

## **ORDINANCE NO. 763-12-20**

Commissioner Eppley moved, seconded by Commissioner Cochran, the adoption of the following ordinance:

### **ORDINANCE AMENDING ARTICLES 2 AND 5 BY ADDING FLEXIBLE PARKING REGULATIONS TO THE BIG RAPIDS ZONING ORDINANCE**

WHEREAS, the Planning Commission considered amendments that would add flexible parking regulations to the City's Zoning Ordinance, and

WHEREAS, the Planning Commission held a public hearing November 20, 2020 on the proposed amendments to the Zoning Ordinance adding flexible parking regulations, and no opposition or objection was expressed, and

WHEREAS, the Planning Commission recommended that the City Commission adopt the proposed amendments to the Zoning Ordinance that add flexible parking regulations in Article 2 and Article 5, and

WHEREAS, the City Commission finds that the amendments meet the criteria in Section 14.2:4 of the Zoning Ordinance:

- (1) The use requested shall be consistent with and promote the intent and purpose of this Ordinance.
- (2) The proposed use will ensure that the land use or activity authorized shall be compatible with adjacent land uses, the natural land environment, and the capabilities of public services affected by the proposed land use.
- (3) The land use sought is consistent with the public health, safety, and welfare of the City of Big Rapids.
- (4) The proposed use is consistent with the City Master Plan or a determination that the plan is not applicable due to a mistake in the plans, change in relevant conditions, or changes in relevant plan policies.

NOW, THEREFORE, THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Article 2 of the Big Rapids Zoning Ordinance is amended by adding new Section 2.2:91.

2.2:91 Parking Demand Study – A study demonstrating the need for Parking based on documented evidence of actual use and demand, utilizing the recommendations of the Institute of Traffic Engineers (ITE), the Urban Land Institute (ULI), etc.

Section 2. Article 5 of the Big Rapids Zoning Ordinance is amended by adding new Sections 5.2:2-3 and 5.4:11.

5.2:2 Parking Space Maximums. To limit excessive areas of pavement, no parking lot shall exceed the required number of parking spaces by more than fifteen (15) percent, except as approved by the Planning Commission. In requesting additional spaces beyond the allowed fifteen percent, the Applicant shall provide a Parking Demand Study with their Site Plan Review application.

5.2:3 Reductions in Parking Space Requirements

- (1) When On-Street Parking is Available. The use of on-street parking to meet a portion of the minimum off-street parking requirements for non-residential uses shall be permitted, as approved by the Zoning Administrator, provided the following conditions are met:
  - (a) Adequate on-street parking exists within three hundred (300) linear feet of the primary entrance of the main building.
  - (b) No more than forty (40) percent of the off-street parking space requirement is met using on-street parking.
  - (c) The intensity of the use and its parking requirements shall not substantially adversely impact the surrounding uses, and
  - (d) There is no negative impact to existing or planned traffic circulation patterns.
- (2) The Zoning Administrator may require the Applicant to provide a parking demand study to demonstrate that adequate available spaces exist which meet the above conditions.

5.4:11 Cross Access between Adjacent Parking Lots.

- (1) Internal vehicular circulation areas are required for all non-residential and mixed uses, to allow for cross access to adjacent parking lots.
- (2) A stub for future cross access shall be provided from the vehicular use area to all adjacent lots, unless waived by the Planning Commission during the Site Plan Review process due to impracticality on the basis of topography, the presence of natural features, or vehicular safety factors.
- (3) A cross-access easement shall be recorded with the Mecosta County Register of Deeds prior to issuance of a Building Certificate of Occupancy for the development.

Section 3. This Ordinance or a summary of this Ordinance shall be published in the Pioneer and shall be effective 20 days after publication.

Yeas: Andrews, Cochran, Eppley, Hogenson, James

Nays: None

The Mayor declared the ordinance adopted.

Date: December 7, 2020

Published: December 11, 2020

**ORDINANCE NO. 764-03-21**

Commissioner Cochran moved, supported by Commissioner Andrews, the adoption of the following ordinance.

**ORDINANCE APPROVING AND ADOPTING THE  
2021 CODIFICATION OF THE BIG RAPIDS CITY CODE OF ORDINANCES**

WHEREAS, the Big Rapids City Charter requires the City Commission to provide for the compilation or codification and publication of the Charter and all City ordinances then in force at least once every five years, (Charter §7.2), and

WHEREAS, the codification of current City ordinances is helpful to the public and City staff in providing a single publication in which all City ordinances can be arranged, indexed, and made available to all interested persons, and

WHEREAS, the City Commission has authorized and approved the budgetary expenditure necessary for the codification process, and

WHEREAS, the City Clerk has worked with the codifier in assembling, reviewing, and proofreading all of the City's ordinances currently in force, and

WHEREAS, the City Attorney has reviewed and approved the proposed codification,

NOW, THEREFORE, The City of Big Rapids ordains:

Section 1. The 2021 codification prepared by American Legal Publishing Corporation is approved and adopted as the codification of the Big Rapids City Charter and Big Rapids City Code of Ordinances.

Section 2. Copies of the codification shall be kept in the City Clerk's office and made available to the general public for review, inspection, and obtaining copies of the City Charter and Code of Ordinances.

Section 3. The City Clerk is directed to publish this ordinance in the Pioneer.

Section 4. The ordinance shall become effective upon publication.

Yeas: Andrews, Cochran, Eppley, Hogenson, James

Nays: None

The Mayor declared the ordinance adopted.

Dated: March 1, 2021

Published: March 4, 2021

**ORDINANCE NO. 765-03-21**

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

**ORDINANCE AMENDING ARTICLE 11 OF THE ZONING ORDINANCE  
FOR SIGN REGULATIONS REGARDING MARIHUANA FACILITIES**

WHEREAS, the City of Big Rapids adopted Ordinance No. 752-10-19 amending Articles 2, 3, and 11 of the Big Rapids Zoning Ordinance to define and permit certain State licensed marihuana business facilities and establishments in the C-1, C-2, C-3, and Industrial Districts on October 7, 2019, and

WHEREAS, the City of Big Rapids received applications for sixteen marihuana businesses, eight of which currently are open, and

WHEREAS, the Planning Commission conducted a Public Forum in January of 2021 on issues involving the marihuana businesses in the City of Big Rapids, and

WHEREAS, the Planning Commission developed proposed zoning ordinance amendments to Section 11.1:29(1)(e) and conducted a public hearing on the proposed amendment on March 10, 2021, notice of which was published and posted on February 22, 2021, and

WHEREAS, the Planning Commission recommended zoning ordinance amendment to Section 11.1:29(1)(e) for adoption by the City Commission,

NOW, THEREFORE, THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Section 11.1:29(1)(e)

Those provisions for signs contained in Article 6 of this Ordinance notwithstanding, signage shall be limited to one sign per establishment, either a wall sign or a freestanding sign, as described below. The sign shall not be digital or internally illuminated.

- (i) One wall sign affixed to the building containing a marihuana facility is permitted on the front wall of the building and shall not exceed twenty (20) square feet.
- (ii) One freestanding sign located on a lot containing a marihuana facility is permitted. The sign shall not exceed twelve (12) square feet in area nor four (4) feet in height.

Is amended to read as follows:

Section 11.1:29(1)(e)

The provisions for signs contained in Article 6 of this Ordinance notwithstanding, signage shall include a maximum of three signs, as described below. Digital signs are prohibited.

- (i) Wall signs, affixed flat to the building, are permitted, and shall not exceed an average of thirty (30) sq. ft. per wall sign.

- (ii) One freestanding sign is permitted and shall not exceed twenty-five (25) sq ft. in area nor six (6) ft in height. If the facility is part of a shopping complex with a multi-tenant sign, the size regulation above applies, but the height regulation may be in accordance with the multi-tenant sign.
- (iii) One projecting sign is permitted and shall not exceed ten (10) sq. ft., with a minimum height of eight (8) ft and a maximum height of twelve (12) ft. Projecting signs shall not extend more than two (2) ft from the building.

Section 2. The Clerk is directed to publish this Ordinance in the Pioneer, and this Ordinance shall be effective 20 days after publication.

Yeas: Andrews, Cochran, Eppley, Hogenson, James

Nays: None

The Mayor declared the ordinance adopted.

Date: March 15, 2021

Published: March 23, 2021

**ORDINANCE NO. 766-04-21**

Commissioner James moved, supported by Commissioner Andrews, the adoption of the following Ordinance.

**ORDINANCE AMENDING TITLE IX CHAPTER 92 SECTION 92.06  
ALCOHOL IN CITY PARKS**

WHEREAS, City staff recommended that Section 92.06 of the City Code be amended to clarify that alcoholic beverages may be allowed in City parks as authorized by the City Commission as a special event with a temporary liquor license, and

WHEREAS, the Park and Recreation Board reviewed and approved the proposed amendment to Section 92.06,

NOW, THEREFORE, THE CITY OF BIG RAPIDS ORDAINS:

Section 1. § 92.06 ALCOHOLIC BEVERAGES PROHIBITED.

The consumption or possession of alcoholic beverages is prohibited in all City parks, except alcoholic beverages may be possessed and consumed in Hemlock, Vogel and Industrial Parks from 6:00 p.m. to 10:00 p.m. Monday through Friday, and from 1:00 p.m. to 10:00 p.m. Saturday and Sunday. Glass containers of alcoholic beverages are prohibited at all times in City parks. A violation of this section shall be a municipal civil infraction.

is amended to read as follows and clarify that special events with temporary liquor licenses or permits in City parks can be authorized by the City Commission.

§ 92.06 ALCOHOLIC BEVERAGES PROHIBITED.

The consumption or possession of alcoholic beverages is prohibited in all City parks, except **as authorized by the City Commission as a special event with a temporary liquor license, and** alcoholic beverages may be possessed and consumed in Hemlock, Vogel and Industrial Parks from 6:00 p.m. to 10:00 p.m. Monday through Friday, and from 1:00 p.m. to 10:00 p.m. Saturday and Sunday. Glass containers of alcoholic beverages are prohibited at all times in City parks. A violation of this section shall be a municipal civil infraction.

Section 2. The City Clerk is directed to publish this ordinance in The Pioneer.

Section 3. This Ordinance shall be effective 20 days after publication.

Yeas: Andrews, Cochran, Eppley, Hogenson, James

Nays: None

The Mayor declared the ordinance adopted.

Dated: April 5, 2021

Published: April 12, 2021

**ORDINANCE NO. 767-04-21**

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

**ORDINANCE AMENDING TITLE 9 CHAPTER 91 SECTION 91.03 CHICKENS PERMITTED**

WHEREAS, a Public Hearing was held before the Planning Commission regarding the number of chickens permitted per parcel within the City under specified terms and conditions, and

WHEREAS, the City Commission accepts the Planning Commission's recommendation to amend the number of chickens allowed within the City under terms and conditions specified in the City Code,

NOW, THEREFORE, THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Section 91.03 Chickens Permitted reads as follows:

**§ 91.03 CHICKENS PERMITTED.**

Up to three chickens may be kept per single family residential parcel of land under the following conditions and limitations:

- (A) In a fully enclosed area within the back yard, set ten feet back from the boundary and 40 feet from neighboring residences, with a coop no larger than 200 square feet suitable for roosting that is kept clean.
- (B) Roosters are prohibited.
- (C) No slaughter of chickens on site.
- (D) The owner of the chickens must be a resident of the property where the chickens are kept.
- (E) With a two-year temporary permit issued by the City and a fee of \$25.

and is amended to increase the number of chickens allowed and read as follows:

**91.03 CHICKENS PERMITTED.**

Up to five chickens may be kept per residential parcel less than 14,500 sq. ft. and up to ten chickens may be kept per residential parcel over 14,500 sq. ft. under the following conditions and limitations:

- (A) In a fully enclosed area within the back yard, set ten feet back from the boundary and 40 feet from neighboring residences, with a coop no larger than 200 square feet suitable for roosting that is kept clean.
- (B) Roosters are prohibited.
- (C) No slaughter of chickens on site.

(D) The owner of the chickens must be a resident of the property where the chickens are kept.

(E) With a two-year temporary permit issued by the City and a fee of \$25.

Section 2. The City Clerk is directed to publish this ordinance in The Pioneer.

Section 3. This Ordinance shall be effective 20 days after publication.

Yeas: Andrews, Cochran, Eppley, Hogenson, James

Nays: None

The Mayor declared the ordinance adopted.

Dated: April 5, 2021

Published: April 12, 2021



**ORDINANCE NO. 768-04-21**

Commissioner James moved, supported by Commissioner Andrews, the adoption of the following Ordinance.

**ORDINANCE AMENDING SECTION 34.54(A) OF THE BIG RAPIDS CITY CODE  
TO AUTHORIZE ONLINE AUCTION SALES OF SURPLUS PERSONAL  
PROPERTY UP TO \$7,500 BY COMPETITIVE BIDS**

WHEREAS, any sale of surplus personal property of the City must be offered to the public for quotations, offers or competitive bids as described in Section 34.54 of the City Code, and

WHEREAS, online sales of surplus personal property of the City can be offered to the public for competitive bids or offers, and

WHEREAS, the maximum estimated value of surplus personal property of the City that can be sold by the City Purchasing Officer or Treasurer is \$2,500, and

WHEREAS, City staff recommends that the maximum estimated value of surplus personal property of the City that can be sold to the public by competitive bids without City Commission approval be increased from \$2,500 to \$7,500, NOW, THEREFORE,

THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Section 34.54(A) of the Big Rapids City Code:

§ 34.54 DETERMINATION AND SALE OF PROPERTY.

(A) Whenever any City property, real or personal, is no longer required, it may be sold. The Purchasing Officer may sell personal property not exceeding \$2,500 in value for cash after soliciting quotations or competitive bids. Personal property of a value in excess of \$2,500 may be sold after advertising and soliciting competitive bids, with the approval of the City Commission.

is amended to read:

§ 34.54 DETERMINATION AND SALE OF PROPERTY.

(A) Whenever any City property, real or personal, is **surplus and** no longer required, it may be sold. The ~~Purchasing Officer~~ **City Treasurer** may sell **surplus** personal property not exceeding ~~\$2,500~~ **\$7,500** in **estimated** value for cash after soliciting quotations, **offers** or competitive bids **from the public. The City Treasurer may sell surplus personal property by online auction or other forms of online sales that are open to the public and involve competitive bids. Surplus** personal property of an **estimated** value in excess of ~~\$2,500~~ **\$7,500** may be sold with the approval of the City Commission by ~~after~~ advertising and soliciting competitive bids.

Section 2. The City Clerk shall publish this Ordinance in the Pioneer, and the Ordinance shall be effective upon publication.

Yeas: Andrews, Cochran, Eppley, Hogenson, James

Nays: None

The Mayor declared the ordinance adopted.

Date: April 19, 2021

Published: April 27, 2021

**ORDINANCE NO. 769-06-21**

Commissioner James moved, seconded by Commissioner Eppley, the adoption of the following Ordinance:

**ORDINANCE AMENDING THE WATER RATES TITLE V,  
SECTION 54.11 OF THE  
BIG RAPIDS CODE OF ORDINANCES**

WHEREAS, the Commission of the City of Big Rapids has determined that a rate adjustment is necessary to pay the increased costs of the water system, and

WHEREAS, the Commission desires to adopt this rate adjustment one year at a time, and

NOW, THEREFORE BE IT RESOLVED, the City of Big Rapids ordains:

Section 1. Title V, Section 54.11 is hereby amended to read:

§ 54.11 WATER RATES.

Effective July 1, 2021, the rates to charge monthly for water service shall consist of a base rate without regard to usage, and a commodity charge based on water usage.

INSTITUTIONAL CUSTOMERS

<u>Meter Size</u> <u>(Inches)</u>	<u>Base Rate</u>	<u>Commodity Charge</u>
5/8	\$10.00	\$7.00 per 1,000 gallons
3/4	\$17.92	\$7.00 per 1,000 gallons
1	\$47.14	\$7.00 per 1,000 gallons
1 1/2	\$103.03	\$7.00 per 1,000 gallons
2	\$230.14	\$7.00 per 1,000 gallons
3	\$495.50	\$7.00 per 1,000 gallons
4	\$573.33	\$7.00 per 1,000 gallons
6	\$879.53	\$7.00 per 1,000 gallons

COMMERCIAL/INDUSTRIAL CUSTOMERS

<u>Meter Size</u> <u>(Inches)</u>	<u>Base Rate</u>	<u>Commodity Charge</u>
5/8	\$5.50	\$6.15 per 1,000 gallons
3/4	\$9.85	\$6.15 per 1,000 gallons
1	\$25.93	\$6.15 per 1,000 gallons
1 1/2	\$56.67	\$6.15 per 1,000 gallons
2	\$126.58	\$6.15 per 1,000 gallons
3	\$272.52	\$6.15 per 1,000 gallons
4	\$315.33	\$6.15 per 1,000 gallons
6	\$483.74	\$6.15 per 1,000 gallons

## RESIDENTIAL CUSTOMERS

<u>Meter Size</u> <u>(Inches)</u>	<u>Base Rate</u>	<u>Commodity Charge</u>
5/8	\$5.50	\$6.15 per 1,000 gallons
3/4	\$5.50	\$6.15 per 1,000 gallons
1	\$5.50	\$6.15 per 1,000 gallons

Section 2: Residential customers include single family residence and rentals of 4 living units or less.

Section 3. This ordinance shall be effective upon publication.

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

Yeas: Andrews, Cochran, Eppley, Hogenson, James

Nays: None

The Mayor declared the ordinance adopted.

Dated: June 7, 2021

Published: June 11, 2021

**ORDINANCE NO. 770-06-21**

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

**ORDINANCE AMENDING THE SEWER RATES, TITLE V,  
SECTION 54.12 OF THE BIG RAPIDS CODE OF ORDINANCES**

WHEREAS, the Commission of the City of Big Rapids has determined that a rate increase is necessary to pay the increased costs at the wastewater plant, and

WHEREAS, the Commission desires to adopt this rate adjustment one year at a time, and

NOW, THEREFORE BE IT RESOLVED, the City of Big Rapids ordains:

Section 1. Title V, Section 54.12, is hereby amended to read:

Effective July 1, 2021, the rates to charge monthly for sewer service shall consist of a base rate without regard to usage and a commodity charge based on sewer usage.

**COMMERCIAL/ INDUSTRIAL CUSTOMERS, INSTITUTIONAL CUSTOMERS**

<u>Meter size (inches)</u>	<u>Base Rate</u>	<u>Commodity Charge</u>
5/8	\$9.25	\$7.25 per 1,000 gallons
3/4	\$34.78	\$7.25 per 1,000 gallons
1	\$51.34	\$7.25 per 1,000 gallons
1 1/2	\$96.94	\$7.25 per 1,000 gallons
2	\$305.81	\$7.25 per 1,000 gallons
3	\$530.12	\$7.25 per 1,000 gallons
4	\$753.69	\$7.25 per 1,000 gallons
6	\$1,243.11	\$7.25 per 1,000 gallons

**RESIDENTIAL CUSTOMERS**

<u>Meter size (inches)</u>	<u>Base Rate</u>	<u>Commodity Charge</u>
5/8	\$9.25	\$7.25 per 1,000 gallons
3/4	\$9.25	\$7.25 per 1,000 gallons
1	\$9.25	\$7.25 per 1,000 gallons

Section 2: Residential customers include single family residence and rentals of 4 living units or less.

Township customers:

The sewer rates charged to customers in Big Rapids Township and Green Township shall be determined by the current User Charge Report.

Industrial Pretreatment Program (IPP):

Commercial, Industrial, and Institutional users shall be charged an additional amount per 1,000 gallons of use for the Industrial Pretreatment Program (IPP) as determined by the current User Charge Report.

Single customer facilities:

Sewer lift stations, facilities, or other services on the system which serve only one customer shall be individually charged the cost of that private service.

Section 3. This Ordinance shall be effective upon publication.

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

Yeas: Andrews, Cochran, Eppley, Hogenson, James

Nays: None

The Mayor declared the ordinance adopted.

Dated: June 7, 2021

Published: June 11, 2021

**ORDINANCE NO. 771-06-21**

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

**AN ORDINANCE AMENDING SECTION 8.4:2(5) OF THE ZONING ORDINANCE TO PREVENT FENCES MADE OF CHICKEN WIRE**

WHEREAS, Section 8.4:2(5) lists materials that can be used to construct fences and specifically mentions “woven wire commonly known as chain link,” and woven wire has been interpreted to include chicken wire, and

WHEREAS, City staff recommended that the Ordinance be amended to include chain link fence materials, and exclude woven wire fence materials, and

WHEREAS, the Planning Commission conducted a public hearing on a proposed amendment to Section 8.4:2(5) of the Zoning Ordinance on May 19, 2021, and new Section 8.4:2(7), and

WHEREAS, the Planning Commission recommended adoption of the proposed amendment to Section 8.4:2(5) and new Section 8.4:2(7),

NOW, THEREFORE, THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Section 8.4:2(5) currently provides:

- (5) Fences and walls may be constructed of wood, brick, plastic, masonry, iron, or woven wire commonly known as chain link, and posts may consist of wood, steel, iron, brick, plastic, masonry, or stone.

and is amended to read as follows:

- (5) Fence and wall materials may include treated wood, painted/stained wood, treated split rail, ornamental wrought iron, brick, stone, masonry block, molded vinyl, or chain link. Scrap lumber, plywood, woven wire, sheet metal, plastic or fiberglass sheets, or other materials not commercially designed for fence construction are prohibited.

Section 2. New Section 8.4:2(7) is adopted.

- (7) Fences shall be maintained by the property owner so as to retain their original appearance, shape, and configuration. Elements of a fence that are missing, damaged, destroyed or deteriorated shall be replaced and repaired to maintain conformity with the original fence appearance and design.

Section 3. The City Clerk is directed to publish this ordinance in The Pioneer.

Section 4. This Ordinance shall be effective 20 days after publication.

Yeas: Andrews, Cochran, Eppley, Hogenson, James

Nays: None

The Mayor declared the ordinance adopted.

Dated: June 7, 2021

Published: June 10, 2021

**ORDINANCE NO. 772-06-21**

Commissioner James moved, seconded by Commissioner Cochran, the adoption of the following:

**ORDINANCE ADOPTING NEW SANITATION RATES**

The City of Big Rapids Ordains:

Section 1. Title V, Section 50.12 is hereby amended and the sanitation rates for the City of Big Rapids are established according to the following schedule:

Section 2. SCHEDULE OF SANITATION RATES – Effective as follows:

**SCHEDULE OF  
MONTHLY  
SANITATION  
RATES  
Effective July 1,  
2021**

		<b>DUMPSTER RATES</b>				
<b>FREQUENCY PER WEEK</b>	<b>CUBIC YARDS</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>6</b>	<b>8</b>
1	Base	\$50.52	\$69.20	\$77.23	\$94.36	\$109.44
	Administration	\$12.63	\$17.30	\$19.31	\$23.59	\$27.36
	<b>Total</b>	<b>\$63.15</b>	<b>\$86.50</b>	<b>\$96.54</b>	<b>\$117.95</b>	<b>\$136.80</b>
2	Base	\$101.17	\$130.30	\$145.39	\$177.48	\$206.45
	Administration	\$25.29	\$32.58	\$36.35	\$44.37	\$51.61
	<b>Total</b>	<b>\$126.46</b>	<b>\$162.88</b>	<b>\$181.74</b>	<b>\$221.85</b>	<b>\$258.06</b>
3	Base	\$149.59	\$191.54	\$214.26	\$260.60	\$303.37
	Administration	\$37.40	\$47.89	\$53.57	\$65.15	\$75.84
	<b>Total</b>	<b>\$186.99</b>	<b>\$239.43</b>	<b>\$267.83</b>	<b>\$325.75</b>	<b>\$379.21</b>
4	Base	\$229.67	\$254.92	\$280.85	\$346.02	\$400.40
	Administration	\$57.42	\$63.73	\$70.21	\$86.51	\$100.10
	<b>Total</b>	<b>\$287.09</b>	<b>\$318.65</b>	<b>\$351.06</b>	<b>\$432.53</b>	<b>\$500.50</b>
5	Base	\$270.77	\$313.26	\$349.47	\$426.05	\$497.34
	Administration	\$67.69	\$78.32	\$87.37	\$106.51	\$124.34
	<b>Total</b>	<b>\$338.46</b>	<b>\$391.58</b>	<b>\$436.84</b>	<b>\$532.56</b>	<b>\$621.68</b>
6	Base	\$323.60	\$375.89	\$420.67	\$510.48	\$593.36
	Administration	\$80.90	\$93.97	\$105.17	\$127.62	\$148.34
	<b>Total</b>	<b>\$404.50</b>	<b>\$469.86</b>	<b>\$525.84</b>	<b>\$638.10</b>	<b>\$741.70</b>
7	Base	\$374.24	\$436.39	\$488.87	\$596.05	\$691.28
	Administration	\$93.56	\$109.10	\$122.22	\$149.01	\$172.82
	<b>Total</b>	<b>\$467.80</b>	<b>\$545.49</b>	<b>\$611.09</b>	<b>\$745.06</b>	<b>\$864.10</b>

**COMMERCIAL**

1/2 Yard-1 Time/Week	\$9.71	(Per Cart)
Administration	<u>\$2.43</u>	
Total	\$12.14	

1 Yard-1 Time/Week	\$19.42	(Loose Pickup)
Administration	<u>\$4.86</u>	
Total	\$24.28	

Recycle – 2 Times/Month	\$11.96	(Per Cart)
Administration	<u>\$2.99</u>	
Total	\$14.95	

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\*Overflow Volume Rate Charge \$16.44 Per Yard

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**RESIDENTIAL**

Trash Service	\$9.71	
Administration	<u>\$2.43</u>	
Total	\$12.14	

Cleanup	\$1.63	
Administration	<u>\$0.41</u>	
Total	\$2.04	

Curbside Recycle	\$3.12	
Administration	<u>\$0.78</u>	
Total	\$3.90	

Bagged Leaves/Yard Waste	\$3.14	Leaves & Yard Waste - May Purchase Bags
Administration	<u>\$0.79</u>	
Total	\$3.93	

Total Residential \$22.01

Additional Cart Rentals \$2.17 Per Sanitation Cart; Per Month

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Section 3. This Ordinance shall be effective upon publication, with the rates becoming effective on the scheduled date of July 1, 2021 accordingly.

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

Yeas: Andrews, Cochran, Eppley, Hogenson, James

Nays: None

The Mayor declared the ordinance adopted.

Dated: June 21, 2021

Published: June 28, 2021



## ORDINANCE NO. 773-06-21

Commissioner Andrews moved, supported by Commissioner James, the adoption of the following Ordinance.

### **ORDINANCE AMENDING THE ZONING ORDINANCE TO PROHIBIT MARIHUANA RETAILERS, SAFETY COMPLIANCE FACILITIES, AND MICROBUSINESSES FROM LOCATING IN THE DOWNTOWN C-2 COMMERCIAL DISTRICT**

WHEREAS, the City of Big Rapids allowed specified marihuana businesses to locate and operate in the downtown C-2 zoning district as described in Section 11.1:29(2) of the Zoning Ordinance, and

WHEREAS, it was suggested that the City Commission should consider amending the Zoning Ordinance by removing the downtown C-2 commercial district from the list of zoning districts in which the specified marihuana businesses can locate, and

WHEREAS, a public hearing on the proposed Zoning Ordinance amendment was held before the City Commission at its regular meeting on May 17, 2021,

NOW, THEREFORE, THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Section 3.10:2 (2) (w) of the Zoning Ordinance provides:

Marihuana establishments that are retailers, safety compliance facilities, or microbusinesses, subject to the conditions of Section 11.1:29.

and is amended to read as follows, deleting the entire phrase allowing marihuana businesses as a principal use in the C-2 District.

~~**Marihuana establishments that are retailers, safety compliance facilities, or microbusinesses, subject to the conditions of Section 11.1:29.**~~

Section 2. Section 11.1:29(2) of the Zoning Ordinance provides:

Marihuana retailers, safety compliance facilities, and microbusinesses may be permitted in the C-1, C-2, and C-3 Commercial Districts subject to the conditions below:

(a) The facility may only operate between the hours of 9AM to 9PM.

(b) The facility shall provide off-street parking and loading consistent with Article 5 of this Ordinance and shall be considered under Section 5.2 as Retail Sales and Rental of Goods, Merchandise, and Equipment.

(c) The exterior of the facility must be compatible with surrounding businesses with respect to façade type, ground floor opacity, site layout, etc. Article 11 Use Standards 11-27.

(d) The interior of the facility must be arranged in such a way that neither marihuana nor marihuana-infused products are visible from the exterior of the facility.

(e) All activities, including all transfers of marihuana, shall be conducted within the building and out of public view. Drive through, drive-up, or curbside service facilities are prohibited.

and is amended to read as follows, deleting the C-2 zoning district from the list of zoning districts in which marihuana businesses are permitted to locate.

Marihuana retailers, safety compliance facilities, and microbusinesses may be permitted in the C-1, ~~C-2~~, and C-3 Commercial Districts subject to the conditions below:

(a) The facility may only operate between the hours of 9AM to 9PM.

(b) The facility shall provide off-street parking and loading consistent with Article 5 of this Ordinance and shall be considered under Section 5.2 as Retail Sales and Rental of Goods, Merchandise, and Equipment.

(c) The exterior of the facility must be compatible with surrounding businesses with respect to façade type, ground floor opacity, site layout, etc. Article 11 Use Standards 11-27.

(d) The interior of the facility must be arranged in such a way that neither marihuana nor marihuana-infused products are visible from the exterior of the facility.

(e) All activities, including all transfers of marihuana, shall be conducted within the building and out of public view. Drive through, drive-up, or curbside service facilities are prohibited.

Section 3. The City Clerk is directed to publish this ordinance in The Pioneer.

Section 4. This Ordinance shall be effective 20 days after publication.

Yeas: Andrews, James

Nays: Cochran, Eppley, Hogenson

The Mayor declared the ordinance **FAILED**.

Dated: June 21, 2021

Published: June 28, 2021

**ORDINANCE NO. 774-06-21**

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

**ORDINANCE AMENDING SECTION 11.1:29(1)(d) OF THE BIG RAPIDS  
ZONING ORDINANCE TO ESTABLISH A SETBACK FOR LICENSED MARIJUANA  
RETAILERS FROM THE MOISD TRANSITION CENTER**

WHEREAS, Section 11.1:29(1)(d) of the Zoning Ordinance established a setback for licensed marihuana retailers of 500 feet from a public or private K-12 school, and

WHEREAS, MOISD officials asked the City to review the Zoning Ordinance setback provision and revise it to include a provision that would establish a setback for the MOISD Transition Center, a school for students 18-26 years of age, and

WHEREAS, the Planning Commission conducted a public hearing on a proposed amendment to Section 11.1:29(1)(d) on March 15, 2021, that would establish a setback of 500 feet from the MOISD Transition Center, and

WHEREAS, a downtown business owner objected to the proposed setback distance of 500 feet because it would prevent his site from development and use as a licensed marijuana business, and

WHEREAS, the proposed Zoning Ordinance amendment was revised to establish a setback of 400 feet from the MOISD Transportation Center, NOW, THEREFORE,

THE CITY OF BIG RAPIDS ORDAINS that:

Section 1. Section 11.1:29(1)(d) of the Zoning Ordinance which reads as follows:

No such facility shall be situated within 500 feet of a K-12 school, public or private when measured in a straight line from property line to property line.

is amended to read as follows:

No such facility shall be situated within 500 feet of a K-12 school, public or private, **or within 400 feet of the MOISD Transition Center school facility for adult learners**, when measured in a straight line from property line to property line.

Section 2. The City Clerk shall publish this Ordinance in the Pioneer, and this Ordinance shall be effective 20 days after publication.

Yeas: Cochran, Eppley, Hogenson, James

Nays: Andrews

The Mayor declared the ordinance adopted.

Dated: June 21, 2021

Published: June 28, 2021

**ORDINANCE NO. 775-06-21**

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

**ORDINANCE REZONING THE PROPERTIES AT  
415 NORTH STATE STREET, 421 NORTH STATE STREET,  
AND 105 WEST BELLEVUE STREET  
FROM R-R TO C-3**

WHEREAS, Krist Oil Company requested rezoning from R-R Restricted Residential to C-3 Commercial of three parcels of property at 415 and 421 North State Street and 105 West Bellevue Street, and

WHEREAS, the Planning Commission received the rezoning request and conducted a public hearing on the request on Wednesday, June 16, 2021, and

WHEREAS, the Planning Commission recommended to the City Commission for denial of the request for rezoning, because the request does not meet the standards in 14.2:4(2) or 14.2:4(3) of the Zoning Ordinance, and

WHEREAS, the City Commission ultimately decides whether or not to rezone properties,

NOW, THEREFORE, THE CITY OF BIG RAPIDS ORDAINS:

Section 1. The properties at 415 North State Street, 421 North State Street and 105 West Bellevue Street are rezoned from R-R Restricted Residential to C-3 Commercial, and the zoning map shall be, and hereby is, modified to reflect the rezoning to C-3.

Section 2. The City Clerk shall publish this Ordinance in the Pioneer, and the Ordinance shall be effective 20 days after publication.

Yeas: None

Nays: Andrews, Cochran, Eppley, Hogenson, James

The Mayor declared the ordinance **FAILED**.

Dated: June 21, 2021

Published: June 28, 2021

**ORDINANCE NO. 776-06-21**

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

**FAIR HOUSING ORDINANCE PROHIBITING AND MAKING  
UNLAWFUL DISCRIMINATION IN HOUSING AND/OR REAL PROPERTY  
BECAUSE OF RACE, COLOR, RELIGION, CREED, NATIONAL ORIGIN, ANCESTRY, SEX, OR  
DISABILITY IN THE CITY OF BIG RAPIDS  
TITLE XV CHAPTER 156**

WHEREAS, the City of Big Rapids, Michigan desires to assure equal opportunity to all residents regardless of race, color, religion, creed, national origin or ancestry, sex, or disability, to live in decent, sanitary, and healthful living quarters, and

WHEREAS, the 1963 Constitution of the State of Michigan provides as follows in Article I (Section 2) "...no person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin..." (Section 4) "...The civil and political rights, privileges and capacities of no person shall be diminished or enlarged on account of his religious belief..." (Section 9) "...Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state..." and,

WHEREAS, the Congress of the United States has provided that "it is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States" and has established by law the following provisions:

"... it shall be unlawful:

- a. To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make available or deny, a dwelling to any person because of race, color, religion, sex, or national origin.
- b. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith because of race, color, religion, sex, or national origin ..."

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City Of Big Rapids, Michigan, as follows:

**SECTION 1 - DECLARATION OF POLICY**

- a. In furthering the policy of the State of Michigan as expressed in its Constitution and other Laws; in order that the safety and general welfare, peace and health of all the inhabitants of the City may be ensured, it is hereby declared the policy of the City of Big Rapids, Michigan, to assure equal opportunity to all residents, regardless of race, color, religion, national origin or ancestry, sex, creed, or physical disability to live in decent, sanitary, healthful, standard living quarters.
- b. It is the policy of the City of Big Rapids that no owner, lessee, sub-lessee, assignee, managing agent, or other person, firm or corporation having the right to sell, rent, lease (or otherwise control) any housing accommodation and/or real property within the City,

or any agent of these shall refuse to sell, rent, lease, or otherwise deny to or withhold from any person or group of persons such housing accommodations and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or disability of such person or persons or discriminate against any person or persons because of race, color, religion, national origin or ancestry, sex, creed or disability in the conditions, terms, privileges of the sale, rental or lease of any housing accommodation and/or real property or in the furnishing of facilities and/or services in connection therewith.

- c. Relocation shall be carried out in a manner that will promote maximum choice within the community's total housing supply; lessen racial, ethnic, and economic concentrations; and facilitate desegregation and racially inclusive patterns of occupancy and use of public and private facilities.

## **SECTION 2 – DEFINITIONS**

Unless a different meaning clearly appears from the context, the following terms shall have the meaning as described in this SECTION and as used in this Ordinance.

- a. **DISCRIMINATE** - The terms “discriminate” or “discrimination” mean any difference expressed in any way toward a person or persons in the terms of the sale, exchange, lease, rental or financing for housing accommodation and/or real property in regard to such sale, exchange, rental, lease or finance because of race, color, religion, national origin or ancestry, sex, creed, or disability of such person.
- b. **HOUSING ACCOMMODATION** - The term “housing accommodation” includes any building, structure, or portion thereof which is used or occupied, maintained, arranged or designed to be used or occupied as a home, residence or sleeping place of one or more human beings, or any real estate so used, designed or intended for such use.
- c. **REAL PROPERTY** - The term “real property” means any real estate, vacant land, building, structure or housing accommodations within the corporate limits of the City of Big Rapids, Michigan.
- d. **REAL ESTATE BROKER** - The term “real estate broker” means any person, partnership, association, corporation and/or agent thereof, who for a fee or other valuable consideration offers, sells, purchases, exchanges or rents, or negotiates for the sale, purchase, exchange or rental of a housing accommodation and/or real property of another, or collects rental for the use of housing accommodation and/or real property of another.
- e. **FINANCIAL INSTITUTION** - The term “financial institution” means any person, institution or business entity of any kind which loans money to persons and receives as security for said loans a secured interest of any kind in the real property of the borrower.
- f. **OWNER** - An “owner” means any person/persons who hold legal or equitable title to, or own any beneficial interest in any real property or who hold legal or equitable title to shares of, or hold any beneficial interest in any real estate cooperative which owns any real property and/or housing accommodations.

- g. DECENT, SANITARY, HEALTHFUL STANDARD LIVING QUARTERS - “Decent, sanitary, healthful standard living quarters” is housing which is in sound, clean, and weather tight condition in conformance with applicable local, state, and national codes.

### **SECTION 3 - PROHIBITED ACTS**

It shall be unlawful for any owner of real estate, lessee, sub-lessee, real estate broker or salesman, financial institution or employee of the financial institution, advertiser, or agent of any or all of the foregoing, to discriminate against any person or persons because of their race, color, religion, national origin or ancestry, sex, creed, or disability with regard to the sale, exchange or rental, or any dealing concerning any housing accommodation and/or real property.

In addition to the foregoing, it shall also be unlawful for any real estate broker or employee thereof, owner or other person, or financial institution dealing with housing or real property in the City of Big Rapids, Michigan:

- a. To discriminate against any person in the availability of or the price, terms, conditions, or privileges of any kind relating to the sale, rental, lease, or occupancy of any housing accommodation or real property in the City or in furnishing of any facilities or services in connection therewith.
- b. To publish or circulate, or cause to be published or circulated, any notice, statement or advertisement, or to announce a policy, or to use any form of application, for the purchase, lease, rental or financing of real property, or to make any record of inquiry in connection with the prospective purchase, rental or lease of such real estate, which expresses directly or indirectly any discrimination as to race, color, religion, national origin or ancestry, sex, creed or disability of any person.
- c. To discriminate in connection with lending money, guaranteeing loans, accepting mortgages or otherwise obtaining or making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation and/or real property.
- d. To solicit for sale, lease, or listing for the sale or lease, of any housing accommodation and/or real property on the grounds of loss of value because of the present or prospective entry into any neighborhood of any person or persons of any particular race, color, religion, national origin or ancestry, sex, creed, or disability.
- e. To distribute or cause to be distributed, written material or statements designed to induce any owner or any housing accommodation and/or real property to sell or lease his or her property because of any present or prospective change in the race, color, religion, national origin or ancestry, sex, creed, or disability of persons in the neighborhood.
- f. To make any misrepresentations concerning the listing for sale or the anticipated listing for sale or the sale of any housing accommodation and/or real property for the purpose of inducing or attempting to induce the sale or listing for sale of any housing accommodation and/or real property by representing that the presence or anticipated presence of persons of any particular race, color, religion, national origin or ancestry, sex, creed, or disability in the area will or may result in the lowering of property values

in the block, neighborhood or area in which the property is located.

- g. For an owner to solicit any real estate broker to sell, rent or otherwise deal with such owner's housing accommodations and/or real property with any limitation on its sale based on race, color, religion, national origin or ancestry, sex, creed, or disability.
- h. For an owner to refuse to sell, rent, or otherwise deal with any housing accommodation and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or disability of the proposed buyer or tenant.

#### **SECTION 4 – PENALTY**

Any person violating any of the provisions of this Ordinance shall be responsible for a municipal civil infraction and punished by a fine of not less than one hundred dollars (\$100.00) nor more than fifteen hundred dollars (\$1,500.00). Each day a violation continues shall constitute a separate violation. This Section shall in no way abrogate or impair the right of the City of Big Rapids, Michigan, to specifically enforce, by any legal means, any of the provisions of this Ordinance.

**SECTION 5.** The Clerk is directed to publish this Ordinance in the Pioneer, and this Ordinance shall be effective 20 days after publication.

Yeas: Andrews, Cochran, Eppley, Hogenson, James

Nays: None

The Mayor declared the ordinance adopted.

Dated: June 21, 2021

Published: June 28, 2021



## ORDINANCE NO. 777-10-21

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

### AN ORDINANCE AMENDING CHAPTER 111 OF TITLE XI, BUSINESS REGULATIONS, OF THE BIG RAPIDS CODE OF ORDINANCES

#### THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Chapter 111, Peddlers and Transient Merchants, of the Big Rapids Code of Ordinances is amended to read as follows:

#### CHAPTER 111: PEDDLERS AND TRANSIENT MERCHANTS

##### § 111.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning,

*PEDDLER.* Any person who goes about from place to place, selling or offering for sale, goods, wares, merchandise and all kinds of property, traveling on foot or in vehicles, and selling from house to house without prior specific invitation or appointment from the resident, or by crying his wares from the street. Such term shall include "hawker", "solicitor" and "huckster."

*TRANSIENT MERCHANT.* Any person engaged temporarily in the retail sale of goods, wares or merchandise, in any place in this City and who, for the purpose of conducting such business, occupies or uses any lot, building, truck, trailer, stall, room, tent, canopy or structure of any kind.

(1) Such term shall include: "itinerant merchants," "itinerant vendors" and persons engaged in selling goods, wares or merchandise at retail in this City and who are not on the tax rolls of this City; and

(2) Any person who commences a business of selling goods, wares and merchandise at retail within the City after the first day of January in any year and who is not assessed on the tax roll for that year and who occupies or uses the licensed premises for a period of less than 180 days shall be deemed a "transient merchant" within the meaning of this chapter.

*Mobile Food Vending* shall mean vending, serving, or offering for sale food and/or beverages from a mobile food vending unit which meets the definition of a Food Service Establishment under Public Act 92 of 2000, which may include the ancillary sales of branded items consistent with the food, such as a tee shirt that bears the name of the organization engaged in Mobile Food Vending.

*Mobile Food Vending* unit shall mean any motorized or non-motorized vehicle, trailer, or other device designed to be portable and not permanently attached to the ground from which food and/or beverages is vended, served, or offered for sale.

*Vendor* shall mean any individual engaged in the business of Mobile Food Vending; if more than one individual is operating a single stand, cart or other means of conveyance, then Vendor shall mean all individuals operating the single stand cart or other means of conveyance.

*Operate* shall mean all activities associated with the conduct of business, including the set up and take down activities and/or the actual hours where the mobile food vending unit is open for business.

## **§ 111.02 LICENSE REQUIRED.**

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.

**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 next 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:**

- (1) ~~If pertinent,~~ the nature and circumstances of the applicant's felony conviction within five (5) years next preceding the date of application.**
- (2) ~~If pertinent,~~ 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.**
- (3) ~~If pertinent,~~ the nature and circumstances of the applicant's conviction of a felony involving prohibited sexual conduct.**

## **§ 111.03 LICENSE DISPLAYED.**

An application for a license under this chapter shall be accompanied by in Chapter 110, Section 110.18.

Persons under the age of 16 years of age, where all proceeds are retained by the person, shall be exempt from the license fee. No adult or business shall hire or subcontract with persons under 16 years of age in an attempt to evade the provisions of this Chapter.

All license issued to peddlers, transient merchants, and mobile food vendors shall be displayed upon each mobile vending unit, and upon request made to all licensees.

## **§ 111.04 VETERAN'S EXEMPTION.**

A veteran who obtains a veteran's license from a county clerk pursuant to MCL 35.442 is exempt from having to obtain a City license as a peddler, transient merchant, or mobile food vendor, but the person holding the veteran's license must comply with all the applicable City code regulations, must display the veteran's license in same manner that the City license must be displayed, and must provide a copy of the veteran's license to the City Clerk.

## **§ 11.05 CLOSING OUT SALES.**

No transient merchant shall advertise, represent or hold out to the public any sale as being the sale of a bankrupt's stock, creditor's, administrator's, executor's sale or closing out sale; or sale of merchandise damaged by fire, water or otherwise unless at the time of making application for a license as herein required, he states under oath all the facts relative to the sale he proposes to conduct, including the names and addresses of the persons from whom the merchandise to be sold was purchased and a full description of all of the goods, wares and merchandise to be sold. The Clerk shall thereupon issue the license for the type of sale specified in the application.

## **§ 111.06 LICENSE REQUIREMENT'S FOR EMPLOYEES, AGENTS, CONSIGNEES OR UNINCORPORATED FIRMS OR ASSOCIATIONS.**

A transient merchant license may be issued to a person carrying on the business of peddler or transient merchant in the City through employees. Such employees shall carry a duplicate license issued to the person. If the business of peddler or transient merchant is carried on through agents who are not employees, but consignees or by an unincorporated firm or association, each person so conducting the business of peddler or transient merchant shall be required to have a separate license.

## **§111.07 MOBILE FOOD VENDORS**

All vendors engaging in Mobile Food Vending shall:

- (1) Locate and operate only in those City parks posted "LICENSED MOBILE FOOD VENDORS ALLOWED," in compliance with Park and Recreation Board rules on the location and hours of operation of the mobile food vending units in the park.
- (2) Provide appropriate waste receptacles at the site of the unit and remove all litter, debris and other waste attributable to the vendor on a daily basis.
- (3) Operate on city-owned or controlled property, in compliance with applicable parking regulations.
- (4) Not operate on public property within a block of a city-authorized street fair, public festival, farmer's market, or special event without authorization from the event sponsor.
- (5) Not use any flashing, blinking or strobe lights and all exterior lights over 60 watts shall contain opaque hoods or shields to direct-the illumination downward.
- (6) Not use loud music or amplification devices or "crying out" to gain attention in any manner that causes a disturbance or safety hazard.
- (7) Comply with the City's Noise Ordinance, Sign Ordinance and all other City code provisions.
- (8) Comply with all applicable federal, state and county regulations.
- (9) Display only one portable sign up to six square feet, with no dimension greater than 3 feet and no height (with legs) greater than 4 feet, located within five feet of the unit; and under no circumstance shall the sign be placed upon the sidewalk or impede pedestrian and/or vehicle traffic.

(10) Operate in residential areas only between the hours of 9 am and 9 pm and in commercial areas only between the hours of 7 am and 11 pm. On private property within a Commercial area, a mobile food vendor may operate only between the hours of 6 am and 3 am.

(11) Not locate or operate within 500 feet of the entrance to any school building between the hours of 8 am and 5 pm on the days when school is in session.

(12) Not leave a Mobile Food Vending unit unattended for more than 2 hours; and any Mobile Food Vending Unit not in operation shall be removed from all City and public property between the hours of 11 pm and 7 am in commercial areas and 9 pm to 9 am in residential areas.

(13) Not represent the granting of a license by the City as an endorsement of the food vendor by the City.

(14) Not utilize any electricity or power without the prior written authorization of the power customer; no power cable or similar device shall be extended across any City street, alley or sidewalk except in a manner that does not impede pedestrian or vehicular traffic, or cause any safety hazard.

(15) Not set up or locate in a place that blocks or impedes wheelchair and handicapped access or travel on sidewalks.

(16) Not locate or operate within the road right of way or **along any city road** in any manner that impedes vehicular traffic **or the safety of pedestrians.**

**(17) Mobile Food Vendors may take up one parking space in the downtown district to accommodate their mobile food cart. If a Mobile Food Vendor cart or trailer is larger than the dimensions of one parking space, they must park in an approved designated area in the city.**

(18) Not take up ~~public parking spaces or~~ **city** parking lots, except as authorized or permitted as part of a special event or festival or **as permitted in designated areas around the city.**

(19) Locate no closer than 150 feet from businesses that sell the same food product as the mobile food vendor.

(20) Obtain a Mobile Food Vendor's license and register street vending location(s) with the City Clerk and pay ~~a fee of \$100~~ **the appropriate fee.**

(21) Comply with the terms of permits issued to the Chamber of Commerce, Downtown Business Association and other sponsors who obtain special event permits to use parking lots, close streets, conduct parades and other civic activities. Vendors that are invited by the event sponsors to participate in these events may use the areas blocked off and reserved for these special event activities. Permits for these special event activities are exclusively controlled by the sponsors of these events. Vendors not invited to participate in these activities may locate on public property no closer than 200 feet from the area reserved by the special event permit.

## **111.08 MAINTENANCE AND INSPECTION OF VEHICLES**

**(A) Prior to a Peddler's license being issued for the use and operation of non-prepared packaged foods, the vehicle shall be thoroughly examined and inspected, at the expense of the food vendor, by the Department of Public Safety. The vehicle shall be certified that the vehicle can be safely operated, that it is equipped with all required safety devices, and that it**

is in a clean and sanitary condition. Approval shall be certified to the City Clerk on a form provided by the Clerk for that purpose.

**(B) In the event that the City receives a complaint regarding the condition of the mobile food vehicle, the licensee shall be notified of the nature of the complaint and may be required to present the mobile food vehicle to the Department of Public Safety for re-inspection. Failure to comply within 24 hours of the notice shall result in suspension of the peddler's license.**

#### **§ 111.08-09 DOOR-TO-DOOR HOURS IN RESIDENTIAL AREAS.**

No person shall engage in selling door-to-door in residential areas prior to 9:00 am or after 8:00 pm, or sunset, whichever is earlier, on any weekday or Saturday or at any time on Sunday, New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day or Christmas.

**No person shall go door to door soliciting the sale of alcohol, tobacco or marijuana either by door hangers or by in-person soliciting.**

#### **§ 111.0910 EXEMPT ACTIVITIES.**

Persons engaged in the following described activities are exempt from the duty of applying for a license under this section:

(a) The sale of goods, wares or merchandise, or solicitations on behalf and solely for the benefit of any recognized charitable or religious purpose.

(b) Commercial travelers employed by wholesale houses, who take or seek to take the orders from merchants for goods, wares or merchandise and other personal property for the purpose of resale by the merchant.

(c) Persons selling or delivering tangible personal property or services through or for a permanent business located within the City.

(d) Persons selling at events for which a blanket license has been obtained.

(e) Persons selling or distributing newspapers.

(f) Persons who sell, at their permanent residence in the city, works of art or crafts made or created by such person or a member of such person's immediate family.

(g) Persons selling tangible personal property at a garage, basement or yard sale held at one of the person's premises, if permitted under the terms of the Zoning Code.

(h) Persons conducting and selling admissions to or for theatricals, shows, rides, sports and games, concerts, circuses, carnivals or any other public amusement where no sales of other products are involved.

(i) A person who distributes handbills or flyers for a commercial purpose, advertising an event, activity, good or service that is offered to the resident for purchase at another permanent business located within the city.

(j) A persons soliciting orders by sample, brochures or sales catalogue (cosmetics, kitchenware, jewelry, etc.) for future delivery, or making sales on residential premises pursuant to an invitation issued by the owner or legal occupant of the premises.

Section 3. This ordinance shall be effective 20 days after publication.

Section 4. The City Clerk is directed to publish this ordinance or a summary of this ordinance in The Pioneer.

Yeas: Andrews, Cochran, Eppley, Hogenson

Nays: None

The Mayor declared the ordinance adopted.

Dated: October 18, 2021

Published: October 25, 2021 summary published

**ORDINANCE NO. 778-12-21**

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

**ORDINANCE AMENDING SEVERAL SECTIONS IN TITLE IX CHAPTER 91 OF THE BIG RAPIDS CITY CODE ON ANIMALS**

WHEREAS, Chapter 91 of the Big Rapids City Code includes regulations on the keeping of dogs, cats, and other animals within the City, and

WHEREAS, several sections in Chapter 91 need to be updated to address current circumstances in the City of Big Rapids, and

WHEREAS, the City Staff reviewed Chapter 91 and recommends amendments to Sections 91.01, 91.02, 91.06, 91.07, 91.11, 91.21, 91.22, 91.24, 91.25, 91.26, 91.27, 91.28, and 91.35, with a new section 91.11 on exotic animals,

NOW, THEREFORE, THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Chapter 91 of Title IX is hereby amended as provided below.

**Section 91.01 Goats and Swine Prohibited** is amended to read as follows:

It shall be unlawful for any person to keep live goats or swine on any premises within the City; ~~except in slaughterhouses or yards adjacent thereto; and as required to conduct the weekly stock sale.~~

**Section 91.02 Animals Prohibited; Exceptions** is amended to read as follows:

It shall be unlawful for any person to keep any animal or fowl except chickens within 500 feet of any dwelling, street, alley or public place; or permit any animal or any fowl owned by him/her or in his/her possession or control to run at large in any street, alley or public place, or upon the premises of another without express permission of the owner or occupant thereof, except such animals as are commonly kept or housed as household pets.

**Section 91.06 Poisonous Substances Prohibited** is amended to read as follows:

It shall be unlawful to throw or deposit poisoned meat, or any poison or harmful substances which is likely to cause disease or death in any street, alley or public place, or on any private premises within the City, for the purpose of destroying any dog, cat, bird, ~~owl~~ or other animal.

**Section 91.07 Feeding Required** is amended to read as follows:

~~It shall be unlawful to feed any animal unwholesome or unsuitable food, or unclean water to drink which is likely to cause or produce disease in the animal.~~

**Section 91.11 Exotic/Wild Animals** is adopted to read as follows:

It shall be unlawful for any person to harbor or permit to harbor, any exotic or wild animal, except as authorized by law license in a zoo, circus, laboratory, veterinary clinic, or similar business. For the

purpose of this chapter, HARBOR is the act of owning, maintain, or keeping an animal on any part of a person's premises while providing food and/or shelter to that animal.

Exotic/wild animals defined: Any undomesticated animal or any dangerous animal normally classified as wild. In addition, this specifically includes, but is not limited to, the following animals: non-domestically bred parrots, parakeets or other exotic birds, Canada geese, alligators, bears, birds of prey, monkeys, panthers, cougars, lions, wolves, coyotes, chimpanzees, venomous or constrictor reptiles, and wild felines. In addition, it shall include any hybrid between a wild animal and a domesticated animal, such as a hybrid between a dog and a wolf, a dog and a coyote, a cat and a bobcat, or other wild felines.

**Section 91.21 Impounding Dogs; Disposition** is amended to read as follows:

It shall be the duty of the Police Department or ~~Dog Warden~~ **Animal Control Officer** to seize and impound any dog found anywhere in the City contrary to the provisions of this subchapter: **and transport the dog to the local animal control shelter. The Police Department or Animal Control Officer shall maintain a complete record of all dogs impounded under the provisions of this subchapter.** ~~No dog as impounded shall be released to its owner or other authorized person without payment of the sum of \$5 plus \$1 per dog for board to the Police Department or Dog Warden for its care and maintenance and without procuring a license as herein provided. The Police Department or dog warden shall, within 72 hours after impounding any dog, destroy such animal or if it is deemed valuable, sell it to any person the dog warden believes will properly care for such dog.~~

**Section 91.22 Records Required** is repealed and deleted:

~~The Police Department or Dog Warden shall maintain a complete record of all dogs impounded under the provisions of this subchapter and the disposition of same.~~

**Section 91.24 Report to Police** is amended to read as follows:

If any person is bitten by a dog, it shall be the duty of that person, or the owner or custodian of the dog having knowledge of same **the dog bite**, to report ~~same~~ **it** to the Police Department or ~~Dog Warden~~ **Animal Control Officer** within 12 hours thereafter. If the owner or custodian of any dog has any reason to believe or suspect that ~~such~~ **the** dog has become infected with rabies, it shall be the duty of that person to report the same to the Police Department or ~~Dog Warden~~ **Animal Control Officer** within 12 hours, ~~thereafter.~~

**Section 91.25 Quarantine** is amended to read as follows:

In the event of any report as set forth in § 91.24, the Police Department or ~~dog warden~~ **Animal Control Officer** shall seize such dog and deliver it to the ~~Health Officer~~ **local animal control shelter**. The ~~Health Officer~~ **local animal control shelter** shall hold ~~such~~ **the** dog in quarantine until a laboratory analysis by a licensed veterinarian is made to determine whether the dog is infected. ~~The Health Officer shall promulgate and adopt such rules as he deems necessary for the procedure in all such cases and for the disposition of any dog delivered into his custody.~~

**Section 91.26 Leash Required** is amended to read as follows:

It shall be unlawful for the owner, or any other person having the possession, care, custody or control thereof, to permit any dog to run at large upon the public streets, walks, parks, or other public places within the City, unless such dog shall be attached to a leash of sufficient strength to restrain **the** ~~such~~



dog in such and manner as to be kept keep the dog under the control of the person accompanying it.

**Section 91.27 Barking, Howling** is amended to read as follows:

It shall be unlawful for any person to own, harbor or keep any dog which shall cause ~~a annoyance~~ or disturbance to persons by unreasonable frequent and loud ~~habitual~~ barking, howling or yelping.

**Section 91.28 Vicious Dogs** is amended to read as follows:

It shall be unlawful for any person to ~~suffer or~~ permit a vicious, fierce or dangerous dog to go unconfined and unrestrained on such the person's premises, or to run at large.

**Section 91.35 Regulation of Cats** is amended to read as follows:

(A) It shall be unlawful for any person in the City to harbor ~~have possession or custody~~ of any cat without having it under control and/or confined to his/her premises at all times; provided, that the ~~terms provisions of this division~~ provision shall not apply to possession or custody of any cat less than four months of age, when proof of age ~~can be and on request~~ is submitted to a Police Officer. **For the purpose of this section, HARBOR is the act of owning, maintaining, or keeping an animal on a person's premises while providing food and shelter to that animal.**

(B) It shall be unlawful for any person to refuse to show or exhibit, at any reasonable time, any cat in his/her possession or custody to any Police Officer or ~~Dog Warden~~ Animal Control Officer. ~~of the City.~~

(C) It shall be unlawful for any person in the City to possess, harbor, shelter or keep more than three adult cats, excepting veterinary hospitals and pet shops. For the purpose of this subchapter, an ADULT CAT shall be deemed to be any cat ~~six~~ four months old or older. ~~It shall also be unlawful to maintain any cat or cats so as to create a nuisance by way of noise, odor or otherwise,~~

(D) Any Police Officer or other person, designated by the City, is authorized to impound any cat found running at large within the City. ~~and transport the cat to the local animal shelter.~~ **and transport the cat to the local animal shelter.** ~~In the event capture cannot be effected, the Police Officer or such other person is authorized to destroy such cat.~~

(E) ~~Any impounded cat not redeemed within 72 hours shall be disposed of in such a manner as prescribed for impounded dogs in § 91.21. A minimum daily charge of \$1 dollar per day shall be made for feeding and shelter of each cat, so impounded.~~ **It shall be unlawful to feed or harbor feral or stray cats. It shall be unlawful to feed, harbor, or maintain any domesticated or feral cat that create a nuisance by noise, odor, insects, or excrement.**

Section 2. This ordinance shall be effective 30 days after publication.

Section 3. The City Clerk is directed to publish this ordinance or a summary of this ordinance in The Pioneer.

Yeas: Andrews, Cochran, Eppley, Guenther, Simmon

Nays: None

The Mayor declared the ordinance adopted.

Date: December 20, 2021

Published: December 28, 2021-Summary published



**ORDINANCE NO. 779-01-22**

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

**ORDINANCE AMENDING CHAPTER 110, SECTION 110.04 OF  
TITLE XI, BUSINESS REGULATIONS, OF THE BIG RAPIDS  
CODE OF ORDINANCES**

**THE CITY OF BIG RAPIDS ORDAINS:**

Section 1. Chapter 110, Business and Trade Licenses, of the Big Rapids Code of Ordinances is amended to read as follows:

**CHAPTER 110: BUSINESS AND TRADE LICENSES**

**§ 110.04 LICENSE YEAR.**

The license year shall ~~terminate~~ **expire** on December 31 at ~~12:00~~ midnight **regardless of when the license is issued.** ~~next after the issuance of the license.~~ 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.

Section 3. This ordinance shall be effective upon publication.

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

Yeas: Andrews, Cochran, Eppley, Guenther

Nays: None

The Mayor declared the ordinance adopted.

Dated: January 3, 2022

Published: January 8, 2022

**ORDINANCE NO. 780-01-22**

Commissioner Cochran moved, seconded by Commissioner Andrews, the adoption of the following:

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

**THE CITY OF BIG RAPIDS ORDAINS:**

Section 1. Chapter 111, Peddlers and Transient Merchants, of the Big Rapids Code of Ordinances is amended to read as follows:

**CHAPTER 111: PEDDLERS AND TRANSIENT MERCHANTS**

**§ 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 Director of Public Safety. 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.

Section 3. This ordinance shall be effective upon publication.

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

Yeas: Andrews, Cochran, Eppley, Guenther

Nays: None

The Mayor declared the ordinance adopted.

Dated: January 3, 2022

Published: January 8, 2022

**ORDINANCE NO. 781-02-22**

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

**ORDINANCE AMENDING SECTION 91.35 IN TITLE IX CHAPTER 91 OF  
THE BIG RAPIDS CITY CODE**

WHEREAS, Section 91.35 was updated and expanded recently with regulations on feral cats and stray cats, and the amendments produced significant objections from local residents and requests to repeal most of the regulations, and

WHEREAS, City Staff members met with several local people who are familiar with the various problems and issues involving the control and keeping of feral cats and stray cats, and

WHEREAS, City Staff now recommends that Section 91.35 be amended to reduce the regulations to a single provision,

NOW, THEREFORE, THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Section 91.35 of Chapter 91 in Title IX of the Big Rapids City Code is amended to read as follows.

§ 91.35 REGULATION OF CATS.

It shall be unlawful to feed, keep, harbor or maintain any domesticated or feral cat or a colony of domesticated or feral cats, in any manner that creates a nuisance by noise, odor, insects, or excrement that disturbs a member of the public.

Section 2. The City Clerk shall publish this Ordinance in the Pioneer, and the Ordinance shall be effective 20 days after publication.

Yeas: Andrews, Cochran, Eppley, Guenther, Simmon

Nays: None

The Mayor declared the ordinance adopted.

Dated: February 7, 2022

Published: February 12, 2022

## **ORDINANCE NO. 782-02-22**

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

### **ORDINANCE AUTHORIZING THE LEASING OF CITY LAND TO PROVIDE AND DEVELOP FACILITIES FOR OUTDOOR RECREATION**

WHEREAS, MCL 324.503(15) authorizes the Michigan Department of Natural Resources (DNR) to lease state land controlled by the DNR to provide and develop facilities for outdoor recreation, and to grant concessions on lands owned or controlled by the DNR, and

WHEREAS, the City of Big Rapids holds and exercises all of the power of a home rule City over the City owned lands inside and outside of the corporate limits of the City, including the "power to adopt resolutions and ordinances relating to its municipal concerns, property and government,

#### **THE CITY OF BIG RAPIDS ORDAINS:**

Section 1.

#### **34.54A LEASE OF CITY LAND TO PROVIDE AND DEVELOP FACILITIES FOR OUTDOOR RECREATION.**

(A) The City of Big Rapids hereby declares and establishes its public policy to provide, maintain, and develop facilities for public outdoor recreation within the City, and to authorize the permitted use or lease of City owned land for these purposes by a public bid or a public request for proposal. The City Commission finds that providing facilities and opportunities for public outdoor recreation enhances and promotes the public health and safety as authorized by Mich Const Art VII Sec 23.

(B) The City Commission shall not offer or approve a lease of any City land that is part of a City utility system, public street or alley, or public building. No lease of City land can exceed 25 years. Any lease of City property for more than five years shall be subject to a referendum as described in Section 13.4 of the City Charter.

(C) Any public or private entity or organization can apply for a permit or lease to use and occupy City land to provide, maintain, or develop facilities for public outdoor recreation within the City as specified by contract or guidelines issued by the City of Big Rapids, the County of Mecosta, or the Michigan DNR.

(D) The Planning Commission and Park and Recreation Board shall review all proposed leases of City owned land that are intended to provide, maintain, and develop facilities for public outdoor recreation within the City to determine if the City owned land to be leased is required for some other more important or more appropriate public use or purpose, and shall recommend to the City Commission that the proposed lease be approved, disapproved, or modified and approved. In reviewing a request or proposal for the lease of City land, the Planning Commission shall consider:

- (a) the date, terms, and instrument by which the property was acquired by the City,
- (b) the restrictions, prohibitions, easements, and encumbrances of record affecting the property,
- (c) all known existing and intended public uses of the property,

- (d) the Master Plan's references to the property,
- (e) the historical character and significance of the property and the structures on it,
- (f) the zoning of the property,
- (g) whether the property is buildable or non-buildable,
- (h) whether the property is serviced by utilities,
- (i) whether the proposed use by the Lessee will be compatible with adjoining properties,
- (j) whether the land is otherwise suitable for the intended purpose to provide, maintain, and develop facilities for public outdoor recreation within the City, and
- (k) whether the proposed lease describes the Lessee's activities on the leased land to provide, maintain or develop facilities for public outdoor recreation as specified by contract or guidelines by the City, Mecosta County, or the Michigan DNR.

(E) The City Commission shall make the final determination of whether or not to enter and grant the lease after obtaining the recommendations of the Planning Commission and the Park and Recreation Board and finding that the proposed lease will manage City owned land in a manner that protects and enhances the public trust while encouraging the use and enjoyment of public land for public outdoor recreation.

(F) The terms of the proposed lease shall identify, describe, and require actions or activities of the Lessee that provide, maintain, or develop facilities for public outdoor recreation within the City, and shall provide for the termination of the lease if the Lessee does not provide, maintain, or develop facilities for public outdoor recreation as described.

(G) The City Manager or the City Manager's designated representative shall monitor, administer, and enforce the operation of any lease of City owned land to provide, maintain, or develop facilities for public outdoor recreation.

Section 2. This ordinance shall be effective 30 days after publication of this ordinance or a summary of this ordinance in the Pioneer.

Yeas: Andrews, Cochran, Eppley, Guenther, Simmon

Nays: None

The Mayor declared the ordinance adopted.

Date: February 21, 2022

Published: Summary, March 4, 2022

## **ORDINANCE NO. 783-02-22**

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

### **ORDINANCE TO AMEND CHAPTER 72 OF THE BIG RAPIDS CITY CODE BY ADDING A NEW SECTION 72.37 ENTITLED "SHARED MOBILITY DEVICES" TO REQUIRE A PERMIT TO OFFER SHARED MOBILITY DEVICES FOR PUBLIC USE IN THE CITY OF BIG RAPIDS, TO SET FORTH PROCEDURES, REGULATIONS, AND RULES, AND TO PROVIDE FOR PENALTIES**

#### **THE CITY OF BIG RAPIDS ORDAINS:**

##### **Section 1.**

Chapter 72 of the Code of Ordinances, City of Big Rapids, Michigan, is hereby amended by adding Section 72.37 "Shared Mobility Devices".

##### **Section 72.37 Shared Mobility Devices.**

###### **(A) Definitions.**

The following words, terms and phrases when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Shared mobility device" includes all bicycles, electric bicycles, electric personal assistive mobility devices, electric skateboards, low-speed vehicles, and any other small, wheeled vehicles that are not "motor vehicles" under the Michigan Vehicle Code.

"Bicycle" means that term as defined in The Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923, as amended.

"Electric bicycle" means that term as defined in The Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923, as amended.

"Electric personal assistive mobility device" means that term as defined in The Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923, as amended.

"Electric skateboard" means that term as defined in The Michigan Vehicle Code, MCL 257.13f as a wheeled device that has a floorboard designed to be stood upon when riding that is no more than 60 inches long and 18 inches wide, is designed to transport only 1 person at a time, has an electrical propulsion system with power of no more than 2,500 watts, and has a maximum speed on a paved level surface of not more than 25 miles per hour. An electric skateboard may have handlebars and, in addition to having an electrical propulsion system with power of no more than 2,500 watts, may be designed to also be powered by human propulsion.

"Low-speed vehicle" means that term as defined in The Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923, as amended.

"Motor vehicle" means that term as defined in The Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923, as amended.



## **(B) Permit Required.**

Every person or business entity desiring to offer shared mobility devices including electric skateboards and “scooters” for public use in the City of Big Rapids must obtain a permit from the City Clerk to operate in the City of Big Rapids. A maximum of three permits may be issued or be in effect at any one time. Each permit will allow not more than 150 shared mobility devices in the City. Only one permit can be obtained by a person or business entity.

## **(C) Permit Application Procedure and Requirements.**

- (1) **An original permit.** A permit to offer shared mobility devices for public use in the City of Big Rapids shall be requested by filing a Permit Application on a form provided by the City Clerk, paying an application fee of \$250, providing a required bond and certificate of insurance and agreeing in writing to comply with all of the requirements of the City Code.
- (2) **No transfer.** A permit to offer shared mobility devices for public use in the City of Big Rapids cannot be transferred.
- (3) **Device fees.** A \$10.00 fee per permitted shared mobility device shall be paid annually to the City when applying for a permit.
- (4) **Permit fee.** Permits shall be for a period of up to one year, expiring at midnight on December 31<sup>st</sup>, regardless of when the permit is issued, and may be renewed by filing a permit renewal application, bond, insurance and a permit renewal fee of \$250 and the fees for each shared mobility device.
- (5) **Payment.** Permit holders shall provide for payments for the use of shared mobility devices by cash, credit card, or smartphone.
- (6) **Hold harmless.** The permit holder shall defend, hold harmless, release, and indemnify the City and its officers, employees’ agents, volunteers and affiliated entities from all claims, damages, losses, expenses, attorney fees, or suits of any nature that arise from, are related to or that the City may be subjected to by reason or account of the Permit, except to the extent due to the gross negligence or willful misconduct of the City’s officers, agents, or employees.
- (7) **Insurance.** Each permit holder and applicant shall obtain and maintain liability insurance with minimum limits of two million (\$2,000,000) dollars with the City a named primary insured, and shall furnish the City Clerk with proof of the insurance. For itself and any of its insurers, the permit holder waives any right of recovery against the City for damages covered by the permit holder’s insurance. The City shall be entitled to 30-days written notice of any cancellation or non-renewal of the permit holder’s insurance.
- (8) **Bond.** Each permit holder and applicant shall furnish the City a cash or surety bond or letter of credit of not less than \$5,000 to insure the proper storage, parking, removal and disposal of its shared mobility devices in the City and to reimburse the City for actions necessary to correct improper storage, parking, use or disposal of the permit holder’s shared mobility devices.
- (9) **Serial number.** Each shared mobility device shall be conspicuously marked with an unique serial or identification number, the permit holder’s contact information (including a 24-hour toll-free phone number and email address), and its unique branding. The permit holder must provide to and keep current (at least monthly) a list with the City of each shared mobility device, including its unique serial or identification number.
- (10) **License.** Permits are a temporary license to leave, park or deposit shared mobility devices that are not “motor vehicles” under the Michigan Vehicle Code in the City public right of way.
- (11) **No grant.** Permits shall not grant any right or interest in the City right of way and are not an easement, lease, or other interest in the City right of way or real estate.

- (12) **No recording.** Permits shall not be recorded with the Mecosta County Register of Deeds or any other government agency except the office of the Big Rapids City Clerk.
- (13) **Revocation.** Permits may be revoked by the City Manager after notice and an opportunity of the permit holder to be heard without court action or court order at any time for nonpayment of permit fees, failure to file a bond or letter of credit as required, failure to provide or maintain insurance as required, violations of the Michigan Vehicle Code or the Big Rapids City Code, or the permitted shared mobility devices causing a nuisance by three or more occurrences within 180 days of the City removing devices that are blocking the City right of way or private property from pedestrian or motor vehicle traffic. The revocation of a permit by the City Manager can be appealed to the City Commission by the permit holder by a written appeal filed with the City Clerk within 21 days of the revocation.
- (14) **Extension of insurance and bond.** Insurance, bond, and indemnity obligations shall survive the expiration and/or termination of the permit.
- (15) **Compliance with laws.** The permit holder shall be responsible for and guarantee that its employees, agents, and contractors, including independent contractors, and its users will comply with all applicable laws and the permit.
- (16) **Education.** The permit holder shall provide educational information to its users and/or riders on the responsible and legal use of its shared mobility devices. The permit holder shall not allow the use of its shared mobility devices by third parties (users and/or riders) unless the users and/or riders have first reviewed the educational information.
- (17) **Parking.** The permit holder's shared mobility devices should be parked in an upright position and cannot be parked in any motor vehicle portion of any street, including parking spots and loading zones. The shared mobility devices shall not be parked in a way that blocks any driveway, curb ramp, fire escape, bus shelter or bus stop, driveway or doorway, or on any unauthorized private or public property. The City Manager or Police Chief may by order designate and mark parking or staging spots for shared mobility devices in the public right of way, including sidewalks and public parking lots.
- (18) **Entire City.** Shared mobility devices must be available throughout the entire area of the City of Big Rapids.
- (19) **Maintenance.** The permit holder shall maintain all permitted shared mobility devices in good and safe working condition and in compliance with all applicable laws and shall promptly remove from the City right of way any shared mobility device not in good and safe working condition.
- (20) **Abandonment.** The permit holder shall promptly recover and take custody of all of its abandoned shared mobility devices.
- (21) **Seized devices.** The City may seize and impound any shared mobility device that is operated, abandoned or parked in violation of law, this Section, or the permit, with or without issuing a ticket, citation, or violation notice. Unless the City's continued possession of the shared mobility device is necessary for evidentiary or investigatory purposes, the permit holder may recover possession of any seized or impounded shared mobility device upon the permit holder's payment to the City of a \$50.00 impoundment fee as partial reimbursement to the City for its costs related to the seizure and storage of the shared mobility device, which amounts shall be due and owing from the permit holder even if the permit holder elects not to recover possession. The City shall not be liable for damages to the permit holder for the City's seizure or impoundment, or both, of any shared mobility device.
- (22) **Restricted areas.** The permit holder shall disable or reduce the maximum operating speed of its shared mobility devices when operating on the City's Riverwalk trail, and any other restricted area within the City designated by the City Manager within 30 days of written notice to the permit holder.
- (23) **Notices.** All notices or other correspondence or communications required or related to a franchise permit must be in writing and sent by both email and regular U.S. mail, postage

prepaid. Notices provided by the permit holder to the City must be sent to the City Clerk. The permit holder at the time of application or renewal must provide the City with a contact person, including that person's address, email, and phone number to whom the City may send notices.

**(D) Violation and Penalty.**

Any violation of any provision in this section shall be a municipal civil infraction, subject to payment of a civil fine as set forth in section 10.97(E).

**Section 2.** This ordinance shall be effective 30 days after publication of the ordinance or a summary of the ordinance in the Pioneer.

Yeas: Andrews, Cochran, Eppley, Guenther, Simmon

Nays: None

The Mayor declared the ordinance adopted.

Date: February 21, 2022

Published: Summary, March 4, 2022

**ORDINANCE NO. 784-03-22**

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

**ORDINANCE REZONING 510 S THIRD AVENUE FROM (R-3) RESIDENTIAL TO THE (C-3) COMMERCIAL ZONING DISTRICT**

WHEREAS, the Planning Commission held a public hearing on March 16, 2022, on a proposed amendment to the Zoning Ordinance and by unanimous vote recommended that the City Commission rezone 510 S. Third Avenue from (R-3) Residential District to (C-3) Commercial District, and

WHEREAS, the City Commission accepts the Planning Commission's recommendation to rezone 510 S. Third Avenue from (R-3) Residential to (C-3) Commercial,

NOW, THEREFORE,

THE CITY OF BIG RAPIDS ORDAINS:

Section 1. The property at 510 S. Third Avenue described as:

000510 S THIRD AVENUE: BIG RAPIDS WATER POWER  
IMPROVEMENT COMPANY'S ADDITION – BLK A, LOTS 11 & 12

is rezoned from (R-3) Residential to the (C-3) Commercial zoning district.

Section 2. The Zoning Administrator is directed to amend the zoning map to reflect the rezoning.

Section 3. This ordinance shall become effective 20 days after publication.

Section 4. The Clerk is directed to publish this ordinance in the Pioneer within 15 days of adoption, with a notice describing when and where a copy of the zoning ordinance and the amended zoning map can be inspected or purchased.

Yeas: Andrews, Cochran, Eppley, Guenther, Simmon

Nays: None

The Mayor declared the ordinance adopted.

Date: March 21, 2022

Published: March 24, 2022

**ORDINANCE NO. 785-03-22**

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

**ORDINANCE AMENDING SECTION 11.1:29(2)(e) OF THE BIG RAPIDS ZONING ORDINANCE TO REMOVE THE PROHIBITION ON CURBSIDE SALES AND DISPENSING FOR COMMERCIAL-TYPE MARIHUANA FACILITIES**

WHEREAS, Section 11.1:29(2)(e) of the Zoning Ordinance prohibited drive-through, drive-up, or curbside service facilities, and

WHEREAS, at their meeting on January 3, 2022, the City Commission asked the Planning Commission to review this section of the Ordinance and submit a recommendation for how to move forward, and

WHEREAS, the Planning Commission conducted a public hearing on a proposed amendment to Section 11.1:29(2)(e) on March 16, 2022, that would make curbside sales and dispensing lawful with an approved Designation, NOW, THEREFORE,

THE CITY OF BIG RAPIDS ORDAINS that:

Section 1. Section 11.1:29(2)(e) of the Zoning Ordinance which reads as follows:

All activities, including all transfers of marihuana, shall be conducted within the building and out of public view. Drive-through, drive-up, or curbside service facilities are prohibited.

is amended to read as follows:

All activities, including all transfers of marihuana, shall be conducted within the building and out of public view, **except curbside sales and dispensing is lawful in private, off-street parking lots, in shared municipal parking lots, and on public on-street parking spaces with an approved “Curbside Sales and Dispensing Designation”**. Drive-through and drive-up or ~~curbside~~ facilities are prohibited.

Section 2. The City Clerk shall publish this Ordinance in the Pioneer, and this Ordinance shall be effective 20 days after publication.

Yeas: Andrews, Cochran, Eppley, Simmon

Nays: Guenther

The Mayor declared the ordinance adopted.

Date: March 21, 2022

Published: March 24, 2022

**ORDINANCE NO. 786-03-22**

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

**ORDINANCE AMENDING TITLE 11 CHAPTER 116 OF THE BIG RAPIDS CITY CODE ON MARIHUANA FACILITIES**

WHEREAS, Chapter 116 of the City Code was adopted in Ordinance No. 749-10- 19 authorizing and regulating medical marihuana facilities in the City of Big Rapids, and

WHEREAS, over the course of two years of administration by City Staff, several amendments to the terms and provisions of Chapter 116 were identified by City staff to clarify the procedures and regulations applicable to local operating permits of marihuana facilities, and

WHEREAS, the City Attorney recommended consideration and adoption of several amendments to Chapter 116 by the City Commission,

NOW, THEREFORE, THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Chapter 116 of Title 11 is hereby amended as provided below.

**Section 116.03 Definitions is amended to read as follows, with all other provisions in Section 116.03 remaining the same.**

**“Municipal Marihuana Operating Permit”**, “Operating permit” or “permit” means the permit issued pursuant to this chapter authorizing the operation of a medical marihuana facility in the City.

**Section 116.12(B) is amended to read as follows, with all other provisions in Section 116.12 remaining the same.**

Mobile marihuana facilities and drive-through operations are prohibited. **Curbside sales and dispensing is lawful in private, off-street parking lots, in shared municipal parking lots, and on public on-street parking spaces when a “Curbside Sales and Dispensing Designation” has been approved as part of the Municipal Marihuana Operating Permit.**

**Section 116.13(B) General Permit Application requirements is amended by adding three requirements to Section 116.13(B) to read as follows.**

**(1) A copy of the Applicant’s State Application for Prequalification from LARA and a copy of the Applicant’s Notice of Prequalification Status from LARA.**

~~(4)~~ **(2)** If the applicant is an individual or sole proprietorship, the proprietor and their spouse, if any, shall provide their name, address, date of birth, business address, business telephone number, email address, social security number, and, if applicable, federal tax identification number; 2021 S-14 26D Big Rapids - Business Regulations

~~(2)~~ **(3)** If the applicant is not an individual or sole proprietorship, information regarding the business entity, including, without limitation, the name and address of the entity, website address, (if any), type of business organization, proof of registration with, or a certificate of good standing from the

- State of Michigan, and the names, dates of birth, addresses, email addresses, phone numbers of each true party of interest, and the federal tax identification number of the business entity;
- ~~(3)~~ **(4)** The identity of every person having any ownership interest in the applicant with respect to which the license is sought;
- ~~(4)~~ **(5)** If the applicant is not the owner of the proposed licensed premises, a notarized statement from the owner of such property authorizing the use of the property for a marihuana facility;
- ~~(5)~~ **(6)** A copy of any deed reflecting the applicant's ownership of, or lease reflecting the right of the applicant to possess, or an option reflecting the applicant's right to purchase or lease, the proposed licensed premises;
- ~~(6)~~ **(7)** A description of the type of the proposed marihuana commercial operation and its physical address;
- ~~(7)~~ **(8)** A scaled diagram of the proposed licensed premises, no larger than 11 by 17 inches, showing, without limitation, building floor plan and layout, all entryways, doorways, or passage ways, and means of public entry and exits to the proposed licensed premises, loading zones, available onsite parking spaces **and designated spaces for curbside sales and dispensing**, fencing on or around the premises, and all areas in which medical marihuana will be stored, grown, manufactured, or dispensed;
- ~~(8)~~ **(9)** A lighting plan showing the lighting outside of the medical marihuana facility for security purposes in compliance with applicable City outdoor lighting requirements;
- ~~(9)~~ **(10)** A staffing plan which describes the anticipated or actual number of employees, including an estimate of the number and type of jobs that the facility is expected to create, the amount and type of compensation, including benefits, expected to be paid for the jobs;
- (11) A completed City of Big Rapids Income Tax Withholding Employer Registration Form or proof that the form has been filed with the City's Income Tax Administrator.**
- ~~(40)~~ **(12)** An explanation, with supporting factual data, of the economic benefits to the City and the job creation for local residents to be achieved by the facility, including plans for community outreach and education plans, worker training programs, through the grant of a medical marihuana facility license;
- ~~(41)~~ **(13)** A statement that neither the applicant nor any true party of interest is in default to the City for any property tax, special assessment, utility charge, fines, fees or other financial obligation owed to the City;
- ~~(42)~~ **(14)** A statement that the applicant has reviewed and agrees to conform its hiring and public accommodation practices to the state and federal anti-discrimination laws;
- ~~(43)~~ **(15)** A statement that neither the applicant nor any true party of interest is ineligible from holding a license for any of the reasons set forth in the MMFLA, MCL 333.27402;
- ~~(44)~~ **(16)** A statement that the applicant consents to inspections, examinations, searches and seizures required or undertaken pursuant to enforcement of this chapter; and
- ~~(45)~~ **(17)** Any additional information that the City Clerk or Director of Public Safety reasonably determines necessary in connection with the investigation and review of the application.

**Section 116.15 (E) and (F) is amended to read as follows, with all other provisions of Section 116.15 remaining the same.**

~~(E) Within 30 days from the issuance of a provisional medical marijuana facility approval certificate by the City Clerk, the applicant must submit proof to the City Clerk that the applicant has submitted a partial application with the Department for prequalification for a state operating license or has submitted a full application for such license. If the applicant fails to submit such proof, then the provisional approval shall be cancelled by the City Clerk.~~

(F) (E) If a provisionally approved applicant is denied prequalification for a State operating license or is denied on full application for a state operating license, then the provisional approval shall be cancelled by the City Clerk.

**Section 116.19 is amended to read as follows:**

A. A ~~medical marijuana business permit~~ **Municipal Marijuana Operating Permit** is valid only for the owner named thereon, the type of business disclosed on the application for the permit, and the location for which the permit is issued.

B. Each ~~operating~~ **Municipal Marijuana Operating Permit** is exclusive to the permittee. ~~and a permittee, or any other person, must submit an application for a permit with the City Clerk before a permit is transferred, sold, or purchased.~~ Before a **current** Permit is transferred or sold, the new Applicant must submit an Application for Sale or Transfer with the City Clerk, including written, notarized consent of the current Permit holder and nonrefundable application fee. The attempted transfer, sale, or other conveyance of an interest in a permit without prior application for a **new** ~~City operating~~ permit with the City Clerk is grounds for suspension or revocation of the existing permit.

**C. Upon the transfer or sale of a Municipal Marijuana Operating Permit, the newly issued Permit shall be valid for one-year and shall void the previously issued Permit.**

**D. The City Clerk shall grant or deny the application for the transfer of a permit within 30 business days of the receipt of the application and all required supporting documents.**

**Section 116.33 is amended to read as follows, with all other provisions in Section**

**116.33 remaining the same.**

(A) No medical marijuana facility shall be eligible to be issued a permit unless at the time of granting the conditional certificate, the location of the proposed facility complies with the locational requirements and separation distances from other uses set forth in the City Zoning Ordinance

(B) It is unlawful for the licensee, manager, operator or employees of a provisioning center to:  
(1) Permit the sale, consumption, or use of alcoholic beverages or tobacco products on the licensed premises or the consumption or service of food on the licensed premises;

(2) Sell, give, dispense or otherwise distribute medical marijuana, marijuana- infused products, or medical marijuana paraphernalia from any outdoor location **except curbside sales and dispensing is lawful with an approved "Curbside Sales and Dispensing Designation"**



(3) Offer or distribute samples of marihuana or marihuana-infused products to a consumer free of charge;

(4) Permit the use or consumption of marihuana or marihuana-infused products on the licensed premises;

(5) Operate a licensed provisioning center at any time other than between the hours of 9:00 a.m. and 9:00 p.m. daily;

(6) Keep or grow marihuana plants within the provisioning center.

(C) Registered patients and registered primary caregivers with valid registry cards are permitted in a dedicated point of sale area; a separate waiting area may be created for visitors not authorized to enter the marihuana facility. Provisioning centers shall be wheelchair accessible and disability accommodations shall be provided to caregivers or patients upon request.

(D) A provisioning center may engage in the home delivery of marihuana and marihuana- infused products to registered qualifying patients at the patient's home address in strict compliance with Department approved procedures and rules.

(E) A provisioning center may engage in the sale of industrial hemp to a registered qualifying patient in compliance with the standards, procedures, and requirements promulgated by the Department.

**(F). A provisioning center may engage in curbside sales and dispensing of marihuana and marihuana-infused products to registered qualifying patients with an approved “Curbside Sales and Dispensing Designation” on the Municipal Marihuana Operating Permit.**

**Section 116.41 is amended to read as follows:**

(A) All signage and advertising for a medical marihuana facility shall comply with all applicable provisions of this Code and the City Zoning Ordinance. In addition, it shall be unlawful for any licensee to:

(1) Use advertising material that is misleading, deceptive or false or that is designed to appeal to minors aged 17 or younger;

(2) Advertise in a manner that is inconsistent with the medicinal use of marihuana and marihuana-infused products or use advertisements that promote medical marihuana or marihuana infused products for recreational or any use other than for medicinal purposes by patients and caregivers.

~~(B) Only one sign per street frontage, which complies with the size restrictions set forth in the City Zoning Ordinance, is permitted for a provisioning center or safety compliance center. Neon, gas lighted, and flashing signs are prohibited.~~

**Section 116.42(C)(1) is amended to read as follows, with all other provisions in Section 116.42 remaining the same.**

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 **and all “Curbside Sales and Dispensing Designated” spaces;**

**Section 116.42(C)(4) is amended to read as follows, with all other provisions in Section 116.42 remaining the same.**

All marihuana 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, **except curbside sales and dispensing is lawful with an approved “Curbside Sales and Dispensing Designation”;**

**Section 116.45(A) is amended to read as follows, with all other provisions of Section 116.45 remaining the same.**

(A) All activities of marihuana ~~commercial~~ **industrial** operations shall be conducted indoors and out of public view, except cultivation may occur in an outdoor area provided that the area is contiguous with the facility building, fully enclosed by fences or barriers that block outside visibility of the marihuana plants from public view, with no marihuana plants growing above the height of the fence or barrier and the fences are secured and only accessible to authorized persons and emergency personnel.

Section 2. The City Clerk shall publish this Ordinance or a summary of this ordinance in the Pioneer, and this Ordinance shall be effective 20 days after publication.

Yeas: Andrews, Cochran, Eppley, Simmon

Nays: Guenther

The Mayor declared the ordinance adopted.

Date: March 21, 2022

Published: Summary March 26, 2023

**ORDINANCE NO. 787-05-22**

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

**ORDINANCE ADOPTING NEW SANITATION RATES**

The City of Big Rapids Ordains:

Section 1. Title V, Section 50.12 is hereby amended and the sanitation rates for the City of Big Rapids are established according to the following schedule:

Section 2. SCHEDULE OF SANITATION RATES – Effective as follows:

**SCHEDULE  
OF MONTHLY  
SANITATION  
RATES  
Effective  
July 1, 2022**

		<b>DUMPSTER RATES</b>				
<b>FREQUENCY PER WEEK</b>	<b>CUBIC YARDS</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>6</b>	<b>8</b>
1	Base	\$51.91	\$71.10	\$79.35	\$96.95	\$112.45
	Administration	\$12.98	\$17.78	\$19.84	\$24.24	\$28.11
	<b>Total</b>	<b>\$64.89</b>	<b>\$88.88</b>	<b>\$99.19</b>	<b>\$121.19</b>	<b>\$140.56</b>
2	Base	\$103.95	\$133.88	\$149.39	\$182.36	\$212.13
	Administration	\$25.99	\$33.47	\$37.35	\$45.59	\$53.03
	<b>Total</b>	<b>\$129.94</b>	<b>\$167.35</b>	<b>\$186.74</b>	<b>\$227.95</b>	<b>\$265.16</b>
3	Base	\$153.70	\$196.81	\$220.15	\$267.77	\$311.71
	Administration	\$38.43	\$49.20	\$55.04	\$66.94	\$77.93
	<b>Total</b>	<b>\$192.13</b>	<b>\$246.01</b>	<b>\$275.19</b>	<b>\$334.71</b>	<b>\$389.64</b>
4	Base	\$235.99	\$261.93	\$288.57	\$355.54	\$411.41
	Administration	\$59.00	\$65.48	\$72.14	\$88.89	\$102.85
	<b>Total</b>	<b>\$294.99</b>	<b>\$327.41</b>	<b>\$360.71</b>	<b>\$444.43</b>	<b>\$514.26</b>
5	Base	\$278.22	\$321.87	\$359.08	\$437.77	\$511.02
	Administration	\$69.56	\$80.47	\$89.77	\$109.44	\$127.76
	<b>Total</b>	<b>\$347.78</b>	<b>\$402.34</b>	<b>\$448.85</b>	<b>\$547.21</b>	<b>\$638.78</b>
6	Base	\$332.50	\$386.23	\$432.24	\$524.52	\$609.68
	Administration	\$83.13	\$96.56	\$108.06	\$131.13	\$152.42
	<b>Total</b>	<b>\$415.63</b>	<b>\$482.79</b>	<b>\$540.30</b>	<b>\$655.65</b>	<b>\$762.10</b>
7	Base	\$384.53	\$448.39	\$502.31	\$612.44	\$710.29
	Administration	\$96.13	\$112.10	\$125.58	\$153.11	\$177.57
	<b>Total</b>	<b>\$480.66</b>	<b>\$560.49</b>	<b>\$627.89</b>	<b>\$765.55</b>	<b>\$887.86</b>

Total	\$480.66	\$560.49	\$627.89	\$765.55	\$887.86
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**COMMERCIAL**

1/2 Yard-1 Time/Week		\$9.98	(Per Cart)
Administration		\$2.50	
Total		<u>\$12.48</u>	

1 Yard-1 Time/Week		\$19.96	(Loose Pickup)
Administration		\$4.99	
Total		<u>\$24.95</u>	

Recycle – 2 Times/Month		\$12.28	(Per Cart)
Administration		\$3.07	
Total		<u>\$15.35</u>	

*Overflow Volume Rate Charge		\$16.89	Per Yard
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**RESIDENTIAL**

Trash Service		\$9.98	
Administration		\$2.50	
Total		<u>\$12.48</u>	

Cleanup		\$1.67	
Administration		\$0.42	
Total		<u>\$2.09</u>	

Curbside			
Recycle		\$3.21	
Administration		\$0.80	
Total		<u>\$4.01</u>	

Bagged Leaves/Yard Waste		\$3.22	Leaves & Yard Waste - May Purchase Bags
Administration		\$0.81	
Total		<u>\$4.03</u>	

Total Residential		\$22.61	
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Additional Cart Rentals		\$2.23	Per Sanitation Cart; Per Month
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Section 3. This Ordinance shall be effective upon publication, with the rates becoming effective on the scheduled date of July 1, 2022 accordingly.

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

Yeas: Cochran, Eppley, Guenther, Simmon

Nays: None

The Mayor declared the ordinance adopted.

Dated: May 16, 2022

Published: May 26, 2022

**ORDINANCE NO. 788-05-22**

Commissioner Eppley moved, seconded by Commissioner Cochran, the adoption of the following Ordinance:

**ORDINANCE AMENDING THE WATER RATES TITLE V,  
SECTION 54.11 OF THE  
BIG RAPIDS CODE OF ORDINANCES**

WHEREAS, the Commission of the City of Big Rapids has determined that a rate adjustment is necessary to pay the increased costs of the water system, and

WHEREAS, the Commission desires to adopt this rate adjustment one year at a time, and

NOW, THEREFORE BE IT RESOLVED, the City of Big Rapids ordains:

Section 1. Title V, Section 54.11 is hereby amended to read:

§ 54.11 WATER RATES.

Effective July 1, 2022, the rates to charge monthly for water service shall consist of a base rate without regard to usage, and a commodity charge based on water usage.

INSTITUTIONAL CUSTOMERS

<u>Meter Size</u> <u>(Inches)</u>	<u>Base Rate</u>	<u>Commodity Charge</u>
5/8	\$10.50	\$7.00 per 1,000 gallons
3/4	\$19.07	\$7.00 per 1,000 gallons
1	\$54.63	\$7.00 per 1,000 gallons
1 1/2	\$125.92	\$7.00 per 1,000 gallons
2	\$246.64	\$7.00 per 1,000 gallons
3	\$479.49	\$7.00 per 1,000 gallons
4	\$475.86	\$7.00 per 1,000 gallons
6	\$659.73	\$7.00 per 1,000 gallons

COMMERCIAL/INDUSTRIAL CUSTOMERS

<u>Meter Size</u> <u>(Inches)</u>	<u>Base Rate</u>	<u>Commodity Charge</u>
5/8	\$5.50	\$6.15 per 1,000 gallons
3/4	\$9.99	\$6.15 per 1,000 gallons
1	\$28.61	\$6.15 per 1,000 gallons
1 1/2	\$65.96	\$6.15 per 1,000 gallons
2	\$129.19	\$6.15 per 1,000 gallons
3	\$251.16	\$6.15 per 1,000 gallons
4	\$249.26	\$6.15 per 1,000 gallons

6                      \$345.57                      \$6.15 per 1,000 gallons

RESIDENTIAL CUSTOMERS

<u>Meter Size (Inches)</u>	<u>Base Rate</u>	<u>Commodity Charge</u>
5/8	\$5.50	\$6.15 per 1,000 gallons
3/4	\$5.50	\$6.15 per 1,000 gallons
1	\$5.50	\$6.15 per 1,000 gallons

Section 2: Residential customers include single family residence and rentals of 4 living units or less.

Section 3. This ordinance shall be effective upon publication.

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

Yeas: Cochran, Eppley, Guenther, Simmon

Nays: None

The Mayor declared the ordinance adopted.

Dated: May 16, 2022

Published: May 26, 2022

**ORDINANCE NO. 789-05-22**

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

**ORDINANCE AMENDING THE SEWER RATES, TITLE V,  
SECTION 54.12 OF THE BIG RAPIDS CODE OF ORDINANCES**

WHEREAS, the Commission of the City of Big Rapids has determined that a rate increase is necessary to pay the increased costs at the wastewater plant, and

WHEREAS, the Commission desires to adopt this rate adjustment one year at a time, and

NOW, THEREFORE BE IT RESOLVED, the City of Big Rapids ordains:

Section 1. Title V, Section 54.12, is hereby amended to read:

Effective July 1, 2022, the rates to charge monthly for sewer service shall consist of a base rate without regard to usage and a commodity charge based on sewer usage.

**COMMERCIAL/ INDUSTRIAL CUSTOMERS, INSTITUTIONAL CUSTOMERS**

<u>Meter size (inches)</u>	<u>Base Rate</u>	<u>Commodity Charge</u>
5/8	\$10.00	\$7.67 per 1,000 gallons
3/4	\$36.00	\$7.67 per 1,000 gallons
1	\$50.90	\$7.67 per 1,000 gallons
1 1/2	\$88.50	\$7.67 per 1,000 gallons
2	\$311.10	\$7.67 per 1,000 gallons
3	\$542.50	\$7.67 per 1,000 gallons
4	\$708.10	\$7.67 per 1,000 gallons
6	\$1,123.20	\$7.67 per 1,000 gallons

**RESIDENTIAL CUSTOMERS**

<u>Meter size (inches)</u>	<u>Base Rate</u>	<u>Commodity Charge</u>
5/8	\$10.00	\$7.67 per 1,000 gallons
3/4	\$10.00	\$7.67 per 1,000 gallons
1	\$10.00	\$7.67 per 1,000 gallons

Section 2: Residential customers include single family residence and rentals of 4 living units or less.

Township customers:

The sewer rates charged to customers in Big Rapids Township and Green Township shall be determined by the current User Charge Report.

Industrial Pretreatment Program (IPP):

Commercial, Industrial, and Institutional users shall be charged an additional amount per 1,000 gallons of use for the Industrial Pretreatment Program (IPP) as determined by the current User Charge Report.

Single customer facilities:

Sewer lift stations, facilities, or other services on the system which serve only one customer shall be individually charged the cost of that private service.

Section 3. This Ordinance shall be effective upon publication.

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

Yeas: Cochran, Eppley, Guenther, Simmon

Nays: None

The Mayor declared the ordinance adopted.

Dated: May 16, 2022

Published: May 26, 2022



**ORDINANCE NO. 790-05-22**

Commissioner Eppley moved, seconded by Commissioner Cochran, the adoption of the following Ordinance:

**ORDINANCE AMENDING SECTION 54.10, TITLE 5, CHAPTER 54 TO REDUCE THE MINIMUM NUMBER OF GALLONS CHARGED TO USERS WITHOUT A WATER METER FROM 8,000 TO 6,000 GALLONS**

WHEREAS, Section 54.10 of the Big Rapids City Code provides a special rate for each single unit dwelling receiving sewage disposal services that is not connected to the City's water system at 8,000 gallons per month, and

WHEREAS, City Staff research of the water and sewer service usage rates indicates that the estimated usage of 8,000 gallons per month for a single unit dwelling should be reduced to 6,000 gallons per month, NOW THEREFORE

The City of Big Rapids ordains:

Section 1. Section 5410(A) currently reads:

(A) The monthly charge for each single unit dwelling for sewage disposal service to users not connected with the City's water system who do not have a water meter shall be billed at the rate of 8,000 gallons of water use plus the base rate for a residential 5/8-inch meter. In multi-dwellings this special rate shall be the residential rate for 8,000 gallons of water use, multiplied by the number of units per dwelling using City sewer disposal service plus the base rate for a 5/8-inch meter. These special rates include the base rate and commodity charge for sewer service and use.

And Section 54.10 (A) is amended to read:

(A) The monthly charge for each single unit dwelling for sewage disposal service to users not connected with the City's water system who do not have a water meter shall be billed at the rate of ~~8,000~~ 6000 gallons of water use plus the base rate for a residential 5/8-inch meter. In multi-dwellings this special rate shall be the residential rate for ~~8,000~~ 6000 gallons of water use, multiplied by the number of units per dwelling using City sewer disposal service plus the base rate for a 5/8-inch meter. These special rates include the base rate and commodity charge for sewer service and use.

with all of the text in Section 54.10(B) remaining the same.

Section 2. This ordinance amendment shall be effective upon publication of the ordinance or a summary of the ordinance in the Pioneer.

Yeas: Cochran, Eppley, Guenther, Simmon

Nays: None

The Mayor declared the ordinance adopted.

Dated: May 16, 2022

Published: May 26, 2022

**ORDINANCE NO. 791-06-22**

Commissioner Cochran moved, seconded by Commissioner Simmon, the adoption of the following ordinance:

**ORDINANCE VACATING THE ALLEY BETWEEN GILBERTSON AND PEMBERTON STREETS, AND VACATING THE ALLEY BETWEEN PEMBERTON AND BRONSON STREETS**

WHEREAS, a request was made to vacate two alleys in Blocks 2 and 3 of the plat of Ives Addition, consisting of the alley running between Gilbertson and Pemberton Street, and the alley running between Pemberton and Bronson Streets, and

WHEREAS, the request to vacate the two alleys was considered by the Planning Commission after a properly noticed public hearing held on April 20, 2022, and

WHEREAS, the Planning Commission recommended that the request to vacate the two alleys be denied, NOW THEREFORE

Section 1. THE CITY OF BIG RAPIDS ORDAINS that the two alleys running between Gilbertson and Pemberton streets and Pemberton and Bronson Streets located in Blocks 2 and 3 of the plat of Ives Addition within the City of Big Rapids are vacated.

Section 2. The City Clerk is directed to publish this Ordinance in the Pioneer and record a certified copy of this Ordinance with the Register of Deeds, and the Ordinance shall be effective 20 days after publication.

Yeas: None

Nays: Cochran, Eppley, Guenther, Johnson, Simmon

The Mayor declared the ordinance **FAILED**.

Dated: June 6, 2022

Published: Did not publish – **ordinance FAILED**.

**ORDINANCE NO. 792-06-22**

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

**ORDINANCE REZONING 126 S DEKRAFFT AVENUE FROM (R-1) RESIDENTIAL TO THE (I) INDUSTRIAL ZONING DISTRICT**

WHEREAS, the Planning Commission held a public hearing on April 20, 2022, on a proposed amendment to the Zoning Ordinance and by unanimous vote recommended that the City Commission rezone 126 S. Dekrafft Avenue from (R-1) Residential District to (I) Industrial District, and

WHEREAS, the City Commission accepts the Planning Commission's recommendation to rezone 126 S. Dekrafft Avenue from (R-1) Residential to (I) Industrial,

NOW, THEREFORE,

THE CITY OF BIG RAPIDS ORDAINS:

Section 1. The property at 126 S. Dekrafft Avenue described as:

000126 S DEKRAFFT AVENUE: ROBEN'S ADDITION – LOTS  
51, 52, & 53 & THE E ½ OF THE VAC ALLEY LYING ADJAC TO THE  
W LI OF SAID LOTS

is rezoned from (R-1) Residential to the (I) Industrial zoning district.

Section 2. The Zoning Administrator is directed to amend the zoning map to reflect the rezoning.

Section 3. This ordinance shall become effective 20 days after publication.

Section 4. The Clerk is directed to publish this ordinance in the Pioneer within 15 days of adoption, with a notice describing when and where a copy of the zoning ordinance and the amended zoning map can be inspected or purchased.

Yeas: Cochran, Eppley, Guenther, Johnson, Simmon

Nays: None

The Mayor declared the ordinance adopted Date:

June 6, 2022

Published: June 9, 2022

**ORDINANCE NO. 793-06-22**

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

**ORDINANCE VACATING PART OF THE CITY’S 85-FOOT-WIDE  
UTILITY EASEMENT ON PROPERTY  
WEST OF RUST AVENUE**

WHEREAS, the City of Big Rapids holds an 85-foot-wide utility easement according to an Easement Agreement recorded at Liber 382 Pages 1174-1175 with the Mecosta County Register of Deeds, and

WHEREAS, the development and sale of lots at the end of Rust Avenue as extended will be facilitated by vacating a portion of the utility easement described and created in the Easement Agreement recorded at Liber 382 Pages 1174-1175, and

WHEREAS, the Planning Commission held a public hearing on May 18, 2022 on the proposal to vacate part of the City’s utility easement, and the Planning Commission recommended that the City Commission vacate part of the utility easement, as particularly described in drawings provided by Fleis and VandenBrink, and

WHEREAS, the vacating of any public way or ground can be accomplished by compliance with Sections 7.4 and 7.9(b) of the City Charter and the affirmative vote of at least four members of the City Commission, NOW THEREFORE

**THE CITY OF BIG RAPIDS ORDAINS**

Section 1. The land affected by the grant of this easement and right of way is located in the City of Big Rapids, County of Mecosta, State of Michigan, and is more particularly described as follows:

A parcel of land being parts of the N ½ of the NE ¼ of the NW ¼ and the N ½ of the NW ¼ of the NE ¼ of section 15, T15N, R10W, Big Rapids Township, Mecosta County, Michigan; Described as beginning at a point on the N & S ¼ line that is S00°05’27”W a distance of 657.17 feet from the North ¼ corner of said section; Thence N87°48’37”W a distance of 580.00 feet to the right bank of Mitchell Creek; Thence downstream along said right bank on the following courses and distances:

	N15° 00’00”W	120.00 feet ;
Thence	N45° 00’00”E	80.00 feet ;
Thence	N78° 00’00”E	110.00 feet ;
Thence	S82° 00’00”E	130.00 feet ;
Thence	N52° 00’00”E	210.00 feet ;
Thence	N07° 00’00”W	115.00 feet ;
Thence	N25° 00’00”E	45.00 feet ;
Thence	N65° 00’00”E	80.00 feet ;
Thence	S77° 00’00”E	90.00 feet ;
Thence	S10° 00’00”E	65.00 feet ;

Thence S75° 00'00"E 60.00 feet ;  
Thence N78° 00'00"E 240.00 feet ;  
Thence N30° 00'00"E 206.56 feet to the north line of said section; Thence S88°32'05"E along said North line 89.84 feet to the Northwest corner of the Plat of Hutchinson's Addition; Thence S00°42'37"E along the West line of said Plat 658.03 feet; Thence N88°28'15"W a distance of 518.38 feet to the point of beginning.

Section 2. The City's utility easement description from Liber 382 Pages 1174-1175 is:

PART OF THE NORTHEAST 1/4 OF SECTION 15, TOWN 15 NORTH, RANGE 10 WEST, CITY OF BIG RAPIDS, MECOSTA COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT A POINT ON THE NORTH AND SOUTH 1/4 LINE THAT IS S00°05'27"W A DISTANCE OF 657.17 FEET FROM THE NORTH 1/4 CORNER OF SAID SECTION; THENCE N00°05'27"E ALONG THE NORTH AND SOUTH 1/4 LINE 85.00 FEET; THENCE S88°28'15"E A DISTANCE OF 517.19 FEET (MEASURED 516.90 FEET) TO THE WEST LINE OF THE PLAT OF HUTCHINSON'S ADDITION; THENCE S00°42'37"E ALONG SAID WEST LINE 85.00 FEET (MEASURED S00°41'40"E); THENCE N88°28'15"W A DISTANCE OF 518.38 FEET (MEASURED N88°28'30"W 518.06') TO THE POINT OF BEGINNING.

Section 3. The portion of the City's utility easement hereby vacated and released is:

PART OF THE NORTHEAST 1/4 OF SECTION 15, TOWN 15 NORTH, RANGE 10 WEST, CITY OF BIG RAPIDS, MECOSTA COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT A POINT ON THE NORTH-SOUTH 1/4 LINE THAT IS S00°05'27"W A DISTANCE OF 572.17 FEET FROM THE NORTH 1/4 CORNER OF SAID SECTION; THENCE S88°28'15"E 436.84 FEET; THENCE S00°41'40"E 16.56 FEET; THENCE S79°00'16"E 51.65 FEET; THENCE N89°52'02"W 386.24 FEET TO SAID NORTH-SOUTH 1/4 LINE; THENCE ALONG SAID NORTH-SOUTH 1/4 LINE N00°05'27"E 37.17 FEET TO THE POINT OF BEGINNING, CONTAINING 0.31 NET ACRES OF LAND MORE OR LESS.

Section 4. The remainder of the City's utility easement area that remains in effect is:

PART OF THE NORTHEAST 1/4 OF SECTION 15, TOWN 15 NORTH, RANGE 10 WEST, CITY OF BIG RAPIDS, MECOSTA COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT A POINT ON THE NORTH-SOUTH 1/4 LINE THAT IS S00°05'27"W A DISTANCE OF 609.34 FEET FROM THE NORTH 1/4 CORNER OF SAID SECTION; THENCE S89°52'02"E 386.24 FEET; THENCE N79°00'16"E 51.65 FEET; THENCE N00°41'40"W 16.56 FEET; THENCE S88°28'15"E 80.06 FEET TO THE WEST LINE OF THE PLAT OF HUTCHINSON'S ADDITION; THENCE S00°41'40"E ALONG SAID WEST LINE 85.00 FEET; THENCE N88°28'30"W A DISTANCE OF 518.06 FEET TO SAID NORTH-SOUTH 1/4 LINE; THENCE ALONG SAID NORTH-SOUTH 1/4 LINE N00°05'27"E 47.83 FEET TO THE POINT OF BEGINNING; THE EASEMENT CONTAINS 0.69 NET ACRES OF LAND MORE OR LESS.

Section 5. The City Clerk is directed to publish this Ordinance in the Pioneer and record

a certified copy of this Ordinance with the Register of Deeds, and the Ordinance shall be effective 20 days after publication.

Yeas: Cochran, Eppley, Guenther, Johnson, Simmon

Nays: None

The Mayor declared the ordinance adopted.

Dated: June 21, 2022

Published: June 25, 2022

**ORDINANCE NO. 794-12-22**

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

**ORDINANCE AMENDING CHAPTER 130 SECTION 130.01 BY  
DELETING SUBSECTIONS (B) AND (C)**

WHEREAS, Section 130.01(A) says “No person shall assault or batter another person,” and

WHEREAS, Section 130.01(B) says “No person shall willfully molest, annoy, threaten, or frighten another person,” and

WHEREAS, Subsection 130.01(C) says “No person shall recklessly endanger the life, health, or wellbeing of another person,” and

WHEREAS, the City Attorney recommends that Section 130.01 of the City Code be amended by deleting subsections (B) and (C) because those subsections are unnecessary,

NOW, THEREFORE, THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Chapter 130 Section 130.01 reads as follows:

**130.01 OFFENSES AGAINST PERSON**

No person shall:

- (A) Assault or batter another person;
- (B) willfully molest, annoy, threaten, or frighten another person
- (C) Recklessly endanger the life, health, or well-being of another person;

Section 2. Chapter 130 Section 130.01 is amended to read as follows:

**130.01 ASSAULT AND BATTERY**

No person shall assault or batter another person.

Section 3. The City Clerk shall publish this Ordinance in the Pioneer, and this Ordinance shall be effective upon publication.

Yeas: Cochran, Eppley, Guenther, Johnson, Simmon

Nays: None

The Mayor declared the ordinance adopted.

Dated: December 19, 2022

Published: December 21, 2022