

**ORDINANCE NO. 724-07-18**

Commissioner James moved, supported by Commissioner Anderson, the adoption of the following Ordinance

**ORDINANCE REZONING 602 N. FOURTH AVENUE AND  
614 N. FOURTH AVENUE FROM INDUSTRIAL TO R-3**

WHEREAS, the Planning Commission conducted a public hearing on a request to rezone property at 602 N. Fourth Avenue, parcel #54-17-11-193-004, and 614 N. Fourth Avenue, parcel #54-17-11-193-005 from Industrial to R-3 and voted 4-0 to recommend the rezoning to the City Commission, and

WHEREAS, the rezoning from Industrial to R-3 is consistent with the Master Plan and would encourage the orderly use and development of 602 N. Fourth Avenue, #54-17-11-193-004, and 614 N. Fourth Avenue, #54-17-11-193-005, and

WHEREAS, the affected property owners within and around 602 N. Fourth Avenue, #54-17-11-193-004, and 614 N. Fourth Avenue, #54-17-11-193-005, have been given the required notice of the proposed rezoning from Industrial to R-3,

NOW, THEREFORE, THE CITY OF BIG RAPIDS ORDAINS:

Section 1. That 602 N. Fourth Avenue, #54-17-11-193-004, Grand Rapids and Indiana Railroad Company and Continental Improvement Company's Sub-Division, Blk 3, Lots 8 thru 12, and 614 N. Fourth Avenue, #54-17-11-193-005, Grand Rapids and Indiana Railroad Company and Continental Improvement Company's Sub-Division – Blk 3, Lots 13 thru 15, are rezoned from Industrial to R-3.

Section 2. The City zoning map is hereby amended to show the parcels at 602 N. Fourth Avenue, #54-17-11-193-004, and 614 N. Fourth Avenue, #54-17-11-193-005 are zoned R-3, and the City staff is directed to amend the zoning map to reflect the parcels are in the R-3 zoning district.

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: Anderson, Cochran, Eppley, Hogenson, James

Nays: None

The Mayor declared the ordinance adopted.

Dated: July 2, 2018

Published: July 9, 2018

## ORDINANCE NO. 725-07-18

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

### ORDINANCE ESTABLISHING THE HOURS OF CITY PARKS AND PROHIBITING CAMPING IN CITY PARKS

WHEREAS, the Director of Public Safety and the Park and Recreation Board recommended adoption of an ordinance that establishes the hours that City parks are open and closed, and

WHEREAS, the Department of Public Safety requested an ordinance prohibiting camping in City parks, and

WHEREAS, established City park hours of operation can be extended for special events approved and permitted by the City, and

WHEREAS, violations of these ordinance regulations will be a municipal civil infraction rather than a misdemeanor,

NOW, THEREFORE, THE CITY OF BIG RAPIDS ORDAINS:

Section 1: §92.08 City parks hours of operation; camping in City parks prohibited.

- (A) City parks shall be open to the general public from 5:00 a.m. to 10:00 p.m., and for extended hours to accommodate special events with extended Park hours approved or permitted by the Park and Recreation Board, the Director of Public Works, or the City Commission. City parks shall be closed to the general public between the hours of 10:00 p.m. and 5:00 a.m. except for extended Park hours for special events approved and permitted by the Park and Recreation Board, the Director of Public Works, or the City Commission. City parks shall be posted with signs or notices stating the operating hours of City parks.
- (B) Camping in City parks is prohibited, and any person camping in a City park shall be responsible for a municipal civil infraction with penalties as provided in Section 10.97(E).
- (C) Any person who remains in a City park after the hours the City park is open to the general public, and is not participating in a special event with extended park hours, shall be responsible for a municipal civil infraction with penalties as provided in Section 10.97(E), except any person who is traveling through a City park or along a City park trail after hours shall not be considered or cited as a person who remains in a City park after hours.

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

Yeas: Anderson, Cochran, Eppley, Hogenson, James

Nays: None

The Mayor declared the ordinance adopted.

Date: July 2, 2018

Published: July 6, 2018

**ORDINANCE NO. 726-07-18**

Commissioner James moved, seconded by Commissioner Anderson, 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 August 1, 2018, 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 (Inches)</u>	<u>Base Rate</u>	<u>Commodity Charge</u>
5/8	\$10.00	\$7.00 per 1,000 gallons
¾	\$16.80	\$7.00 per 1,000 gallons
1	\$27.67	\$7.00 per 1,000 gallons
1 ½	\$59.87	\$7.00 per 1,000 gallons
2	\$115.17	\$7.00 per 1,000 gallons
3	\$197.07	\$7.00 per 1,000 gallons
4	\$374.87	\$7.00 per 1,000 gallons
6	\$606.57	\$7.00 per 1,000 gallons

COMMERCIAL/INDUSTRIAL CUSTOMERS

<u>Meter Size (Inches)</u>	<u>Base Rate</u>	<u>Commodity Charge</u>
5/8	\$4.00	\$6.15 per 1,000 gallons
¾	\$7.23	\$6.15 per 1,000 gallons
1	\$24.84	\$6.15 per 1,000 gallons
1 ½	\$43.01	\$6.15 per 1,000 gallons
2	\$117.58	\$6.15 per 1,000 gallons
3	\$243.69	\$6.15 per 1,000 gallons
4	\$119.63	\$6.15 per 1,000 gallons
6	\$365.00	\$6.15 per 1,000 gallons

## RESIDENTIAL CUSTOMERS

<u>Meter Size (Inches)</u>	<u>Base Rate</u>	<u>Commodity Charge</u>
5/8	\$4.00	\$6.15 per 1,000 gallons
3/4	\$4.00	\$6.15 per 1,000 gallons
1	\$4.00	\$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: Anderson, Cochran, Eppley, Hogenson, James

Nays: None

Dated: July 16, 2018

Published: July 23, 2018

**ORDINANCE NO. 727-07-18**

Commissioner James moved, seconded by Commissioner Cochran, 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 August 1, 2018, 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	\$6.57	\$7.00 per 1,000 gallons
3/4	\$27.86	\$7.00 per 1,000 gallons
1	\$45.53	\$7.00 per 1,000 gallons
1 1/2	\$100.98	\$7.00 per 1,000 gallons
2	\$255.64	\$7.00 per 1,000 gallons
3	\$436.84	\$7.00 per 1,000 gallons
4	\$745.63	\$7.00 per 1,000 gallons
6	\$1,317.94	\$7.00 per 1,000 gallons

**RESIDENTIAL CUSTOMERS**

<u>Meter size (inches)</u>	<u>Base Rate</u>	<u>Commodity Charge</u>
5/8	\$6.57	\$7.00 per 1,000 gallons
3/4	\$6.57	\$7.00 per 1,000 gallons
1	\$6.57	\$7.00 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: Anderson, Cochran, Eppley, Hogenson, James

Nays: None

Dated: July 16, 2018

Published: July 23, 2018

**ORDINANCE NO. 728-08-18**

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

**ORDINANCE AMENDING SECTION 32.06 OF CHAPTER 32,  
TITLE 3 OF THE BIG RAPIDS CITY CODE TO AUTHORIZE  
THE CITY TREASURER TO CHARGE BANK FEES  
FOR DISHONORED CHECKS**

WHEREAS, bank fees or charges may be incurred by the City when checks, drafts, or orders for payments to the City are dishonored, and

WHEREAS, City staff recommends that a formal policy, resolution, or ordinance be adopted by which the City Treasurer shall impose bank fees or charges incurred by the City for dishonored checks, drafts or orders, and

WHEREAS, the City Attorney recommended adoption of an ordinance amendment authorizing and requiring the City Treasurer to charge the maker of any dishonored check, draft or order submitted to the City for payment that results in bank fees or charges to the City,

**The City of Big Rapids Ordains:**

Section 1. Section 32.06(B) is amended to read as follows.

**§32.06(B) OFFICE OF THE CITY TREASURER**

(B) The office of the City Treasurer shall be headed by the City Treasurer, who shall be responsible for the administration and performance of its functions. The City Treasurer also shall:

(1) Disburse City funds from the treasury pursuant to appropriations made by the City Commission and in conformance with applicable City administrative regulations; and

(2) Serve as or designate a deputy to serve as treasurer of all City authorities, boards, or commissions, except as otherwise provided by law;  
**and**

(3) **Administer the receipt of payments to the City, and when any check, draft or order presented to the City for payment is dishonored for any reason, the bank fee or charge imposed upon the City for the dishonored instrument shall be charged to the maker of the dishonored check, draft or order.**

Section 2. This ordinance shall be effective 20 days after publication.

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

Yeas: Anderson, Cochran, Eppley, Hogenson, James

Nays: None

The Mayor declared the ordinance adopted.

Date: August 6, 2018

Published: August 10, 2018



**ORDINANCE NO. 729-11-18**

**ORDINANCE AMENDING SANITATION RATES  
IN TITLE V SECTION 50.12 TO PROCESS RECYCLABLES**

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

WHEREAS, Republic Services has a contract with the City of Big Rapids for sanitation services, and

WHEREAS, section 34 (Unusual Changes or Costs) and section 35 (Change in Cost of Doing Business) of the sanitation contract provide for a surcharge for unforeseen increases, and

WHEREAS, the City has adopted the contracted rates for sanitation services in Title V Section 50.12 of the Code of Ordinances, and

WHEREAS, Republic Services has partnered with Kent County for all single stream recycling materials collected to be processed, and

WHEREAS, Kent County is implementing a \$70.00 per ton surcharge to process recyclables, and

WHEREAS, the \$70.00 per ton surcharge calculates to an increase of 36 cents per month in customer rates for recycle services.

**THE CITY OF BIG RAPIDS ORDAINS:**

Section 1. The portion of Title V, Section 50.12 of the SCHEDULE OF MONTHLY SANITATION RATES that sets the rates for recycle services effective July 1, 2018, is amended to read as follows, with these rates effective January 1, 2019 and all other text and provisions of Section 50.12 remaining the same.

	<u>Old Rate</u>	<u>New Rate</u>
COMMERCIAL		
Recycle- 1 Time Week	\$11.58	\$11.94 (per cart)
RESIDENTIAL		
Curbside Recycle	\$3.43	\$3.79 (per cart)

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

Section 4. This ordinance shall become effective 20 days after publication.

Yeas: Anderson, Cochran, Eppley, Hogenson, James

Nays: None

The Mayor declared the Ordinance adopted.

Date: November 5, 2018

Published: November 15, 2018

**ORDINANCE NO. 730-11-18**

Commissioner Anderson moved, supported by Commissioner Eppley, the adoption of the following ordinance.

**ORDINANCE APPROVING AND ADOPTING THE  
2018 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 2018 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: Anderson, Cochran, Eppley, Hogenson, James

Nays: None

The Mayor declared the ordinance adopted.

Dated: December 3, 2018

Published: December 7, 2018

## ORDINANCE NO. 731-01-19

Commissioner Anderson moved, supported by Commissioner James, the adoption of the following Ordinance:

### **ORDINANCE AMENDING THE BIG RAPIDS ZONING ORDINANCE TO ALLOW DAY CARE CENTERS WITH CONDITIONS IN THE R-P ZONING DISTRICT**

WHEREAS, the Planning Commission considered amendments to the Big Rapids Zoning Ordinance to allow Day Care Centers in the R-P Zoning District, and

WHEREAS, the Planning Commission conducted a public hearing on October 17, 2018, and November 28, 2018, on the text amendments that would permit day care centers in the R-P Zoning District as a conditional use, and

WHEREAS, on December 19, 2018, the Planning Commission resolved by unanimous vote to recommend adoption of a text amendment to the Big Rapids Zoning Ordinance under the Residential Professional (R/P) Zone, 3.3:2 Principle Uses, that would add Licensed Child Care Centers as a Principal use subject to the conditions of Section 11.1:28, and a text change to Chapter 2.2:23 Day Care Definitions of Child Care Center, Family Child Care Home, and Group Child Care Home.

NOW THEREFORE, the **City of Big Rapids ordains:**

Section 1. The definitions of Child Care Center, Family Child Care Home, and Group Child Care Home, are amended in Article 2 section 2.2:23 to read as follows:

2.2:23 Day **Child** Care definitions:

- (1) ~~Day Care Center – A facility, other than a private residence, receiving one (1) or more preschool or school age children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.~~

**Child Care Center - A facility, other than a private residence, receiving 1 or more children under 13 years of age for care for periods of less than 24 hours a day, where the parents or guardians are not immediately available to the child. Child care center includes a facility that provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center.**

- ~~(2) Family Day Care Home – A private home in which not more than six (6) children are received for care and supervision for a period of less than twenty-four (24) hours per day. The six (6) child limitation includes children under seven (7) years old in the resident family and shall not include more than two (2) children under one (1) year old.~~

**Family Child Care Home - a private home in which 1 but fewer than 7 minor children are received for care and supervision for compensation for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the household by blood, marriage, or adoption. Family child care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.**

~~(3) Group Day Care Home - A private home in which not less than seven (7) or more than twelve (12) children are received for care and supervision for a period of less than twenty-four (24) hours per day, and shall not include more than two (2) children under two (2) years old.~~

**Group Child Care Home - A private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the household by blood, marriage, or adoption. Group child care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.**

Section 2 Article 3, Section 3.3:2 and Article 11 Section 11.1:28 are amended to add the following text:

3.3:2 Principal Uses and Structures:

**Licensed Child Care Centers, subject to the conditions of Section 11.1:28**

11.1:28 **Child Care Centers shall be permitted within the R-P Residential-Professional District with conditions. To ensure general compatibility with character and design in surrounding residential neighborhoods, such uses shall be subject to the following conditions:**

**(1) Drop-off Facilities - The proposed design shall include designated safe drop-off facilities.**

**(2) Pedestrian Circulation - The proposed design shall be designed and scaled to ensure safe and efficient pedestrian circulation over the entire site and shall provide appropriate connections to the neighborhood pedestrian circulation system.**

**(3) Exterior Finish Materials - The color and texture of the material shall be compatible with residential structures in the surrounding area.**

**(4) Massing - The proposed design shall show consideration of the context in which the building is to be placed with respect to the nearby visual environment. The proposed design shall show consideration of surrounding buildings with regards to the proportion, height, scale, and placement of structures on the site.**

**(5) Relation to the Street - Walls facing a public street shall include windows and architectural features customarily found on the front façade of a building in the area, such as awnings, corning work, edge detailing or decorative finish materials. Doorways shall be directly accessible from public sidewalks.**

**(6) Parking – Parking areas shall be located at the back or side of the proposed building. Off-street parking requirements for child care centers shall be: 1 for each staff member.**

Section 3. The following sections in Articles 3, 5, and 11 referencing child care facilities are amended to read as follows:

3.3:2 Licensed Family ~~Day~~ **Child** Care.

3.4:2 Licensed Family ~~Day~~ **Child** Care Home.

3.5:2 (2) Licensed Group ~~Day~~ **Child** Care Home/~~Day~~ **Child** Care Center, subject to the conditions of Section 11.1:8.

(8) Licensed Family ~~Day~~ **Child** Care Home.

3.6:2 (3) Licensed Group ~~Day~~ **Child** Care Homes and ~~Day~~ **Child** Care Centers.

(10) Licensed Family ~~Day~~ **Child** Care Home.

3.8:2 (3) Group ~~Day~~ **Child** Care Home/~~Day~~ **Child** Care Centers having not more than four (4) adults in a supervisory capacity over not more than twenty-five (25) children of the age of eight (8) years of less, and further subject to the conditions of Section 11.1:8.

3.10:2 (2) (f) ~~Day~~ **Child** Care Center

5:2:1 ~~Day~~ **Child** Care Homes

11.1:8 Group ~~Day~~ **Child** Care Home – A group ~~day~~ **child** care home is permitted in the R-2 zone when the following conditions are met:

(1) The group ~~day~~ **child** care home is located a minimum of 500 feet from any other licensed group ~~day~~ **child** care facility.

(2) The minimum lot size of any group ~~day~~ **child** care home shall be 10,500 sq. ft.

Section 4. The ordinance shall be effective 20 days after publication.

Section 5. The City Clerk is directed to publish this ordinance in the Pioneer.

Yeas: Anderson, Cochran, Eppley, Hogenson, James

Nays: None

The Mayor declared the ordinance adopted.

Date: January 22, 2019

Published: January 25, 2019

**ORDINANCE NO. 732-01-19**

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

**ORDINANCE REPEALING SECTIONS 130.02(O) AND 130.02(P) OF THE BIG RAPIDS CITY CODE REGARDING THE POSSESSION, USE AND SALE OF MARIJUANA AND MARIJUANA LOOK ALIKE SUBSTANCE**

WHEREAS, the voter initiated law approved at the election of November 6, 2018 declared that the possession of marijuana was no longer unlawful in Michigan, and

WHEREAS, Section 130.02(O) and Section 130.02(P) of the Big Rapids City Code prohibit the possession and sale of marijuana or a substance that looks like marijuana and is sold or distributed as marijuana, and

WHEREAS, The City Code should be updated by repealing Sections 130.02(O) and (P) to be consistent with state law,

NOW, THEREFORE, THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Sections 130.02(O) and 130.02(P) of the Big Rapids City Code are repealed.

Section 2. The City Clerk shall publish this ordinance in the Pioneer.

Section 3. This ordinance shall be effective upon publication.

Yeas: Anderson, Cochran, Eppley, Hogenson, James

Nays: None

The Mayor declared the ordinance adopted.

Date: January 22, 2019

Published: January 25, 2019

**ORDINANCE NO. 733-03-19**

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

**ORDINANCE AMENDING SECTION 1, TITLE 3, CHAPTER 33, SECTION 33.83(a),  
TO CHANGE THE MEETING DAY OF THE COMPENSATION COMMISSION**

WHEREAS, the Compensation Commission meets in each odd-numbered year to determine the salary and expense allowances or reimbursement of each elected official of the City of Big Rapids, and

WHEREAS, per City's ordinance 653-1-13 the organizational meeting is set for the **first** Tuesday in May, which is always on election day.

THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Title 3, Chapter 33, Section 33.83(a) is amended to read:

**§ 33.83 MEETINGS OF COMPENSATION COMMISSION**

(a) The Compensation Commission shall meet for at least one and not more than fifteen sessions days in each odd-numbered year, with an organizational meeting on the ~~first~~**second** Tuesday in May.

Section 2. This ordinance shall be effective upon publication.

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

Yeas: Anderson, Cochran, Eppley, Hogenson, James

Nays: None

The Mayor declared the ordinance adopted.

Date: March 4, 2019

Published: March 7, 2019

**ORDINANCE NO. 734-03-19**

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

**ORDINANCE PROHIBITING THE POSSESSION OF MARIHUANA BY MINORS**

WHEREAS, the voter initiated law on marihuana was approved by the voters in the election on November 6<sup>th</sup>, 2018, effective December 6, 2018, and

WHEREAS, the City Commission repealed City Code Section 130.02(O), and

WHEREAS, the City Attorney recommended adoption of new City Code provisions as allowed by the voter initiated law to prohibit the possession of marihuana by minors,

NOW, THEREFORE, THE CITY OF BIG RAPIDS ORDAINS:

Section 1. The following ordinance is adopted in Title 13, Chapter 130, Section 130.02(O).

130.02 No person shall:

(O) Possess, consume, purchase, obtain, process, transport or sell up to 2.5 ounces of marihuana, or cultivate up to 12 marihuana plants, while under 21 years of age.

Penalty:

(a) for a first violation, a civil infraction punishable as follows:

(1) if the person is less than 18 years of age, by a fine of not more than \$100 or community service, forfeiture of the marihuana, and completion of 4 hours of drug education or counseling; or

(2) if the person is at least 18 years of age, by a fine of not more than \$100 and forfeiture of the marihuana.

(b) for a second violation, a civil infraction punishable as follows:

(1) if the person is less than 18 years of age, by a fine of not more than \$500 or community service, forfeiture of the marihuana, and completion of 8 hours of drug education or counseling; or

(2) if the person is at least 18 years of age, by a fine of not more than \$500 and forfeiture of the marihuana.

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

Yeas: Anderson, Cochran, Eppley, Hogenson, James

Nays: None

The Mayor declared the ordinance adopted.

Date: March 18, 2019

Published: March 29, 2019



**ORDINANCE NO. 735-03-19**

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

**ORDINANCE PROHIBITING THE CONSUMPTION OF MARIHUANA IN PUBLIC**

WHEREAS, the voter initiated law on marihuana was approved by the voters in the election on November 6<sup>th</sup>, 2018, effective December 6, 2018, and

WHEREAS, the voter initiated law provides in part that:

Sec. 4. 1. This act does not authorize:

(c) any person under the age of 21 to possess, consume, purchase or otherwise obtain, cultivate, process, transport, or sell marihuana;

(e) consuming marihuana in a public place or smoking marihuana where prohibited by the person who owns, occupies, or manages the property; and

WHEREAS, the City Commission repealed City Code Section 130.02(O) which prohibited the possession of marijuana, and

WHEREAS, the City Attorney recommended adoption of a new City Code provision as allowed by the voter initiated law to prohibit the consumption of marihuana in public,

NOW, THEREFORE, THE CITY OF BIG RAPIDS ORDAINS:

Section 1. The following ordinance is adopted in Title 13, Chapter 130, Section 130.02(P).

130.02 No person shall:

(P) Consume marihuana by smoking or any other means in a public place, including public streets, parks, sidewalks, alleys, parking lots, and public facilities, buildings, and grounds.

Penalty:

(a) for a first violation, a civil infraction punishable by a fine of not more than \$100 or community service and forfeiture of the marihuana, and

(b) for a second violation, a civil infraction punishable by a fine of not more than \$500 and forfeiture of the marihuana.

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

Yeas: Cochran, Eppley, Hogenson, James

Nays: Anderson

The Mayor declared the ordinance adopted.

Date: March 18, 2019

Published: March 29, 2019

**ORDINANCE NO. 736-04-01**

Commissioner \_\_\_\_\_ moved, supported by Commissioner \_\_\_\_\_, the adoption of the following Ordinance.

**ORDINANCE AMENDING SECTION 3.3:2 PRINCIPAL USES IN THE  
RESIDENTIAL-PROFESSIONAL (R-P) DISTRICT TO ADD LICENSED GROUP CHILD CARE  
HOME AS A PRINCIPAL USE**

WHEREAS, the Planning Commission recommended a text amendment to allow Child Care Centers as a permitted Principal Use in the R-P District, and

WHEREAS, several residents and child care experts came to the City Commission meeting to encourage the City to do more to help expand child care in the community, and

WHEREAS, the City Commission accepts the Planning Commission's recommendation to allow Child Care Centers as a permitted Principal Use in the R-P District, NOW THEREFORE

**THE CITY OF BIG RAPIDS ORDAINS:**

Section 1. Section 3.3:2 is amended by adding to the listed permitted Principal Uses and Structures with all other text in Section 3.3:2 remaining the same.

**Licensed Group Child Care Home.**

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

Yeas: Anderson, Cochran, Eppley, Hogenson, James

Nays: None

The Mayor declared the ordinance adopted.

Date: April 1, 2019

Published: April 4, 2019

**ORDINANCE NO. 737-04-01**

Commissioner \_\_\_\_\_ moved, supported by Commissioner \_\_\_\_\_, the adoption of the following Ordinance.

**ORDINANCE AMENDING SECTION 3.12:2 PRINCIPAL USES IN THE INDUSTRIAL DISTRICT TO ADD LICENSED CHILD CARE CENTERS AS A PRINCIPAL USE**

WHEREAS, the Planning Commission recommended a text amendment to allow Child Care Centers as a Principal Use in the Industrial District, and

WHEREAS, several residents and child care experts came to the City Commission meeting to encourage the City to do more to help expand child care in the community, and

WHEREAS, the City Commission accepts the Planning Commission's recommendation to allow Child Care Centers as a permitted Principal Use in the Industrial District, NOW THEREFORE

THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Section 3.12:2 Permitted Uses is amended by adding the following text, with all other text in Section 3.12:2 remaining the same.

**8. Licensed Child Care Centers**

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

Yeas: Anderson, Cochran, Eppley, Hogenson, James

Nays: None

The Mayor declared the ordinance adopted.

Date: April 1, 2019

Published: April 4, 2019

## ORDINANCE NO. 738-05-19

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

### ORDINANCE AMENDING ARTICLES 2 AND 3 OF THE BIG RAPIDS ZONING ORDINANCE TO DEFINE AND PERMIT NEW ECONOMY TYPE BUSINESSES

WHEREAS, the Planning Commission considered amendments to the Big Rapids Zoning Ordinance to allow New Economy Type Businesses in several Zoning Districts, and

WHEREAS, the Planning Commission conducted a public hearing on May 15, 2019, on the text amendments that would permit New Economy Type Businesses in the C-1 and C-2 Commercial Districts and the Industrial Zoning District, and

WHEREAS, on May 15, 2019, the Planning Commission resolved by unanimous vote to recommend adoption of a text amendment to the Big Rapids Zoning Ordinance Definitions that would add Arts and Crafts Studios, Catering Services, Indoor Recreation Areas, Microbreweries, Brewpubs, Craft Distilleries, Small Wineries and Scientific, Engineering, and Medical Research and Development Laboratories as Principal Uses subject to the conditions of Article 3 District Regulations, and text changes to Sections 3.9:2, 3.9:10, and 3.12:2 District Regulations.

NOW THEREFORE, the **City of Big Rapids ordains:**

Section 1. The definitions of New Economy Type Businesses are added to Article 2 to read as follows:

- 2.2:80 **Arts and Crafts Studios** – A building used for the production, display, and sale of works of arts and crafts. Such an establishment must be open to the public, either by appointment and/or on a periodic open studio basis. Arts and Crafts Studios may engage in incidental sales of goods made on site.
- 2.2:81 **Catering Services** – Facility for preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption.
- 2.2:82 **Indoor Recreation Establishments** – An establishment which provides indoor exercise and/or indoor court and field sports facilities, and which may include spectator seating in conjunction with the sports facilities such as skating rinks, swimming pools, indoor golf facilities, pool or billiard halls, and bowling alleys. Auditoriums and stadiums are not included.
- 2.2:83 **Licensed Alcohol Manufacturing Establishments** – An establishment obtaining a Michigan alcohol manufacturing license such as brewer, brewpub, wine maker, and small distiller.
- 2.2:84 **Microbrewery** – An establishment obtaining a Michigan micro brewer permit manufacturing up to 30,000 barrels of beer annually (including production in any out-of-state facilities). Micro Brewers may sell beer to licensed wholesalers and may not sell beer directly to licensed retailers. Micro Brewers may sell beer at their brewery to consumers for on & off-

premise consumption without an additional license. A Micro Brewer may permit sampling of beer on the brewery premises.

2.2:85 **Brewpub** – An establishment obtaining a Michigan brewpub permit manufacturing up to 5,000 barrels of beer annually. A Brewpub must also hold an on premise license (Class C, Tavern, A-Hotel, B-Hotel, or Resort). A Brewpub must operate a full-service restaurant with at least 25% of gross sales from non-alcoholic items. Brewpubs may not sell their beer to wholesalers or retailers. Brewpubs may sell their beer to consumers for on-premises consumption or take-out.

2.2:86 **Small Winery** – An establishment obtaining a Michigan small wine maker permit manufacturing up to 50,000 gallons of wine per year (including production at all licensed winery facilities). Small Wine Makers may sell directly to wholesalers, to licensed retailers, or to consumers for off-premise consumption. Small Wine Makers may sell wine to consumers for on premise consumption from a restaurant on the winery premises.

2.2:87 **Small Distillery** – An establishment obtaining a Michigan small distiller permit manufacturing up to 60,000 gallons of spirits and brandy (of all brands combined). Small Distillers may sell spirits to consumers at the manufacturing premises for on premise or off-premise consumption. Small Distillers may provide free samples to consumers on the manufacturing premises. Small Distillers may not sell directly to retailers but may sell spirit products to the Commission.

2.2:88 **Scientific, Engineering, and Medical Research and Development Laboratories** – Establishments primarily engaged in the research, development, and controlled production of high-technology electronic, industrial, or scientific products or commodities for sale, but excludes uses that may be objectionable as determined by the Zoning Administrator, by reason of production of offensive odor, dust, noise, vibration, or storage of or risk associated with hazardous materials. Uses include biotechnology firms, metallurgy, optical, pharmaceutical and X-ray research, data processing, and non-toxic computer component manufacturers.

Section 2 Article 3, Section 3.9:2 is amended to add the following text as permitted principal uses and structures in the C-1 District:

3.9:2 (2)(d) ~~and other similar establishments~~ **Indoor recreation establishments**

3.9:2 (2)(e) **and other similar establishments**

Section 3 Article 3, Section 3.10:2 is amended to add the following text as permitted principal uses and structures in the C-2 District:

3.10:2 (2)(t) ~~Other similar establishments~~ **Indoor recreation establishments**

3.10:2 (2)(u) **Arts and crafts studios**

3.10:2 (2)(v) **Licensed microbreweries, brewpubs, small distilleries, and small wineries**

3.10:2 (2)(w) **and other similar establishments**

3.10:2 (3)(h) ~~and other similar establishments~~ **Catering services**

3.10:2 (3)(j) **and other similar establishments**

Section 4 Article 3, Section 3.12:2 is amended to add the following text as permitted principal uses in the Industrial District:

- 3.12:2 (8) **Indoor recreation establishments**
- 3.12:2 (9) **Arts and crafts studios**
- 3.12:2 (10) **Catering services**
- 3.12:2 (11) **Licensed alcohol manufacturing establishments**
- 3.12:2 (12) **Scientific, engineering, and medical research and development laboratories**

Section 4. The ordinance shall be effective 20 days after publication.

Section 5. The City Clerk is directed to publish this ordinance in the Pioneer.

Yeas: Anderson, Cochran, Eppley, Hogenson, James

Nays: None

The Mayor declared the ordinance adopted.

Date: May 20, 2019

Published: May 22, 2019

**ORDINANCE NO. 739-05-19**

Commissioner Anderson 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, 2019, 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
¾	\$19.57	\$7.00 per 1,000 gallons
1	\$56.03	\$7.00 per 1,000 gallons
1 ½	\$117.05	\$7.00 per 1,000 gallons
2	\$306.91	\$7.00 per 1,000 gallons
3	\$544.60	\$7.00 per 1,000 gallons
4	\$497.48	\$7.00 per 1,000 gallons
6	\$1,086.32	\$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	\$5.00	\$6.15 per 1,000 gallons
¾	\$9.78	\$6.15 per 1,000 gallons
1	\$28.02	\$6.15 per 1,000 gallons
1 ½	\$58.53	\$6.15 per 1,000 gallons
2	\$153.46	\$6.15 per 1,000 gallons
3	\$272.30	\$6.15 per 1,000 gallons
4	\$248.74	\$6.15 per 1,000 gallons
6	\$543.16	\$6.15 per 1,000 gallons

## RESIDENTIAL CUSTOMERS

<u>Meter Size (Inches)</u>	<u>Base Rate</u>	<u>Commodity Charge</u>
5/8	\$5.00	\$6.15 per 1,000 gallons
¾	\$5.00	\$6.15 per 1,000 gallons
1	\$5.00	\$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: Anderson, Cochran, Eppley, Hogenson, James

Nays: None

The Mayor declared the ordinance adopted.

Date: May 20, 2019

Published: May 23, 2019



**ORDINANCE NO. 740-05-19**

Commissioner Cochran moved, seconded by Commissioner Anderson, 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, 2019, 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	\$7.57	\$7.00 per 1,000 gallons
3/4	\$30.89	\$7.00 per 1,000 gallons
1	\$48.98	\$7.00 per 1,000 gallons
1 1/2	\$104.01	\$7.00 per 1,000 gallons
2	\$279.79	\$7.00 per 1,000 gallons
3	\$480.17	\$7.00 per 1,000 gallons
4	\$778.35	\$7.00 per 1,000 gallons
6	\$1,351.47	\$7.00 per 1,000 gallons

**RESIDENTIAL CUSTOMERS**

<u>Meter size (inches)</u>	<u>Base Rate</u>	<u>Commodity Charge</u>
5/8	\$7.57	\$7.00 per 1,000 gallons
3/4	\$7.57	\$7.00 per 1,000 gallons
1	\$7.57	\$7.00 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: Anderson, Cochran, Eppley, Hogenson, James

Nays: None

The Mayor declared the ordinance adopted.

Date: May 20, 2019

Published: May 23, 2019

**ORDINANCE NO. 741-06-19**

Commissioner Eppley moved, seconded by Commissioner Anderson, 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, 2019**

		<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	\$47.85	\$65.55	\$73.15	\$89.37	\$103.66
	Administration	\$11.96	\$16.39	\$18.29	\$22.34	\$25.92
	<b>Total</b>	<b>\$59.81</b>	<b>\$81.94</b>	<b>\$91.44</b>	<b>\$111.71</b>	<b>\$129.58</b>
2	Base	\$95.82	\$123.42	\$137.71	\$168.11	\$195.54
	Administration	\$23.96	\$30.86	\$34.43	\$42.03	\$48.89
	<b>Total</b>	<b>\$119.78</b>	<b>\$154.28</b>	<b>\$172.14</b>	<b>\$210.14</b>	<b>\$244.43</b>
3	Base	\$141.69	\$181.42	\$202.95	\$246.84	\$287.35
	Administration	\$35.42	\$45.36	\$50.74	\$61.71	\$71.84
	<b>Total</b>	<b>\$177.11</b>	<b>\$226.78</b>	<b>\$253.69</b>	<b>\$308.55</b>	<b>\$359.19</b>
4	Base	\$217.54	\$241.46	\$266.01	\$327.75	\$379.25
	Administration	\$54.39	\$60.37	\$66.50	\$81.94	\$94.81
	<b>Total</b>	<b>\$271.93</b>	<b>\$301.83</b>	<b>\$332.51</b>	<b>\$409.69</b>	<b>\$474.06</b>
5	Base	\$256.47	\$296.72	\$331.02	\$403.55	\$471.08
	Administration	\$64.12	\$74.18	\$82.76	\$100.89	\$117.77
	<b>Total</b>	<b>\$320.59</b>	<b>\$370.90</b>	<b>\$413.78</b>	<b>\$504.44</b>	<b>\$588.85</b>
6	Base	\$306.51	\$356.04	\$398.45	\$483.52	\$562.02
	Administration	\$76.63	\$89.01	\$99.61	\$120.88	\$140.51
	<b>Total</b>	<b>\$383.14</b>	<b>\$445.05</b>	<b>\$498.06</b>	<b>\$604.40</b>	<b>\$702.53</b>

	Base	\$354.47	\$413.34	\$463.06	\$564.57	\$654.77
7	Administration	\$88.62	\$103.34	\$115.77	\$141.14	\$163.69
	Total	\$443.09	\$516.68	\$578.83	\$705.71	\$818.46

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**COMMERCIAL**

1/2 Yard-1 Time/Week	\$9.20	(Per Cart)
Administration	\$2.30	
Total	\$11.50	

1 Yard-1 Time/Week	\$18.40	(Loose Pickup)
Administration	\$4.60	
Total	\$23.00	

Recycle – 2 Times/Month	\$11.33	(Per Cart)
Administration	\$2.83	
Total	\$14.16	

\*Overflow Volume Rate Charge \$16.00 Per Yard

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**RESIDENTIAL**

Trash Service	\$9.20
Cleanup	\$1.54
Curbside Recycle	\$2.96
Bagged Leaves/Yard Waste	\$2.97
	\$16.67
Administration	\$4.17
Total Residential	\$20.84

Additional Cart Rentals \$2.06 Per 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, 2019 accordingly.

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

Yeas: Anderson, Cochran, Eppley, Hogenson, James

Nays: None

The Mayor declared the ordinance adopted.

Dated: June 3, 2019

Published: June 7, 2019

**ORDINANCE NO. 742-06-19**

Commissioner Eppley moved, supported by Commissioner Anderson the adoption of the following Ordinance:

**ORDINANCE VACATING TWO ALLEYS IN THE PLAT OF  
ROBEN'S ADDITION TO THE CITY OF BIG RAPIDS**

WHEREAS, Ferris State University requested that the City vacate two sections of alley in the Plat of Roben's Addition to the City of Big Rapids where FSU buildings are constructed, and more buildings will be constructed, and

WHEREAS, the City Commission by Resolution directed the Planning Commission to solicit public input on this matter and offer a recommendation, and

WHEREAS, the Planning Commission conducted a public hearing on the vacation of the alleys located in Roben's Addition and recommended the vacation of two sections of alley,

NOW, THEREFORE, THE CITY OF BIG RAPIDS ORDAINS:

Section 1. The following described alleys in the City of Big Rapids, Mecosta County, ARE HEREBY VACATED:

The alley that lies adjacent to the southerly side of Lots 1 (one) through 10 (ten) and adjacent to the northerly side of Lots 12 (twelve) through 19 (nineteen), Roben's Addition to the City of Big Rapids, T15N-R10W Big Rapids Township, Mecosta County, Michigan, and

the alley lying directly South of Lot 28 of Roben's Addition to the City of Big Rapids, described as Beginning at the SE corner of said lot 28 thence South parallel with the East line of said lot 28 to the South line of Roben's Addition, Thence West along the South line of Roben's Addition to the East Line of Vacated Howard Street as described in Resolution 5898 of the City of Big Rapids as adopted 9-16-1974, Thence North along said East line of Howard Street to the SW corner of Lot 28, Thence East along the South line of said lot 28 to the point of beginning, all located in Roben's Addition to the City of Big Rapids, T15N-R10W Big Rapids Township, Mecosta County, Michigan,

which are illustrated on the attached drawing.

Section 2. The City Clerk is hereby directed to publish this Ordinance in THE PIONEER and record the ordinance with the Mecosta County Register of Deeds and file a copy of the Ordinance with the Michigan Department of Energy, Labor, and Economic Growth.

Section 3. This ordinance shall become effective immediately upon publication.

Yeas: Anderson, Cochran, Eppley, Hogenson, James

Nays: None

The Mayor declared the ordinance adopted.

Dated: June 17, 2019

Published: June 20, 2019

**ORDINANCE NO. 743-07-19**

Commissioner Cochran moved, supported by Commissioner Anderson, the adoption of the following Ordinance:

**ORDINANCE AMENDING SECTION 92.07 OF THE CITY OF BIG RAPIDS CODE  
OF ORDINANCE TO PROHIBIT SMOKING IN FITNESS PARK**

WHEREAS, the City adopted an ordinance on June 3, 2013, prohibiting smoking in designated City parks and public grounds, and

WHEREAS, a request was made by Spectrum Health and the Rotary Club to include the Fitness Court facility in Rotary Park on the list of areas designated as non-smoking, and

WHEREAS, the Park and Recreation Board approved the request to include the Fitness Court facility as a location where smoking is prohibited,

NOW THEREFORE, the City of Big Rapids ordains:

Section 1. The list of designated City park buildings, playgrounds, areas or public grounds where smoking is prohibited in Section 92:07 is amended to read as follows:

(A) Definition. For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning:

SMOKING or SMOKE. The act of carrying or holding a lighted cigar, cigarette, pipe, or other lighted smoking device by any person.

(B) Prohibition.

- (1) A person shall not smoke in designated City park buildings, playgrounds, areas, or public grounds, which are:
  - (a) Playscape in Hemlock Park;
  - (b) Playground in Linden Street Park;
  - (c) Playground in Northend Park;
  - (d) Playground on Big Rapids Community Library grounds; **and**
  - (e) **Fitness Court facility in Rotary Park.**

- (2) No person shall smoke within 15 feet of any of the designated City park buildings, playgrounds, areas, or public grounds.

(C) Posting. Designated areas in which smoking is prohibited by this section shall be posted with conspicuous signs.

(D) Violations and penalties. A person who violates this section shall be subject to:

- (1) Being asked to stop smoking in a designated place in which smoking is prohibited; and
- (2) Being asked to leave the designated place in which smoking is prohibited; and

(3) Being cited for a municipal civil infraction and punished according to §10.97.

Section 2. The ordinance shall be effective 20 days after publication.

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

Yeas: Anderson, Cochran, Eppley, Hogenson, James

Nays: None

The Mayor declared the ordinance adopted.

Date: July 1, 2019

Published: July 5, 2019

## ORDINANCE NO. 744-07-19

Commissioner Anderson moved, supported by Commissioner Eppley, the adoption of the following Ordinance:

### ORDINANCE AMENDING CITY CODE SECTION 90.37 ON CONSUMER FIREWORKS TO CORRESPOND WITH STATE LAW

WHEREAS, the City of Big Rapids prohibits the discharge of consumer fireworks in Title IX, Chapter 90, Section 90.37 as authorized by state law, and

WHEREAS, the Michigan Fireworks Safety Act, MCL 28.451, was amended by the Michigan Legislature to modify the days and hours when municipalities can prohibit the discharge of consumer fireworks, and

WHEREAS, the City Attorney recommends an amendment of Section 90.37 to correspond with state law,

NOW THEREFORE, the City of Big Rapids ordains:

Section 1. Section 90.37 is amended to read as follows:

(A) Definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates a different meaning.

**ACT.** The Michigan Fireworks Safety Act, MCL 28.451 et seq.

**CONSUMER FIREWORKS.** Fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR parts 1500 and 1507, and that are listed in APA Standard 87-1, 3.1.2, 3.1.3, or 3.5. CONSUMER FIREWORKS do not include low-impact fireworks.

**LOW-IMPACT FIREWORKS.** Ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.

~~NATIONAL HOLIDAY. New Year's Day, Martin Luther King, Jr.'s birthday, President's Day (also referred to as Washington's birthday), Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, and Christmas Day.~~

(B) Prohibitions. A person shall not ignite, discharge, or use consumer fireworks within the City, ~~except as provided below.~~ **this ordinance does not prohibit the ignition, discharge, or use of consumer fireworks on the following days after 11 am:**

- (a) December 31 until 1 am on January 1.
- (b) The Saturday and Sunday immediately preceding Memorial Day until 11:45 pm on each of those days.
- (c) June 29 to July 4 until 11:45 pm on each of those days.
- (d) July 5, if that date is a Friday or Saturday, until 11:45 pm.
- (e) The Saturday and Sunday immediately preceding Labor Day until 11:45 pm on each of those days.



~~(C) A person may ignite, discharge or use consumer fireworks within the City on the day preceding, the day of, and the day after a national holiday, but not between the hours of 1:00 am and 8:00 am.~~

~~(CD) A person shall not ignite, discharge or use consumer fireworks on public property, school property, church property, or the property of another person without that organization's or person's express permission to use those fireworks on those premises.~~

~~(DE) A person shall not use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor, or controlled substance, or a combination thereof.~~

~~(EF) A person shall not recklessly endanger the life, health, safety, or property of another person by the ignition, discharge, or use of consumer fireworks.~~

~~(FG) Violations and penalties. A violation of this ordinance shall be a municipal civil infraction, punishable by a fine of not more than \$500 for each violation of this section.~~  
**A violation of this ordinance shall be a municipal civil infraction with a fine of \$1000 for each violation of the ordinance and no other fine or sanction. \$500 of the fine collected under this ordinance shall be remitted to the local law enforcement agency responsible for enforcing the ordinance, which is the Big Rapids Department of Public Safety.**

Section 2. The ordinance shall be effective 20 days after publication.

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

Yeas: Anderson, Cochran, Eppley, Hogenson, James

Nays: None

The Mayor declared the ordinance adopted.

Date: July 15, 2019

Published: July 19, 2019

**ORDINANCE NO. 745-08-19**

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

**ORDINANCE AMENDING THE BIG RAPIDS ZONING ORDINANCE TERMINOLOGY TO CHANGE CONDITIONAL USE TO SPECIAL LAND USE**

WHEREAS, the Planning Commission approved changes in terminology at the meeting held on July 17, 2019, that would update “conditional use” to “special land use” in the Big Rapids Zoning Ordinance, and

WHEREAS, the Planning Commission recommended that the City Commission adopt an ordinance amending the Zoning Ordinance by changing “conditional use” to “special land use.”

NOW THEREFORE, the **City of Big Rapids ordains:**

Section 1. The terminology of the Big Rapids Zoning Ordinance is amended in the Table of Contents and Articles 2, 3, 6, 7, 10, 11, 13, and 14 to read as follows:

Table of Contents

10 ~~Conditional~~ **Special Land** Use Permits

Article 2 – Definitions

2.2:20 ~~Conditional~~ **Special Land** Use – A ~~conditional~~ **special land** use is a use permitted in any given zone when such use is specified in Article 11 and only after review of the application for such use by the Planning Commission to assure that all specified conditions are met and approved by the City Commission.

2.2:58 Planning Commission – A board appointed by the City Commission to assist in the administration of this Ordinance. Duties of the Planning Commission include development and administration of this Ordinance, consideration of amendment of this Ordinance text or map, ~~or~~ for a ~~conditional~~ **special land** use permit request, and review of site plans.

Article 3 – District Regulations

3.2:2 Uses are permitted by right only if specifically listed as Uses Permitted by Right in the various zoning districts. Accessory uses are permitted as indicated for in the various zoning districts, and if such uses are clearly incidental to the permitted principal uses. ~~Conditional~~ **Special land** uses are permitted as listed and if the required conditions are met.

3.3:6 ~~Conditional~~ **Special Land** Uses:

3.4:6 ~~Conditional~~ **Special Land** Uses:  
The following uses are permitted subject to issuance of a ~~Conditional~~ **Special Land** Use Permit and subject to the conditions in Article 11:

3.5:6 ~~Conditional~~ **Special Land** Uses:  
The following uses are permitted subject to issuance of a ~~Conditional~~ **Special Land** Use Permit and subject to the conditions in Article 11:

- 3.6:1 Purpose:  
The R-3 The R-3 District is established to provide areas of higher density of residential development than is permitted in the R-1 and R-2 Districts. Regulations include uses permitted in the R-1 and R-2 Districts plus a single multiple-family dwelling and office structures are permitted uses. Two (2) or more multiple-family dwellings are allowed as a ~~Conditional~~ **Special Land Use**. Services, facilities and uses incidental or accessory to multiple-family dwellings are included. It is not intended to permit commercial, industrial or similar uses except as authorized by this Ordinance. In the R-3 Residential District no building or premises shall be used and no building shall be hereafter erected or altered, unless otherwise provided in this Ordinance, except for one or more of the following uses:
- 3.6:2 (2) Multiple-family dwellings. (Two or more multiple family dwellings on a single lot are regulated as a ~~Conditional~~ **Special Land Use** in this District.
- 3.6:6 ~~Conditional~~ **Special Land Uses:**  
The following uses are permitted subject to issuance of a ~~Conditional~~ **Special Land Use Permit** and subject to the conditions in Article 11:
- 3.8:1 Purpose:  
The “RR” District is established to provide for areas of transitional use between emerging commercial uses and established residential districts. The regulations include certain uses permitted in the Residential Districts such as multiple-family dwellings, duplexes and single-family homes, as well as uses permitted in certain commercial districts as ~~conditional~~ **special land uses**. Services, facilities and uses incidental or accessory to permitted uses are included. It is not intended to permit commercial or industrial uses defined in the Ordinance, except as authorized by this Ordinance. In the “RR” Restricted Residential District, no building or premises shall be used and no building shall be hereafter erected or altered unless otherwise provided in this Ordinance except for one or more of the following uses and subject to the following conditions and limitations.
- 3.8:6 ~~Conditional~~ **Special Land Uses:**  
The following uses are permitted subject to issuance of a ~~Conditional~~ **Special Land Use Permit** and subject to the conditions in Article 11:
- 3.9:6 ~~Conditional~~ **Special Land Uses:**  
The following uses are permitted subject to issuance of a ~~Conditional~~ **Special Land Use Permit** and subject to the conditions in Article 11:
- 3.10:6 ~~Conditional~~ **Special Land Uses:**  
The following uses are permitted subject to issuance of a ~~Conditional~~ **Special Land Use Permit** and subject to the conditions in Article 11:
- 3.11:6 ~~Conditional~~ **Special Land Uses:**  
The following uses are permitted subject to issuance of a ~~Conditional~~ **Special Land Use Permit** and subject to the conditions in Article 11:
- 3.12:1 Purpose

The purpose of this District classification is to establish a zone where designated trades and light industries may locate, which produces a minimum amount of adverse effect upon surrounding premises of a higher use classification and which provides for more uniform and higher quality industrial land use. It is not intended to permit any residential or commercial development except as authorized by this Ordinance. Heavy industrial development is permitted within the district by ~~Conditional~~ **Special Land Use Permit** only.

3.12:7 ~~Conditional~~ **Special Land Uses:**

The following uses are permitted subject to issuance of a ~~Conditional~~ **Special Land Use Permit** and subject to the conditions in Article 11:

Article 6 – Signs

6.4:1 One (1) freestanding sign for all principal and ~~conditional~~ **special land** uses and for Subdivisions, Condominiums, and Neighborhood Identification signs, with the exception of single and two-family dwellings. The sign has a maximum base area of twelve (12) sq. ft. and eight (8) feet in height. If the sign is six (6) feet or lower it is allowed an additional four (4) sq. ft. in size and if it has a dark or opaque background it is allowed an additional eight (8) sq. ft. in size. Freestanding signs must be setback a minimum of two (2) feet from any property line.

6.4:2 One (1) wall or awning sign per parcel for all principal and ~~conditional~~ **special land** uses with the exception of single and two-family dwellings. The sign has a maximum base area of twelve (12) sq. ft. and is allowed an additional six (6) sq. ft. if it has a dark or opaque background. The maximum height for the sign is ten (10) feet.

6.5:1 One (1) freestanding sign for all principal and ~~conditional~~ **special land** uses and for Subdivisions, Condominiums and Neighborhood Identification, with the exception of single and two-family dwellings. The sign has a maximum base area of twelve (12) sq. ft. and eight (8) feet in height. If the sign is six (6) feet or lower it is allowed an additional four (4) sq. ft. in size and if it has a dark or opaque background it is allowed an additional eight (8) sq. ft. in size. Freestanding signs must be setback a minimum of two (2) feet from any property line.

6.5:2 One (1) wall or awning sign per parcel for all principal and ~~conditional~~ **special land** uses with the exception of single, two-family and multi-family dwellings. The sign has a maximum base area of twelve (12) sq. ft. and is allowed an additional six (6) sq. ft. if it has a dark or opaque background. The maximum height for the sign is ten (10) feet.

Article 7 – Nonconforming Uses and Structures

7.1:5 (2) (c) A public hearing shall be held to review the request. The notice requirements for this hearing shall be the same as required for a review of a ~~Conditional~~ **Special Land Use Permit** as outlined in Section 10.3:4.

7.7 In case of a nonconforming use which is a use designated as a ~~Conditional~~ **Special Land Use** by this Ordinance, the nonconforming status may be removed upon issuance of a ~~Conditional~~ **Special Land Use Permit** after the appropriate action has been taken in accordance with the provisions of this Ordinance. It shall be the

responsibility of the owner or person requesting the ~~Conditional~~ **Special Land Use Permit** to initiate the request in accordance with Section 10.2 of this Ordinance.

Article 9 – Site Plan Reviews

9.4:3 (8) Existing man-made features upon the site and within one hundred (100) feet of the same shall be disclosed (to determine compliance with any setback standards linked to structures on adjacent lots, or in the case of a ~~Conditional~~ **Special Land Use Permit**, to determine suitability of the site for the proposed use based on proximity to incompatible uses.)

9.12:6 In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the City, the City shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. If the performance guarantee is not sufficient to allow the City to complete the improvements for which it was posted, the applicant shall be required to pay the City the amount by which the costs of completing the improvements exceeds the amount of the performance guarantee. Should the City use the performance guarantee or a portion thereof, to complete the required improvements, any amount remaining after said completion shall be applied first to the City's administrative costs in completing the improvement with any balance remaining being refunded to the applicant. If the applicant has been required to post a performance guarantee or bond with another governmental agency other than the City of Big Rapids to ensure completion of an improvement associated with the proposed project prior to the City's ~~conditional~~ **special land** approval, the applicant shall not be required to deposit with the City of Big Rapids a performance guarantee for that specific improvement. At the time the performance guarantee is deposited with the City and prior to the issuance of a building permit, the applicant shall enter an agreement incorporating the provisions hereof with the City of Big Rapids regarding the performance guarantee.

Article 10 – ~~Conditional~~ **Special Land Use Permits**

10.1 The development and execution of this Ordinance is based upon the division of the City into districts within which the uses of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighborhood land, of the public need for the particular use, or the particular location. Such ~~conditional~~ **special land** uses fall into two (2) categories:

10.2 This section outlines the procedures to be used to review proposed ~~conditional~~ **special land** uses for approval or denial.

10.2:1 Initiation of ~~Conditional~~ **Special Land Use Permit** Application. Any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an exclusive possessory interest, and which is specifically enforceable, may file an application to

use such land for one or more of the ~~conditional~~ **special land** uses provided for in this Ordinance in the zoning district in which the land is located.

- 10.2:2 Application of ~~Conditional~~ **Special Land** Use Permit. An application for a ~~conditional~~ **special land** use shall be filed with the Zoning Administrator on the prescribed form. The application shall be ~~accompanied by twelve (12) copies of a site plan meeting~~ **meet** the requirements of Section 9.4 of this Ordinance, and ~~include any additional information required by the Neighborhood Services Department to demonstrate compliance with the provisions of this Ordinance.~~ The application shall include a statement in writing by the applicant and adequate evidence showing that the proposed ~~conditional~~ **special land** use will conform to the standards set forth in Section 10.3:8. The application shall be accompanied by a fee established by the City Commission.
- 10.3:1 The complete ~~Conditional~~ **Special Land** Use Permit application shall be submitted to the Neighborhood Services Department at least twenty (20) days prior to the next regularly scheduled Planning Commission meeting.
- 10.3:2 The Zoning Administrator shall record the receipt of the application and plans and transmit one (1) copy to each member of the Planning Commission, one (1) copy to the Building Inspector, one (1) copy to the Department of Public Safety and one (1) copy to the Department of Public Services.
- 10.3:3 The Department of Neighborhood Services shall review the plan(s) in advance of the hearing to determine compliance with Section 9.4. (Site Plan Review) and Section 10.3:8 (~~Conditional~~ **Special Land** Use Permit).
- 10.3:4 The Planning Commission shall consider the submitted ~~Conditional~~ **Special Land** Use Permit application at a public hearing. Notice for the public hearing shall be **issued by the City of Big Rapids** prepared and shall include the date, time, place and ~~reason for the public hearing~~ **nature of the request. Notice shall indicate the property that is the subject of the request including a listing of all existing street addresses within the property. Notice shall indicate when and where written comments will be received concerning the request. Notice shall be provided not less than fifteen (15) days before the date the request will be considered.** Notice shall be as follows:
- (1) One (1) notice shall be published in a newspaper in general circulation in the City, ~~not less than five (5) days nor more than fifteen (15) days before the meeting at which the application will be considered.~~
  - (2) One (1) written notice shall be ~~sent by mail~~ **given** to all persons to whom real property is being assessed ~~and the residents of all structures within three hundred (300) feet of the boundary of the property in question, not less than five (5) days nor more than fifteen (15) days before the meeting at which the application will be considered.~~ **within three hundred (300) feet of the property that is the subject of the request and to the occupants of all structures within three hundred (300) feet of the subject property regardless of whether the property or structure is located within the City of Big Rapids. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than**

four (4) dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.

- (3) One (1) written notice shall be sent by mail to the owners of the property that is the subject of the request.

Notice is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service of other public or private delivery service. If the name of the occupant is not known, the term “occupant” may be used for the intended recipient of the notice.

10.3:5 Following the hearing, the Planning Commission shall recommend approval, **approval with conditions**, or denial of the site plan and ~~conditional~~ **special land** use permit application to the City Commission. In making their recommendation, the Planning Commission shall ~~identify~~ **include a statement of findings and conclusions relative to the special land use which specifies the basis for the decision concerning the standards** ~~how the application does or does not meet the requirements for approval of Site Plans in Section 9.6 and for Conditional Uses in Section 10.3:8~~ **and explains any conditions imposed.** ~~Any proposed conditions shall be included in the recommendation, together with the reasons for such conditions.~~

10.3:6 Following receipt of the Planning Commission’s Recommendation, the City Commission shall review the request for approval of the ~~Conditional~~ **Special Land Use** Permit and the Site Plan. The City Commission shall do one of the following:

- (1) Approve the ~~Conditional~~ **Special Land Use** Permit and Site Plan.
- (2) Approve the ~~Conditional~~ **Special Land Use** Permit and Site Plan with conditions **to be met prior to approval.**
- (3) Deny the ~~Conditional~~ **Special Land Use** Permit and/or the Site Plan.
- (4) Table the application for additional information or to conduct its own public hearing.

10.3:7 Basis for Decision. The City Commission shall incorporate their decision in a statement of conclusions relative to the ~~conditional~~ **special land** use under consideration. The decision shall specify the basis for the decision and any conditions ~~imposed.~~ **to be met prior to approval.**

10.3:8 Standards. No ~~conditional~~ **special land** use shall be recommended by the Planning Commission unless such Board shall find:

- (1) That the establishment, maintenance or operation of the ~~conditional~~ **special land** use will not be detrimental to or endanger the public health, safety or general welfare.
- (2) That the ~~conditional~~ **special land** use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already

permitted, nor shall it substantially diminish and impair property values within its neighborhoods.

- (3) That the establishment of the ~~conditional~~ **special land** use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- (4) That adequate utilities, access roads, drainage and necessary facilities have been or are being provided.
- (5) That adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
- (6) That the ~~conditional~~ **special land** use shall, ~~in all other respects~~ conform to the applicable regulations of the district in which it is located, any specific requirements established for that use in Article 11, ~~and to any additional conditions of approval~~ or procedures as specified in Section 10.4.

10.4 Prior to the granting of any ~~Conditional~~ **Special Land** Use, the Planning Commission may recommend, and the City Commission shall stipulate, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the ~~Conditional~~ **Special Land** Use as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in this Section. In all cases in which ~~Conditional~~ **Special Land** Uses are granted the City Commission shall require such evidence and guarantees as it may deem necessary to ensure compliance with the conditions stipulated in connection therewith are being and will be complied with.

10.5 Effect of denial of a ~~Conditional~~ **Special Land** Use

No application for a ~~Conditional~~ **Special Land** Use which has been denied wholly or in part by the City Commission shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence or proof of change or conditions found to be valid by the Planning Commission and the City Commission.

10.6 Revocation of Conditional **Special** Land Use Permit

In any case where a ~~Conditional~~ **Special Land** Use has not been established within one (1) year after the date of granting such use, or when the use is abandoned for twelve (12) consecutive months authorization of that use shall automatically be null and void without further action by the Planning Commission or the City Commission.

#### Article 11 – Use Standards

11.1 The following uses are permitted either by right or by ~~Conditional~~ **Special Land** Use Permit in specified districts. In addition to meeting all applicable provisions contained within this Zoning Ordinance, the following uses must also meet the specified ~~design~~ standards listed for each.

11,1:1 Adult entertainment establishments may be permitted in the C-3 Commercial District via ~~Conditional~~ **Special Land** Use Permit when the following conditions are met:



- 11.1:1 (5) If employees or patrons of an adult entertainment establishment promote, offer, solicit, allow, or engage in acts of prostitution on the premises, the ~~Conditional~~ **Special Land Use Permit** may be suspended or revoked. No criminal charge need be brought for suspension or revocation of the ~~Conditional~~ **Special Land Use Permit** to occur. The Acts described in this subsection may be shown to have occurred by a preponderance of the evidence.
- 11.1:1 (6) Granting a ~~Conditional~~ **Special Land Use Permit** under these provisions shall be contingent upon the applicant(s) obtaining or maintaining an Adult Entertainment Establishment License.
- 11.1:2 Adult foster care small, medium, and large group homes may be permitted in any Residential District as a ~~Conditional~~ **Special Land Use** under the following conditions:
- 11.1:9 Heavier industrial uses such as specified in Section 3.12:5 may be permitted in the I Industrial District as a ~~Conditional~~ **Special Land Use** under the following conditions:
- 11.1:9 (3) Section 9.6 Criteria for Review for Sire Plan Review shall be utilized to determine the suitability of the manufacturing use for ~~Conditional~~ **Special Land Use** status.
- 11.1:10 Home occupations may be permitted in the R-P, R-1, R-2, R-3, and R-R Residential Districts as a ~~Conditional~~ **Special Land Use** under the following conditions:
- 11.1:10 (3) The principal structure for which the ~~Conditional~~ **Special Land Use** is requested must be the residence of the applicant. No such home occupation may be conducted in any accessory building.
- 11.1:11 Hospitals, sanatoriums, clinics, nursing and rest homes, and institutions for human care may be permitted in any Residential District as a ~~Conditional~~ **Special Land Use** under the following conditions:
- 11.1:13 Multiple-family dwellings may be permitted in the R-3 Residential District as a ~~Conditional~~ **Special Land Use** under the following conditions:
- 11.1:14 Municipal, County, State, and Federal Administration Buildings and Community Center Buildings may be permitted in the R-1 Residential District as a ~~Conditional~~ **Special Land Use** under the following procedures and conditions:
- 11.1:18 Owner-Occupied Condominiums may be permitted in the R-2 One and Two Family Residential Zone as a ~~Conditional~~ **Special Land Use** when the following conditions are met:
- 11.1:19 Planned Unite Development (PUD) shall be a ~~Conditional~~ **Special Land Use** within the R-3 Residential District as specified in this Ordinance. The following requirements shall apply in addition to all other applicable requirements of this Ordinance for the Residential Districts in which such uses are located.
- 11.1:19 (1) (a) Minimum Area. The minimum area for a PUD ~~Conditional~~ **Special Land Use Permit** shall not be less than five (5) contiguous acres of land. However, an area bounded on all sides by a public street, railroad, or other external barriers shall be considered for a PUD regardless of minimum acreage.

- 11.1:19 (1) (e) Approval. Approval by the City Commission of a sketch plan, detailed site plan, and ~~Conditional~~ **Special Land** Use permit for all planned unit developments is required.
- 11.1:19 (3) Nonresidential Uses Permitted Upon Review. A ~~Conditional~~ **Special Land** Use provision to permit the following uses within the district may be granted by the City Commission only after application has been made and reviewed in accordance with procedures established in this Ordinance.
- 11.1:19 (7) (a) General. Whenever a PUD is proposed, the developer shall apply for and secure approval of a ~~Conditional~~ **Special Land** Use Permit in accordance with procedures outlined in the ~~Conditional~~ **Special Land** Use article. Final approval of a detailed site plan shall be obtained from the City Commission.
- 11.1:19 (7) (g) Application for ~~Conditional~~ **Special Land** Use Permit and Detailed Site Plan Approval. After receiving approval of a Sketch Plan from the City Commission, the Applicant may prepare his ~~Conditional~~ **Special Land** Use Permit Application, including a detailed site plan, and submit it to the City Commission. The Detailed Site Plan shall meet the requirements contained in the Site Plan Review article of this Ordinance.
- 11.1:19 (8) Required Standards for Approval. The City Commission shall render its approval or disapproval and notify the applicant and the Zoning Administrator. The City Commission shall review the ~~Conditional~~ **Special Land** Use Permit application using the standards contained in the ~~Conditional Use Permit~~ article **Section 10.3:8**. The City Commission's review of the Detailed Site Plan shall, moreover include the following:
- 11.1:19 (9) Action on the ~~Conditional~~ **Special Land** Use Permit and Detailed Site Plan. The City Commission shall render its approval, disapproval, or approval with conditions or modifications and so notify the applicant and the Zoning Administrator.
- 11.1:19 (10) Revocation. In any case where construction on the multiple use developments has not commenced within one (1) year from the date of approval, the ~~Conditional~~ **Special Land** Use Permit shall be null and void.
- 11.1:19 (11) Effect of Approval. After a ~~Conditional~~ **Special Land** Use Permit and detailed site plan ~~has~~ **have** been approved and construction of any part thereof commenced, no other type of development will be permitted on the site without further approval thereof by the City Commission after proceedings conducted as in the original application. This limitation shall apply to successive owners.
- 11.1:19A Planned Unit Residential Development (PURD) shall be a ~~Conditional~~ **Special Land** Use within R-1 and R-2 residential districts as specified in this Ordinance. The following requirement shall apply in addition to all other applicable requirements of this Ordinance for the residential districts in which such uses are located.
- 11.1:19A (1) (a) Minimum Area. The minimum area for a PURD ~~Conditional~~ **Special Land** Use Permit shall not be less than five (5) contiguous acres of land. However, an area bounded on all sides by a public street, railroad, or other external barriers shall be considered for a PURD regardless of minimum acreage.

- 11.1:19A (1) (e) Approval. Approval by the City Commission of a conceptual site plan and ~~Conditional~~ **Special Land** Use Permit and ~~approved~~ **approval** by the Planning Commission of a detailed site plan for all planned unit residential developments is required.
- 11.1:19A (2) (b) The only nonresidential uses permitted within a Planned Unit Residential Development are those uses permitted in the district in which the project is located. Any uses requiring a ~~Conditional~~ **Special Land** Use Permit, will require a ~~Conditional~~ **Special Land** Use Permit as part of the PURD.
- 11.1:19A (4) Application Procedure and Approval Process. Whenever any PURD is proposed, the developer shall apply for and secure approval of a ~~Conditional~~ **Special Land** Use Permit. The review and approval process shall be in accordance with procedures outlined in Article 10, with the following exceptions: 1) Both the Planning Commission and the City Commission shall hold public hearings on the request before the City Commission makes a final decision (in order to comply with Section 4b (5) of the City-Village Zoning Act) and 2) The conceptual site plan shall take the place of the site plan that is normally required to be submitted with a ~~Conditional~~ **Special Land** Use Permit application per Section 10.2:2 of this Ordinance.
- 11.1:19A (4) (a) Application for Conceptual Site Plan and ~~Conditional~~ **Special Land** Use Permit Approval. So that the City and the developer can reach an understanding of what is being proposed, and what is required, the developer shall submit a conceptual site plan and ~~Conditional~~ **Special Land** Use Permit to the Planning Commission and City Commission. The conceptual site plan shall be drawn to approximate scale and shall clearly show the following information:
- 11.1:19A (4) (c) The Planning Commission and the City Commission shall review the ~~Conditional~~ **Special Land** Use Permit application using the standards ~~contained~~ in the ~~Conditional Use Permit article~~ **Section 10.3:8** and the following additional standards:
- 11.1:19A (4) (d) Following the Public Hearing. The City Commission shall within thirty (30) days, approve or disapprove the conceptual site plan and ~~Conditional~~ **Special Land** Use Permit or make conditions thereto and so notify the applicant of its decision.
- 11.1:19A (4) (e) Approval of Conceptual Site Plan. Approval of conceptual site plan and ~~Conditional~~ **Special Land** Use Permit shall not constitute approval of the detailed site plan, but shall be deemed an expression of approval of the layout as a guide to the preparation of the detailed plan. Conceptual site plan approval shall expire within one (1) year.
- 11.1:19A (4) (f) Request of Changes in Conceptual Site Plan. If it becomes apparent that certain elements of the conceptual site plan, as it has been approved by the City Commission, become unfeasible and in need of modification, the applicant shall then resubmit his entire conceptual site plan and ~~Conditional~~ **Special Land** Use Permit, as amended.

- 11.1:19A (4) (g) Application for Detailed Site Plan Approval. After receiving approval of a conceptual site plan and ~~Conditional~~ **Special Land** Use Permit from the City Commission, the applicant shall prepare their detailed site plan, and submit it to the Planning Commission. The Planning Commission shall review the detailed site plan following the procedures outlined in the Site Plan Review Article of this Ordinance.
- 11.1:19A (4) (h) (5) (1) Revocation. In any case where construction on the development has not commenced within one (1) year from the date of approval of the detailed site plan, the ~~Conditional~~ **Special Land** Use Permit shall be null and void.
- 11.1:19A (4) (h) (6) Effect of Approval. After a ~~Conditional~~ **Special Land** Use Permit and detailed site plan has been approved and construction of any part thereof commenced, no other type of development will be permitted on the site without further approval thereof by the Planning Commission after proceedings conducted as in the original application. This limitation shall apply to successive owners.
- 11.1:20 Planned Shopping Centers, Restaurants/Bars, Motels and Hotels and Drive-Through Establishments may be permitted in the C-1 Commercial **District** as a ~~Conditional~~ **Special Land** Use under the following conditions:
- 11.1:21 Public Parks, Golf Courses, Country Clubs, Tennis Courts, and Similar Recreational Uses may be permitted in the R-1 Residential District as a ~~Conditional~~ **Special Land** Use when all buildings are at least one hundred (100) feet from all property lines.
- 11.1:25 Fraternal Organization and Rooming Houses may be permitted in the R-3 Residential District as a ~~Conditional~~ **Special Land** Use under the following procedures and conditions:
- 11.1:26 Self-service storage facilities may be permitted in the C-1 Commercial District as a ~~Conditional~~ **Special Land** Use under the following procedures and conditions:

#### Article 13 – Zoning Board of Appeals

- 13.4 The ZBA shall have the power to hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, grant or refusal made by an administrative official or body, such as the Zoning Administrator or Planning Commission in the enforcement of the provisions of this Ordinance. Decisions made by the City Commission regarding ~~Conditional~~ **Special Land** Use Permits shall be appealed to Circuit Court.

#### Article 14 – Amendments, Administration, and Enforcement

- 14.1:2 (2) Consider all matters pertaining to the amendment of this Ordinance text or map or for a ~~Conditional~~ **Special Land** Use Permit request.
- 14.3:5 Violation and Penalty. Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards required as conditions for the granting of variances or ~~Conditional~~ **Special Land** Use Permits, shall constitute violation of the City's Municipal Civil Infraction Ordinance, Chapter 99 of Title IX of the Big Rapids Code of Ordinances.

Section 4. The ordinance shall be effective 20 days after publication.

Section 5. The City Clerk is directed to publish a summary of this ordinance in the Pioneer.

Yeas: Anderson, Cochran, Eppley, Hogenson, James

Nays: None

The Mayor declared the ordinance adopted.

Date: August 5, 2019

Published: August 13, 2019

**ORDINANCE NO. 746-09-19**

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

**ORDINANCE ADDING SECTIONS 71.07 AND 71.08 TO TITLE 7, CHAPTER 71 TO AUTHORIZE AND UTILIZE PERSONS OTHER THAN POLICE OFFICERS AS VOLUNTEERS TO ISSUE CITATIONS FOR PARKING VIOLATIONS**

WHEREAS, MCL 257.675d allows a local unit of government to implement and administer a program to authorize and utilize persons other than police officers as volunteers to issue citations for parking violations, and

WHEREAS, MCL 257.675d(2) says that “[b]efore authorizing and utilizing persons other than police officers to issue citations, the law enforcement agency... shall implement a program to train the persons to properly issue citations” with “not less than 8 hours... in parking enforcement,” and

WHEREAS, “the law enforcement agency... shall not implement or administer a program under this section [MCL 257.625d(2)] without the specific authorization of the governing body of that local unit of government.”

NOW THEREFORE, THE CITY OF BIG RAPIDS ORDAINS:

Section 1. **Authorization of Service Officer Program.** § 71.07 The City Commission hereby authorizes a program to train and utilize persons other than police officers as volunteer service officers to issue citations for parking violations as described in MCL 257.675d, and these trained volunteer service officers can be paid.

Section 2. **Training of Service Officers.** § 71.08 The Big Rapids Department of Public Safety is authorized and required to implement and administer the program to train and utilize volunteer service officers to issue citations for parking violations listed in MCL 257.675d after the service officers receive not less than 8 hours of training in parking enforcement.

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

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

Yeas: Anderson, Cochran, Eppley, Hogenson, James

Nays: None

The Mayor declared the ordinance adopted.

Date: September 3, 2019

Published: September 12, 2019

## ORDINANCE NO. 747-09-19

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

### ORDINANCE AUTHORIZING THE FORMATION OF THE ROBEN HOOD AIRPORT ADVISORY COMMITTEE

WHEREAS, the City of Big Rapids administers and operates Roben Hood Airport, which is located within Big Rapids Township, and

WHEREAS, there is a need for a local Airport Advisory Committee or Council to provide a forum for discussions and recommendations on the administration and operation of Roben Hood Airport,

NOW THEREFORE, THE CITY OF BIG RAPIDS ORDAINS:

**Section 1. Authorization of Roben Hood Airport Advisory Committee.** The City Commission authorizes the formation of a seven (7) member advisory committee named the Roben Hood Airport Advisory Committee that is not a City board or commission under Section 3.3 of the City Charter. Recognizing that Roben Hood Airport is located outside the corporate limits of the City of Big Rapids, and Roben Hood Airport is utilized by many aircraft pilots and passengers who do not reside within the City of Big Rapids, the City Commission determines that up to five (5) of the seven (7) members of the Airport Advisory Committee can be residents of municipal jurisdictions other than the City of Big Rapids.

**Section 2. Purpose.** The purpose of the Roben Hood Airport Advisory Committee will be to listen to the comments, recommendations, and complaints from the aviation community about the current and future operations of Roben Hood Airport, and to formulate recommendations to the Airport Manager, City Manager, and the City Commission on how to maintain, continue, and improve the overall operation and function of Roben Hood Airport.

**Section 3. Members.** The City Manager shall nominate and the City Commission shall appoint seven (7) members of the Roben Hood Airport Advisory Committee, and the Airport Manager shall serve as a non-voting ex-officio member. Members shall serve initial two (2) or four (4) year terms and staggered four (4) year terms thereafter, with no term limit, and no compensation.

**Section 4. Qualifications of Members and Removal.** Applicants for appointment to the Roben Hood Airport Advisory Committee can be City residents, with up to five (5) members who are not City residents. Applicants must demonstrate their interest, avocation, employment, or participation in aviation activities and/or the operation of Roben Hood Airport. Members are disqualified from serving on the Roben Hood Airport Advisory Committee by missing three (3) consecutive meetings of the Committee. Members of the Roben Hood Airport Advisory Committee can be removed with or without cause at any time by a majority vote of the City Commission.

**Section 5. Officers.** Members of the Roben Hood Advisory Committee shall select a Chairperson and alternate Chairperson each calendar year. The Airport Manager or the Airport Manager's designee shall serve as the Secretary, who shall take and keep minutes of the meetings. There shall be no Treasurer of the Roben Hood Airport Advisory Committee.

**Section 6. Limitations and Authority.** The Roben Hood Airport Advisory Committee shall not acquire, hold, or expend funds. Recommendations of the Roben Hood Airport Advisory Committee

shall have no legal effect unless accepted and implemented in appropriate form by the Airport Manager, City Manager, or City Commission. The Roben Hood Airport Advisory Committee shall comply with the Open Meetings Act, and shall adopt by-laws governing its operations.

**Section 7. Meetings.** The Roben Hood Airport Advisory Committee shall meet at least quarterly (January, April, July, October) and more often as the Airport Manager, Chairperson, or three members of the Committee may decide.

**Section 8.** The ordinance shall be effective 20 days after publication.

**Section 9.** The City Clerk is directed to publish this ordinance in the Pioneer.

Yeas: Anderson, Cochran, Eppley, Hogenson, James

Nays: None

The Mayor declared the ordinance adopted.

Date: September 16, 2119

Published: September 20, 2019



## ORDINANCE NO. 748-10-19

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

### ORDINANCE IN TITLE 11 CHAPTER 116 TO “OPT IN” AND AUTHORIZE THE LICENSING AND OPERATION OF MEDICAL MARIHUANA FACILITIES WITHIN THE CITY OF BIG RAPIDS

WHEREAS, in 2008 Michigan voters approved the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, and

WHEREAS, in 2016 the Michigan Legislature adopted the Medical Marihuana Facilities Licensing Act, 291 PA 2016, and provided in Section 333.27205 that:

The board shall not issue a state operating license to an applicant unless the municipality in which the applicant’s proposed marihuana facility will operate has adopted an ordinance that authorizes that type of facility.

WHEREAS, through September of 2019 the City Commission had not authorized any medical marihuana facility to be licensed and operated within the City of Big Rapids, and

WHEREAS, the City Commission received input and suggestions from the general public, including residents of the City of Big Rapids and residents of neighboring and outlying municipalities, on the subject of authorizing or prohibiting medical marihuana facilities within the City of Big Rapids, and

WHEREAS, the City Commission waited and observed the licensing, development, and regulation of medical marihuana facilities within the State of Michigan after the Michigan Legislature adopted the Medical Marihuana Facilities Licensing Act, and

WHEREAS, the City Commission received proposed zoning ordinance amendments from the Planning Commission that would establish zoning regulations for medical marihuana facilities authorized by the Medical Marihuana Facilities Licensing Act,

NOW, THEREFORE, THE CITY OF BIG RAPIDS ORDAINS:

**Section 1.** Medical marihuana facilities identified for licensing by the State in the Medical Marihuana Facilities Licensing Act are authorized to locate and operate within the City of Big Rapids subject to City licensing and zoning regulations applicable to medical marihuana facilities, and the Medical Marihuana Facilities Licensing Act is incorporated by reference for the purposes of administering, interpreting, and enforcing City ordinances applicable to medical marihuana facilities.

**Section 2.** Publication and Effective Date. This Ordinance shall become effective upon publication in the Pioneer.

**Section 3.** The City Clerk is directed to submit or file a copy of this ordinance with the state licensing department for marihuana establishments.

Yeas: Anderson, Cochran, Eppley, Hogenson, James

Nays: None

The Mayor declared the ordinance adopted.

Date: October 7, 2019

Published: October 15, 2019

**ORDINANCE NO. 749-10-19**

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

**ORDINANCE IN TITLE 11 CHAPTER 116 AUTHORIZING AND REGULATING MEDICAL MARIHUANA FACILITIES IN THE CITY OF BIG RAPIDS**

WHEREAS, the Medical Marihuana Facilities Licensing Act (MMFLA) was adopted by the Michigan Legislature in 2016, and

WHEREAS, the MMFLA authorized State licensed medical marihuana facilities to operate in Michigan municipalities that “opted in,” and

WHEREAS, the City Commission desires to approve and adopt an ordinance to authorize and regulate medical marihuana facilities in the City of Big Rapids,

NOW, THEREFORE, THE CITY OF BIG RAPIDS ORDAINS:

**Section 1.** Title 11 Chapter 116 of the Big Rapids City Code is adopted.

**§ 116.110 Title**

This ordinance is to be known and may be cited as the City of Big Rapids Medical Marijuana Facilities Ordinance.

**§ 116.111 Purpose**

A. Purpose. The purpose of this Chapter is to implement the provisions of Public Act 281 of 2016, being the Michigan Medical Marihuana Facilities Licensing Act (MMFLA), to protect the public health, safety, and welfare of the residents and patients of the City by setting forth the manner in which medical marihuana facilities can be operated in the City. Further, the purpose of this Chapter is to:

- (1) Authorize the establishment of medical marihuana facilities within the City and provide standards and procedures for the review, issuance, renewal, and revocation of City issued permits for such facilities;
- (2) Impose fees to defray and recover the cost to the City of the administrative and enforcement costs associated with medical marihuana facilities; and
- (3) Coordinate with laws and regulations enacted by the State addressing medical marihuana.

B. Legislative Intent. This Chapter authorizes the establishment of medical marihuana facilities within the City of Big Rapids consistent with the provisions of the Michigan Medical Marihuana Facilities Act, and subject to the following:

- (1) The use, distribution, cultivation, production, possession, and transportation of medical marihuana remains illegal under Federal law, and marihuana remains

classified as a "controlled substance" by Federal law. Nothing in this Chapter is intended to promote or condone the production, distribution, or possession of marihuana in violation of any applicable law. Nothing in this ordinance is intended to grant immunity from any criminal prosecution under State or Federal law. This ordinance does not protect patients, caregivers, or the owners of properties on which a marihuana commercial operation is conducted from prosecution or having property seized by federal law enforcement authorities.

(2) This Chapter is to be construed to protect the public interest over medical marihuana facility interests. The operation of a licensed medical marihuana facility is a revocable privilege and not a right in the City. Nothing in this Chapter is to be construed to grant a property right for an individual or business entity to engage, obtain, or have renewed, a City-issued permit to engage in the use, distribution, cultivation, production, possession, transportation or sale of medical marihuana as a commercial enterprise in the City.

(3) Any individual or business entity which engages in the use, distribution, cultivation, production, possession, transportation or sale of medical marihuana as a commercial enterprise in the City either prior to or after the enactment of this ordinance without obtaining the required authorization required by this Chapter is deemed to be an illegally established use, and is not entitled to legal nonconforming status under this Chapter, the City Zoning Ordinance, or State law.

(4) Nothing in this ordinance is intended to grant immunity from criminal or civil prosecution, penalty or sanction for the cultivation, manufacture, possession, use, sale, distribution or transport of marihuana in any form, that is not in strict compliance with the Michigan Medical Marihuana Act, the Medical Marihuana Facilities Licensing Act, the Marihuana Tracking Act, and all applicable rules promulgated by the State of Michigan regarding medical marihuana. Strict compliance with any applicable State law or regulation is deemed a requirement for the issuance or renewal of any permit issued by the City issued under this Chapter, and noncompliance with any applicable State law or regulation shall be grounds for revocation or nonrenewal of any permit issued under the terms of this Chapter.

### C. Indemnification of City

(1) By accepting a permit issued pursuant to this Chapter, the holder waives and releases the City, its officers, elected officials, and employees from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of medical marihuana facility owners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations.

(2) By accepting a permit issued pursuant to this Chapter, the holder agrees to indemnify, defend and hold harmless the City, its officers, elected officials, employees, and insurers, against all liability, claims or demands arising on account of any claim of diminution of property value by a property owner whose property is located in proximity to a licensed medical marihuana facility, arising out of the operation of a medical marihuana facility or any claim based on an alleged injury to business or property by reason of a claimed violation of the federal Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. §1964(c) .

#### D. Reservation of Legislative Prerogative

(1) The City Commission reserves the right to amend or repeal this ordinance in any manner, including, but not limited to the complete elimination of any type or number of medical marihuana facilities authorized to operate in the City.

(2) Nothing in this ordinance may be held or construed to grant or “grandfather” any medical marihuana facility a vested right, license, permit or privilege to continued operations within the City.

#### § 116.112 Definitions

Unless the context requires a different meaning, any term used in this Chapter that is defined by the Michigan Medical Marihuana Act, the Medical Marihuana Facilities Licensing Act, or the Administrative Rules promulgated by the Michigan Department of Licensing and Regulatory Affairs addressing medical marihuana shall have the definition given in those Acts and Rules.

"Applicant" means a person who applies for a City-issued permit to operate a marihuana facility in accordance with the terms of this Chapter and the City Zoning Ordinance. With respect to disclosures in an application and for purposes of ineligibility for a permit, the term applicant” includes a managerial employee of the applicant, any person who holds any direct or indirect ownership interest of more than 10% in the applicant, and the following for each type of applicant:

(A) For an individual or sole proprietorship: the proprietor and spouse.

(B) For a partnership and limited liability partnership: all partners and their spouses. For a limited partnership and limited liability limited partnership: all general and limited partners, not including a limited partner holding a direct or indirect ownership interest of 10% or less and who does not exercise control over or participate in the management of the partnership, and their spouses. For a limited liability company: all members and managers, not including a member holding a direct or indirect ownership interest of 10% or less and who does not exercise control over or participate in the management of the company, and their spouses.

(C) For a privately held corporation: all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, and all stockholders, not including those holding a direct or indirect ownership interest of 10% or less, and their spouses.

(D) For a publicly held corporation: all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, and all stockholders, not including those holding a direct or indirect ownership interest of 10% or less, and their spouses.

(E) For a multilevel ownership enterprise: any entity or person that receives or has the right to receive more than 10% of the gross or net profit from the enterprise during any full or partial calendar or fiscal year.

(F) For a nonprofit corporation: all individuals and entities with membership or shareholder rights in accordance with the articles of incorporation or the bylaws and their spouses.

"Department" means the Michigan Department of Licensing and Regulatory Affairs, or its successor agency.

"Grower" means a licensee that is a commercial entity that cultivates, dries, trims, or cures and packages marihuana for sale to a processor, provisioning center, or another grower.

"Industrial Hemp" means that term defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.

"Industrial Hemp Research and Development Act" means Public Act 547 of 2014, as may be amended

"Licensee" means a person holding a state operating license.

"Marihuana" means that term as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.

"Marihuana commercial operation" means any and all of the following marihuana facilities, whether operated for profit or not for profit:

- (A) a grower
- (B) a processor
- (C) a secure transporter
- (D) a provisioning center
- (E) a safety compliance facility

"Marihuana facility" or "facility" means a location at which a licensee is licensed to operate under the MMFLA and this Chapter.

"Marihuana plant" means any plant of the species *Cannabis sativa* L. but does not include industrial hemp.

"Marihuana-infused product" means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation.

"Michigan medical marihuana act" or "MMMA" means 2008 IL 1, MCL 333.26421 et seq., as may be amended.

"Michigan medical marihuana facilities licensing act" or "MMFLA" means Public Act 281 of 2016, MCL 333.27101 et seq., as may be amended.

“Operating permit” or “permit” means the permit issued pursuant to this chapter authorizing the operation of a medical marijuana facility in the City.

“Permitee” means a person who holds a permit issued by the City pursuant to this Chapter.

"Person" means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity and includes persons defined as a “true party of interest” as that term is used at Section 404 of the MMFLA, MCL 333.27404 and persons defined as having a “beneficial interest” as that term is used at Section 303(1)(g) of the MMFLA, MCL 333.27303(1)(g).

"Processor" means a licensee that is a commercial entity that purchases marijuana from a grower and that extracts resin from the marijuana or creates a marijuana-infused product for sale and transfer in packaged form to a provisioning center or another processor. A processor is not prohibited from handling, processing, marketing or brokering industrial hemp pursuant to the industrial hemp research and development act.

"Provisioning center" means a licensee that is a commercial entity that purchases marijuana from a grower or processor and sells, supplies, or provides marijuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marijuana is sold at retail to registered qualifying patients or registered primary caregivers and includes medical cannabis dispensaries. A noncommercial location used by a registered primary caregiver to assist a qualifying patient connected to the caregiver through the Department's marijuana registration process in accordance with the Michigan medical marijuana act is not a provisioning center for purposes of this Chapter.

"Registered primary caregiver" or “caregiver” means a primary caregiver who has been issued a current registry identification card under the MMMA.

"Registered qualifying patient" or “patient” means a qualifying patient who has been issued a current registry identification card under the MMMA or a visiting qualifying patient as that term is defined in the MMMA.

"Rules" means the general administrative rules promulgated and from time to time amended by the Department to implement the MMFLA.

"Safety compliance facility" means a licensee that is a commercial entity that takes marijuana from a marijuana facility or receives marijuana from a registered primary caregiver, tests the marijuana for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marijuana to the marijuana facility. A safety compliance facility may take or receive industrial hemp for testing pursuant to the industrial hemp research and development act.

"Secure transporter" means a licensee that is a commercial entity that stores marijuana and transports marijuana between marijuana facilities for a fee.

"State operating license" or, "license" means a license that is issued by the Department under the MMFLA that allows the licensee to operate a marijuana commercial operation, as specified in the license.

## **ARTICLE II Licensing of Medical Marihuana Facilities**

### **§ 116.113 Number of Permitted Facilities**

The maximum number of each type of medical marihuana commercial entity permitted in the City is as follows:

<u>Type of Facility</u>	<u>Number</u>
Grower	no limit
Processor	no limit
Secure Transporter	no limit
Provisioning Center	no limit
Safety Compliance Facility	no limit.

### **§ 116.114 License and Annual Fee Required; Exception**

A. No person shall establish or operate a medical marihuana commercial facility in the City without first having obtained a permit from the City and a State operating license for each such facility to be operated. Permit and license certificates shall be kept current and publicly displayed within the facility. Failure to maintain or display current State and City certificates shall be a violation of this Chapter.

B. There shall be an annual nonrefundable application and permit fee to defray the administrative and enforcement costs associated with medical marihuana facilities located in the City of not more than \$5,000 per licensed facility.

C. The annual nonrefundable fee required under this Section shall be due and payable with the application for a permit and upon the application for renewal of any such permit under this Chapter. The permit and fee requirements of this Chapter apply to all permitted marihuana facilities, whether operated for profit or not for profit.

D. The permit fee requirement set forth in this Chapter shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any state regulatory agency, or by City ordinance, including, by way of example, applicable fees for site plan review, zoning review or inspections.

E. The issuance of any permit pursuant to this Chapter does not create an exception, defense, or immunity to any person in regard to any potential criminal liability the person may have for the production, distribution, or possession of marihuana under federal law.

F. A separate permit shall be required for each premises on which a medical marihuana facility is operated. Operation of a grower and processor facility at the same location is authorized provided that each facility is separately licensed and permitted. Operation of a provisioning center at the same location as a grower or processing facility is not authorized.



### **§ 116.115 Location Criteria.**

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. Mobile marijuana facilities and drive-through operations are prohibited.

C. A licensee shall not operate a marijuana facility at any place in the City other than the address provided in the application on file with the City Clerk. A permit issued under this Chapter may be transferred to a different location upon receiving written approval from the City Clerk. In order to request approval to transfer the location of a permit, the licensee must make a written request to the City Clerk, indicating the current licensed location and the proposed licensed location. Upon receiving the written request, the City Clerk shall forward a copy of the request to affected service areas and departments of the City to determine whether the proposed location complies with all applicable laws, rules and regulations. No permit transfer will be approved unless the proposed location meets the standards identified in this Chapter and the City Zoning Ordinance.

### **§ 116.116 General Permit Application Requirements**

A. A person seeking a permit pursuant to the Medical Marijuana Facilities Licensing Act and the provisions of this Chapter shall submit an application in writing to the City Clerk on forms provided by the City. At the time of application, each applicant shall pay a nonrefundable application fee to defray the costs incurred by the City for costs associated with the processing of the application. In addition, the applicant shall present a suitable copy of government-issued photographic identification with the application.

B. The applicant shall provide the following information, under the penalty of perjury, on the City-issued form approved by or acceptable to, the City Clerk and Director of Public Safety. Such information is required for the applicant, the proposed manager of the marijuana facility, and all persons who are true parties of interest in the marijuana facility that is the subject of the application:

(1) 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;

(2) 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) The identity of every person having any ownership interest in the applicant with respect to which the license is sought;

- (4) 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) 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) A description of the type of the proposed marihuana commercial operation and its physical address;
- (7) A scaled diagram of the proposed licensed premises, no larger than eleven (11) inches by seventeen (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, fencing on or around the premises, and all areas in which medical marihuana will be stored, grown, manufactured or dispensed;
- (8) A lighting plan showing the lighting outside of the medical marihuana facility for security purposes in compliance with applicable City outdoor lighting requirements;
- (9) 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;
- (10) 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;
- (11) 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;
- (12) 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;
- (13) 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;
- (14) A statement that the applicant consents to inspections, examinations, searches and seizures required or undertaken pursuant to enforcement of this ordinance; and
- (15) 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.

C. Upon receipt of a completed application, the City Clerk may circulate the application to all affected service areas and departments of the City to determine whether the application is in full compliance with all applicable laws, rules and regulations.

D. If the City Clerk identifies or is informed of a deficiency in an application, the applicant shall have one period of five (5) business days to correct the deficiency after notification by the City Clerk.

#### **§ 116.117 Denial of Application**

A. The City Clerk shall reject any application that does not meet the requirements of the MMFLA, the Rules, or this Chapter. The City Clerk shall reject any application that contains any false, misleading or incomplete information.

B. An applicant whose application is rejected or denied because of missing, incomplete, erroneous, false, or misleading information, or because of a lack of submission of the full amount of the fees due, does not have a right to appeal the decision.

#### **§ 116.118 Issuance of Provisional Approval Certificate**

A. Within 45 days following the adoption of this ordinance the City Clerk shall accept permit applications for licensed medical marihuana facilities. Initial applications following the adoption of this ordinance for grower, processor, secure transporter, safety compliance and provisioning center facilities whose inspection, background checks, and all other information available to the City verify that the applicant has submitted a full and complete application, has made or has secured permits for making improvements to the business location consistent with the type of facility sought to be permitted, complies with applicable zoning and location requirements, and is prepared to operate the business as set forth in the application, will be reviewed by the office of the City Clerk for completeness and compliance with the requirements of this Chapter. The City Clerk shall issue a provisional medical marihuana facility approval certificate to each applicant whose application is complete and in compliance with the provisions of this Chapter and applicable State regulations.

B. Complete applications for a marihuana facility operating permit determined to be in full compliance with the requirements of this Chapter shall be issued a provisional medical marihuana facility approval certificate.

C. The City Clerk shall issue a provisional medical marihuana facility approval certificate if the inspection, background checks, and all other information available to the City verify that the applicant as a grower, processor, safety compliance facility, secure transporter has submitted a full and complete permit application, complies with applicable zoning and location requirements, and is prepared to operate the business as set forth in the application, all in compliance with the City Code of Ordinances and any other applicable law, rule, or regulation.

D. A provisional medical marihuana facility approval certificate only means that the applicant has submitted a valid application for a marihuana facility operating permit, and is eligible to receive the appropriate marihuana facility license from the Department. The applicant shall not locate or operate a marihuana facility in the City without obtaining a State operating license approved by and issued by the Department. A provisional certificate issued by the City will expire and be void after 1 year, or on the date that State approval is denied by a final order to the applicant, whichever first occurs.

E. Within 30 days from the issuance of a provisional medical marihuana 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. 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.

G. Provisional certificates are not transferable to another person or entity.

### **116.119 Issuance of City Marihuana Facility Operating Permit**

A. An applicant holding an unexpired provisional certificate issued pursuant to this Chapter and for which a marihuana facility state operating license has been issued shall provide proof of same to the City Clerk.

B. An inspection of the proposed medical marihuana facility by the City shall be required prior to issuance of the City operating permit. Such inspection shall occur after the premises are ready for operation, but prior to the stocking of the business with any medical marihuana, and prior to the opening of the business or commencement of operations. The inspection is to verify that the business facilities are constructed and can be operated in accordance with the application submitted and the applicable requirements of this Chapter and any other applicable law, rule, or regulation.

C. After verification that the business facilities are constructed and can be operated in accordance with the application submitted and the applicable requirements of this Chapter and any other applicable law, rule, or regulation, and the issuance of a permanent certificate of occupancy for the facility, the City Clerk shall issue a City medical marihuana operating permit for a term of one (1) year. The City-issued permit shall be displayed prominently within the facility.

D. Maintaining a valid marihuana facility license issued by the State is a condition for the issuance and maintenance of the City marihuana facility operating permit issued under this Chapter and the continued operation of any medical marihuana facility.

E. Proof of Insurance.

(1). A permittee shall at all times maintain full force and effect for duration of the permit, worker's compensation insurance as required by state law, and general liability insurance with minimum limits of \$1,000,000 per occurrence and a \$2,000,000 aggregate limit issued from a company licensed to do business in Michigan having an AM Best rating of at least B++. A permittee shall provide proof of insurance to the City Clerk in the form of a certificate of insurance evidencing the existence of a valid and effective policy which discloses the limits of each policy, the name of the insurer, the effective date and expiration date of each policy, the policy number, and the names of the additional insureds. The policy shall name the City of Big Rapids and its officials and employees as additional insureds to the limits required by this section. A permittee or its insurance broker shall notify the City of any cancellation or reduction in coverage within seven days of receipt of insurer's notification to that effect. The permittee shall

obtain and submit proof of substitute insurance to the City Clerk within 5 business days in the event of expiration or cancellation of coverage.

(2) A secure transporter shall provide proof of no-fault automobile insurance with a company licensed to do business in Michigan with limits of liability not less than \$1,000,000 per occurrence combined single limit for bodily injury and property damage, vehicle registration, and registration as a commercial motor vehicle for all vehicles used to transport marihuana or marihuana-infused product.

(3) Any failure to maintain or lapse in the insurance coverage required by this Chapter will be grounds for revocation of the City-issued operating permit.

F. A condition of the issuance of a medical marihuana operating permit includes, at a minimum, operation of the business in compliance with all of the plans and the information provided to the City as part of the application. A permittee must update any change in the information provided to the City as part of the application within five (5) business days of such change during the term of the permit. The failure to timely update a change in information will be grounds for suspension or revocation of the operating permit.

#### **116.120 Permit Forfeiture**

In the event that a medical marihuana facility does not commence and maintain operations within one year of issuance of a City operating permit, the permit shall be deemed forfeited; the business may not recommence operations and the permit is not eligible for renewal.

#### **§ 116.121 Permit Renewal**

A. A valid marihuana facility operating permit may be renewed on an annual basis by a renewal application upon a form provided by the City and payment of the annual application and permit fee. An application to renew a marihuana facility operating permit shall be filed no sooner than 90 days and at least 60 days prior to the date of its expiration. The failure to timely file for renewal is sufficient grounds to deny renewal of a permit to operate a medical marihuana facility in the City and is not subject to appeal.

B. Prior to the issuance of a renewed marihuana facility permit by the City, the premises shall be inspected to assure that site and operations are in compliance with the requirements of this Chapter.

C. In determining whether to grant a renewal of a permit, the City Clerk or City Manager will evaluate the permit holder's compliance with the statements provided with its initial application and submission with its request for renewal of the following information:

(1) The facility's staffing plan which describes the actual number of employees, including the number and type of jobs that the facility has created, and the amount and type of compensation (including benefits) paid for such jobs;

(2) An explanation, with supporting factual data, of the economic benefits to the City and the job creation for local residents achieved by the facility, results of efforts for community outreach, education plans, and worker training programs;

(3) A statement that the facility is not in default to the City for any property tax, special assessment, utility charges, fines, fees or other financial obligation owed to the City;

(4) A statement that the hiring and public accommodation practices of the facility conform to state and federal anti-discrimination laws.

D. If a licensee demonstrates compliance with the requirements for renewal of an operating permit, the City Clerk shall renew the existing permit for a period of one (1) year, on the condition that the State operating license for the facility is renewed.

#### **§116.122 Transfer of Permit**

A. A medical marijuana business 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 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. The attempted transfer, sale, or other conveyance of an interest in a permit without prior application for a City operating permit with the City Clerk is grounds for suspension or revocation of the existing permit.

#### **§ 116.123 Permit as Revocable Privilege**

An operating permit granted by this Chapter is a revocable privilege granted by the City and is not a property right. Granting a permit does not create or vest any right, title, franchise, or other property interest.

#### **§ 116.124 Nonrenewal, Suspension or Revocation of Permit.**

A. The City may, after notice and hearing, suspend, revoke or refuse to renew a permit for any of the following reasons:

(1) the permit holder, or his or her agent, manager or employee, has violated, does not meet, or has failed to comply with, any of the terms, requirements, conditions or provisions of this Chapter or with any applicable state or local law or regulation;

(2) the permit holder, or its agent, manager or employee, has failed to comply with any special terms or conditions of its license pursuant to an order of the state or local licensing authority, including those terms and conditions that were established at the time of issuance of the license and those imposed as a result of any disciplinary proceedings held subsequent to the date of issuance of the license;

(3) the marijuana commercial entity has been operated in a manner that adversely affects the local public health, safety or welfare; or

(4) the permit holder failed to timely submit all necessary documents and or fees to renew the City-issued permit or State operating license.

B. Evidence to support a finding under this Section may include, without limitation, a continuing pattern of conduct, a continuing pattern of drug-related criminal conduct within the premises of the marijuana facility or in the immediate area surrounding such business, a

continuing pattern of criminal conduct directly related to or arising from the operation of the marihuana facility, or an ongoing nuisance condition emanating from or caused by the marihuana facility. Criminal conduct is limited to the violation of a state law or regulation or city ordinance.

C. Except as otherwise provided in this Chapter, the Planning Commission shall hear and decide questions that arise in the administration of this Chapter, including appeals of suspension and revocations of City operating permits. The concurring vote of a majority of the members of the Planning Commission is necessary to reverse an order, requirement, decision, or determination of an administrative official in the application of this Chapter. The decision of the Planning Commission is final. This section is not to be construed to grant the Planning Commission authority to hear any matter that is within the powers and duties of the Zoning Board of Appeals.

### **ARTICLE III Specific Marihuana Facility Requirements**

#### **§ 116.125 Grower Classes**

A grower may hold more than one class of a State operating grower license, if allowed by the State at a single location.

#### **§116.126 Separation of Licensed Premises**

A grower facility and processor facility in the same location are separate medical marihuana commercial operations requiring separate licenses and separate permits. In addition to all other application requirements for separate facilities, each business, if sharing a building or structure, shall be distinctly partitioned from each other from floor to roof, have separate operations, ventilation, security and fire suppression systems, and separate entrances and exits.

#### **§ 116.127 Secure Transporter**

A. A secure transporter which operates from a marihuana facility located within the City shall secure a permit from the City. A State-licensed secure transporter which does not have a facility located in the City, may, without securing a license from the City, operate on public streets and highways within the City.

B. Each vehicle engaged in the transportation of marihuana or marihuana-infused products must always be operated by a 2-person crew with at least 1 individual remaining with the vehicle.

C. A secure transporting vehicle must not bear any markings or other indication that it is carrying marihuana or marihuana-infused products.

#### **§ 116.128 Provisioning Centers**

A. The licensee, manager, operator and employees of a provisioning center shall strictly comply with all rules addressing security (including but not limited to an operating video surveillance system), storage of marihuana and marihuana-infused products to prevent direct customer access and use of a separate room as a point of sale area.

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 marihuana, marihuana-infused products, or medical marihuana paraphernalia from any outdoor location;
- (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.

## **ARTICLE IV General Requirements**

### **§ 116.129 Compliance with Rules; Inspections**

A. A permit holder shall strictly comply with the rules that may from time to time be promulgated by the Department.

B. All marihuana commercial operations shall obtain all other required permits or licenses related to the operation of the marihuana facility, including, without limitation, any zoning approvals or building permits required by any applicable code or ordinance.

C. The failure by a permit holder to comply with Department rules or the provisions of this Chapter is a violation of this Chapter and any infraction or violation is a sufficient basis for suspension and revocation of a permit issued under this Chapter.

### **§ 116.130 Signage and Advertising.**



A. All signage and advertising for a medical marijuana 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 marijuana and marijuana-infused products or use advertisements that promote medical marijuana or marijuana-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.

### **§ 116.131 Security Requirements.**

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

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

C. The security system, shall be maintained in good working order and provide continuous twenty-four hours per day recorded coverage. A separate security system is required for each facility. Permit holders shall at all times maintain a security system that meets state law requirements, and shall include:

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

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

(3) A locking safe permanently affixed to the permitted premises that shall store all marijuana and cash remaining at the facility overnight;

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

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

### **§ 116.132 Fire Suppression; Hazardous Materials**

A. A facility shall have installed a fire suppression system and fire alarm system for the facility which meets the requirements imposed by applicable law. Unless a higher standard is required by applicable law or regulation, there must be a minimum of a one-hour fire separation between a medical marijuana business and any adjacent business.

B. A description of all toxic, flammable, or other materials, including all chemical compounds and pesticides used for cultivation, processing or testing of marijuana that will be used or kept at the facility, specifying the location of such materials on the premises, and how such materials will be stored and disposed of shall be filed with the Department of Public Safety prior to the facility commencing operations.

### **§ 116.133 Waste Management**

A. A facility shall institute and employ a waste management protocol and practices that comply with applicable rules and regulations that includes a plan for disposal of any medical marijuana or medical marijuana-infused product that is not sold to a patient or primary caregiver.

B. As determined by the Wastewater Superintendent, wastewater generated from the cultivation or processing of marijuana or marijuana-infused products may require pre-treatment before introduction in the City wastewater system.

### **§ 116.134 Visibility of Activities.**

A. All activities of marijuana commercial 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 marijuana plants from public view, with no marijuana plants growing above the height of the fence or barrier and the fences are secured and only accessible to authorized persons and emergency personnel .

B. No medical marijuana, marijuana-infused product, or paraphernalia shall be displayed or kept in a business so as to be visible from outside the licensed premises.

### **§ 116.135 Odor Control**

A. Growers, processors, and safety compliance facilities are required to install and maintain in operable condition an appropriate exhaust ventilation system which precludes the emission of detectable marijuana odor resulting from any grow or production process or operations from the premises. Exhaust and ventilation equipment must be installed, operated, and maintained in compliance with the Michigan mechanical code.

B. No medical marijuana facility shall permit the emission of marijuana odor resulting in detectable odors that leave the facility premises upon which they originated and interfere with the reasonable and comfortable use and enjoyment of another's property. Whether or not a marijuana odor emission interferes with the reasonable and comfortable use and enjoyment of a property shall be measured against the objective standards of a reasonable person of normal sensitivity.

### **§ 116.136 Reports of Crime**

All criminal activities or attempted violations of any law at the medical marijuana facility shall be reported promptly to the Big Rapids Department of Public Safety within twenty-four (24) hours of occurrence, or its discovery, whichever is sooner. The failure to timely report criminal activity is a violation of this Chapter and may result in sanctions up to and including the suspension, revocation or non-renewal of the facility's City operating permit.

### **§ 116.137 Inspection of Licensed Premises**

A. During all business hours and other times when the premises are occupied by the licensee or an employee or agent of the licensee, all licensed premises shall be subject to examination and inspection by Department of Public Safety and all other City departments for the purpose of investigating and determining compliance with the provisions of this Chapter and any other applicable state and local laws or regulations.

B. Consent to Inspection. Application for a medical marijuana business license or operation of a medical marijuana business, or leasing property to a medical marijuana business, constitutes consent by the applicant, and all owners, managers, and employees of the business, and the owner of the property to permit the City staff to conduct routine examinations and inspections of the medical marijuana business to ensure compliance with this chapter or any other applicable law, rule, or regulation. For purposes of this Chapter, examinations and inspections of medical marijuana businesses and recordings from security cameras in such businesses are part of the routine policy of enforcement of this chapter for the purpose of protecting the public safety, individuals operating and using the services of the medical marijuana business, and the adjoining properties and neighborhood.

C. Application for a medical marijuana business permit constitutes consent to the examination and inspection of the business without a search warrant, and consent to seizure of any surveillance records, camera recordings, reports, or other materials required as a condition of a medical marijuana permit without a search warrant.

D. A medical marijuana facility permittee or an employee or agent of the permittee, shall not threaten, hinder or obstruct a law enforcement officer or a City inspector or investigator in the course of making an examination or inspection of the marijuana facility and premises and shall not refuse, fail, or neglect to cooperate with a law enforcement officer, inspector, or investigator in the performance of his or her duties to enforce this Chapter, the MMFLA, or applicable state administrative rules.

### **§ 116.138 Other laws remain applicable.**

To the extent the State adopts any additional or stricter law or regulation governing the sale or distribution of medical marijuana, the additional or stricter regulation shall control the establishment or operation of any marijuana commercial entity in the City. Compliance with any applicable state law or regulation shall be deemed an additional requirement for issuance or denial of any permit under this Article, and noncompliance with any applicable state law or regulation shall be grounds for revocation or suspension of any permit issued hereunder.

### **§ 116.139 Grant of Administrative Authority.**

The City Clerk and City Manager are granted the power and duty to fully and effectively implement and administer the permit application process and issuance of Provisional Approval Certificates and Operating Permits issued by the City under this Chapter.

**§ 116.140 Violations and Penalties.**

A. Any person, including, but not limited to, any licensee, manager or employee of a marihuana commercial operation, or any customer of such business, who violates any of the provisions of this Article, shall be responsible for a municipal civil infraction punishable by a civil fine of \$500, plus court-imposed costs and any other relief that may be imposed by the court for the first violation; and \$1,000, plus court-imposed costs and any other relief that may be imposed by the court for a subsequent violation committed within one (1) year of any previous offense.

B. In addition to any civil fine imposed for a municipal civil infraction violation, a violation of this Chapter, shall also be sufficient grounds the suspension, revocation or non-renewal of the facility's City operating permit.

C. In addition to the possible denial, suspension, revocation or nonrenewal of a license under the provisions of this Chapter, the City Attorney is authorized to seek such other relief that may be available and provided by law or equity, including filing a public nuisance action or seeking injunctive relief against a person alleged to be in violation of this Chapter or the City Zoning Ordinance.

**Section 2.** The ordinance shall be effective 20 days after publication.

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

Yeas: Anderson, Cochran, Eppley, Hogenson, James

Nays: None

The Mayor declared the ordinance adopted.

Date: October 7, 2019

Published: October 15, 2019

## ORDINANCE NO. 750-10-19

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

### ORDINANCE IN TITLE 11 CHAPTER 116 TO “OPT OUT” AND COMPLETELY PROHIBIT MARIHUANA ESTABLISHMENTS IN THE CITY OF BIG RAPIDS

WHEREAS, the Michigan Regulation and Taxation of Marihuana Act (MRTMA), Initiated Law 1 of 2018, was approved by the Michigan and Big Rapids electorate November 6, 2018, and

WHEREAS, the MRTMA authorizes and allows state and local licensing of marihuana establishments identified in the Act, and the State is expected to accept applications for marihuana establishment licenses starting November 1, 2019, and

WHEREAS, state licensed marihuana business establishments identified in the MRTMA can locate and operate within the City of Big Rapids unless the City Commission adopts an ordinance that “opts out” and completely prohibits or limits the number of marihuana establishments within the City, and

WHEREAS, the City Commission listened to extensive public comments, Planning Commission recommendations, and City Staff recommendations on the subject of allowing or prohibiting marihuana business establishments,

NOW, THEREFORE, THE CITY OF BIG RAPIDS ORDAINS:

**Section 1.** Marihuana establishments defined and authorized by The Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, are completely prohibited within the City of Big Rapids.

**Section 2.** This ordinance shall be effective upon publication in the Pioneer.

**Section 3.** The City Clerk is directed to submit or file a copy of this ordinance with the state licensing department for marihuana establishments.

Yeas: James

Nays: Anderson, Cochran, Eppley, Hogenson

The Mayor declared the ordinance **NOT ADOPTED**.

Date: October 7, 2019

Published: October 15, 2019

**ORDINANCE NO. 751-10-19**

Commissioner Anderson moved, supported by Commissioner Eppley, the adoption of the following Ordinance:

**ORDINANCE IN TITLE 11 CHAPTER 116 AUTHORIZING AND REQUIRING A CITY PERMIT TO OPERATE CERTAIN MARIHUANA BUSINESS ESTABLISHMENTS IN THE CITY OF BIG RAPIDS**

WHEREAS, the voter Initiated Law 1 of 2018, MCL 333.27953 et seq., authorized Michigan municipalities to completely prohibit or limit marihuana business establishments within municipal boundaries, and

WHEREAS, the City Commission desires and intends to prohibit marihuana business establishments in the City of Big Rapids that allow or provide on site consumption of marihuana or marihuana infused products,

NOW THEREFORE, the **City of Big Rapids ordains:**

**Section 1. 116. 210 Authorized Marihuana Establishments.** The following marihuana establishments authorized by the Voter Initiated Law 1 of 2018 are authorized to operate within the City of Big Rapids according to state law and local ordinance regulations with a City permit and a state license.

<b><u>Type of Establishment</u></b>	<b><u>Number Authorized</u></b>
Marihuana Grower	Unlimited
Excess Marihuana Grower	Unlimited
Marihuana Processor	Unlimited
Marihuana Microbusiness	Unlimited
Marihuana Retailer	Unlimited
Marihuana Safety Compliance Facility	Unlimited
Marihuana Secure Transporter	Unlimited

**§ 116.211 Prohibited Marihuana Establishments.** The following marihuana establishments authorized by the Voter Initiated Law 1 of 2018 are prohibited from operating within the City of Big Rapids.

<b><u>Type of Establishment</u></b>	<b><u>Number Authorized</u></b>
Designated Marihuana Consumption Establishment	None
Marihuana Event Organizer	None
Any other type of marihuana related business Licensed by the Department	None

**§ 116.212 Permits, Applications and Fees.** No person or other legal entity can operate a marihuana business establishment authorized by the voter Initiated Law 1 of 2018 in the City of Big

Rapids without a permit issued by the City Clerk, an appropriate license issued by the State, zoning clearance, approval, or special use permit, and compliance with all applicable local zoning and regulatory ordinance provisions. The procedure for obtaining a City permit for an authorized marihuana establishment listed in Section 116.210 shall be the same as the procedure for obtaining a City permit for an authorized medical marihuana facility in Sections 116.110-116.135.

**§ 116.213 Regulation.** The local regulations for a marihuana business establishment authorized by the voter Initiated Law 1 of 2018 are the same as the regulations for an authorized medical marihuana facility in Sections 116.136-116.140.

**Section 2.** The ordinance shall be effective 20 days after publication.

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

Yeas: Anderson, Cochran, Eppley, Hogenson, James

Nays: None

The Mayor declared the ordinance adopted.

Date: October 7, 2019

Published: October 15, 2019

## ORDINANCE NO. 752-10-19

Commissioner Eppley moved, supported by Commissioner Anderson, the adoption of the following Ordinance:

### **ORDINANCE 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**

WHEREAS, the Planning Commission developed amendments to the Big Rapids Zoning Ordinance to permit state licensed Marihuana Businesses in Commercial and Industrial Zoning Districts, and

WHEREAS, the Planning Commission conducted public hearings on the Zoning Ordinance text amendments, and

WHEREAS, the Planning Commission recommended adoption of a text amendment to the Big Rapids Zoning Ordinance that would add definitions of marihuana businesses and permit the state licensed marihuana businesses subject to the conditions of Article 3 District Regulations and Section 11.1:29 Use Standards.

NOW THEREFORE, the **City of Big Rapids ordains:**

**Section 1.** The definitions pertaining to Marihuana Businesses are added to Article 2.2:89 to read as follows:

- (1) **LARA** – The Michigan Department of Licensing and Regulatory Affairs.
- (2) **MRA** – The State of Michigan Marihuana Regulatory Agency.
- (3) **Licensee** – A person holding a state license.
- (4) **Marihuana** – All parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products. It does not include industrial hemp.
- (5) **Marihuana Establishment** – A location at which a licensee is licensed to operate under one of the State of Michigan Marihuana laws.
- (6) **Grower** – A person with a commercial license to cultivate, dry, trim, cure, and package marihuana and sell or otherwise transfer marihuana to marihuana establishments.
- (7) **Microbusiness** – A person with a commercial license to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.
- (8) **Marihuana Plant** – Any plant of the species Cannabis sativa L. Marihuana plant does not include industrial hemp.



- (9) **Processor** – A person with a commercial license to obtain marihuana from marihuana establishments, process and package marihuana, and sell or otherwise transfer marihuana to marihuana establishments.
- (10) **Retailer** – A person with a commercial license to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older. Also called provisioning centers.
- (11) **Safety Compliance Facility** – A person with a commercial license to test marihuana, including certification for potency and the presence of contaminants.
- (12) **Secure Transporter** – A person with a commercial license to obtain marihuana from marihuana establishments in order to store and transport marihuana to marihuana establishments for a fee.
- (13) **Excess Marihuana Grower** – A person, who already holds five adult-use Class C Grower licenses, and is given additional license to expand their allowable marihuana plant count.
- (14) **Municipal License** – A license or permit issued by a municipality that allows a person to operate a marihuana establishment in that municipality.

**Section 2.** Article 3, Section 3.9:2 is amended to add the following text as permitted principal uses and structures in the C-1 District:

3.9:2 (3)(f) Marihuana establishments that are retailers, safety compliance facilities or microbusinesses, subject to the conditions of Section 11.1:29.

3.9:2(3)(g) and other similar establishments.

**Section 3.** Article 3, Section 3.10:2 is amended to add the following text as permitted uses and structures in the C-2 District:

3.10:2(1)(v) Marihuana establishments that are retailers, safety compliance facilities, or microbusinesses, subject to the conditions of Section 11.1:29.

3.10:2(1)(w) other similar establishments.

**Section 4.** Article 3, Section 3.11:2 is amended to add the following text as permitted uses and structures in the C-3 District:

3.11:2(2)(i) Marihuana establishments that are retailers, safety compliance facilities, or microbusinesses, subject to the conditions of Section 11.1:29.

3.11:2(2)(j) other similar establishments.

**Section 5.** Article 3, Section 3.12:7 is amended to add the following text as permitted principal uses and structures in the Industrial District:

3.12:7 (4) Marihuana establishments that are growers, excess growers, processors, safety compliance facilities, or secure transporters, subject to the conditions of Section 11.1:29.

**Section 6.** Article 11.1:29 is amended to read as follows:

Marihuana establishments may be permitted subject to the general and specific conditions below:

(1) Conditions which apply all marihuana establishments are listed below:

(a) All such establishments shall hold a valid License for the appropriate operation as issued by the State of Michigan.

(b) Co-located marihuana establishments and stacked grower licenses may be permitted subject to the regulations of this Ordinance and any applicable rules promulgated by LARA.

(c) The Licensee shall have, or shall have applied for, a Municipal License or permit as described in the City Code.

(d) No such facility shall be situated within 500 feet of a K-12 school, public or private.

(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 4 feet in height.

(f) The use of marihuana is prohibited at all licensed marihuana establishments.

(g) No equipment or process shall be used in the facility which creates noise, dust, vibration, glare, fumes, odors, or electrical interference detectable to the normal human sense beyond the property line.

(h) The establishment shall be available for reasonable inspection, during business hours, by Code Enforcement Officials or Public Safety Officers to confirm the facility is operating in accordance with all applicable laws, including state law and city ordinances.

(i) A property owner shall have no vested rights or nonconforming use rights that would serve as a basis for failing to comply with this ordinance or any amendment of this ordinance.

(j) A Zoning Permit or Special Land Use Permit may be issued conditionally, however no operation may commence or continue until the required Municipal License or permit has been issued by the City Clerk and all conditions enumerated in the City Code have been met.

(2) 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 appearance must be compatible with surrounding businesses with respect to façade type, ground floor opacity, site layout, etc.

(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.

(3) Marihuana growers, excess growers, processors, safety compliance facilities, and secure transporters may be permitted as a special land use in the Industrial District subject to the conditions below:

(a) 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 Manufacturing and Industrial Uses.

(b) Processes must be conducted in a manner to minimize adverse impacts on the City's wastewater treatment operations. The City's Public Works Department shall review all pertinent information related to wastewater discharges and shall provide any pertinent comments on to the Planning Commission.

(c) All operations shall occur within an enclosed building and no marihuana may be stored overnight outside of an enclosed building. By way of example and without limitation, it is unlawful to store marihuana overnight in an outdoor waste bin or a secure transport vehicle parked outdoors.

(d) Applicants must provide a plan for the storage and disposal of marihuana or chemicals associated with marihuana cultivation or processing to minimize the risk of theft or harm resulting from chemical exposure.

**Section 7.** The ordinance shall be effective 20 days after publication.

**Section 8.** The City Clerk is directed to publish this ordinance in the Pioneer.

Yeas: Anderson, Cochran, Eppley, Hogenson, James

Nays: None

The Mayor declared the ordinance adopted.

Date: October 7, 2019

Published: October 15, 2019

## ORDINANCE NO. 753-10-19

Commissioner Anderson moved, supported by Commissioner Eppley, the adoption of the following Ordinance

### **ORDINANCE ADDING CONSTRUCTION EQUIPMENT SALES, SERVICE AND RENTAL AS A PERMITTED USE IN THE INDUSTRIAL DISTRICT**

WHEREAS, a retail establishment sought zoning approval in the industrial district for a business involved in the sales, service and rental of construction equipment, and

WHEREAS, the Big Rapids Zoning Ordinance does not define or clearly permit businesses engaged in the sales, service and rental of construction equipment, and

WHEREAS, the Planning Commission held a public hearing on October 16, 2019, on a proposed amendment to the Zoning Ordinance and by unanimous vote recommended that the City Commission adopt the zoning ordinance amendment,

#### THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Article 2 Section 2:90 is amended by adding the following definition:

Construction Equipment Sales, Service and Rental – Retail establishments selling or renting light or heavy construction equipment, as well as performing maintenance on that equipment. Examples of this equipment include skid steers, backhoes, dozers, and industrial forklifts.

Section 2. Section 3.12:2(14) is amended by adding the following Permitted Use:

Construction equipment sales, service, and rental, subject to the conditions of Section 11.1:30.

Section 3. Article 11 Section 11.1:30 is amended by adding the following Conditions:

Construction equipment sales, service, and rental may be permitted in the Industrial District under the following conditions:

- (1) Outdoor display and storage of equipment shall conform to the lot, yard, and area requirements of the Industrial District.
- (2) Equipment outdoors may be stored up to 40 feet in height.
- (3) All service activities shall be conducted completely within an enclosed building.
- (4) Interior site circulation shall be planned in such a manner that any trucks, tractors, cranes, or any other large construction related vehicles shall not protrude into any road right of way during ingress or egress from the site.
- (5) Uses shall produce no detectable objectionable dust, fumes, or odors at any property line.

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

Section 5. This ordinance shall be effective 20 days after publication.

Yeas: Anderson, Cochran, Eppley, Hogenson

Nays: None

The Mayor declared the ordinance adopted.

Dated: October 21, 2019

Published: October 25, 2019

**ORDINANCE NO. 754-12-19**

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

**ORDINANCE AMENDING ARTICLE 11 SECTION 1:29(1)(d) OF THE BIG RAPIDS ZONING ORDINANCE TO CLARIFY THAT THE SETBACK OF 500 FEET FOR MARIHUANA BUSINESSES SHALL BE MEASURED FROM PROPERTY LINE TO PROPERTY LINE**

WHEREAS, the City Commission adopted Ordinance No. 752-10-19 on October 7, 2019 which authorized both medical and adult-use marihuana businesses in the City and established the regulations and zoning provisions for marihuana businesses; and

WHEREAS, City staff received numerous calls from potential applicants regarding the setback regulations and how to measure the 500 feet from a K-12 school, public or private; and

WHEREAS, the Planning Commission held a public hearing on an amendment to Article 11 Section 1:29(1)(d) and recommended adoption of a text amendment that would clarify how the City will measure the setback of 500 feet from property line to property line;

NOW THEREFORE, the **City of Big Rapids ordains:**

**Section 1.** Article 11 Section 1:29(1)(d) Use Standards provides:

(d) No such facility shall be situated within 500 feet of a K-12 school, public or private.

which is amended to read:

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

**Section 2.** The ordinance shall be effective 20 days after publication.

**Section 3.** 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.

Date: December 2, 2019

Published: December 6, 2019

**ORDINANCE NO. 755-01-20**

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

**ORDINANCE REZONING 906 N. STATE STREET FROM INDUSTRIAL (I) TO THE (R-3) RESIDENTIAL ZONING DISTRICT**

WHEREAS, the Planning Commission held a public hearing on January 15, 2020, on a proposed amendment to the Zoning Ordinance and by unanimous vote recommended that the City Commission rezone 906 N. State Street from Industrial (I) District to the (R-3) Residential District, and

WHEREAS, the City Commission accepts the Planning Commission's recommendation, and

WHEREAS, the City Commission desires to rezone 906 N. State Street to (R-3) Residential,

THE CITY OF BIG RAPIDS ORDAINS:

Section 1. The property at 906 North State Street described as:

0000906 N STATE STREET: PART OF THE NW 1/4 OF SEC11 15N R10W, CITY OF BIG RAPIDS, MECOSTA COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS: LOTS 1 THRU 16, BLK 3, FRENCH'S ADDITION (ALSO KNOWN AS ZERAH FRENCH & WIFES PLAT OF THE VILLAGE OF GLEN ELM) AND ALSO THE PLATTED ALLEY IN BLK 3, BETWEEN PERE MARQUETTE (BALDWIN) AND WILLIAMS ST; EXC THE W 45.00 FT OF LOTS 1 THRU 8 AND ALSO EXC THE S 20.08 FT OF LOTS 8 AND 9 AND THAT PORTION OF THE PLATTED ALLEY THEREOF, AND

BEG AT THE NW COR OF LOT 1, BLK 3 FRENCH'S ADDITION (ALSO KNOWN AS ZERAH FRENCH & WIFES PLAT OF THE VILLAGE OF GLEN ELM) SAID POINT BEING S 00°25'54" E 934.78 FT AND N 89°34'06" E 38.97 FT FROM THE NW COR OF SAID SEC. TH N 00°10' 54" W 199.31 FT; TH S 78°13'24" E 265.41 FT (REC AS S 78°24'25" E); TH S 24°37'50" E 162.82 FT; TH N 89°29'49" W 327.06 FT ALG THE N LN OF LOTS 1 AND 16 TO THE E LN OF STATE ST & POB, AND

LOT I TIOGA WATER POWER ADDITION TO THE CITY OF BIG RAPIDS. EXC COM AT THE NW COR OF SEC11, T15N R10W, CITY OF BIG RAPIDS, MECOSTA COUNTY, MICHIGAN AND RUNNING TH S 00°25'54" E ALG THE W LN OF SEC11 1314.79 FT; TH N 89°28'48" E 37.32 FT TO A POINT BEING N 00°25'54" W 20.00 FT FROM THE SW COR OF BLK 3, FRENCH'S ADDITION (ALSO KNOWN AS ZERAH FRENCH & WIFES PLAT OF THE VILLAGE OF GLEN ELM); TH CONT S 89°42'02" E 320.27 FT ALG THE N LN OF PERE MARQUETTE (BALDWIN ST) AS ACQUIRED IN



2015 AND TO THE POB; TH CONT S 89°42'02"E 79.42 FT; TH N 75°47'58" E 105.39 FT; TH S 18°47'34" E 27.35 FT; TH S 75°43'54" W 142.64 FT ALG THE N LN OF THE PREVIOUSLY VACATED 25.9 FT OF BLK 3; TH N 14°12'02" W 15.75 FT ALG SAID N LN; TH N 89°41'57" W 48.15 FT; TH N 00°25'34" W 20.08 FT TO THE POB . AND ALSO EXC COM AT THE NW COR OF SAID SEC II, AND RUNNING TH S 00°25'54" E ALG THE W LN OF SEC II 1314.79 FT; TH N 89°28'48" E 37.32 FT; TH S 89°42'02" E 399.69 FT ALG THE N LN OF PERE MARQUETTE ST (AKA BALDWIN ST) AS ACQUIRED IN 2015; TH N 75°47'58" E 54.17 FT ALG SAID N LN TO THE POB OF THIS DESCRIPTION; TH N 36°55'47" E 61.79 FT; TH S 18°47'34" E 38.90 FT TO SAID N LN; TH S 75°47'58" W 51.22 FT ALG SAID N LN TO THE POB

is rezoned from Industrial (I) to the (R-3) Residential zoning district.

Section 2. The Zoning Administrator is directed to amend the zoning map to reflect the rezoning as indicated on the attached map.

Section 3. This ordinance shall become effective 7 days after publication.

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

Yeas: Andrews, Cochran, Eppley, Hogenson, James

Nays: None

The Mayor declared the ordinance adopted.

Date: January 21, 2020

Published: January 29, 2020

**ORDINANCE NO. 756-02-20**

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

**ORDINANCE AMENDING CHAPTER 32  
SECTION 32.15 OF THE BIG RAPIDS CITY CODE**

WHEREAS, Section 32.15(C) of the Big Rapids City Code says, "The Department of Public Safety shall be headed by the Director of Public Safety," and

WHEREAS, the City Manager proposed the appointment of a Police Chief and a Fire Chief, without the appointment of a Director of Public Safety, and

WHEREAS, the administrative flexibility of administering the Department of Public Safety will be enhanced by amending subsection (C),

NOW, THEREFORE, THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Subsection (C) of Chapter Section 32.15 is amended to read as follows:

(C) The Department of Public Safety ~~may shall~~ be headed by the Director of Public Safety ~~as such position is~~ a combination of the administrative offices of Chief of Police and Chief of Fire, **or the Department of Public Safety may be headed by the Chief of Police and the Chief of Fire.** ~~as permitted by the City Charter.~~ The Director **or the Chief of Police and the Chief of Fire** shall be selected on the basis of executive and administrative qualifications with special reference to training and experience and without regard to political or religious preferences. ~~In addition to the powers and duties prescribed in the Charter and in this code for~~ The Chiefs of Police and Fire **or the Director of Public Safety** shall be responsible for the administration and performance of the Department's functions.

(C) The Department of Public Safety may be headed by the Director of Public Safety as a combination of the administrative offices of Chief of Police and Chief of Fire, or the Department of Public Safety may be headed by the Chief of Police and the Chief of Fire. The Director or the Chief of Police and the Chief of Fire shall be selected on the basis of executive and administrative qualifications with special reference to training and experience and without regard to political or religious preferences. The Chiefs of Police and Fire or the Director of Public Safety shall be responsible for the administration and performance of the Department's functions.

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: February 17, 2020

Published: February 21, 2020

**ORDINANCE NO. 757-03-20**

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

**ORDINANCE REZONING 520 S THIRD AVENUE FROM (R-3) RESIDENTIAL TO THE (C-3) COMMERCIAL ZONING DISTRICT**

WHEREAS, the Planning Commission held a public hearing on February 19, 2020, on a proposed amendment to the Zoning Ordinance and by unanimous vote recommended that the City Commission rezone 520 S. Third Avenue from (R-3) Residential District to (C-3) Commercial District, and

WHEREAS, the City Commission accepts the Planning Commission's recommendation, and

WHEREAS, the City Commission desires to rezone 520 S. Third Avenue to (C-3) Commercial,

THE CITY OF BIG RAPIDS ORDAINS:

Section 1. The property at 520 S. Third Avenue described as:

000520 S THIRD AVENUE: BIG RAPIDS WATER POWER  
IMPROVEMENT COMPANY'S ADDITION – BLK A, LOTS 13 & 14

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, Hogenson, James

Nays: None

The Mayor declared the ordinance adopted.

Date: March 2, 2020

Published: March 11, 2020

**ORDINANCE NO. 758-06-20**

Commissioner James moved, seconded by Commissioner Andrews, 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,  
2020**

		<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	\$49.17	\$67.35	\$75.16	\$91.83	\$106.51
	Administration	\$12.29	\$16.84	\$18.79	\$22.96	\$26.63
	<b>Total</b>	<b>\$61.46</b>	<b>\$84.19</b>	<b>\$93.95</b>	<b>\$114.79</b>	<b>\$133.14</b>
2	Base	\$98.46	\$126.81	\$141.50	\$172.73	\$200.92
	Administration	\$24.62	\$31.70	\$35.38	\$43.18	\$50.23
	<b>Total</b>	<b>\$123.08</b>	<b>\$158.51</b>	<b>\$176.88</b>	<b>\$215.91</b>	<b>\$251.15</b>
3	Base	\$145.59	\$186.41	\$208.53	\$253.63	\$295.25
	Administration	\$36.40	\$46.60	\$52.13	\$63.41	\$73.81
	<b>Total</b>	<b>\$181.99</b>	<b>\$233.01</b>	<b>\$260.66</b>	<b>\$317.04</b>	<b>\$369.06</b>
4	Base	\$223.52	\$248.10	\$273.33	\$336.76	\$389.68
	Administration	\$55.88	\$62.03	\$68.33	\$84.19	\$97.42
	<b>Total</b>	<b>\$279.40</b>	<b>\$310.13</b>	<b>\$341.66</b>	<b>\$420.95</b>	<b>\$487.10</b>
5	Base	\$263.52	\$304.88	\$340.12	\$414.65	\$484.03
	Administration	\$65.88	\$76.22	\$85.03	\$103.66	\$121.01
	<b>Total</b>	<b>\$329.40</b>	<b>\$381.10</b>	<b>\$425.15</b>	<b>\$518.31</b>	<b>\$605.04</b>
6	Base	\$314.94	\$365.83	\$409.41	\$496.82	\$577.48
	Administration	\$78.74	\$91.46	\$102.35	\$124.21	\$144.37
	<b>Total</b>	<b>\$393.68</b>	<b>\$457.29</b>	<b>\$511.76</b>	<b>\$621.03</b>	<b>\$721.85</b>
7	Base	\$364.22	\$424.71	\$475.79	\$580.10	\$672.78
	Administration	\$91.06	\$106.18	\$118.95	\$145.03	\$168.20
	<b>Total</b>	<b>\$455.28</b>	<b>\$530.89</b>	<b>\$594.74</b>	<b>\$725.13</b>	<b>\$840.98</b>

**COMMERCIAL**

1/2 Yard-1 Time/Week	\$9.45	(Per Cart)
Administration	<u>\$2.36</u>	
Total	\$11.81	

1 Yard-1 Time/Week	\$18.90	(Loose Pickup)
Administration	<u>\$4.73</u>	
Total	\$23.63	

Recycle – 2 Times/Month	\$11.64	(Per Cart)
Administration	<u>\$2.91</u>	
Total	\$14.55	

\*Overflow Volume Rate Charge \$16.00 Per Yard

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**RESIDENTIAL**

Trash Service	\$9.45
Administration	<u>\$2.36</u>
Total	\$11.81

Cleanup	\$1.58
Administration	<u>\$0.40</u>
Total	\$1.98

Curbside Recycle	\$3.04
Administration	<u>\$0.76</u>
Total	\$3.80

Bagged Leaves/Yard Waste	\$3.05	Leaves & Yard Waste - May Purchase Bags
Administration	<u>\$0.76</u>	
Total	\$3.81	

Total Residential \$21.40

Additional Cart Rentals \$2.11 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, 2020 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 1, 2020

Published: June 9, 2020

**ORDINANCE NO. 759-06-20**

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.

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, 2020, 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	\$19.87	\$7.00 per 1,000 gallons
1	\$53.67	\$7.00 per 1,000 gallons
1 1/2	\$112.19	\$7.00 per 1,000 gallons
2	\$283.46	\$7.00 per 1,000 gallons
3	\$590.32	\$7.00 per 1,000 gallons
4	\$844.50	\$7.00 per 1,000 gallons
6	\$1,144.57	\$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	\$10.93	\$6.15 per 1,000 gallons
1	\$29.52	\$6.15 per 1,000 gallons
1 1/2	\$61.71	\$6.15 per 1,000 gallons
2	\$155.90	\$6.15 per 1,000 gallons
3	\$324.67	\$6.15 per 1,000 gallons
4	\$464.48	\$6.15 per 1,000 gallons
6	\$629.52	\$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
¾	\$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.

Date: June 15, 2020

Published: June 25, 2020

**ORDINANCE NO. 760-06-20**

Commissioner Cochran 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.

The City of Big Rapids ordains:

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

Effective July 1, 2020, 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	\$8.07	\$7.00 per 1,000 gallons
3/4	\$31.63	\$7.00 per 1,000 gallons
1	\$48.50	\$7.00 per 1,000 gallons
1 1/2	\$97.73	\$7.00 per 1,000 gallons
2	\$282.53	\$7.00 per 1,000 gallons
3	\$487.19	\$7.00 per 1,000 gallons
4	\$743.65	\$7.00 per 1,000 gallons
6	\$1,262.63	\$7.00 per 1,000 gallons

**RESIDENTIAL CUSTOMERS**

<u>Meter size (inches)</u>	<u>Base Rate</u>	<u>Commodity Charge</u>
5/8	\$8.07	\$7.00 per 1,000 gallons
3/4	\$8.07	\$7.00 per 1,000 gallons
1	\$8.07	\$7.00 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.

Date: June 15, 2020

Published: June 25, 2020

**ORDINANCE NO. 761-07-20**

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

**ORDINANCE TO AMEND ARTICLE V OF THE ZONING ORDINANCE TO  
ADD REGULATIONS ON BICYCLE PARKING SPACES**

WHEREAS, one of the steps municipalities can take toward certification by the MEDC as a Redevelopment Ready Community is to “incorporate standards to improve non-motorized transportation such as bicycle parking,” and

WHEREAS, the Planning Commission worked on an amendment to the City’s Zoning Ordinance to encourage the development of bicycle parking facilities within the City of Big Rapids, and

WHEREAS, a public hearing on the proposed zoning ordinance amendment was conducted by the Planning Commission on July 15, 2020, and

WHEREAS, the Planning Commission recommended that the City Commission adopt the proposed amendment to the Zoning Ordinance on bicycle parking spaces that includes an incentive by which required motor vehicle parking spaces can be reduced by the installation of additional bicycle parking spaces,

NOW, THEREFORE, THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Article V of the Big Rapids Zoning Ordinance is amended by adding the following new section:

Section 2. 5.7:2 Bicycle Parking

5.7:2 Bicycle Parking

- (1) Required Spaces. Any development requiring motor vehicle parking spaces is required to provide bicycle parking. Off-street parking areas are recommended to contain at least one (1) bicycle parking space for every number ten (10) spaces provided for motor vehicles, or fraction thereof, with a minimum of two (2) and a maximum of twelve (12) bicycle parking space provided.
- (2) Location. Bicycle parking for commercial, multi-family residential, and mixed-uses shall be conveniently located within 50 feet of building entry points and shall not conflict with pedestrian travel. Bicycle parking areas must be visible to the public and have adequate lighting to facilitate nighttime use.
- (3) Facility Type: Bicycle parking shall consist of “inverted U” or “post and ring” style racks which meet the Performance Criteria for Bike Parking Racks in the 2<sup>nd</sup> Edition of the Association of Pedestrian and Bicycle Professionals’ Essentials of Bicycle Parking. The bicycle parking rack must be anchored to the ground and shall allow the bicycle wheel and frame to be locked to the bicycle rack.

- (4) Facility Size: Each bicycle parking space shall accommodate a bicycle at least six feet in length and two feet wide. Bicycle racks shall be installed no closer than two feet from a wall or motor vehicle parking space.
- (5) Maintenance. The surfacing of bicycle parking facilities shall be designed and maintained to be clear of mud, debris, ice and snow.
- (6) Offset of Required Off-Street Parking Spaces. The Zoning Administrator shall, upon request of the developer, permit a reduction of required motor vehicle parking by up to 20% given that one (1) on-site bicycle parking space, above the recommended spaces and meeting the Ordinance recommendations, is provided for each motor vehicle parking space removed.

Section 3. 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: July 20, 2020

Published: July 23, 2020

**ORDINANCE NO. 762-07-20**

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

**ORDINANCE AMENDING CHAPTER 32 SECTION 32.40 TO RENAME THE DEPARTMENT OF NEIGHBORHOOD SERVICES AS THE DEPARTMENT OF COMMUNITY DEVELOPMENT, AND AMENDING ALL OTHER REFERENCES TO THE DEPARTMENT IN THE CITY CODE**

WHEREAS, City Staff recommended naming the Department of Neighborhood Services as the Department of Community Development, and

WHEREAS, Section 32.40 of the Big Rapids City Code identifies the Department, its Director, and the Department's functions and responsibilities,

NOW, THEREFORE, THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Chapter 32, Section 32.40 of the Big Rapids City Code is amended to read as follows, renaming the Department of Neighborhood Services as the Department of Community Development.

Section 2. 32.40 DEPARTMENT OF COMMUNITY DEVELOPMENT.

(A) The Department of ~~Neighborhood Services~~ **Community Development** includes the following functions and responsibilities:

(1) Providing technical support to the City Commission in matters pertaining to planning, zoning, building, and community development, and other specific subjects as directed by the City Commission or City Manager.

(2) Providing technical support to the Planning Commission and Zoning Board of Appeals.

(3) Administering the zoning ordinance.

(4) Administering the City's building, housing, and subdivision regulations and any other ancillary or related portions of the City Code as assigned by the City Manager.

(5) Maintaining and updating the plans and regulations administered by the Department, and others at the direction of the City Manager.

(6) Conducting building, zoning, and other regulatory inspections as required by the City Code or the City Manager.

(7) Discovering and pursuing grants and other funding opportunities for the City.

(8) Providing information to the general public on the subjects of planning, zoning, subdivision regulations, and building codes within the functions of the Department.

(B) The Department shall be headed by the Director of ~~Neighborhood Services~~, **Community Development**, who shall be responsible for the administration and performance of its functions. The Director shall be appointed by the City Manager.

Section 3. Sections 32.01(H), 50.03(A), (B), and (C), 50.16, 55.05(D)(2), 71.06(B), 90.27(A), 90.28(A) and (B), 90.38(A), (B), and (C), 90.83(B), 90.88(B), 151.03(C), and (F)(4), 153.03(B)(2)(b)(4), and 153.04(J)(2)(b)(4) are amended by striking Neighborhood Services and inserting Community Development, while all other text in the listed sections remains in full force and effect, with the amended sections and subsections to read as follows:

Section 32.01 DEPARTMENTS.

(H) Department of ~~Neighborhood Services~~ **Community Development**.

### **Section 50.03 SERVICE.**

(A) For all classes of garbage service the Director of ~~Neighborhood Services~~ **Community Development** or his designee shall determine the size and type of garbage container which shall be employed. The determination of the size and type of garbage container by the Director of ~~Neighborhood Services~~ **Community Development** or his designee shall be final and binding on the customer, subject to an appeal first to the City Manager and thereafter to the City Commission. The determination shall be based on the experience of the garbage collection contractor with the customer and similar customers, and a review of the amount of garbage that accumulates on the premises over regular collection periods. The Director of ~~Neighborhood Services~~ **Community Development** shall inform the City Treasurer's Office of the size and type of garbage container to be used by any particular customer, and the proper charge shall be added to the billing.

(B) *Residential.* All persons occupying or maintaining a place of residence (one to four units) shall be provided regular refuse collection service, and all units are required to receive the service. Such service may be suspended upon approval of an application made to the City. Should any residence have excessive quantities of refuse as determined by the Director of ~~Neighborhood Services~~ **Community Development** based on the amount of refuse, container size and overflow, inadequacy of the container, or any other relevant fact, the Director may require a polycart contained for that residence. It is the express position of the City that all multiple dwellings shall use a polycart or dumpster.

(C) *Commercial.* Multiple dwellings of five or more units and business, commercial, institutional, and industrial establishments, shall use the service provided by the City at a frequency and with the type and size of container determined by the Director of ~~Neighborhood Services~~ **Community Development** or his designee as described in division (A). The Director shall consider and determine the proper size and type of container and the frequency of collection so that no health hazard, blight, or undue collection difficulties will exist or be created. Multiple dwellings or businesses may, with the discretionary approval of the Director of ~~Neighborhood Services~~ **Community Development**, contract together where appropriate and efficient to share a garbage container or dumpster and the costs thereof. The Director of ~~Neighborhood Services~~ **Community Development** is empowered and authorized to negotiate and determine the conditions for the sharing of a container and collection service.

### **Section 50.16 CITY-ORDERED PICKUPS OF TRASH.**

The Building Inspector, Zoning Administrator, and the Director of ~~Neighborhood Services~~ **Community Development** are authorized to order the pickup of trash, rubbish, building debris, yard waste, tree trunks, limbs, or brush at the expense of the owner of any premises within the City when:

Section 55.05 DETAILED SITE PLAN.

(D)(2) In the event that the Director of Public Services determines that the detailed site plan and the proposed stormwater runoff and control facilities are adequate, the Director shall issue a permit and place a stamp on three sets of plans indicating their approval. One set of plans shall remain in the Office of ~~Neighborhood Services~~ **Community Development**, one set of plans shall remain in the Department of Public Services, and the other shall be returned to the applicant or developer.

Section 71.06 SCHEDULE OF VIOLATIONS.

(B) The Building Inspector, Zoning Administrator, and Code Enforcement Officer of the Department of ~~Neighborhood Services~~ **Community Development** staff shall be authorized to issue tickets for the following violations:

- (1) Parking prohibited on front yard not designated and approved for parking;
- (2) Parking on lawn extension; and
- (3) Parking on an area without an approved curb cut.

**Section 90.27 NOTICE TO OWNER OR OCCUPANT TO REMOVE.**

(A) Whenever it shall be reported to or observed by the Department of ~~Neighborhood Services~~ **Community Development** or the Department of Public Safety that any owner or occupant of real property has failed to comply with any of the terms of § 90.26, the Department of ~~Neighborhood Services~~ **Community Development** shall cause notice to be delivered in the manner prescribed in § 10.14 directing the owner or occupant to comply within five days.

Section 90.28 ABATEMENT OF NUISANCE.

(A) In the event the owner or occupant fails to mow the grass and cut the weeds within five days of the posting, mailing, or actual receipt of the notice to do so, the Department of ~~Neighborhood Services~~ **Community Development** may have the offending vegetation cut and removed. When such an action is taken the owner shall be billed for the cost of the work plus an administrative fee of 20%. The costs and fees shall be in addition to fines and costs for municipal civil infractions. Costs and fees may be collected by any procedure authorized by law.

(B) After notice has been delivered personally or by certified mail to the owner at least once in any growing season (May through October) additional notices during that same growing season can be delivered to or posted at the site with copies sent by first class mail to the owner and occupant, but no citation shall be issued and no abatement ordered by the Department of ~~Neighborhood Services~~ **Community Development** shall occur until the tenth day after delivery or posting and mailing of the notice.

Section 90.38 ABATEMENT OF BLIGHT.

(A) The City Commission finds and determines that conditions of blight constitute a nuisance that can be abated by the Department of ~~Neighborhood Services~~ **Community Development**.

(B) Whenever conditions of blight are reported to or observed by the Department of Public Safety or the Department of ~~Neighborhood Services~~ **Community Development**, regardless of whether or not a municipal civil infraction citation has been issued for the condition of blight, the Department of ~~Neighborhood Services~~ **Community Development** can give notice in the manner prescribed in § 10.14 to the owner or occupant, or both, directing the removal, elimination, or corrections of the blighted condition within five calendar days.

(C) In the event the owner and/or occupant fails to remove, eliminate or correct the condition of blight within five days after receiving the notice, the Department of ~~Neighborhood Services~~ **Community Development** may abate the condition of blight by removing, eliminating, or correcting it. When such an action is taken, the owner shall be billed for the actual cost of the work plus an administrative fee of 20% of the actual cost. The cost and fee shall be in addition to fines and costs assessed upon a finding of responsibility for a municipal civil infraction.

### **Section 90.83 PROCEDURE FOR DECLARATION OF A PUBLIC NUISANCE.**

(B) Notice of the public evidentiary hearing shall be given to the owner by personal service or certified mail to the address indicated by the City Assessor's records, the Mecosta County Register of Deeds records, and the City's ~~Neighborhood Services~~ **Community Development** Department records. The notice shall state the nature of the alleged public nuisance, and the time, date and location of the hearing. Certified mail shall be delivered with a return receipt requested. Notice to an owner shall occur at least seven calendar days prior to the date of the hearing. Notice shall be given to any and all persons who have an ownership interest in the real property, including record title owners, mortgage holders, tenants, and trustees, whose ownership interest is reflected in the records described above. Notice shall be posted on the real property at least seven calendar days prior to the date of the hearing.

### **Section 90.88 POSTING AND LISTING OF PUBLIC NUISANCES.**

(B) The City Clerk and Department of ~~Neighborhood Services~~ **Community Development** shall maintain a list of those real properties declared to be public nuisances, and the order of abatement or other remedies ordered by the City Commission. Any person requesting a copy of the list shall be supplied one at no charge. The list shall be available for public inspection at the City Clerk's office.

### **Section 151.03 PROPERTY ADDRESS NUMBERS.**

(C) Responsibility for assigning numbers. New building and/or property address numbers shall be assigned by the Department of ~~Neighborhood Services~~ **Community Development**.

(F) Number Place.

(4) Enforcement. It shall be the duty of the Department of ~~Neighborhood Services~~ **Community Development** to enforce this section. Existing structures will be required to be in compliance with this section within six months of the adoption of this section.

### **153.03 EXEMPTIONS TO PLATTING REQUIREMENTS.**

(B)(2)(b)(4) The Department of ~~Neighborhood Services~~ **Community Development** shall review for compliance with the City's Zoning Ordinance and Land Use Plan. The Zoning

Administrator shall review to determine compliance with parcel width and parcel area requirements.

**Section 153.04 PROCEDURE FOR REVIEW OF SUBDIVISION PLATS.**

(J)(2)(b)(4) The Department of ~~Neighborhood Services~~ **Community Development** shall review for compliance with the City's Zoning Ordinance and Land Use Plan. The Zoning Administrator shall review to determine compliance with parcel width and parcel area requirements.

Section 4. The Clerk is directed to 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, Hogenson, James

Nays: None

The Mayor declared the ordinance adopted.

Date: July 20, 2020

Published: July 24, 2020