereby amended to read in its entirety as follows:

§ 116.42 SECURITY REQUIREMENTS.

(A) Security measures at all licensed premises shall comply with the requirements of all applicable rules and regulations promulgated by the Department.

(B) Prior to commencing operations, a description of the security plan for the facility shall be submitted to the Department of Public Safety. The security plan shall include details of a video surveillance system to be employed at the facility and procedures that meet or exceed applicable state rules addressing security.

(C) The security system, shall be maintained in good working order and provide continuous 24 hours per day recorded coverage. **Every entrance to the premises must be secured.** A separate security system is required for each facility. Permit holders shall at all times maintain a security system that meets state law requirements, and shall include:

(1) Security surveillance installed to monitor all entrances, along with the interior and exterior of the permitted premises and all safes or containers in which cash or marihuana is stored;

(2) Burglary alarm systems which are monitored and operated 24 hours a day, seven days a week;

(3) **An enclosed and locked space to secure marihuana and marihuana accessories, which is monitored 24 hours a day, seven days a week.** ~~A locking safe permanently affixed to the permitted premises that shall store all marihuana and cash remaining at the facility overnight;~~

(4) All marihuana **and marihuana accessories**, in whatever form stored at the permitted premises, shall be kept in a secure manner and shall not be visible from outside the permitted premises, nor shall it be grown, processed, exchanged, displayed or dispensed outside the permitted premises;

(5) All security recordings and documentation shall be preserved for at least 30 days by the permit holder and made available to law enforcement upon request for inspection.

Section 2. Publication; Effective Date.

1. This ordinance shall become effective upon publication.
2. The City Clerk is directed to publish this ordinance in the Pioneer.

Yeas: Cochran, Eppley, Guenther, Johnson, Simmon

Nays: None

The Mayor declared the ordinance adopted.

Dated: May 15, 2023

Published: May 18, 2023

ORDINANCE NO. 798-05-23

Commissioner Johnson moved, supported by Commissioner Simmon, the adoption of the following Ordinance.

ORDINANCE AMENDING TITLE XV, CHAPTER 151 OF THE BIG RAPIDS CITY CODE – CONTACT PERSON

THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Section 151.21 of the Big Rapids City Code is hereby amended to read in its entirety as follows:

§ 151.21 CONTACT PERSON TO BE DESIGNATED

(A) Applicants shall designate a contact person upon whom service of notice under this subchapter and service of process for violation of this code may be made in the absence of the owner. The designated contact person must have an office or residence located in the State of Michigan, and be available to respond physically in-person at the property within 24 hours of a notification or request by the City.

Such a designation shall be made in writing and shall accompany each application or renewal application for a Housing Maintenance Certificate. The designation must include a valid mailing address, email address, and phone number. Any change to the contact person's contact information must be promptly communicated to the City. The violation of this subsection shall be a civil infraction, and shall be cause for revocation of a housing maintenance certificate.

(B) An owner of real property who designates a contact person consents to notice and billing by the City given via first class mail or email to the contact person at the address specified in the designation, for:

- (1) real property taxes;
- (2) personal property taxes;
- (3) utility billings (water, sewer, sanitation);
- (4) property maintenance code violations;
- (5) building and fire code violations;
- (6) zoning ordinance violations;
- (7) nuisance and blight violations;
- (8) nuisance padlock incidents.

Section 2. **Publication; Effective Date.** The City Clerk shall publish this Ordinance in the Pioneer, and the Ordinance shall become effective upon publication.

Yeas: Cochran, Eppley, Guenther, Johnson, Simmon

Nays: None

The Mayor declared the ordinance adopted.

Dated: May 15, 2023

Published: May 18, 2023

ORDINANCE NO. 799-05-23

Commissioner Cochran moved, supported by Commissioner Eppley, the adoption of the following Ordinance.

ORDINANCE AMENDING THE BIG RAPIDS ETHICS POLICY ORDINANCE, IN TITLE III, CHAPTER 38 OF THE BIG RAPIDS CITY CODE

THE CITY OF BIG RAPIDS ORDAINS:

1. Title III, Chapter 38 Section 2. Purpose of the Big Rapids City Code is hereby amended to read shall read as follows:

Section 2. Purpose.

The citizens and businesses of Big Rapids are entitled to have a fair, ethical and accountable local government. It is the purpose of this Chapter to deliver on that mission and earn the full confidence of the public by requiring all persons in the municipal service to perform their work in compliance with high ethical standards and the utmost integrity, always putting the City's interests above their own personal interests.

2. Title III, Chapter 38 **Section 6. Direction to Public Servants** of the Big Rapids City Code is hereby amended to read shall read as follows:

Section 6. Direction to Public Servants.

Public servants shall conduct themselves in a manner that promotes integrity, honesty, impartiality and fairness in carrying out their public duties and avoid any improprieties, or appearances of improprieties in their roles as officers and employees. They shall refrain from making personal attacks upon the character or motives of others and avoid any action which might result in or create the appearance of:

- (1) Using public office or employment for private gain.
- (2) Giving improper preferential treatment to any person or organization
- (3) Impeding government efficiency or economy.
- (4) A lack of independence or impartiality of action.
- (5) Making a government decision outside of official channels.
- (6) Affecting adversely the confidence of the public in the integrity of the City.

It is not the intent of this ordinance to limit the right or ability of any public servant to exercise his or her discretion in making legitimate policy decisions which are within their discretion so long as such action does not provide a special benefit to that person, relieve the public servant of a particular duty, or treat that person differently than other similarly situated City residents.

Section 3. Publication; Effective Date.

1. The City Clerk is directed to publish this ordinance in the Pioneer.
2. This ordinance shall be effective 20 days after it is published.

Yeas: Cochran, Eppley, Guenther, Johnson, Simmon

Nays: None

The Mayor declared the ordinance adopted.

Dated: May 15, 2023

Published: May 18, 2023

ORDINANCE NO. 800-06-23

Commissioner Johnson moved, seconded by Commissioner Simmon, the adoption of the following:

ORDINANCE AMENDING, SECTION 111.02 OF CHAPTER 111 TITLE XI, PEDDLERS AND TRANSIENT MERCHANTS, OF THE BIG RAPIDS CODE OF ORDINANCES

THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Section 111.02 License Required is amended to read in its entirety as follows:

§ 111.02 LICENSE REQUIRED.

(1) It shall be unlawful for any person to engage in business as a peddler, route salesman, transient merchant or mobile food vending in the City without first having procured a license from the Clerk. A person, persons, or company applying for a business license under this section shall complete an Authorization to Obtain a Criminal History Report form and submit it along with the current fee for obtaining such report, to the City Clerk for processing. No license shall be granted except upon approval of the Police Chief or their designee. Mobile Food Vendors must obtain a permit or license from the Health Department and provide a copy to the City Clerk.

(2) The license shall expire on December 31 at midnight regardless of when the license is issued. In all cases where the provisions of this code permit the issuance of licenses for periods of less than one year, the expiration date shall be indicated on the face of the license.

(3) No Peddler's license shall be issued to any person under the provisions of this article who has been under any sentence, including parole, probation, or actual incarceration, for the commission of a felony within five (5) years preceding the date of the application, or to any person who has at any time been convicted of a felony involving prohibited sexual conduct.

The Police Chief or their designated representative may approve a Peddler's license when, after investigation, it shall appear that a disqualified applicant is a law abiding citizen. For purposes of this, the Police Chief in determining whether an applicant is a law abiding citizen may consider:

(A) The nature and circumstances of the applicant's felony conviction within five (5) years preceding the date of application.

(B) The length of time that has passed between the date of application and the conviction of the applicant of a felony involving prohibited sexual conduct.

(C) The nature and circumstances of the applicant's conviction of a felony involving prohibited sexual conduct.

Section 3. This ordinance shall be effective upon publication.

Section 4. The City Clerk is directed to publish this ordinance in The Pioneer.

Yeas: Cochran, Eppley, Guenther, Johnson, Simmon

Nays: None

The Mayor declared the ordinance adopted.

Dated: June 5, 2023

Published: June 7, 2023