

## **ORDINANCE NO. 677-8-14**

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

### **AN ORDINANCE ADOPTING THE HOUSING LAW OF MICHIGAN, BEING ACT 167 OF 1917, AS AMENDED, FOR ADMINISTRATION AND ENFORCEMENT WITHIN THE CITY OF BIG RAPIDS**

WHEREAS, the City of Big Rapids is a home rule city with a population exceeding 10,000 residents, and Ferris State University is located within the City of Big Rapids, and

WHEREAS, the City of Big Rapids is interested in the goals described in the title of the Housing Law of Michigan: "An act to promote the health, safety, and welfare of the people by regulating the maintenance, alteration, health, safety, and improvement of dwellings," and

WHEREAS, the Housing Law of Michigan, Act 167 of 1917, as amended, provides a detailed framework of administration, standards, inspections, and enforcement procedures, and

WHEREAS, the Housing Law of Michigan, Act 167 of 1917, as amended, provides "minimum requirements adopted for the protection of health, welfare and safety of the community" while authorizing the City of Big Rapids to impose "requirements higher than the minimum requirements laid down in this act relative to light, ventilation, sanitation, fire prevention, egress, occupancy, maintenance and uses for dwellings," and

WHEREAS, it is important to clarify and declare that the City of Big Rapids will administer and enforce the Housing Law of Michigan, Act 167 of 1917, as amended,

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

Section 1. The Housing Law of Michigan, Act 167 of 1917, as amended, is adopted by reference for administration and enforcement by the City of Big Rapids, as authorized by MCL 125.523.

Section 2. The City of Big Rapids shall be the enforcing agency within the City of Big Rapids of the Housing Law of Michigan, Act 167 of 1917, as amended, through the City departments and officers designated by the City Manager.

Section 3. Complete copies of the Housing Law of Michigan, Act 167 of 1917, as amended, can be reviewed and obtained in the office of the City Clerk, City Hall, 226 N. Michigan Avenue, Big Rapids, MI 49307, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

Section 4. The City Clerk is directed to publish this ordinance in the Pioneer, and a summary of the Michigan Housing Law.

Section 5. This ordinance shall be effective upon publication.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the ordinance adopted.

Dated: August 18, 2014

Published: August 21, 2014

## **ORDINANCE NO. 678-8-14**

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

### **AN ORDINANCE AMENDING ARTICLE 2, SECTIONS 2.2:62 AND 4.1:22, OF THE ZONING ORDINANCE, WHICH DEFINE AND REGULATE THE PARKING, STORAGE AND USE OF MAJOR RECREATIONAL EQUIPMENT, AND AMENDING SECTIONS 98.01 AND 98.02 OF THE CITY CODE REGARDING THE USE OF TRAVEL TRAILERS**

WHEREAS, questions were raised about the meaning and application of sections 98.01 and 98.02 of the Big Rapids City Code regarding travel trailers, and the meaning and application of Sections 2.2:62 and 4.1:22 of the Big Rapids Zoning Ordinance regarding major recreational equipment, and

WHEREAS, the Planning Commission reviewed the specific sections of the City Code and Zoning Ordinance, conducted public hearings, and recommended several amendments, and

WHEREAS, City Staff recommends amending sections 2.2:62 and 4.1:22 of the Zoning ordinance and sections 98.01 and 98.02 of the City Code,

NOW, THEREFORE, THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Article 2, Section 2.2:62 is amended to read as follows:

2.2:62 Major Recreational Equipment – Such equipment shall include travel trailers, pickup campers or coaches, motorized dwellings, recreational vehicles, tent trailers, landscape trailers, boats, boat trailers, personal water craft and similar equipment and equipment used for transporting recreational equipment, whether occupied by such equipment or not.

Section 2. Article 4, Section 4.1:22 is amended to read as follows:

4.1:22 Parking, Storage or Use of Major Recreational Equipment.

The parking or storing of major recreational equipment in a front or side street yard on any lot in a residential district is prohibited, except that the parking of such recreational equipment in such yard for a period of not to exceed twenty four hours for purposes of loading or unloading is permitted. The parking or storing of major recreational equipment in a side or rear yard on any lot in a residential district is permitted subject to the following requirements:

1. The use of campers, camper trailers, recreational vehicles, and the like for living or sleeping purposes, either temporary or permanent, is prohibited.

2. Mobile home storage is prohibited in all residential districts except in a licensed mobile home park.

The parking or storing of major recreational equipment on a lawfully constructed driveway is permitted in all residential districts from April 1<sup>st</sup> to December 1<sup>st</sup>, but is prohibited in a required front or side street yard driveway from December 1<sup>st</sup> to April 1<sup>st</sup>.

The parking or storage of major recreational equipment over 20' in length and 6' in height must be set back at least 20 feet from the public sidewalks, or 20 feet from street curb or street edge on parcels without a sidewalk in the front or side street yard driveway.

All major recreational equipment that is parked or stored in a residential district shall be maintained in a clean, well-kept state so as not to detract from the appearance of the surrounding neighborhood, and must be registered or licensed and roadworthy.

No more than three pieces of major recreational equipment can be parked or stored outside of a garage on a parcel in all residential districts. Recreational vehicles mounted for legal transit on a trailer shall be considered as one piece of recreational equipment.

Section 3. Title 9, Chapter 90, Section 98.01 is amended to read as follows:

#### **98.01 DEFINITION**

Travel trailers, camp trailers or vehicles designed primarily for living or sleeping or used to carry units so designed with or without tents or tent trailers.

Section 4. Title 9, Chapter 90, Section 98.02 is amended to read as follows:

#### **98.02. OCCUPANCY UNLAWFUL**

It shall be unlawful for any person to occupy or allow any person to occupy any travel trailer within the City.

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

Section 6. The Clerk shall publish this ordinance in the Pioneer.

Yea: Anderson, Hogenson, James, Rothstein, Warba

Nay: None

The Mayor declared the ordinance adopted.

Dated: August 18, 2014

Published: August 21, 2014

## **ORDINANCE NO. 679-09-14**

Commissioner Hogenson moved, supported by Commissioner Rothstein, the adoption of the following Ordinance.

### **ORDINANCE AMENDING SECTION 90.37, CHAPTER 90, TITLE 9 OF THE BIG RAPIDS CITY CODE, TO PROHIBIT THE USE OF CONSUMER FIREWORKS EXCEPT ON THE DAY BEFORE, OF, AND AFTER NATIONAL HOLIDAYS**

WHEREAS, on September 3, 2013, the City Commission adopted Ordinance No. 668-09-13 to regulate the use of consumer fireworks as allowed by the Michigan Fireworks Safety Act, and

WHEREAS, the City Commission refrained from banning the use of consumer fireworks on all days except the days before, on, and after national holidays, and expressed a desire to wait and see how the use of consumer fireworks actually impacts City residents, and

WHEREAS, one year after the adoption of Ordinance No. 668-09-13, there have been complaints about the indiscriminate use of fireworks within the city, and requests to restrict or prohibit the use of consumer fireworks as much as possible,

NOW, THEREFORE, THE CITY OF BIG RAPIDS ORDAINS:

Section 1. That Section 90.37 of Chapter 90, Title 9 of the Big Rapids City Code is amended to read as follows.

Section 2.

Title 9, Chapter 90, Section 90.37.

(A) Definitions. As used in this article, the following terms shall have the meanings indicated:

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. Birthday, President's Day (also referred to as Washington's Birthday), Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day.

(B) A person shall not ignite, discharge, or use consumer fireworks within the City, except as provided below.

(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.

(D) 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.

(E) 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.

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

(G) Violations and penalties. A person who violates this section shall be subject to a municipal civil infraction, punishable by a fine of not more than \$500 for each violation of this ordinance.

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.

Yea: Anderson, Hogenson, James, Rothstein, Warba

Nay: None

The Mayor declared the ordinance adopted.

Dated: September 2, 2014

Published: September 4, 2014

## ORDINANCE NO. 680-10-14

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

### **ORDINANCE ADOPTING THE BIG RAPIDS ETHICS POLICY ORDINANCE, IN TITLE III, CHAPTER 38 OF THE BIG RAPIDS CITY CODE**

WHEREAS, the City Charter as revised directed the City Commission to adopt an ethics policy ordinance that would encourage persons to place the public interests above self interest, and

WHEREAS, the City Commission reviewed samples of Ethics Ordinances from several communities, and identified the provisions and terms most suitable for application within the City of Big Rapids, and

WHEREAS, the City Commission intends to comply with the City Charter and adopt an Ethics Policy Ordinance,

NOW, THEREFORE, THE CITY OF BIG RAPIDS ORDAINS:

1. Title III, Chapter 38 shall read as follows:

**Section 1. Title.** This ordinance shall be known as the Big Rapids Ethics Policy Ordinance.

**Section 2. Purpose.** The purpose of this ordinance shall be to encourage all persons in the municipal service to perform their work in compliance with high ethical standards.

**Section 3. Application.** This ordinance shall apply to all persons in the municipal service of the City of Big Rapids, whether compensated or acting as volunteers without compensation.

**Section 4. Public interest.** Any person in the municipal service of the City of Big Rapids shall place the public interests above his or her self interest.

**Section 5. Definitions.** Whenever in this ordinance the following terms are used, they shall have the meanings described to them in this section:

"Business entity": A business entity includes a corporation, limited liability company, a partnership, sole proprietorship, joint venture, unincorporated association, trust, or other business form.

"City": The City of Big Rapids, a Michigan municipal corporation.

"Interest": Any right, title or share in something, that is personal, financial, legal or equitable, and which is owned, held or controlled, in whole or in part, directly or indirectly, by a public servant.

**"Public Servant":** The Mayor, Member of the City Commission, Officer, full or part-time City employee and any person elected or appointed to any public body of the City, whether compensated or not.

**"Public Body":** The City Commission and any board, authority, commission, committee, department, office or other agency of the City, including the City.

## **Section 6. Direction to Public Servants.**

A public servant, regardless of whether specifically prohibited by this ordinance, shall avoid any action which might result in or create the appearance of:

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

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

## **Section 7. Fair and equal treatment.**

No public servant shall request, use or permit the use of any consideration, treatment, advantage or favor beyond that which is the general practice to grant or make available to the public at large. All public servants shall treat all citizens of the City with courtesy, impartiality, fairness and equality under the law.

## **Section 8. Use of public property.**

No public servant shall request, use or permit the use of any publicly owned or publicly supported property, vehicle, equipment, material, labor or service, or money, for the personal convenience or the private advantage of himself, herself or of any other person. This requirement shall not prevent any public servant from requesting, using or permitting the use of such publicly owned or publicly supplied property, vehicle, equipment, material, labor or service which is made available by general practice, to the public at large, or which is provided as a matter of public policy for the use of public servants in the conduct of official business, as approved consideration for their services to the City.

## **Section 9. Matters Requiring Disclosure of Conflicts of Interest, Actual and Potential.**

The following disclosure requirements are established to avoid both actual and potential conflict between the private self-interest and the public interest of public servants:

- (1) Self Interest: No public servant, either on his or her behalf or on behalf of any other person, shall have an interest in any business transaction with any public body of the City, unless the person shall first make full public disclosure of the nature of such interest.
- (2) Disclosure and Disqualification: Whenever the performance of official duties shall require a public servant to deliberate and vote on any matter involving his or her financial or personal interest, that person shall publicly disclose the nature and extent of such interest and is disqualified from participating in the deliberations and voting on the matter.
- (3) Dual Employment: No public servant shall engage in employment with, or render services for, any person or entity, which has business transactions with any public body of the City, without first making full public disclosure of the nature and extent of the employment or services.
- (4) Dual Representation: A public servant shall make full public disclosure of business involving the City when attempting to use his or her official position to secure special privileges or exemptions for self or others.

## **Section 10. Prohibited Conduct.**

All public servants are prohibited from engaging in the following conduct:

- (1) Divulging confidential information to any person not authorized to obtain such information.
- (2) Benefiting financially from confidential information.
- (3) Representing his or her individual opinion as that of the City.
- (4) Misusing City personnel, resources, property, funds or assets for personal gain.
- (5) Soliciting or accepting a gift or loan of money, goods, services or other things of value which tend to influence the manner in which the public servant performs his or her official duties.
- (6) Engaging in a business transaction which may cause the public servant to derive a personal profit or gain directly or indirectly as a result of his or her official position.
- (7) Engaging in employment or rendering services that are incompatible or in conflict with the discharge of his or her official duties or that tend to impair his or her independence of judgment.
- (8) Participating in contracts, loans, grants, rate-fixing, or issuing permits involving a business entity in which he or she has a substantial interest; however this provision shall not apply in the following circumstances:

- (a) contracting with the City when
  - (1) the contract is awarded pursuant to sealed bids,
  - (2) the public servant is not involved directly or indirectly or otherwise refrains from participation in the decision on the award of the contract, and
  - (3) the City Commission, after reviewing the circumstances, determines the award of the contract would be in the best interest of the City, or
- (b) Where the interest of the public servant in the business entity involves the holding of less than one percent of the securities in a publicly traded business or less than five percent of any privately or closely held business and where the public servant will not have any involvement in the transaction on behalf of the contracting business entity.

### **Section 11. Public disclosure, contents.**

Whenever a public disclosure is required by this ordinance, it may be made orally on the record at a meeting of the public body involved, or in a writing filed with the City Clerk, and in both cases it shall be made a part of the record of a regular City Commission meeting, and in either event shall include:

- (a) The identity of all persons involved in the interest.
- (b) The source and amount of income derived from the interest that may be considered as resulting from employment, investment or gift. The person required to file a disclosure statement in accordance with the provisions of this ordinance must verify, in writing, under penalty of perjury, the information in the statement is true and complete as far as he or she knows.

### **Section 12. Duties of the City Clerk.**

The City Clerk shall examine all disclosure statements filed pursuant to this ordinance and report irregularities immediately to the person filing the statement to the City Manager and the City Attorney. Acceptance of a statement by the City Clerk shall not constitute approval of the statement. The City Clerk shall maintain a current list of all disclosure statements required to be available for public disclosure. The City Clerk shall preserve all disclosure statements for at least three (3) years after the date on which they are filed. The City Clerk shall make available to the public all statements that are required to be available for inspection during regular business hours.

### **Section 13. Request for Opinion from the City Attorney.**

Any public servant may request that the City Attorney provide an advisory opinion interpreting the effect or application of this ordinance generally, or on questions directly relating to the propriety of their conduct in a particular situation.

## **Section 14. Delivery of Copies of Ethics Policy Ordinance to Public Servants.**

The City Clerk shall deliver a copy of this ordinance to each public servant as soon as practicable after the enactment of this ordinance, and to each new public servant at the time of employment or taking office. The City Clerk shall request that each such person sign and return an acknowledgement of receipt of a copy of this ordinance.

## **Section 15. Investigation and Prosecution of Violations.**

(1) Alleged violations of Section 10 of the Big Rapid Ethics Policy Ordinance shall be reported to, and investigated by, the Big Rapids Department of Public Safety, except when the person or persons investigated work within the Department of Public Safety, then another law enforcement department or agency shall be asked to investigate.

(2) Alleged violations of Section 10 of the Big Rapids Ethics Policy Ordinance shall be authorized and prosecuted by the Big Rapids City Attorney, except when the person or persons alleged to have violated Section 10 work within the Department of Law, then a special city attorney from outside the Department of Law shall be appointed by the City Commission to authorize and prosecute the alleged violations.

(3) The Big Rapids City Attorney and a special city attorney appointed by the City Commission pursuant to subsection 15(2), may decline to prosecute an alleged violation of Section 10 of the Big Rapids Ethics Policy Ordinance after an alleged violator of Section 10 resigns from any and all offices and positions with the City of Big Rapids.

## **Section 16. Violation of Ordinance.**

The violation of any provision of Section 10 of this ordinance shall be a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00) or by a sentence of ninety (90) days in jail, or both, in the discretion of the Court. The penalty or penalties imposed are not exclusive remedies under this ordinance and any and all statutory and Charter penalties or forfeitures may also be enforced. Any person convicted under a provision of Section 10 of this ordinance shall be deemed guilty of misconduct in office. The violation of any provision of this ordinance other than Section 10 shall be a municipal civil infraction.

## **Section 17. Effective Date.**

This ordinance shall be effective 20 days after it is published.

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

Yea: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the ordinance adopted.

Dated: October 6, 2014

Published: October 14, 2014

## **ORDINANCE NO. 681-11-14**

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

### **AN ORDINANCE AMENDING SECTIONS 3.5:1, 3.6:1, 3.6:2, 3.6:6, AND 11.1:13 OF THE BIG RAPIDS ZONING ORDINANCE TO CLARIFY THAT MULTIPLE FAMILY DWELLINGS ARE NOT ALLOWED AS CONDITIONAL USES IN THE R-2 DISTRICT, AND THAT TWO OR MORE MULTIPLE FAMILY DWELLINGS ON A SINGLE LOT MAY BE ALLOWED AS CONDITIONAL USES IN THE R-3 DISTRICT**

WHEREAS, the Big Rapids Zoning Ordinance regulates multiple family dwellings in the R-2 and R-3 zoning districts, and

WHEREAS, section 3.5:1 says that "multiple family dwellings and services, facilities and uses incidental or accessory to multiple family dwellings are included as conditional uses," which City Staff and the Planning Commission recommend be deleted, and

WHEREAS, the text in sections 3.6:1, 3.6:2, 3.6:6, and 11.1:13 should be amended to clarify that two or more multiple family dwellings on a single lot can be allowed only as a conditional use in the R-3 district, and

WHEREAS, the Planning Commission conducted a public hearing on these zoning ordinance amendments on September 17, 2014, and no objection was made or noted, and

WHEREAS, the Planning Commission recommended that these zoning ordinance amendments be adopted by the City Commission,

NOW, THEREFORE, THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Section 3.5:1 of the Big Rapids Zoning Ordinance is amended to read as follows, deleting the stricken sentence.

#### **3.5:1 Purpose:**

The R-2 District is established to provide areas of higher density of residential development than is permitted in the R-1 District. Regulations include uses permitted in the R-1 District, plus two family residential dwellings. It is not intended to permit commercial, industrial or similar uses except as authorized by this Ordinance. In the R-2 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:

Section 2. Section 3.6:1 is amended to read as follows, with new text in bold print.

3.6.1: Purpose: 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 District. 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 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 here after erected or altered, unless otherwise provided in this Ordinance, except for one or more of the following uses:

Section 3. Section 3.6:2(2) is amended by adding a sentence in parentheses which appears in bold print.

### 3.6:2 Principal Uses and Structures:

(2) Multiple-family dwellings. (Two or more multiple family dwellings on a single lot are regulated as a Conditional Use in this District.)

Section 4. Section 3.6:6 is amended by deleting the existing text in subsection (7), and replacing it with the new text in bold print.

### 3.6:6 Conditional Uses:

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

- (1) Planned Unit Development, subject to the conditions of Section 11.1:19.
- (2) Hospitals, sanatoriums, clinics, nursing and rest homes and charitable institutions of human care, subject to the conditions of Section 11.1:11.
- (3) Rooming and boarding houses, subject to the conditions of Section 11.1:25.
- (4) Home occupations, subject to the conditions of Section 11.1:10.
- (5) Radio and Television Stations, subjected to the conditions of Section 11.1:23.
- (6) Fraternities and sororities, subject to the conditions of Section 11.1:24.
- (7) Two or More Multiple Family Dwellings on a Single Lot, subject to the conditions of Section 11.1:13.
- (8) Owner occupied condominiums, subject to the conditions of Section 11.1:18.

Section 5. The first sentence of Section 11.1:13 is amended to read as follows, deleting "R-2" as a residential district in which two or more multiple family dwellings can be allowed on a single lot by conditional use permit.

§11.1:13 Multiple-family dwellings may be permitted in the R-3 Residential Districts as a Conditional Use under the following conditions:

The erection of two (2) or more residential buildings upon a plot in single ownership is permitted, when such dwelling groups conform to all

provisions of this Article, even though the location of the buildings to be erected and the front, side and rear yard spaces do not conform in all respects to the requirements stipulated in other parts of this Ordinance for a single building on a single lot; provided that the proposed dwelling group shall meet all the following conditions and requirements and receive site plan approval.

Section 6. The City Clerk is directed to publish this ordinance in The Pioneer.

Section 7. This ordinance shall be effective 20 days after publication.

Yea: Anderson, Hogenson, James, Rothstein, Warba

Nay: None

The Mayor declared the ordinance adopted.

Dated: November 3, 2014

Published: November 10, 2014

## **ORDINANCE NO. 682-11-14**

Commissioner Hogenson moved, supported by Commissioner James, the adoption of the following ordinance.

### **AN ORDINANCE APPROVING AND ADOPTING THE 2014 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 2014 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.

Yea: Anderson, Hogenson, James, Rothstein

Nay: None

The Mayor Pro-Tem declared the ordinance adopted.

Dated: November 17, 2014

Published: November 21, 2014

## ORDINANCE NO. 683-01-15

Commissioner Hogenson moved, seconded by Commissioner Anderson, the adoption of the following Ordinance:

### **ORDINANCE AMENDING THE WATER RATES TITLE V, SECTION 54.11 AND SECTION 54.10 OF THE BIG RAPIDS CITY CODE OF ORDINANCES**

THE CITY OF BIG RAPIDS ORDAINS:

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

#### **§ 54.11 WATER RATES.**

Effective February 1, 2015, 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	\$6.10 per 1,000 gallons
¾	\$16.80	\$6.10 per 1,000 gallons
1	\$27.67	\$6.10 per 1,000 gallons
1 ½	\$59.87	\$6.10 per 1,000 gallons
2	\$115.17	\$6.10 per 1,000 gallons
3	\$197.07	\$6.10 per 1,000 gallons
4	\$374.87	\$6.10 per 1,000 gallons
6	\$606.57	\$6.10 per 1,000 gallons

#### **RESIDENTIAL/COMMERCIAL/INDUSTRIAL CUSTOMERS**

<u>Meter Size, Inches</u>	<u>Base Rate</u>	<u>Commodity Charge</u>
5/8	\$4.00	\$5.25 per 1,000 gallons
¾	\$16.62	\$5.25 per 1,000 gallons
1	\$23.24	\$5.25 per 1,000 gallons
1 ½	\$36.71	\$5.25 per 1,000 gallons
2	\$121.52	\$5.25 per 1,000 gallons
3	\$221.70	\$5.25 per 1,000 gallons
4	\$309.80	\$5.25 per 1,000 gallons
6	\$397.48	\$5.25 per 1,000 gallons

Section 2. Title V, Section 54.10 is amended to read.

(A) The monthly charge for each single unit dwelling for sewage disposal service to users not connected with the City's water system who do not have a water meter shall be billed at the rate of 8,000 gallons of water use plus the base rate for a

residential 5/8 meter. In multi-dwellings this special rate shall be the residential rate for 8,000 gallons of water use, multiplied by the number of units per dwelling using City sewer disposal service plus the base rate for a residential 5/8 meter. These special rates include the base rate and commodity charge for sewer service and use.

(B) *Metered water usage.* Any new sewer customer who is not connected to the City water shall install a water meter provided by the City. The current cost of the meter shall be borne by the user if the meter size is greater than 5/8 inch. The City shall recommend the size of the meter, which size the customer may either use or select an alternate size.

Section 2. This ordinance shall be effective upon publication.

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

Yea: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the Ordinance adopted.

Dated: January 5, 2015

Published: January 9, 2015

## ORDINANCE NO. 684-01-15

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

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

WHEREAS, the Commission of the City of Big Rapids has determined that a rate increase is necessary to pay the costs, specifically the debt incurred in the recent modernization of the wastewater plant, and

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

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

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

Effective February 1, 2015 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.

Meter size	<u>Base Rate</u>	<u>Commodity Charge</u>
5/8	\$3.30	\$6.17 per 1,000 gallons
¾	\$15.48	\$6.17 per 1,000 gallons
1	\$26.93	\$6.17 per 1,000 gallons
1 ½	\$64.38	\$6.17 per 1,000 gallons
2	\$144.14	\$6.17 per 1,000 gallons
3	\$246.35	\$6.17 per 1,000 gallons
4	\$466.29	\$6.17 per 1,000 gallons
6	\$857.60	\$6.17 per 1,000 gallons

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 2. This Ordinance shall be effective upon publication.

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

Yea: Anderson, Hogenson, James, Rothstein, Warba

Nay: None

The Mayor declared the resolution adopted.

Dated: January 5, 2015

Published: January 9, 2015

## ORDINANCE NO. 685-01-15

Commissioner Rothstein moved, supported by Commissioner Hogenson, the adoption of the following resolution.

**CITY OF BIG RAPIDS  
MECOSTA COUNTY, MICHIGAN  
ORDINANCE ADDRESSING FLOODPLAIN MANAGEMENT PROVISIONS  
OF THE STATE CONSTRUCTION CODE**

Community Name: City of Big Rapids, County: Mecosta

An ordinance to affirm the designation of an enforcing agency to discharge the responsibility of the City of Big Rapids located in Mecosta County, and to designate regulated flood hazard areas under the provisions of the State Construction Code Act, Act No. 230 of the Public Acts of 1972, as amended.

The City of Big Rapids ordains:

**Section 1. AGENCY DESIGNATED.** Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Building Official of the County of Mecosta designated as the enforcing agency to discharge the responsibility of the City of Big Rapids under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The County of Mecosta assumes responsibility for the administration and enforcement of said Act through out the corporate limits of the community adopting this ordinance.

**Section 2. CODE APPENDIX ENFORCED.** Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the jurisdiction of the community adopting this ordinance.

**Section 3. DESIGNATION OF REGULATED FLOOD PRONE HAZARD AREAS.** The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled "Mecosta County, Michigan (All Jurisdictions)" and dated 2/4/2015 and the Flood Insurance Rate Map(s) (FIRMS) panel number(s) of 26107C; 0134C, 0151C, 0153C, 0154C, 0161C, and 0162C dated 2/4/2015 are adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301.2(1) of the Michigan Residential Code.

**Section 4. REPEALS.** All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

**Section 5. PUBLICATION.** This ordinance shall be effective after legal publication and in accordance with the provisions of the Act governing same.

Yea: Anderson, Hogenson, James, Rothstein, Warba

Nay: None

The Mayor declared the Ordinance adopted.

Dated: January 20, 2015

Published: January 28, 2015

## **ORDINANCE NO. 686-02-15**

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

### **AN ORDINANCE AMENDING TITLE XI, CHAPTER 110, SECTION 110.18, AND CHAPTER 115, SECTION 115.04 OF THE BIG RAPIDS CODE OF ORDINANCES**

WHEREAS, state law establishes the fee for a certificate of registration for dealers in precious metals and gems at \$50.00 and the City Code lists license fees of \$50, \$75 and \$100, for dealers in precious metals and gems, and

WHEREAS, the City Attorney recommends that the license fees for dealers in precious metals and gems be replaced with the statutorily prescribed fee of \$50 for the cost of processing the certificate of registration required by state law for dealers in precious metals and gems to operate locally,

#### **NOW, THEREFORE, THE CITY OF BIG RAPIDS ORDAINS:**

Section 1. That portion of Title XI, Chapter 110, Section 110.18(C) that lists the license fees for Dealers in Precious Metals and Gems is amended to read as follows:

Dealers in Precious Metals and Gems (Chapter 115)	
Certificate of Registration annual fee	\$50

and all of the other text of Section 110.18 remains in full force and effect.

Section 2. Title XI, Chapter 115, Section 115.04 is amended to read as follows:

The dealer shall pay an annual fee of \$50.00 to cover the reasonable cost of processing and issuing the certificate of registration.

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

Section 4. This ordinance shall become effective upon publication.

Yea: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the ordinance adopted.

Dated: February 16, 2015

Published: February 20, 2015

**ORDINANCE NO. 687-03-15**

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

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

WHEREAS, the City is at the forefront of a wireless meter upgrade that will allow computerized meter readings over the internet, rather than door to door manual reading, and

WHEREAS, this new system starts the meter size at  $\frac{3}{4}$ " rather than the "old" style 5/8" meter size, and

WHEREAS, to accommodate this change in meter technology without raising rates on residential customers, the City wishes to modify the water and sewer billing ordinance to allow residential customers to have the new  $\frac{3}{4}$ " meters at the same charge as the old 5/8" meter rate base rate, and

THE CITY OF BIG RAPIDS ORDAINS:

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

**§ 54.11 WATER RATES.**

Effective February 1, 2015, 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	\$6.10 per 1,000 gallons
$\frac{3}{4}$	\$16.80	\$6.10 per 1,000 gallons
1	\$27.67	\$6.10 per 1,000 gallons
1 $\frac{1}{2}$	\$59.87	\$6.10 per 1,000 gallons
2	\$115.17	\$6.10 per 1,000 gallons
3	\$197.07	\$6.10 per 1,000 gallons
4	\$374.87	\$6.10 per 1,000 gallons
6	\$606.57	\$6.10 per 1,000 gallons

**COMMERCIAL/INDUSTRIAL CUSTOMERS**

<u>Meter Size (Inches)</u>	<u>Base Rate</u>	<u>Commodity Charge</u>
5/8	\$4.00	\$5.25 per 1,000 gallons
$\frac{3}{4}$	\$16.62	\$5.25 per 1,000 gallons
1	\$23.24	\$5.25 per 1,000 gallons
1 $\frac{1}{2}$	\$36.71	\$5.25 per 1,000 gallons

2	\$121.52	\$5.25 per 1,000 gallons
3	\$221.70	\$5.25 per 1,000 gallons
4	\$309.80	\$5.25 per 1,000 gallons
6	\$397.48	\$5.25 per 1,000 gallons

## RESIDENTIAL CUSTOMERS

<u>Meter Size (Inches)</u>	<u>Base Rate</u>	<u>Commodity Charge</u>
5/8	\$4.00	\$5.25 per 1,000 gallons
¾	\$4.00	\$5.25 per 1,000 gallons
1	\$4.00	\$5.25 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.

Yea: Anderson, Hogenson, James, Rothstein, Warba

Nay: None

The Mayor declared the Ordinance adopted.

Dated: March 16, 2015

Published: March 23, 2015

**ORDINANCE NO. 688-03-15**

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

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

WHEREAS, the City is at the forefront of a wireless meter upgrade that will allow computerized meter readings over the internet, rather than door to door manual reading, and

WHEREAS, this new system starts the meter size at  $\frac{3}{4}$ " rather than the "old" style  $\frac{5}{8}$ " meter size, and

WHEREAS, to accommodate this change in meter technology without raising rates on residential customers, the City wishes to modify the water and sewer billing ordinance to allow residential customers to have the new  $\frac{3}{4}$ " meters at the same charge as the old  $\frac{5}{8}$ " meter rate base rate, and

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

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

Effective February 1, 2015 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	\$3.30	\$6.17 per 1,000 gallons
$\frac{3}{4}$	\$15.48	\$6.17 per 1,000 gallons
1	\$26.93	\$6.17 per 1,000 gallons
1 $\frac{1}{2}$	\$64.38	\$6.17 per 1,000 gallons
2	\$144.14	\$6.17 per 1,000 gallons
3	\$246.35	\$6.17 per 1,000 gallons
4	\$466.29	\$6.17 per 1,000 gallons
6	\$857.60	\$6.17 per 1,000 gallons

**RESIDENTIAL CUSTOMERS**

<u>Meter size (inches)</u>	<u>Base Rate</u>	<u>Commodity Charge</u>
5/8	\$3.30	\$6.17 per 1,000 gallons
$\frac{3}{4}$	\$3.30	\$6.17 per 1,000 gallons
1	\$3.30	\$6.17 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.

Yea: Anderson, Hogenson, James, Rothstein, Warba

Nay: None

The Mayor declared the resolution adopted.

Dated: March 16, 2015

Published: March 23, 2015

**ORDINANCE NO. 689-03-15**

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

**ORDINANCE AMENDING SECTION 71.06 OF CHAPTER 71,  
TITLE VII OF THE BIG RAPIDS CITY CODE OF ORDINANCES,  
TO CHANGE EXPIRATION DATE OF PROHIBITED ON STREET  
ALL NIGHT PARKING FROM MARCH 1 TO MARCH 15**

WHEREAS, the Big Rapids Code of Ordinances Section 70.04, sub-section 8.26, All Night Winter Parking, was revised by Ordinance No. 673-03-14 on March 3, 2012, which changed the expiration date of the all night winter on-street parking prohibition from March 1 to March 15, and

WHEREAS, Section 71.06, Schedule of Violations, contains the penalty fee for violating the all night winter on-street parking prohibition, and

WHEREAS, Section 71.06 was not previously revised and contains the incorrect date of March 1 as the ending date for the all night winter parking prohibition.

NOW, THEREFORE, THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Section 71.06 (A), Schedule of Violations, be amended to read as follows:

Prohibited parking (signs unnecessary):

On street, 2:00 a.m. – 6:00 a.m.		
from November 15 to March 15		\$15

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

Section 3. The City Clerk shall publish this ordinance in the *Pioneer*.

Yea: Anderson, Hogenson, James, Rothstein, Warba

Nay: None

The Mayor declared the ordinance adopted.

Dated: March 16, 2015

Published: March 23, 2015

## **ORDINANCE NO. 690-12-15**

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

### **ORDINANCE AMENDING SANITATION RATES IN TITLE V SECTION 50.12 TO INCLUDE A SURCHARGE OF 11 CENTS TO PROCESS RECYCLABLES**

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

WHEREAS, section 23 (Unusual Changes or Costs) and section 24 (Change in Cost of Doing Business) of the sanitation contract provide for a surcharge for unforeseen increases, and

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

WHEREAS, Kent County is implementing a \$10.00 per ton surcharge to process recyclables, and

WHEREAS, the \$10.00 per ton surcharge calculates to an 11 cent increase 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, 2015, is amended to read as follows, with all other text and provisions of Section 50.12 remaining the same.

#### **COMMERCIAL**

Recycle- 1 Time Week	\$10.51(per cart)
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#### **RESIDENTIAL**

Curbside Recycle	\$2.87(per cart)
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Section 2. 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, 2016, is amended to read as follows, with all other text and provisions of Section 50.12 remaining the same.

#### **COMMERCIAL**

Recycle- 1 Time Week	\$10.72 (Per Cart)
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**RESIDENTIAL**

Curbside Recycle	\$2.93 (Per Cart)
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Section 3. 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, 2017, is amended to read as follows, with all other text and provisions of Section 50.12 remaining the same.

**COMMERCIAL**

Recycle- 1 Time Week	\$10.93 (Per Cart)
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**RESIDENTIAL**

Curbside Recycle	\$2.99 (Per Cart)
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Section 4. The City Clerk is directed to publish this ordinance in the Pioneer.

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

Yea: Anderson, Hogenson, James, Rothstein, Warba

Nay: None

The Mayor declared the ordinance adopted.

Dated: December 7, 2015

Published: December 10, 2015

**ORDINANCE NO. 691-12-15**

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

**AN ORDINANCE VACATING JACKSON STREET FROM N FOURTH AVENUE TO THE FRED MEIJER WHITE PINE TRAIL**

WHEREAS, the City Commission deems it advisable to vacate Jackson Street from N Fourth Avenue to the Fred Meijer White Pine Trail, 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 public hearings on the vacation of Jackson Street on October 21, 2015, and November 18, 2015, and after that public hearing recommended the vacation of Jackson Street from N Fourth Avenue to Fred Meijer White Pine Trail.

NOW, THEREFORE, THE CITY OF BIG RAPIDS ORDAINS:

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

Jackson Street from N. Fourth Avenue to Fred Meijer White Pine Trail, Indiana Railroad Company and Continental Improvement Company's Sub-Division – Blk 4, City of Big Rapids.

Section 2. The City Clerk is hereby directed to publish this Ordinance in THE PIONEER, and to record the ordinance with the Mecosta County Register of Deeds.

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

Yea: Anderson, Hogenson, James, Warba

Nay: None

The Mayor declared the ordinance adopted.

Dated: December 21, 2015

Published: December 23, 2015

## **ORDINANCE NO. 692-01-16**

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

### **ORDINANCE AMENDING SECTIONS 51.06 AND 51.07 OF THE CITY CODE ON THE REPAIR AND SHARED COST OF WATER SERVICE PIPE IN THE PUBLIC RIGHT OF WAY**

WHEREAS, Chapter 51 of the City Code describes the responsibility for maintenance of water service pipe on private property and within the public right of way; and

WHEREAS, the City Commission intends to clarify the circumstances in which the City Water Department will repair or replace service pipe in the public right of way and charge 50% of the cost of time and materials to the property owner receiving water through the service pipe; and

WHEREAS, frozen service pipe in the public right of way may be thawed, repaired, or replaced by the City Water Department and 50% of the cost of time and materials will be charged to the property owner receiving water through the service pipe; and

WHEREAS, Sections 51.06 and 51.07 of the City Code must be amended to reflect the City's Policy on Frozen Water Lines;

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

Section 1. Section 51.06(D) is amended to read as follows.

51.06(D) (1) The service pipe from the water main to the curb box shall be placed as designated by the Department. Service pipe from the main to the curb box, including the curb box, **valves, and piping,** shall be **repaired and maintained by the Department, with 50% of service pipe repair cost charged to the property owner receiving water through the service pipe, and the charges shall be a lien against the property until paid.**

**(2) The service pipe from the curb box to and on the owner's property shall be repaired and maintained at the sole expense of the property owner.**

Section 2. Subsection (G) is added to Section 51.06.

**(G) City Water Department repair of service pipe in the public right of way involving rusted, corroded, broken, frozen, or otherwise inoperable service pipe shall be charged to the property owner receiving water through the service pipe at 50% of the cost of the time and materials, and the charges shall be a lien against the property until paid. Service pipe outside the public right of way shall be repaired and maintained at the sole expense of the property owner.**

Section 3. Section 51.07(B) is amended to read as follows.

**(B) Except as provided in Section 51.06(D) and (G), all service pipes, fittings, labor and connections now existing or hereafter installed under this chapter shall be paid for by the property owner for whose property such service is installed, and such charges shall be a lien against such property until paid. The cost to the property owner shall be as established by the Utility Schedule of Fees.**

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

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

Yea: Anderson, Hogenson, James, Warba

Nay: None

The Mayor declared the ordinance adopted.

Dated: January 4, 2016

Published: January 7, 2016

## ORDINANCE NO. 693-05-16

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

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

WHEREAS, the City is at the forefront of a wireless meter upgrade that will allow computerized meter readings over the internet, rather than door to door manual reading, and

WHEREAS, to accommodate this change in meter technology without raising rates on residential customers, the City wishes to modify the water and sewer billing ordinance to allow residential customers to have the new  $\frac{3}{4}$ " meters at the same charge as the old  $\frac{5}{8}$ " meter rate base rate, and

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, 2016, 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
$\frac{3}{4}$	\$16.80	\$7.00 per 1,000 gallons
1	\$27.67	\$7.00 per 1,000 gallons
$1\frac{1}{2}$	\$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
$\frac{3}{4}$	\$19.20	\$6.15 per 1,000 gallons
1	\$22.49	\$6.15 per 1,000 gallons
$1\frac{1}{2}$	\$38.37	\$6.15 per 1,000 gallons
2	\$116.36	\$6.15 per 1,000 gallons
3	\$210.82	\$6.15 per 1,000 gallons
4	\$303.45	\$6.15 per 1,000 gallons

6	\$331.16	\$6.15 per 1,000 gallons
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## 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
¾	\$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.

Yea: Anderson, Hogenson, James, Rothstein, Warba

Nay: None

The Mayor declared the Ordinance adopted.

Dated: May 16, 2016

Published: May 19, 2016

**ORDINANCE NO. 694-05-16**

Commissioner Rothstein moved, seconded by Commissioner Hogenson, the adoption of the following:

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

WHEREAS, the City is at the forefront of a wireless meter upgrade that will allow computerized meter readings over the internet, rather than door to door manual reading, and

WHEREAS, to accommodate this change in meter technology without raising rates on residential customers, the City wishes to modify the water and sewer billing ordinance to allow residential customers to have the new  $\frac{3}{4}$ " meters at the same charge as the old  $\frac{5}{8}$ " meter rate base rate, and

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

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

Effective July 1, 2016, 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	\$4.31	\$6.27 per 1,000 gallons
$\frac{3}{4}$	\$19.57	\$6.27 per 1,000 gallons
1	\$33.40	\$6.27 per 1,000 gallons
$1\frac{1}{2}$	\$78.14	\$6.27 per 1,000 gallons
2	\$181.41	\$6.27 per 1,000 gallons
3	\$310.02	\$6.27 per 1,000 gallons
4	\$569.05	\$6.27 per 1,000 gallons
6	\$1034.92	\$6.27 per 1,000 gallons

**RESIDENTIAL CUSTOMERS**

<u>Meter size (inches)</u>	<u>Base Rate</u>	<u>Commodity Charge</u>
5/8	\$4.31	\$6.27 per 1,000 gallons
$\frac{3}{4}$	\$4.31	\$6.27 per 1,000 gallons
1	\$4.31	\$6.27 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.

Yea: Anderson, Hogenson, James, Rothstein, Warba

Nay: None

The Mayor declared the Ordinance adopted.

Dated: May 16, 2016

Published: May 19, 2016

## ORDINANCE NO. 695-06-16

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

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

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

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

#### **CHAPTER 111: PEDDLERS AND TRANSIENT MERCHANTS**

##### **§ 111.01 DEFINITIONS.**

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

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

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

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

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

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

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

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

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

#### **§ 111.02 LICENSE REQUIRED.**

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

#### **§ 111.03 LICENSE DISPLAYED.**

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

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

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

#### **§ 111.04 VETERAN'S EXEMPTION.**

~~Every honorably discharged member of the Coast Guard, soldier, sailor or Marine of the military or navel service of the United States, who is a resident of this state and a veteran of any war in which the United States of America has been or is a participant, shall have the right to hawk, vend or peddle his own goods, wares and merchandise within this City, by procuring a license for that purpose as herein prescribed. Application for such license shall be made to the City Clerk in the form and manner prescribed in this chapter and upon presentation to the City Clerk of a certificate of honorable discharge from the Coast Guard, Army, Navy, or Marine Corps of the United States, which certificate shall show that the applicant is a veteran of any war in which the United States has been or shall be a participant, a veteran's license shall be issued by the Clerk to the applicant without cost. Such license shall be personal to the licensee and any assignment or transfer thereof shall be void.~~

**A veteran who obtains a veteran's license from a county clerk pursuant to MCL 35.442 is exempt from having to obtain a City license as a peddler, transient merchant, or mobile food vendor, but the person holding the veteran's license**

must comply with all the applicable City code regulations, must display the veteran's license in same manner that the City license must be displayed, and must provide a copy of the veteran's license to the City Clerk.

#### **§ 11.05 CLOSING OUT SALES.**

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

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

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

#### **§111.07 MOBILE FOOD VENDORS**

All vendors engaging in Mobile Food Vending shall:

- (1) Locate and operate only in those City parks posted "LICENSED MOBILE FOOD VENDORS ALLOWED," in compliance with Park and Recreation Board rules on the location and hours of operation of the mobile food vending units in the park.**
- (2) Provide appropriate waste receptacles at the site of the unit and remove all litter, debris and other waste attributable to the vendor on a daily basis.**
- (3) Operate on city-owned or controlled property, in compliance with applicable parking regulations.**
- (4) Not operate on public property within a block of a city-authorized street fair, public festival, farmer's market, or special event without authorization from the event sponsor.**
- (5) Not use any flashing, blinking or strobe lights and all exterior lights over 60 watts shall contain opaque hoods or shields to direct-the illumination downward.**
- (6) Not use loud music or amplification devices or "crying out" to gain attention in any manner that causes a disturbance or safety hazard.**

**(7) Comply with the City's Noise Ordinance, Sign Ordinance and all other City code provisions.**

**(8) Comply with all applicable federal, state and county regulations.**

**(9) Display only one portable sign up to six square feet, with no dimension greater than 3 feet and no height (with legs) greater than 4 feet, located within five feet of the unit; and under no circumstance shall the sign be placed upon the sidewalk or impede pedestrian and/or vehicle traffic.**

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

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

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

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

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

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

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

**(17) Not take up public parking spaces or parking lots, except as authorized or permitted as part of a special event or festival.**

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

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

**(20) Comply with the terms of permits issued to the Chamber of Commerce, Downtown Business Association and other sponsors who obtain special event permits to use parking lots, close streets, conduct parades and other civic activities. Vendors that are invited by the event sponsors to participate in these events may use the areas blocked off and reserved for these special event**

**activities. Permits for these special event activities are exclusively controlled by the sponsors of these events. Vendors not invited to participate in these activities may locate on public property no closer than 200 feet from the area reserved by the special event permit.**

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

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

## **§ 111.09 EXEMPT ACTIVITIES.**

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

- (a) The sale of goods, wares or merchandise, or solicitations on behalf and solely for the benefit of any recognized charitable or religious purpose.
- (b) Commercial travelers employed by wholesale houses, who take or seek to take the orders from merchants for goods, wares or merchandise and other personal property for the purpose of resale by the merchant.
- (c) Persons selling or delivering tangible personal property or services through or for a permanent business located within the City.
- (d) Persons selling at events for which a blanket license has been obtained.
- (e) Persons selling or distributing newspapers.
- (f) Persons who sell, at their permanent residence in the City, works of art or crafts made or created by such person or a member of such person's immediate family.
- (g) Persons selling tangible personal property at a garage, basement or yard sale held at one of the person's premises, if permitted under the terms of the Zoning Code.
- (h) Persons conducting and selling admissions to or for theatricals, shows, rides, sports and games, concerts, circuses, carnivals or any other public amusement where no sales of other products are involved.
- (i) A person who distributes handbills or flyers for a commercial purpose, advertising an event, activity, good or service that is offered to the resident for purchase at another permanent business located within the City.
- (j) A persons soliciting orders by sample, brochures or sales catalogue (cosmetics, kitchenware, jewelry, etc.) for future delivery, or making sales on residential premises pursuant to an invitation issued by the owner or legal occupant of the premises.

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

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

Yea: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the ordinance adopted.

Dated: June 20, 2016

Published: June 27, 2016

## **ORDINANCE NO. 696-06-16**

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

### **AN ORDINANCE AMENDING CHAPTER 110 OF TITLE XI, BUSINESS AND TRADE LICENSES, OF THE BIG RAPIDS CODE OF ORDINANCES BY ADDING MOBILE FOOD VENDORS LICENSE FEE OF \$100**

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

Section 1. Chapter 110, Section 18(C), Business and Trade Licenses, of the Big Rapids Code of Ordinances is amended to add Mobile Food Vendors \$100 and read as follows:

##### **(C) License fee and bond schedule.**

<b>Type of Business</b>	<b>Fee</b>
Circus, Menagerie, Carnival, Exhibition, Side Show (Chapter 119)	
First day	\$100
Each subsequent day	\$50
Bond, conditioned to indemnify the City or others for any property damage and clearing premises	\$3,000
Pawnbrokers and Secondhand Dealers (Chapter 112)	
Pawnbrokers - Annual fee	\$200
Bond	\$3,000
Secondhand Dealers	\$50
Junk Dealers	\$50
Antique Dealers	\$50
Peddlers (Chapter 111)	
Per day	\$20
Per week	\$50
Per month	\$75
Per year	\$100
<b>Mobile Food Vendors</b>	<b>\$100</b>
<b>Type of Business</b>	<b>Fee</b>
Under 16 years of age	\$0
Subject to restriction of the use of such streets as may be designated by the Director of Public Safety.	
Taxicabs (Chapter 114)	
Annual fee	\$100
Whenever more than one	

taxicab license is issued to the same licensee, the licensee shall pay \$25 per annum for each taxicab excluding the first.

Driver's permit Annual fee	\$25
Renewal fee	\$20
Background Check the check	Current cost of doing

Each licensee shall satisfy § 114.04 by depositing with the City Clerk one or more policies of insurance as required by said section, with the policy limits of \$100,000 per person and \$300,000 per occurrence for personal injury and \$100,000 per occurrence for property damage liability.

**Transient merchants (Chapter 111)**

**Farm Products — Produce**

Per day	\$5
Per month	\$25
Per year	\$30

**Christmas Tree Sales -**

for the sale season (approximately one month)	\$25
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**Dealers in Precious Metals and Gems (Chapter 115)**

Annual fee	\$50.00
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Type of Business	Fee
<b>Other Merchants</b>	
Per day	\$35
Per week	\$50
Per month	\$75
Per six month	\$100
Per year	\$200

**Going out of Business (Chapter 113)**

**(Set by State Law)**

First 30 days of the sale	\$50
Renewal for 30 days	\$50

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, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the ordinance adopted.

Dated: June 20, 2016

Published: June 27, 2016

**ORDINANCE NO. 697-08-16**

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

**ORDINANCE AMENDING ARTICLE 3, SECTION 3.9 TO ADD  
SMALL ANIMAL VETERINARY CLINICS AS A PERMITTED USE IN  
THE C-1 ZONING DISTRICT**

WHEREAS, City Staff recommended that the permitted uses in the C-1 Zoning District be amended to include small animal veterinary clinics with indoor animal boarding; and

WHEREAS, the Planning Commission conducted a public hearing on the proposed zoning text amendment on July 20, 2016, and recommended the zoning text amendment to the City Commission by which small animal veterinary clinics with indoor animal boarding would be listed as a permitted use in the C-1 zoning District; and

WHEREAS, the City Commission accepts the recommendation of the Planning Commission to allow small animal veterinary clinics with indoor small animal boarding as a permitted use in the C-1 Zoning District; NOW THEREFORE

THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Article 3, Section 3.9:2(4) Principal Uses and Structures is amended to read as follows, with the text of the amendment in bold print:

(4) Office establishments which perform services on the premises such as:

(a) financial institutions

(b) insurance offices

(c) real estate offices

(d) offices for attorneys, accountants, architects, engineers and similar professionals

**(e) small animal veterinary clinics with indoor boarding,  
excluding large agricultural animals**

(f) and other similar establishments.

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

Section 3. The City Clerk shall publish this ordinance or a summary of this ordinance in the Pioneer.

Yea: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the ordinance adopted.

Dated: August 1, 2016

Published: August 4, 2016

**ORDINANCE NO. 698-08-16**

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

**ORDINANCE REZONING 745 WATER TOWER ROAD  
FROM R-2 TO C-1**

WHEREAS, the Planning Commission recommended rezoning the property at 745 Water Tower Road from R-2 to C-1 after conducting a public hearing on the rezoning on July 20, 2016, and

WHEREAS, the City Staff recommended rezoning of the property at 745 Water Tower Road from R-2 to C-1; and

WHEREAS, the City Commission accepts the Planning Commission's recommendation to rezone the property at 745 Water Tower Road from R-2 to C-1; NOW THEREFORE

**THE CITY OF BIG RAPIDS ORDAINS:**

Section 1. The property at 745 Water Tower Road is rezoned from the Residential- 2 (R-2) Zoning District to the Commercial- 1 (C- 1) Zoning District, which property is more particularly described as:

Part of the Southwest ¼ and part of the Southeast ¼ of Section 15, T15N, R10W, City of Big Rapids, Mecosta County, Michigan described as: Commencing at the West ¼ corner of said Section; thence South 89° 30' 00" East along the East-West ¼ line of said Section 2016.15 feet to the Northerly extension of the East line of Water Tower Road (66.00 feet wide); thence South 00° 28' 55" East along the Northerly extension of the East line of Water Tower Road and the East line of Water Tower Road 380.12 feet to the place of beginning of this description; thence South 89° 15' 54" East 372.34 feet; thence North 00° 53' 33" West 348.68 feet to the South line of Fuller Street (66.00 feet wide); thence South 89° 30' 00" East along the South line of Fuller Street 258.82 feet to the North-South ¼ line of said Section; thence South 89° 01' 46" East along the South line of Fuller Street 46.18 feet; thence South 00° 53' 33" East 525.55 feet; thence North 89° 15' 54" West 211.82 feet; thence South 00° 28' 55" East 94.03 feet; thence North 89° 15' 54" West 466.80 feet; thence North 00° 28' 55" West along the East line of Water Tower Road

270.00 feet to the place of beginning. Containing 6.19 acres,  
more or less.

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

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

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

Yea: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the ordinance adopted.

Dated: August 1, 2016

Published: August 4, 2016

**ORDINANCE NO. 699-08-16**

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

**ORDINANCE ADOPTING UPDATED ZONING MAP**

WHEREAS, per Ordinance No. 698-08-16, dated August 1, 2016, the City Commission accepted the Planning Commission's recommendation to rezone 745 Water Tower Road from R-2 to C-1, and

WHEREAS, the zoning map of the City needs to be updated to reflect this change.

**THEREFORE, THE CITY OF BIG RAPIDS ORDAINS:**

Section 1. The City Commission approves and adopts the updated Zoning Map, a copy which is attached and shall be available for inspection at the City Clerk's Office.

Section 2: This Ordinance shall be effective upon publication.

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

Yea: Anderson, Hogenson, James, Rothstein, Warba

Nay: None

The Mayor declared the ordinance adopted.

Dated: August 15, 2016

Published: August 25, 2016

**ORDINANCE NO. 700-09-16**

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

**ORDINANCE AMENDING SECTIONS OF CHAPTER 52, SEWER USE  
REGULATIONS, TO DEFINE FOOD SERVICE ESTABLISHMENTS AND REQUIRE  
GREASE INTERCEPTORS, AND UPDATING SECTIONS OF  
CHAPTERS 53 AND 54 ON SURCHARGES**

WHEREAS, the deposit of fats, oil, and grease in the wastewater treated by the City causes problems and increased costs in the treatment process, and

WHEREAS, research and experience indicate that the installation and maintenance of grease interceptors will reduce the fats, oil and grease in the wastewater to be treated at the wastewater treatment plant, and

WHEREAS, a system of surcharges for fats, oil, and grease and other pollutants has been developed,

NOW THEREFORE, THE CITY OF BIG RAPIDS ORDAINS:

1. Section 52.03 DEFINITIONS is amended to include the following definitions of FATS, OIL, AND GREASE CONTROL DEVICES, FOOD SERVICE ESTABLISHMENTS and an amended definition of SUPERINTENDENT.

**FATS, OIL, AND GREASE CONTROL DEVICES (FOG CONTROL DEVICES).** Any on site devices by which fats, oil, grease, or solvent extractables are removed from wastewater prior to discharge into the sanitary sewer, including but not limited to grease traps and interceptors.

**FOOD SERVICE ESTABLISHMENTS (FSEs).** Establishments that prepare food for consumption in a dining, carry-out, or institutional setting, or that prepare food for sale on the premises such as a bakery, grocery or convenience store deli.

**SUPERINTENDENT.** The Superintendent shall be appointed by the Public Works Director, subject to the approval of the City Manager, and shall meet the minimum requirements established by the Michigan Department of Environmental Quality. **All references in this code to the Superintendent shall include the Superintendent's designees.**

2. Section 52.05(A) USER CLASSIFICATION is amended to include a classification for Food Service Establishment.

**(6) Food Service Establishment. Any commercial or institutional user that prepares or serves food onsite.**

3. Section 52.17 Duties of superintendent is amended to add subsection (E).

**(E) Users with grease interceptors shall submit grease interceptor cleaning and disposal manifests on an annual basis to the Superintendent, at a minimum.**

4. Section 52.19(A) is amended to require Food Service Establishments to install grease, oil and sand interceptors.

#### 52.19(A) GREASE, OIL AND SAND INTERCEPTORS

**(A) Grease, oil and sand interceptors or similarly effective fats, oil and grease control devices shall be provided by and for all Food Service Establishments, and for any other sewer user when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes which may contain grease in excessive amounts, or any flammable wastes, sand or harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units or FSE's that prove to the Superintendent, through procedures outlined in Section 52.19(C)(8), that the user's discharge of fats, oils and grease into the sanitary sewer is less than the domestic background concentration which is updated annually in the Wastewater User Charge Report as the "Domestic Background Wastewater Strength" table. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning by the owner and inspection by the City.**

5. Section 52.19(C) is amended to require maintenance of grease, oil and sand interceptors by the owner and user.

**(C) Where installed, all grease, oil and sand interceptors shall be cleaned and maintained by the owner at his or her expense, in continuously efficient operation.**

**(1) Any user required to install and maintain an interceptor (trap) of any kind shall maintain and clean out the interceptor and shall document and keep:**

**(a) A maintenance schedule;**

- (b) The identity of the person(s) who cleaned and maintained the interceptor;
  - (c) The method and location of grease, oil and sand disposal.
  - (d) The documentation required by this Section shall be available for review by the Superintendent and copies shall be provided to the Superintendent upon request.
- (2) Problems with or damage to an interceptor/trap shall be reported immediately to the owner and the Superintendent and repaired or corrected.
- (3) No interceptor/trap clean out material shall be discharged into a sewer.
- (4) No bacteria or enzyme products shall be used in the maintenance of interceptors/traps without prior written approval from the Superintendent.
- (5) Users shall implement best practices of grease management to minimize discharge of food grease to the POTW.
- (a) Under sink grease traps shall be cleaned weekly, or more or less frequently as approved in writing by the Superintendent.
  - (b) Clean outs of all other interceptor/traps shall be scheduled and conducted so the interceptor/trap does not exceed 25% solids content (including both the top and bottom layers of solids) and there is no visible discharge of grease or oil.
  - (c) The clean out process shall remove the entire grease mat, liquids, sludge, and solids from screens, baffles, air-relief chambers, and wash down the interior walls.
- (6) The interceptor/trap is subject to inspection by the Superintendent at any time.
- (7) The Superintendent will maintain a list of all users with FOG control devices. All FSEs and other non-domestic users required to have FOG control devices shall submit to the Superintendent documentation describing the size and

location of the control device installed. Each FOG device user may be charged a monthly fee to cover costs associated with the periodic evaluation and review. Users that do not maintain and produce monthly records of the FOG device may be fined for noncompliance in accordance with Section 53.107.

#### (8) FOG Control Devices

FSE facilities shall reduce the discharge of fats, oils and grease to the sanitary sewer to less than the domestic background concentration, or install an FOG control device approved by the Superintendent. FSE facilities must have an approved sampling manhole and must, at their own expense, conduct a random grab sample supervised by the Superintendent once a week for four weeks, or otherwise at the discretion of the Superintendent, to prove discharge of fats, oils and grease to the sanitary sewer is less than the domestic background concentration. FSE's that prove to the Superintendent that the user's discharge of fats, oils and grease into the sanitary sewer is less than the domestic background concentration will not be required to install a FOG control device and shall not be surcharged for fats, oils and grease.

A grease trap generally is used for small to medium volume establishments such as fast food restaurants or full service restaurants (generally serving less than 400 meals per day). A grease trap is a small reservoir built into the sewer line close to the source of grease production. The reservoir contains baffles which retain the wastewater long enough for grease to congeal and rise to the surface. The accumulated grease is then removed from the trap for proper disposal, reducing the grease entering the sanitary sewer system.

Interceptors usually are used for high volume full service restaurants (generally serving more than 400 meals per day) or large institutional food service production such as hotels, hospitals and schools. An interceptor is typically a vault (500 to 750 gallons) that is located on the exterior of the building. The vault contains two chambers with 90° grease retention fittings and additional grease is collected as the wastewater cools and grease congeals on the surface of the water. This grease is then removed from the interceptor for proper disposal.

## **(9) Best FOG Management Practices**

**Best FOG management practices should be employed to decrease the amount of FOG discharged from FSEs. The use of best management practices can contribute to a financial benefit through a reduction in grease interceptor maintenance frequency and overall FOG discharge to the sanitary sewer system.**

**Suggested best management practices for food service establishments are posted on the City website.**

6. Section 53.004 DEFINITIONS is amended by adding a definition of FOOD SERVICE ESTABLISHMENTS (FSEs).

**FOOD SERVICE ESTABLISHMENTS (FSEs).** Establishments that prepare food for consumption in a dining, carry-out, or institutional setting, or that prepare food for sale on the premises such as a bakery, grocery or convenience store deli.

7. Section 53.004 DEFINITIONS is amended to modify the list of users in the USER CLASS to include Food Service Establishments.

**USER CLASS.** The kind of user connected to the sanitary sewers, including but not limited to, residential, industrial, commercial, **food service establishment**, institutional and governmental.

8. Section 53.016 Specific Discharge prohibitions is amended by adding prohibitions on the discharge of fats, oils and grease and other substances.

**(M) Soluble substances in a concentration that increases the viscosity to greater than 10% over the viscosity of water or in amounts that will cause obstruction to the flow in the POTW resulting in interference.**

**(N) Any solvent extractable, including, without limitation, oil grease, wax, or fat, whether emulsified or not, in excess of applicable local limits; or other substances that solidify or become viscous (with a viscosity of 110% of water) at temperatures between 32° Fahrenheit and 150° Fahrenheit in amounts that cause obstruction to the flow in sewers or other interference with the operation of the POTW.**

**(O) Any pollutant that results in excess foaming during the treatment process. Excess foaming is any foam that interferes with the treatment process.**

**(P) Any medical infectious waste.**

**(Q) Any sludge, precipitate or waste resulting from any industrial or commercial treatment or pretreatment of any wastewater or air pollutants.**

**(R) Any non-contact cooling water, air-conditioning water, swimming pool water, storm water, surface water, groundwater, roof runoff, and surface or subsurface drainage except as authorized by law, and as approved by the Superintendent).**

**(S) Any discharge into the collection system or the wastewater treatment plant which contains any material in excess of the concentrations allowed by the Local Limits or that causes the POTW to violate its NPDES permit, the receiving water quality standards, or associated local, state or federal laws, rules, or regulations, or interferes with the reclamation, reuse or disposal process for treatment residues, sludge, or scums.**

**9. Section 53.021(B)(1) is amended to read as follows, changing the BOD concentration from 530 to 1,000mg/l:**

**(1) No user shall discharge wastewater containing concentrations (and/or mass limitations) in excess of the following:**

<b>Material</b>	<b>Concentration (mg/l)</b>
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Conventional Pollutants

Ammonia – N	64
<b>BOD</b>	<b>530-1000</b>
Total Suspended Solids	900
FOG	200
TPH	49
Total Phosphorus as P	36

<b>Material</b>	<b>Concentration (ug/l)</b>
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Nonconventional Pollutants/upper limits:

**METALS**

Arsenic	60
Cadmium	90
Copper	950
Cyanide	130
Chromium, Total	2,700

Chromium, Hexavalent	300
Lead	570
Mercury	*(LOD)
Nickel	930
Selenium	150
Silver	43
Zinc	3,700

### ORGANICS

1,4-Dichlorobenzene	24
Chloroform	50
Lindane	0.6
Benzene	24
Toluene	24
Ethyl Benzene	31
Xylenes, Total	44
Methylene Chloride	41
Tetrachloroethylene	5
Trichloroethylene	21
1,1,1- Trichloroethane	16

\* The local discharge limitation for mercury is established at the level of detection (LOD) in accordance with the following:

There shall be no detectable amounts of mercury discharged into the publicly owned treatment works (POTW). Mercury sampling procedures, preservation, handling, and analytical protocol for compliance monitoring shall be in accordance with EPA Method 245.1. The Level of Detection (LOD), developed in accordance with the procedure specified in 40

CFR 136 shall not be greater than 0.2 ug/L for mercury, unless higher levels are appropriate due to matrix interference.

The evaluation of potential matrix interference(s) shall include, at a minimum, the following:

(a) A demonstration that the laboratory conducting the analysis is capable of achieving the LOD of 0.2 ug/L in reagent water;

(b) A demonstration that the LOD of 0.2 ug/L cannot be achieved in the effluent; and

(c) A demonstration that an attempt has been made to resolve the matrix interference(s).

In cases where true matrix interference(s) can be demonstrated, a discharge-specific LOD will be developed in accordance with the

procedure 2005 S-6 in 40 CFR 136. Discharge-specific LOD's will be incorporated into the wastewater discharge permit of the nondomestic user.

10. Section 53.021(B)(3) is amended to read as follows:

**(3) The City of Big Rapids sustains costs to operate and maintain the City's sanitary sewer system and wastewater treatment plant. The Utility is paid by user fees that shall be distributed as equitably as possible among the users. The typical user rates employed by the City of Big Rapids cover costs associated with the treatment of normal domestic strength wastewater. Higher strength wastes incur higher costs for treatment. Industrial and commercial users sometimes discharge high strength wastes and the surcharge program allows the City to recover the costs associated with treating this wastewater.**

**Surcharges are an additional charge used to cover the extra cost of treating conventional pollutants in excess of domestic background concentrations.**

The City's surcharge procedure shall include, on at least a semi-annual basis, composite sampling on typically four consecutive days to determine the user concentration in mg/l of conventional pollutants from each non-domestic user. These user concentrations will be compared to the domestic background concentration for each parameter found under "Surcharge" in the City's User Charge Report. When the user concentration exceeds the domestic background concentration for a parameter, the excess amount will be the concentration used to calculate the pounds to be surcharged. The flow used shall be the actual monthly flow. Example: the domestic background concentration for total phosphorus is 5 mg/l. User A has an user concentration of 8 mg/l. The surcharge concentration for User A would be 3 mg/l. This concentration multiplied by the monthly flow in millions of gallons \* 8.34 pounds per gallon gives the total pounds of phosphorus. If User A consumed 600,000 gallons of water, that would be 0.6 million gallons \* 3 mg/l \* 8.34 = 15.01 pounds of surcharge phosphorus @ \$2.51/lb = \$37.67 for that month. The excess concentration surcharge shall remain in effect until the next sampling. Each user subject to surcharges may be billed monthly or quarterly according to water usage or

**metered discharge. Sampling and analysis shall be performed by the City. A split of each sample shall be made available to each user upon written request to the Superintendent. The City may obtain additional samples to verify a user's effluent parameters. Any surcharged user may request additional samples based on a changed condition since the last sampling event. Costs for additional samples and analysis shall be paid by the user.**

11. Section 53.041 CHARGES AND FEES is amended by adding the following text as subsection (J) on fees for reimbursement for sampling and laboratory analyses.

**(J) Reimbursement for sampling and laboratory analysis requested by non-domestic users to change a surcharge user classification.**

12. Section 53.107 ADMINISTRATIVE FINES is amended by labeling the existing paragraph as subsection (A) and adding the following subsection (B).

**(B) Non-domestic users that fail to file required documentation may be charged twice the IPP user charge for each month that the documentation is delinquent, or a minimum charge of twenty-five (\$25) dollars a month.**

13. Section 54.12 SEWER RATES is amended by labeling the existing table and text as subsection (A) and adding the following text as subsections (B)-(F):

**(B) Surcharges**

**The City's surcharge procedure shall be based on one of two methods:**

**(1) For Non-domestic users with a sampling manhole meeting the Industrial Pretreatment Program (IPP) manual specifications, or other approved method of discharge sampling, on at least a semi-annual basis, the City will conduct composite sampling, on typically four consecutive days to determine the average concentration in mg/l of conventional pollutants from each non-domestic user. These user concentrations will be compared to the domestic background concentration for each parameter found under "Surcharge" in the City's User Charge Report. When the user concentration exceeds the domestic background concentration for a parameter, the excess amount will be the**

concentration used to calculate the pounds to be surcharged. The flow used shall be the actual monthly flow. Example: the domestic background concentration for total phosphorus is 5 mg/l. User A has an user concentration of 8 mg/l. The surcharge concentration for User A would be 3 mg/l. This concentration multiplied by the monthly flow in millions of gallons \* 8.34 pounds per gallon gives the total pounds of phosphorus. If User A consumed 600,000 gallons of water, that would be 0.6 million gallons \* 3 mg/l \* 8.34 = 15.01 pounds of surcharge phosphorus @ \$2.51/lb = \$37.67 for that month. The excess concentration surcharge shall remain in effect until the next sampling. Sampling and analysis shall be performed by the City. A split of each sample shall be made available to each user upon written request. The City may obtain additional samples to verify a user's effluent parameters. Any surcharged user may request additional samples based on a changed condition since the last sampling event. Costs for additional samples and analysis shall be paid by the user.

(2) Non-domestic users without an approved sampling manhole or other approved method of discharge sampling that are Food Service Establishments (FSE), and do not require an industrial discharge permit, may be surcharged according to the surcharge classification procedure established by the City. This allows the City to levy surcharges to FSEs based on the specific type of service conducted (i.e. Full Service Restaurant, Fast Food Restaurant, Institutional Food Service, Grocery Store with Food Preparation, or Baked Goods/Bakery) by the user, in lieu of individual waste sampling results. Users placed in a specific class of FSE by the City may request individual surcharging based on actual sampling and analytical results as long as an adequate sampling manhole is provided and the user reimburses the City for sample collection time and materials and analytical expenses.

(3) Each user subject to surcharges may be billed monthly or quarterly according to water usage or metered discharge.

(C) Food Service Establishments that do not have sampling manholes.

The Superintendent shall classify Food Service Establishments (FSEs) based on type of food product, customer consumption method and food preparation activities within the categories

defined below. The waste classification system shall determine how FSEs are surcharged.

**(1) Full Service Restaurants**

**Definition –** This FSE typically prepares and serves food in a dining setting. Attending patrons are provided food items served on plates with utensils that have to be washed after the patrons have completed their meals. Cookware is also cleaned on the premises. Food preparation comprises the many activities that constitute the provision of service at a full service establishment – baking, frying, grilling, broiling, boiling, etc. The overwhelming majority of service is provided in seating areas with a relatively small amount of carryout business.

**(2) Fast Food Restaurants**

**Definition -** This FSE prepares food for intended for immediate consumption. Its food items are often provided in paper or other types of disposable wrappers and containers along with disposable utensils. The patrons of fast food establishments dine in a seating area or take their food on a carryout basis. Cookware is cleaned on the premises. Food preparation comprises the many activities that constitute the provision of service at a full service establishment – baking, frying, grilling, broiling or boiling.

**(3) Institutional Food Service**

**Definition -** This FSE category comprises establishments that basically provide food service to the tenants or employees of a commercial, multi-unit/group residential or institutional facility. The food is prepared and/or provided in the location of the facility, usually in a cafeteria with seating. Depending on the type of facility, the food may be delivered to the room of the patrons or they can consume their food in a dining area. The employees of the food service establishment usually work for or are contracted by the facility in which the food is served.

**(4) Grocery Store with Food Preparation**

**Definition -** This FSE encompasses the various grocers, delis and supermarkets that prepare food. Food preparation comprises the many activities that constitute the provision of

service at a full service restaurant– baking, frying, grilling, broiling or boiling. The patrons of these establishments buy food that is ready for consumption and they usually take the food items with them when they leave the establishment, although some may have relatively small areas for patrons to consume food. Cookware and utensils are cleaned on the premises.

#### (5) Baked Goods or Bakery

**Definition** - This FSE typically prepares a variety of baked goods, such as bread, pastries, and cakes for retail sale and for consumption by patrons who come to the establishment for baked goods for immediate consumption. The area dedicated to serving walk-in patrons is relatively small compared the total size of the facility with an equally small area dedicated to on premise consumption.

#### (D) Standard FSE Wastewater Strengths

Standard FSE wastewater strengths are established for each pollutant of concern including Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS), Total Phosphorus (TP), and Ammonia.

Category	BOD (mg/L)	TSS (mg/L)	TP (mg/L)	Ammonia (mg/L)
Full Service Restaurant	647	-	7.6	-
Fast Food Restaurant	620	344	8.6	-
Institutional Food Service	487	-	7.9	-
Grocery with Food Preparation	746	600	17.0	64.0
Baked Goods or Bakery	655	745	-	-

The Standard FSE Wastewater Strengths are established based on sampling at locations within each classification in Big Rapids and are posted on the City's website and will be included in the annual Big Rapids Wastewater User Charge Report. These Standard FSE Wastewater Strengths will be updated annually to reflect the results of ongoing sampling.

#### (E) Surcharge Rates

**The Superintendent shall assess a surcharge rate for each FSE user based on the standard FSE wastewater strength for that classification unless sampling is being conducted at the facility. The established surcharge rate for each pollutant and domestic background concentration for each pollutant of concern is updated annually as part of the City's User Charge Report.**

**Surcharge amounts shall be determined for FSEs by determining the difference between the standard FSE wastewater strength and the domestic background concentration for that pollutant. The measured flow from the facility shall be applied to determine a cost per pound for each pollutant of concern. A facility may choose to conduct site specific sampling if they believe the standard FSE wastewater strengths listed do not adequately represent their discharge. Sampling procedures and frequency must be approved, and are subject to oversight, by the Superintendent. Costs associated with such sampling and lab analysis would be the responsibility of the user. Surcharge calculations shall then be established by averaging grab or composite (as determined by the City to be appropriate) samples taken from the facility's discharge.**

#### **(F) Site Specific Testing**

**The owner of a FSE may elect to have the industrial surcharge billed according to representative samples taken at the facility. The FSE owner is required to pay for installation of a sampling point and all sampling costs. Sampling frequency shall be determined by the City and analytical results shall be submitted to the City for review.**

**Non domestic users that conduct site specific testing shall install an approved sampling manhole together with any meters and equipment deemed necessary by the Superintendent or the city manager, in order to adequately sample wastewater. Unrestricted access to the sampling manholes shall be available at all times for the Superintendent. A sampling manhole or chamber must be located near the outlet of each lateral, sewer, drain or pipe which connects to the wastewater system. Site inspections may be conducted by the City to verify the user's discharge and note the presence of any sampling devices or grease traps.**

14. This ordinance shall become effective 20 days after publication.
15. The City Clerk is directed to publish this ordinance or a summary of this ordinance in the Pioneer.

Yea: Anderson, Hogenson, James, Warba

Nays: None

The Mayor declared the ordinance adopted.

Date: September 6, 2016

Published: September 13, 2016

**ORDINANCE NO. 701-11-16**

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

Commissioner Rothstein moved, seconded by Commissioner Hogenson, the adoption of the following Resolution:

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

WHEREAS, section 23 (Unusual Changes or Costs) and section 24 (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 \$40.00 per ton surcharge to process recyclables, and

WHEREAS, the \$40.00 per ton surcharge calculates to an increase of 55 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, 2016, is amended to read as follows, with these rates effective January 1, 2017 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	\$10.72	\$11.27 (per cart)
RESIDENTIAL Curbside Recycle	\$2.93	\$3.48 (per cart)

Section 2. 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, 2017, is

amended to read as follows, with these rates effective July 1, 2017 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	\$10.93	\$11.48 (per cart)
RESIDENTIAL Curbside Recycle	\$2.99	\$3.54 (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.

Yea: Anderson, Hogenson, James, Rothstein, Warba

Nay: None

The Mayor declared the Ordinance adopted.

Date: November 21, 2016

Published: November 29, 2016