

BIG RAPIDS CHARTER TOWNSHIP, MICHIGAN

TABLE OF CONTENTS

Chapter

TITLE I: GENERAL PROVISIONS

- 10. General Provisions
- 11. Civil Infractions

TITLE III: ADMINISTRATION

- 30. General Provisions
- 31. Township Departments
- 32. Personnel
- 33. Emergency Incident Reimbursement

TITLE V: PUBLIC WORKS

- 50. Wastewater
- 51. Water

TITLE VII: TRAFFIC CODE

- 70. Truck Routes

TITLE IX: GENERAL REGULATIONS

- 90. Cemeteries
- 91. Township Park Rules
- 92. Open Burning
- 93. Noise Control
- 94. Prohibition of Recreational Marihuana Establishments

TITLE XI: BUSINESS REGULATIONS

- 110. Used Car Sales and Lots
- 111. Sexually Oriented Businesses
- 112. Cable Television Services
- 113. Waste Haulers

Big Rapids Township – Table of Contents

TITLE XIII: GENERAL OFFENSES

- 130. Public Nudity

TITLE XV: LAND USAGE

- 150. Buildings
- 151. Division of Lots
- 152. Floodplain Management
- 153. Zoning
- 154. Junk Accumulation

TABLE OF SPECIAL ORDINANCES

Table

- I. Franchises
- II. Zoning
- III. Tax Exemptions
- IV. Bonds

PARALLEL REFERENCES

References to Michigan Compiled Laws Annotated
References to Ordinances

INDEX

TITLE I: GENERAL PROVISIONS

Chapter

10. GENERAL PROVISIONS

11. CIVIL INFRACTIONS

CHAPTER 10: GENERAL PROVISIONS

Section

- 10.01 How code designated and cited
- 10.02 Definitions
- 10.03 Section catchlines and other headings
- 10.04 Certain ordinances not affected by code
- 10.05 Continuation of ordinances
- 10.06 Prior rights, offenses and the like
- 10.07 Ordinances repealed not reenacted
- 10.08 Amendments to code
- 10.09 Supplementation of code
- 10.10 Appearance tickets
- 10.11 Severability

- 10.99 General penalty

10.01 HOW CODE DESIGNATED AND CITED.

This code shall constitute and be designated as the Big Rapids Charter Township Code.

10.02 DEFINITIONS.

(A) Terms used in this code, unless otherwise specifically defined, have the meanings prescribed by the statutes of the state for the same terms.

(B) For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CIVIL INFRACTION. An act or omission that is prohibited by this code or any ordinance of the township, but which is not a crime under this code or any other ordinance of the township, and for which civil sanctions, including without limitation, fines, damages, expenses and costs may be ordered, as authorized by Public Act 236 of 1961, being M.C.L.A. 600.8701 through 600.8735, as amended. A municipal ***CIVIL INFRACTION*** is not a lesser included offense of any criminal offense in this code.

Big Rapids Charter Township - General Provisions

CODE. The Big Rapids Charter Township Code as designated in 10.01.

COMPUTATION OF TIME. The time within which an act is to be done, as provided in this code or in any order issued pursuant to this code, when expressed in days, shall be computed by excluding the first day and including the last, except that if the last day is Sunday or a legal holiday it shall be excluded; and when the time is expressed in hours, the whole of Sunday or a legal holiday, from midnight to midnight, shall be excluded.

COUNTY. County of Mecosta, Michigan.

JUVENILE. A person under 17 years of age.

MINOR. A person under 21 years of age.

OFFICER, DEPARTMENT, BOARD AND THE LIKE. Whenever any officer, department, board or other public agency is referred to by title only, the reference shall be construed as if followed by the words Aof the Big Rapids Charter Township, Michigan. Whenever, by the provisions of this code, any officer of the township is assigned any duty or empowered to perform any act or duty, reference to the officer shall mean and include the officer or his or her deputy or authorized subordinate.

ORDINANCES. The ordinances of the township and all amendments thereto.

PERSON. Any natural individual, firm, trust, partnership, association or corporation. Whenever the word **PERSON** is used in any section of this code prescribing a penalty or fine, as applied to partnerships or associations, the word includes the partners or members thereof and, as applied to corporations, the word includes officers, agents or employees thereof who are responsible for any violations of the section. The singular includes the plural. The masculine gender includes the feminine and neuter genders.

STATE. The term **THE STATE** or **THIS STATE** shall be construed to mean the State of Michigan.

TOWNSHIP. Big Rapids Charter Township, Michigan.

10.03 SECTION CATCHLINES AND OTHER HEADINGS.

The catch lines of the several sections of this code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be the titles of the sections, nor as any part of the sections, nor, unless expressly so provided, shall they be so deemed when any of the sections, including the catch lines, are amended or reenacted. No provision of this code shall be held invalid by reason of deficiency in any catch line or in any heading or title to any chapter, subchapter or division.

10.04 CERTAIN ORDINANCES NOT AFFECTED BY CODE.

This code and the ordinance adopting this code shall not invalidate or repeal any provision of an ordinance adopted by the township:

(A) Promising or guaranteeing the payment of money for the township, authorizing the issuance of any bond of the township, any evidence of the townships indebtedness, any contract or obligation assumed by the township;

(B) Containing any administrative provision of the Township Board;

(C) Granting any right or franchise;

(D) Dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, any street or public way in the township;

(E) Making any appropriation;

(F) Levying or imposing taxes;

(G) Establishing or prescribing grades in the township;

(H) Providing for local improvements and assessing taxes therefor;

(I) Dedicating or accepting any plat or subdivision in the township;

(J) Extending or contracting the boundaries of the township;

(K) Prescribing the number, classification or compensation of any township officers or employees;

(L) Prescribing parking restrictions, no parking zones, speed zones, parking meter zones and stop or yield intersections or other traffic ordinances pertaining to specific streets; and

(M) Zoning or rezoning.

10.05 CONTINUATION OF ORDINANCES.

The provisions of this code, so far as they are the same in substance as those of heretofore existing ordinances, shall be construed as a continuation of these ordinances and not as new enactments.

10.06 PRIOR RIGHTS, OFFENSES AND THE LIKE.

Any act done, offense committed or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time of adoption of this code, shall not be affected by the adoption, but may be enjoined, asserted, enforced, or prosecuted as fully and to the same extent as if the adoption had not been effected.

10.07 ORDINANCES REPEALED NOT REENACTED.

(A) No ordinance or part of any ordinance heretofore repealed shall be considered re-ordained or reenacted by virtue of this code, unless specifically reenacted.

(B) The repeal of any curative or validating ordinances shall not impair or affect any cure or validation already effected thereby.

10.08 AMENDMENTS TO CODE.

(A) Amendments to any of the provisions of this code shall be made by amending the provisions by specific reference to the section number of this code in the following language: That section _____ of the Big Rapids Charter Township Code, is hereby amended to read as follows:... The new provisions shall then be set out in full as desired.

(B) If a new section not heretofore existing in the code is to be added, the following language shall be used: AThat the Big Rapids Charter Township Code is hereby amended by adding a section, to be numbered _____, which section reads as follows:... The new section shall then be set out in full as desired.

10.09 SUPPLEMENTATION OF CODE.

(A) By contract or by township personnel, supplements to this code shall be prepared and printed whenever authorized or directed by the Township Board. A supplement to the code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the code. The pages of a supplement shall be so numbered that they will fit properly into the code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the code will be current through the date of the adoption of the latest ordinance included in the supplement.

(B) In preparing a supplement to this code, all portions of the code which have been repealed shall be excluded from the code by the omission thereof from reprinted pages.

(C) When preparing a supplement to this code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, non-substantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

(1) Organize the ordinance material into appropriate divisions;

(2) Provide appropriate catch lines, headings and titles for sections and other divisions of the code printed in the supplement, and make changes in catch lines, headings and titles;

(3) Assign appropriate numbers to sections and other divisions to be inserted in the code and, where necessary, to accommodate new material, change existing section or other subdivision numbers;

(4) Change the words this ordinance or words of the same meaning to this chapter, this subchapter, this division and the like, as the case may be, or to sections ____ to ____ (inserting section numbers to indicate the sections of the code which embody the substantive sections of the ordinance incorporated into the code); and

(5) Make other non-substantive changes necessary to preserve the original meaning of ordinance sections inserted into the code, but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the code.

10.10 APPEARANCE TICKETS.

The following public servants are hereby authorized to issue and serve appearance tickets with respect to ordinances of the township, as provided by Public Act 147 of 1968, being M.C.L.A. 764.9a through 764.9e, as amended, when the public servant has reasonable cause to believe that a person has committed an offense in violation of a township ordinance:

(A) Building Inspector;

(B) Fire Marshal;

(C) Fire Chief; and

(D) Supervisor.

10.11 SEVERABILITY.

Each section, paragraph, sentence, clause and provision of this code is separable and if any provision shall be held unconstitutional or invalid for any reason, the decision shall not affect the remainder of this code, or any part thereof, other than that part affected by the decision.

10.99 GENERAL PENALTY.

Unless another penalty is expressly provided by this code for any particular provision or section, every person convicted of a violation of any provision of this code or any rule or regulation adopted or issued in pursuance thereof, shall be punished by a fine of not more than \$500 and costs of prosecution or by imprisonment for not more than 90 days, or by both such fine and imprisonment; unless there is a fine or penalty specifically set forth in the ordinance which provides for a greater penalty, and in that event, such greater penalty shall control. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any section of this code whether or not such penalty is re-enacted in the amendatory ordinance.

CHAPTER 11: CIVIL INFRACTIONS

Section

- 11.01 Short title
- 11.02 Definitions
- 11.03 Violation
- 11.04 Authorized township officials
- 11.05 Issuing municipal civil infraction citations
- 11.06 Form of citations
- 11.07 Appearance
- 11.08 Procedure
- 11.09 Availability of other enforcement options

- 11.99 Penalty

11.01 SHORT TITLE.

This chapter shall be known and may be cited as the Municipal Civil Infraction Chapter of Big Rapids Charter Township.
(Ord. 29, passed 7-5-2005)

11.02 DEFINITIONS.

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

AUTHORIZED TOWNSHIP OFFICIALS. The Big Rapids Charter Township Supervisor, the Big Rapids Charter Township Building Official, Code Enforcement Officers and other personnel of the township authorized by this chapter to issue municipal civil infraction citations.

MUNICIPAL CIVIL INFRACTION. A civil infraction involving a violation of any ordinance section or provision, the violation of which is designated specifically as a municipal civil infraction.

MUNICIPAL CIVIL INFRACTION CITATION. A written complaint of notice prepared by an authorized township official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

TOWNSHIP. Big Rapids Charter Township, Mecosta County, Michigan.
(Ord. 29, passed 7-5-2005)

11.03 VIOLATION.

A violation includes any act that is prohibited or made or declared to be unlawful or an offense by township ordinance, and any omission or failure to act where the act is required by township ordinance.
(Ord. 29, passed 7-5-2005)

11.04 AUTHORIZED TOWNSHIP OFFICIALS.

(A) *Township Supervisor.* The Township Supervisor is designated as the authorized official to issue municipal civil infraction citations for alleged violations of the following ordinances, if and when violations have been designated to be civil infractions:

- (1) The State Construction Code, or any other code adopted by the township regulating the minimum acceptable standards for the maintenance of existing buildings and structures;
- (2) The BOCA Basic Property Maintenance Code, or any other code adopted by the township regulating the minimum acceptable standards for the maintenance of existing buildings and structures; and
- (3) All other township housing or building regulations established by township ordinance.

(B) *Township Building Official.* The Township Building Official is designated as the authorized township official to issue municipal civil infraction citations for alleged violations of the following ordinances, if and when violations have been designated to be civil infractions:

- (1) The State Construction Code, and any other code adopted by the township regulating the construction of buildings in the township;
- (2) The BOCA Basic Property Maintenance Code, or any other code adopted by the township regulating the minimum acceptable standards for the maintenance of existing buildings and structures; and
- (3) All other township housing or building regulations established by township ordinance.
(Ord. 29, passed 7-5-2005)

11.05 ISSUING MUNICIPAL CIVIL INFRACTION CITATIONS.

(A) An authorized township official can issue a municipal, civil infraction citation upon witnessing a person violate an ordinance, or upon the officials investigation and reasonable cause to believe that a

person is responsible for a municipal civil infraction. An authorized township official may issue a municipal civil infraction citation to a person if, based upon investigation or a complaint by someone who allegedly witnessed the person violate an ordinance, the official has reasonable cause to believe the person is responsible for a municipal civil infraction and the Township Attorney approves in writing the issuance of the citation.

(B) In a municipal civil infraction action involving the use or occupancy of land or a building or other structure, a copy of the citation need not be personally served upon the alleged violator but may be served upon an owner or occupant of the land, building or structure. In addition, a copy of the citation shall be sent by first class mail to the owner of the land, building or structure at the owners last known address. (Ord. 29, passed 7-5-2005)

11.06 FORM OF CITATIONS.

Citations shall be numbered consecutively and shall be in a form approved by the State Court Administrators office for municipalities that do not utilize a Municipal Civil Infraction Bureau. (Ord. 29, passed 7-5-2005)

11.07 APPEARANCE.

Citations shall require appearance at the Seventy-Seventh District Court within a reasonable time after the citation has been issued, and not less than seven nor more than 14 days after issuance and service. (Ord. 29, passed 7-5-2005)

11.08 PROCEDURE.

The procedures for admission or denial or responsibility, request for formal or informal hearings, and all other matters related to processing of citations for civil infractions shall be as provided by law and court rule. (Ord. 29, passed 7-5-2005)

11.09 AVAILABILITY OF OTHER ENFORCEMENT OPTIONS.

Nothing in this chapter shall be deemed to require the township to initiate its municipal civil infraction ordinance enforcement activity through the issuance of an ordinance violation notice, as to each ordinance violation designated as a municipal civil infraction citation or take such other enforcement action as is authorized by law. (Ord. 29, passed 7-5-2005)

11.99 PENALTY.

The penalty for municipal civil infraction shall be established separately by the ordinance that designates a violation to be a municipal civil infraction.
(Ord. 29, passed 7-5-2005)

TITLE III: ADMINISTRATION

Chapter

- 30. GENERAL PROVISIONS**
- 31. TOWNSHIP DEPARTMENTS**
- 32. PERSONNEL**
- 33. EMERGENCY INCIDENT REIMBURSEMENT**

CHAPTER 30: GENERAL PROVISIONS

Section

30.01 Incorporation

30.01 INCORPORATION.

(A) There is hereby incorporated the Charter Township of Big Rapids, Mecosta County, Michigan, a municipal corporation pursuant to Public Act 359 of 1947, being M.C.L.A. 42.1 et seq., as amended, which shall constitute the Charter of this Charter Township.

(B) The township shall, as provided by law, succeed to and be vested with all of the property, real and personal, money, rights, credits and causes of action belonging to the township as it formerly existed, and all debts and liabilities of Big Rapids and all taxes and assessment levied and uncollected as of the date of this section shall stand until discharged or collected.

(Res. 2006-02, passed 5-1-2006)

CHAPTER 31: TOWNSHIP DEPARTMENTS

Section

Planning Commission

- 31.01 Scope, purpose and intent
- 31.02 Establishment
- 31.03 Appointments and terms
- 31.04 Removal
- 31.05 Conflict of interest
- 31.06 Compensation
- 31.07 Officers and committees
- 31.08 Bylaws, meetings and records
- 31.09 Annual report
- 31.10 Authority to make master plan
- 31.11 Zoning powers
- 31.12 Capital improvements program
- 31.13 Subdivision and land division recommendations
- 31.14 Effective date

PLANNING COMMISSION

31.01 SCOPE, PURPOSE AND INTENT.

(A) This subchapter is adopted pursuant to the authority granted the Township Board under the Michigan Planning Enabling Act, Public Act 33 of 2008, being M.C.L.A. 125.3801 et seq. and the Michigan Zoning Enabling Act, Public Act 110 of 2006, being M.C.L.A. 125.3101 et seq. to establish a Planning Commission with the powers, duties and limitations provided by those Acts and subject to the terms and conditions of this chapter and any future amendments to this chapter.

(B) The purpose of this subchapter is to provide that the Township Board shall hereby establish the Township Planning Commission; to establish the appointments, terms and membership of the Planning Commission; to identify the officers and the minimum number of meetings per year of the Planning

Commission; to prescribe the authority, powers and duties of the Planning Commission; and to transfer all powers, duties and responsibilities of the Township Zoning Board to the Planning Commission.
(Ord. 33, passed 3-1-2011)

31.02 ESTABLISHMENT.

The Township Board hereby creates a Township Planning Commission consisting of seven members. The Planning Commission is formed under the authority of and subject to the powers, duties and limitations provided in the Michigan Planning Enabling Act, Public Act 33 of 2008, being M.C.L.A. 125.3801 et seq., and further subject to the terms and conditions of this chapter and any future amendments to this subchapter.
(Ord. 33, passed 3-1-2011)

31.03 APPOINTMENTS AND TERMS.

(A) The Township Supervisor, with the approval of the Township Board by a majority vote of the members elected and serving, shall appoint all Planning Commission members, including the ex officio member. When the Planning Commission is first established, the members appointed, other than the ex officio member, shall be appointed to one-year, two-year or three-year terms such that, as nearly as possible, the terms of one-third of all the Planning Commission members will expire each year. After that, all Planning Commission members, other than the ex officio member, shall serve for terms of three years each.

(B) A Planning Commission member shall hold office until his or her successor is appointed. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.

(C) Planning Commission members shall be qualified electors of the township, except that one Planning Commission member may be an individual who is not a qualified elector of the township. The membership of the Planning Commission shall be representative of important segments of the community, such as the economic, governmental, educational and social development of the township, in accordance with the major interests as they exist in the township, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry and commerce. The membership shall also be representative of the entire geography of the township to the extent practicable.

(D) One member of the Township Board shall be appointed to the Planning Commission as an ex officio member. An ex officio member has full voting rights. The ex officio members term on the Planning Commission shall expire with his or her term on the Township Board.

(E) No other elected officer or employee of the township is eligible to be a member of the Planning Commission.
(Ord. 33, passed 3-1-2011)

31.04 REMOVAL.

The Township Board may remove a member of the Planning Commission for malfeasance or nonfeasance in office upon written charges and after a public hearing.
(Ord. 33, passed 3-1-2011)

31.05 CONFLICT OF INTEREST.

Before casting a vote on a matter on which a Planning Commission member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission. Failure of a member to disclose a potential conflict of interest as required by this subchapter constitutes malfeasance in office. For the purposes of this section, the Planning Commission shall define conflict of interest in its bylaws.
(Ord. 33, passed 3-1-2011)

31.06 COMPENSATION.

(A) The Planning Commission members may be compensated for their services as provided by Township Board resolution.

(B) The Planning Commission may adopt bylaws relative to compensation and expenses of its members for travel when engaged in the performance of activities authorized by the Township Board, including, but not limited to, attendance at conferences, workshops, educational and training programs and meetings.
(Ord. 33, passed 3-1-2011)

31.07 OFFICERS AND COMMITTEES.

The Planning Commission shall elect a Chairperson and a Secretary from its members, and may create and fill other offices as it considers advisable. An ex officio member of the Planning Commission is not eligible to serve as Chairperson. The term of each office shall be one year, with opportunity for reelection as specified in the Planning Commission bylaws. The Planning Commission may also appoint advisory committees whose members are not members of the Planning Commission.
(Ord. 33, passed 3-1-2011)

31.08 BYLAWS, MEETINGS AND RECORDS.

(A) The Planning Commission shall adopt bylaws for the transaction of business.

(B) The Planning Commission shall hold at least four regular meetings each year, and shall by resolution determine the time and place of the meetings.

(C) Unless otherwise provided in the Planning Commissions bylaws, a special meeting of the Planning Commission may be called by the Chairperson or by two other members, upon written request to the Secretary. Unless the bylaws otherwise provide, the Secretary shall send written notice of a special meeting to Planning Commission members at least 48 hours before the meeting.

(D) The business that the Planning Commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976, being M.C.L.A. 15.261 et seq.

(E) The Planning Commission shall keep a public record of its resolutions, transactions, findings and determinations. A writing prepared, owned, used, in the possession of or retained by a Planning Commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, Public Act 442 of 1976, being M.C.L.A. 15.231 et seq. (Ord. 33, passed 3-1-2011)

31.09 ANNUAL REPORT.

The Planning Commission shall make an annual written report to the Township Board concerning its operations and the status of the planning activities, including recommendations regarding actions by the Township Board related to planning and development. (Ord. 33, passed 3-1-2011)

31.10 AUTHORITY TO MAKE MASTER PLAN.

(A) Under the authority of the Michigan Planning Enabling Act, Public Act 33 of 2008, being M.C.L.A. 125.3801 et seq., and other applicable planning statutes, the Planning Commission shall make a master plan as a guide for development within the townships planning jurisdiction.

(B) Final authority to approve a master plan or any amendments thereto shall rest with the Planning Commission unless the Township Board passes a resolution asserting the right to approve or reject the master plan.

(C) Unless rescinded by the township, any plan adopted or amended under the Township Planning Act, Public Act 168 of 1959, being M.C.L.A. 125.321 et seq., need not be readopted under the Michigan Planning Enabling Act, Public Act 33 of 2008, being M.C.L.A. 125.3801 et seq. (Ord. 33, passed 3-1-2011)

31.11 ZONING POWERS.

(A) All powers, duties and responsibilities provided for zoning boards or zoning commissions by the Michigan Zoning Enabling Act, Public Act 110 of 2006, being M.C.L.A. 125.3101 et seq. or other applicable zoning statutes are transferred to the Township Planning Commission.

(B) Any existing zoning ordinance shall remain in full force and effect except as otherwise amended or repealed by the Township Board.
(Ord. 33, passed 3-1-2011)

31.12 CAPITAL IMPROVEMENTS PROGRAM.

To further the desirable future development of the township under the master plan, the Planning Commission, after the master plan is adopted, shall annually prepare a capital improvements program of public structures and improvements, showing those structures and improvements in general order of their priority, for the following six-year period.
(Ord. 33, passed 3-1-2011)

31.13 SUBDIVISION AND LAND DIVISION RECOMMENDATIONS.

(A) The Planning Commission may recommend to the Township Board provisions of an ordinance or rules governing the subdivision of land. Before recommending such an ordinance or rule the Planning Commission shall hold a public hearing on the proposed ordinance or rule. The Planning Commission shall give notice of the time and place of the public hearing not less than 15 days before the hearing by publication in a newspaper of general circulation within the township.

(B) The Planning Commission shall review and make recommendation on a proposed plat before action thereon by the Township Board under the Land Division Act, Public Act 288 of 1967, being M.C.L.A. 560.101 et seq. Before making its recommendation, the Planning Commission shall hold a public hearing on the proposed plat. A plat submitted to the Planning Commission shall contain the name and address of the proprietor or other person to whom notice of a hearing shall be sent. Not less than 15 days before the date of the hearing, notice of the date, time and place of the hearing shall be sent to that person at that address by mail and shall be published in a newspaper of general circulation in the township. Similar notice shall be mailed to the owners of land immediately adjoining the proposed platted land.
(Ord. 33, passed 3-1-2011)

31.14 EFFECTIVE DATE.

This chapter shall take effect 63 days after the chapter is published by the Township Board in a newspaper of general circulation in the township.
(Ord. 33, passed 3-1-2011)

CHAPTER 32: PERSONNEL

Section

Medical Insurance

- 32.01 Title
- 32.02 Establishment
- 32.03 Coverage
- 32.04 Eligibility
- 32.05 End of coverage
- 32.06 Terminated/retired employees under the age of 65
- 32.07 Termination of employment at age 65
- 32.08 Township contribution for those employed before April 30, 2009
- 32.09 Township contribution for those employed after April 30, 2012
- 32.10 Declining coverage

Pension Plan

- 32.25 Title
- 32.26 Establishment
- 32.27 Coverage
- 32.28 Township contribution
- 32.29 Vested right; ratification

MEDICAL INSURANCE

32.01 TITLE.

This subchapter shall be known and cited as the Big Rapids Charter Township Group Medical Insurance Plan Subchapter.

(Ord. 31, passed 5-18-2009; Ord. 31.01, passed 3-6-2012)

32.02 ESTABLISHMENT.

Pursuant to Public Act 77 of 1989, being M.C.L.A. 41.1b et seq., as amended, the township hereby creates and establishes a group insurance plan covering medical insurance for its officers and employees enumerated herein; and for such purposes, also hereby authorizes the Township Supervisor and the Township Clerk to contract, with approval of the Township Board, in the name of the Township Board, with any company authorized to transact such business within the state for such group insurance policies. (Ord. 31, passed 5-18-2009; Ord. 31.01, passed 3-6-2012)

32.03 COVERAGE.

The group insurance plan created, established and contracted for under this subchapter shall cover each person within the following classes of officers and employees that are employed by the township as of April 30, 2009, and shall also cover the dependents of such person:

(A) Elected/appointed officers who earn a minimum of \$4,000 per quarter; and

(B) Hourly employees who work a minimum of 30 hours per week 12 months of the year.
(Ord. 31, passed 5-18-2009; Ord. 31.01, passed 3-6-2012)

32.04 ELIGIBILITY.

An elected/appointed officer or hourly employee who meets the qualifying requirements will become eligible for coverage on the first day of the month following completion of 30 days of service.
(Ord. 31, passed 5-18-2009; Ord. 31.01, passed 3-6-2012)

32.05 END OF COVERAGE.

Coverage ends on the last day of the last month that the elected/appointed officer or employee works for the township.
(Ord. 31, passed 5-18-2009; Ord. 31.01, passed 3-6-2012)

32.06 TERMINATED/RETIRED EMPLOYEES UNDER THE AGE OF 65.

The township will no longer pay the medical insurance premiums for terminated/retired elected/appointed officers or employees. However, such terminated/retired officers and employees, may continue to purchase medical insurance coverage for themselves and their dependents through the townships insurance plan for 18 months following termination/retirement (COBRA). The

terminated/retired elected officer or employee is responsible for paying the premiums and must deposit a money order in the correct amount of the premium with the Township Treasurer by a date specified by the Township Clerk. Failure to submit payment will result in immediate termination of his or her participation in the medical insurance plan of the township.

(Ord. 31, passed 5-18-2009; Ord. 31.01, passed 3-6-2012)

32.07 TERMINATION OF EMPLOYMENT AT AGE 65.

If an elected/appointed officer or employee terminates employment with the township at age 65 or older (after he or she is eligible for Medicare), he or she will be eligible to purchase supplemental medical insurance through the township at his or her expense. This offer is extended to his or her spouse also. The terminated elected/appointed official or employee will be responsible for paying the premiums and must deposit a money order in the correct amount of the premium with the Township Treasurer by a date specified by the Township Clerk. Failure to submit payment will result in immediate termination of their participation in the medical insurance plan of the township.

(Ord. 31, passed 5-18-2009; Ord. 31.01, passed 3-6-2012)

32.08 TOWNSHIP CONTRIBUTION FOR THOSE EMPLOYED BEFORE APRIL 30, 2009.

The township shall annually contribute 100% of the portion of the premium or charges arising under such medical insurance contract for each person within the class of persons enumerated in 32.03 and have been employed by the township on or before April 30, 2009. Such township contribution shall be secured from the township funds. Each person within such class shall be responsible for the remainder of the premium or charges, if any, not paid for by the township, and the Township Clerk is hereby authorized to deduct the same from such persons pay, salary or compensation to apply to such person's responsibility. Any person who desires not to be covered shall give written notice to the Township Clerk that he or she desires not to be insured or covered. Any person required by ordinance to make contributions to the coverage who desires not to be so covered shall give written notice to the Township Clerk that he or she desires not to be insured or covered, and if the notice is received before the person has become insured or covered under the contract, he or she shall not be covered there under. If the notice is received after the individual has become insured or covered, his or her coverage under the contract shall cease as provided for in the contract.

(Ord. 31, passed 5-18-2009; Ord. 31.01, passed 3-6-2012)

32.09 TOWNSHIP CONTRIBUTION FOR THOSE EMPLOYED AFTER APRIL 30, 2012.

Effective May 1, 2012, newly elected/appointed officers/hourly employees shall be responsible for 100% of the premium costs for their dependents. This charge shall be deducted from their pay by the Township Clerk. Current elected officials that are reelected shall be accepted.

(Ord. 31, passed 5-18-2009; Ord. 31.01, passed 3-6-2012)

32.10 DECLINING COVERAGE.

For those qualified elected/appointed officers/hourly employees who decline the group medical insurance plan offered by the township, a payment of \$150/month in lieu of medical insurance shall be made.

(Ord. 31, passed 5-18-2009; Ord. 31.01, passed 3-6-2012)

PENSION PLAN**32.25 TITLE.**

This subchapter shall be known and cited as the Big Rapids Charter Township Pension Plan Subchapter.

(Ord. 16, passed 7-22-1991)

32.26 ESTABLISHMENT.

Pursuant to Public Act 27 of 1960, being M.C.L.A. 41.1110b, as amended, the township hereby creates and establishes an annuity or pension plan and program for the pensioning of its elected officials, and, for such purposes, also hereby authorizes the Township Supervisor and Township Clerk to contract, in the name of the township subject to the approval of the Township Board, with any company authorized to transact such business within the state for annuities or pensions.

(Ord. 16, passed 7-22-1991)

32.27 COVERAGE.

The annuity or pension plan created, established and contracted for under this subchapter shall cover elected Township Board officials.

(Ord. 16, passed 7-22-1991)

32.28 TOWNSHIP CONTRIBUTION.

(A) The township shall annually contribute 100% of that portion of the premium or charges arising under such annuity or pension contract for each person within the class of officials enumerated in 32.27. Such contributions shall be secured from the General Fund of the township.

(B) Each elected Township Board official who is employed on the effective date of the annuity or pension plan shall be eligible for coverage on that day provided his or her age is at least 18 years. Every

elected Township Board official subsequently employed shall be eligible on the first day of the first month following election. An official's normal retirement date shall be age 65 or, if later, on the tenth anniversary of the official's entry date. Optional retirement is permitted any time after attainment of age 55. A participant may postpone his or her retirement until age 80 (must not exceed age 80). In this event, contributions on his or her behalf will continue until his or her actual retirement date.

(C) Any person desiring not to be so covered shall give written notice to the Township Clerk that he or she desires not to be covered.

(Ord. 16, passed 7-22-1991)

32.29 VESTED RIGHT; RATIFICATION.

(A) Each official so covered under the annuity or pension plan shall have a vested right or interest in such plan 12 months from the date the plan becomes effective for such official.

(B) The township hereby ratifies and confirms the validity of any annuity or pension plan in existence on the effective date of this subchapter.

(Ord. 16, passed 7-22-1991)

CHAPTER 33: EMERGENCY INCIDENT REIMBURSEMENT

Section

- 33.01 Purpose
- 33.02 Definitions
- 33.03 Charges imposed upon responsible party
- 33.04 Billing procedures
- 33.05 Other remedies

33.01 PURPOSE.

In order to protect the township from incurring extraordinary expenses resulting from the utilization of township resources to respond to an emergency incident, the Township Board authorizes the imposition of charges to recover reasonable and actual costs incurred by the township in responding to calls for assistance in connection with an emergency incident.

(Ord. 18, passed 3-1-1994)

33.02 DEFINITIONS.

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

EMERGENCY INCIDENTS. Include, but are not limited to, hazardous material incidents including releases, down electric lines, broken gas mains, assisting any utility company public or private, and any other incident that the Fire Department may respond to which is in the best interest of the public health and safety of the citizens of the township.

HAZARDOUS MATERIALS. Include, but are not limited to, a chemical that is a combustible liquid, a flammable gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, toxin, poisonous material, unstable reactive or water reactive.

RELEASE. Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, leaching, dumping or disposing into the environment.

RESPONSIBLE PARTY. Any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity that is responsible for the

emergency incident or for the release of a hazardous material, either actual or threatened, or is an owner, tenant, occupant or party in control of property onto which an emergency incident occurs or from which hazardous materials release.

(Ord. 18, passed 3-1-1994)

33.03 CHARGES IMPOSED UPON RESPONSIBLE PARTY.

Where the Township Fire Department responds to a call for assistance in connection with a emergency incident, actual costs incurred by the township responding to such a call shall be imposed upon the responsible parties, including, but not limited to:

(A) An amount shall be set by the Township Board from time to time for each departmental vehicle required to respond to and/or stand by at the emergency incident;

(B) All personnel-related costs incurred by the township as a result of responding to the emergency incident. Such costs may include, but are not limited to, wages, salaries and fringe benefits, and insurance. Also, overtime pay and related fringe benefit costs for hourly employees;

(C) Other expenses incurred by the township in responding to the emergency incident, including, but not limited to, rental or purchase of machinery, equipment, labor, consultants, legal and engineering fees and the replacement costs related to disposable personal protective equipment, extinguishing agents, supplies, water purchased form municipal water systems and meals and refreshments for personnel while on the scene of an emergency incident;

(D) Charges to the township imposed by a local, state or federal government entities related to the emergency incident; and

(E) Costs incurred in accounting for all emergency incident-related expenditures, including billing, collection costs and/or litigation fees.

(Ord. 18, passed 3-1-1994)

33.04 BILLING PROCEDURES.

(A) Following the conclusion of the emergency incident, the Fire Chief shall submit a detailed listing of all known expenses to the Township Treasurer, who shall prepare an invoice to the responsible party for payment. The Treasurers invoice shall demand full payment within 30 days of receipt of bill. Any additional expenses that become known to the Township Fire Chief following the transmittal of the bill to the responsible party shall be billed in the same manner on a subsequent bill to the responsible party. For any amounts due that remain unpaid after 30 days, the township shall impose a late charge of 1% per month, or fraction thereof.

(B) The Treasurer shall present the invoice(s) to the Township Board for recommendation of submitting the bill to the responsible party.
(Ord. 18, passed 3-1-1994)

33.05 OTHER REMEDIES.

The township may pursue any other remedy, or may institute an appropriate action or proceeding, in a court of competent jurisdiction to collect charges imposed under this chapter. The recovery of charges imposed under this chapter does not limit liability of responsible parties under local ordinance or state or federal law, rule or regulation.
(Ord. 18, passed 3-1-1994)

TITLE V: PUBLIC WORKS

Chapter

50. WASTEWATER

51. WATER

CHAPTER 50: WASTEWATER

Section

General Provisions

- 50.001 Requirements
- 50.002 Objectives
- 50.003 Regulation
- 50.004 Application of chapter
- 50.005 Enforcement
- 50.006 Definitions
- 50.007 Abbreviations

Use of Public Sewers Required

- 50.020 Unlawful to discharge
- 50.021 Privies, privy vaults, septic tanks, cesspools and other facilities
- 50.022 Connection to sanitary or combined sewer
- 50.023 Plats
- 50.024 Completion of connections

Private Sewage Disposal

- 50.035 Unavailability of public sanitary or combined sewer
- 50.036 Construction requirements
- 50.037 Availability of public sewer
- 50.038 Sanitary manner of operation
- 50.039 Additional requirements
- 50.040 Sewer extension

Building Sewers and Connections

- 50.050 Written permits required
- 50.051 Costs and expenses
- 50.052 Plans and specifications
- 50.053 Inspection
- 50.054 Costs of repairs, maintenance and replacements
- 50.055 Connection to be made by township or approved representatives

Big Rapids Charter Township - Public Works

- 50.056 Notification of township
- 50.057 Excavations

Use of Public Sewers

- 50.070 Restricted sanitary sewer discharges
- 50.071 Storm sewers
- 50.072 Restricted public sewer discharges
- 50.073 Discharge of wastewaters
- 50.074 Grease, oil, sand interceptors and grease traps
- 50.075 Preliminary treatment
- 50.076 Control manhole
- 50.077 Measurements, tests and analyses
- 50.078 Federal prohibited discharges
- 50.079 Accidental spills
- 50.080 Dilution or increase in process water
- 50.081 Federal standards

User Classification

- 50.095 Classes enumerated

Fees

- 50.110 Intent
- 50.111 Adoption of fees

Administration

- 50.125 Permit requirement
- 50.126 Issuance of sewer use permit
- 50.127 Reports
- 50.128 Monitoring facilities
- 50.129 Pretreatment
- 50.130 Confidential information
- 50.131 Publication of violations

Powers and Authority of Inspectors

- 50.145 Authority
- 50.146 Powers

Enforcement

- 50.160 Suspension of wastewater treatment service
- 50.161 Permit revocation
- 50.162 Written notice
- 50.163 Hearing
- 50.164 Order
- 50.165 Fees
- 50.166 Appeal
- 50.167 Legal action

Records

- 50.180 Records

Enactment; Amendment

- 50.195 Enactment
- 50.196 Amendment

User Rates and Charges for Wastewater Disposal Service

- 50.205 Maintained on a public utility basis
- 50.206 Trunkage connection fee
- 50.207 Service stub charge
- 50.208 Unit factors
- 50.209 Miscellaneous customer fee
- 50.210 Metering equipment
- 50.211 Collection of charges
- 50.212 Meter failing to register
- 50.213 Late payment charge
- 50.214 Lien
- 50.215 Free service
- 50.216 Applications for connection permits
- 50.217 Discontinuance for nonpayment
- 50.218 Hardship application

Industrial Cost Recovery Charges for Wastewater Disposal Service

- 50.230 Industrial cost recovery system
- 50.231 Class I users charge
- 50.232 Special consideration
- 50.233 Bills
- 50.234 Computation
- 50.235 Industrial cost recovery period

50.236 First payment
50.237 Industrial users share

50.999 Penalty
Appendix A: Table of Unit Factors

GENERAL PROVISIONS

50.001 REQUIREMENTS.

This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the township and enables the township to comply with all applicable state and federal laws required by the Clean Water Act of 1977, being 33 U.S.C. 1251 et seq. and the general pretreatment regulations (40 C.F.R. Part 403).

(Ord. 4.05, passed 7-7-1987)

50.002 OBJECTIVES.

The objectives of this chapter are:

(A) Require use of the publicly owned wastewater collection system;

(B) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;

(C) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into the receiving waters or the atmosphere or otherwise be incompatible with the system;

(D) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and

(E) To provide the equitable distribution of the cost of the municipal wastewater system.

(Ord. 4.05, passed 7-7-1987)

50.003 REGULATION.

This chapter provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through

enforcement activities, requires user reporting, assume that existing customers capacity will not be pre-empted and provides for the setting of fees for the equitable distribution of cost resulting from the program established herein.

(Ord. 4.05, passed 7-7-1987)

50.004 APPLICATION OF CHAPTER.

This chapter shall apply to the township and to persons who are by contract or agreement with the township, users of publicly owned treatment works. Except as otherwise provided herein, the Township Board, shall administer, implement and enforce the provisions of this chapter.

(Ord. 4.05, passed 7-7-1987)

50.005 ENFORCEMENT.

To the extent permitted by law, the township may authorize the city to administer and enforce, on behalf of the township, all or a portion of the obligations imposed upon the township by the terms of this sewer use chapter.

(Ord. 4.09, passed 3-4-1997)

50.006 DEFINITIONS.

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

ACT, THE ACT, THE FEDERAL WATER POLLUTION CONTROL ACT and ***THE CLEAN WATER ACT***. Are used interchangeably in this chapter and refer to Pub. L. No. 92-500, being 33 U.S.C. 1251 et seq. as adopted in 1972 and amended by Pub. L. No. 95-217 in 1977, Pub. L. No. 97-117 in 1981, and any succeeding amendments.

ALTERNATIVE DISCHARGE LIMIT. Limits set by the township in lieu of the promulgated national categorical pretreatment standards, for integrated facilities in accordance with the combined waste stream formula as set by the EPA.

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20°C, expressed in parts per million by weight.

BUILDING DRAIN. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside of the walls of the building and conveys to the building sewer, beginning five feet outside the inner face of the building wall.

BUILDING SEWER. A sewer conveying wastewater from the premises of a user to the POTW.

CATEGORICAL STANDARDS. National categorical pretreatment standards or pretreatment standards.

CHLORINE DEMAND. The difference between the amounts of chlorine added to water or wastewater and the amount of residual chlorine remaining at the end of a specified contact period. The demand for any given water varies with the amount of chlorine applied, time of contact and temperature.

CITY. The City of Big Rapids, Michigan and/or the City Manager or his or her duly authorized deputy, agent or representative.

COUNTY. The County of Mecosta, Michigan.

CHEMICAL OXYGEN DEMAND (COD). The oxygen consuming capacity of inorganic and organic matter present in wastewater.

COMBINED SEWER. A sewer receiving both surface runoff and sewage.

COMPATIBLE POLLUTANT. The pollutants which are treated and removed to a substantial degree by the treatment works. These pollutants are biochemical oxygen demand, suspended solids, pH and fecal coliform, phosphorus and its compounds, and nitrogen and its compounds.

COMBINED WASTESTREAM. The waste stream at industrial facilities where regulated process effluent is mixed with other wastewater (either regulated or unregulated) prior to treatment.

COOLING WATER. The water discharged from any use such as air conditioning, cooling or refrigeration or to which the only pollutant added is heat.

CONTROL AUTHORITY. The individual designated by the Township Board.

EPA ADMINISTRATOR. The head of the Environmental Protection Agency.

GARBAGE. Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

HOLDING TANK WASTE. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum pump tank trucks.

INDUSTRIAL COST RECOVERY (ICR). The cost recovered from industrial users of the treatment works of the grant amount allocable to the treatment of wastes from such users under 204(b) of Pub. L. No. 95-217, being 33 U.S.C. 1284(b).

INDUSTRIAL USER. Any nongovernmental, nonresidential user of a publicly owned treatment works which discharges more than the equivalent of 25,000 gallons per day (gpd) of sanitary wastes and which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions A, B, D, E and I.

INDUSTRIAL WASTES. The liquid wastes from industrial processes as distinct from sanitary sewage.

INTEGRATED FACILITIES. Industrial facilities with a combined waste stream.

MAJOR CONTRIBUTING INDUSTRY. An industrial user of the publicly owned treatment works:

- (1) Having flow of 50,000 gallons or more per average work day;
- (2) Having a flow greater than 5% of the total flow carried by the municipal system receiving the waste;
- (3) Having in its discharge a toxic pollutant in amounts exceeding the desired limits; and
- (4) Is found by the permit issuance authority, in connection with the issuance of an NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singularly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

mg/l. Milligrams per liter.

MISCELLANEOUS CUSTOMER FEE. The amount charged to customers of the township's system for miscellaneous services and related administrative costs associated with the system.

NATIONAL CATEGORICAL PRETREATMENT STANDARD. Any federal regulation containing pollutant discharge limits promulgated by the EPA which applies to a specific category of industrial users.

NATURAL OUTLET. Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

NORMAL STRENGTH DOMESTIC WASTES. Wastes which have a BOD of 200 milligrams per liter, suspended solids of 170 milligrams per liter, phosphorus of ten milligrams per liter have a pH between 6.5 and 9.5 and do not contain a concentration of other constituents which will interfere with the normal wastewater treatment process.

OPERATION AND MAINTENANCE (O&M). All costs, direct and indirect, not including debt service, but inclusive of expenditures attributable to administration, equipment replacement and treatment and collection of wastewater necessary to insure adequate treatment and collection on a continuing basis in conformance with applicable regulation.

ORDINANCE. Ord. 4 adopted on January 23, 1979, as amended, Ord. 4.02, adopted on September 14, 1979 and Ord. 4.05, adopted on July 7, 1987, as amended.

PPM. Parts per million.

pH. The logarithm of the reciprocal of the hydrogen ion concentration in moles per liter.

PERSON. Any individual, firm, company, association, society, corporation or group.

PRETREATMENT or TREATMENT. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the sewage works. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes other means, except as prohibited by 40 C.F.R. 403.6(d).

PRETREATMENT STANDARDS. National categorical pretreatment standards, alternative discharge limits, or other federal, state or local standards, whichever are applicable.

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking and dispensing of foods that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

PUBLIC SEWER. A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

PUBLICLY OWNED TREATMENT WORKS (POTW). A treatment works as defined by 212 of the Act (33 U.S.C. 1292) which is owned by the city. This includes any sewers that convey wastewater to the POTW treatment plant. For purposes of this chapter, *POTW* shall include any sewers that convey wastewaters to the POTW from persons outside the city who are by contract or agreement with the city users of the POTW.

PUBLICLY OWNED TREATMENT WORKS (POTW) TREATMENT PLANT. That portion of the POTW designed to provide treatment to wastewater.

REPLACEMENT. Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance, for which such works were designed and constructed.

SANITARY SEWER. A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

SERVICE STUB CHARGE. The amount charged to a premises for the construction and installation of a service stub (the extension of the public sewer laterally from the local or main collector sewer to the property line of the premises adjacent to the path of the public sewer).

SEWAGE. A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground surface, and storm waters as may be present.

SEWAGE WORKS. All facilities for collecting, pumping, treating and disposing of sewage.

SEWER. A pipe or conduit for carrying sewage.

SEWER RATES AND CHARGES. The trunkage connection fee, service stub charge, permit and service stub inspection and approval fee, sewer service charge, miscellaneous customer fee, surcharges imposed consistent with 50.073 and the charges and fees established from time to time by the township pursuant to 50.111.

SEWER SERVICE CHARGE. The rate charged by the township for providing wastewater collection and treatment service, including separately itemized components for:

- (1) User charges to pay the cost of operation and maintenance and replacement;
- (2) Debt service on outstanding township bonds payable from net revenues of the township's sanitary sewer system; and
- (3) Payments to the City of Big Rapids for transportation and treatment of wastewater determined pursuant to agreement between the city and the township in accordance with the city's approved user charge system.

SHALL. Mandatory; **MAY** is permissive.

SIGNIFICANT VIOLATION. Those violations which remain uncorrected 45 days after notification of noncompliance over a 12-month period, which involve a failure to accurately report noncompliance, or which result in the exercise of the sewage works emergency authority under 40 C.F.R. 403.8(f)(2)(vi)(B).

SLUG. Any discharge of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration of flows during normal operation.

STANDARD INDUSTRIAL CLASSIFICATION (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget 1972.

STORM SEWER or **STORM DRAIN.** A sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

SURCHARGE. An extra charge to cover the cost of treating sampling and testing extra strength sewage.

SUSPENDED SOLIDS. Solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by the wastewater treatment process.

Big Rapids Charter Township - Public Works

SUPERINTENDENT. The individual designated by the Township Board or his or her duly authorized representative.

TOWNSHIP. Big Rapids Charter Township, Michigan and/or its duly authorized agent or representative.

TOXIC POLLUTANT. Any pollutant or combination of pollutants which is or can potentially be harmful to public health or environment including those listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of CWA 307(a), being 33 U.S.C. 1317(a) or other Acts.

TRUNKAGE CONNECTION FEE. The amount charged to a premises for connection to the township's sanitary sewer system which represents the premises allocable share of the collector and interceptor sewers and related appurtenances.

UNIT or UNITS. A standard of measuring the relative benefits derived from the disposal of sewage ordinarily arising from the occupancy of a single-family residential dwelling unit (but such term shall not necessarily be related to actual use arising from any such dwelling unit) and shall be defined or determined from time to time by the township through its Township Board. Said units are set forth in Appendix A to Chapter 50, according to the type of use to which the properties are put.

U.S. EPA. The United States Environmental Protection Agency which assures the protection of the environment by abating or controlling pollution on a systematic basis.

USER. Any person who contributes, causes or permits the contribution of wastewater into the city's POTW.

USER CHARGE. A charge levied on users of treatment works for the cost of operation and maintenance of such works.

USER CLASS. That the recipient of wastewater treatment services will be assigned to one of three classes discussed in 50.095.

WASTEWATER TREATMENT PLANT. Any arrangement of devices and structures used for treating sewage.

WATERCOURSE. A channel in which a flow of water occurs, either continuously or intermittently. (Ord. 4.05, passed 7-7-1987; Ord. 4.07, passed 3-21-1991; Ord. 4.08, passed 5-2-1995; Ord. 4.09, passed 3-4-1997)

50.007 ABBREVIATIONS.

The following abbreviations shall have the designated meanings:

ASTM	American Society for Testing Materials
BOD	Biochemical oxygen demand
C.F.R.	Code of Federal Regulations
COD	Chemical oxygen demand
CWA	Clean Water Act
EPA	Environmental Protection Agency
l	Liter
MDNR	Michigan Department of Natural Resources
mg	Milligrams
mg/l	Milligrams per liter
NPDES	National pollutant discharge elimination system
O&M	Operations and maintenance
POTW	Publicly owned treatment works
SIC	Standard industrial classification
SS	Suspended solids
U.S.C.	United States Code
WPCF	Water Pollution Control Federation

(Ord. 4.05, passed 7-7-1987)

USE OF PUBLIC SEWERS REQUIRED

50.020 UNLAWFUL TO DISCHARGE.

It shall be unlawful to discharge or cause to be discharged into any storm sewer, natural watercourse or artificial watercourse, any sewage or other polluted waters other than storm water or uncontaminated industrial wastes as heretofore defined; or to increase an approved use except upon special agreement or arrangement with the township and in accordance with the rules and procedures of appropriate agencies of the state.

(Ord. 4.05, passed 7-7-1987) Penalty, see 50.999

50.021 PRIVIES, PRIVY VAULTS, SEPTIC TANKS, CESSPOOLS AND OTHER FACILITIES.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.
(Ord. 4.05, passed 7-7-1987) Penalty, see 50.999

50.022 CONNECTION TO SANITARY OR COMBINED SEWER.

The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purpose, situated within the township and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the township, is hereby required at his or her expense to install suitable toilet facilities and connect such facilities directly with the proper public street sewer in accordance with the provisions of this chapter. The township may require any such owner, pursuant to the authority conferred upon it by law or ordinance, to make such installations or connections.
(Ord. 4.05, passed 7-7-1987)

50.023 PLATS.

Plats for premises subdivided into four or more lots or parcels and permits to improve platted or unplatted premises, after the effective date hereof, which premises are within the area in the township served by the system, shall not be approved or issued on behalf of the township and none of said premises shall be improved hereafter by the erection thereon of a building or structure for human use or occupancy unless lateral sewers, the design of which is approved by an engineer designated by the township, to serve all of said premises, as subdivided or to be improved are provided and connected to the system as part of the system, such extensions to be installed at private cost or by special assessment (or a bond furnished or the estimated cost thereof deposited with the township, as otherwise provided by law).
(Ord. 4.05, passed 7-7-1987)

50.024 COMPLETION OF CONNECTIONS.

Except as provided in 50.037, all connections to the sewer required hereunder shall be completed no later than 12 months after date of official notice to make such connection.
(Ord. 4.05, passed 7-7-1987)

PRIVATE SEWAGE DISPOSAL**50.035 UNAVAILABILITY OF PUBLIC SANITARY OR COMBINED SEWER.**

Where a public sanitary or combined sewer is not available under the provisions of 50.020 through 50.024, the building sewer shall be connected to a private sewage disposal system constructed in compliance with state and local laws.

(Ord. 4.05, passed 7-7-1987)

50.036 CONSTRUCTION REQUIREMENTS.

Where private sewage disposal systems are constructed, they must be located at least 50 feet from any surface water, natural or artificial drain, or open joint, sub-surface ground water, or tile drain unless otherwise approved by the township. All installations shall comply with the existing state laws and regulations.

(Ord. 4.05, passed 7-7-1987)

50.037 AVAILABILITY OF PUBLIC SEWER.

(A) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in 50.020 through 50.024, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable materials. All filling and demolition subject to approval of the township.

(B) Upon application of the owner of such property, the township may grant a delay of not more than two years, before making connection to public sewer. Such delay to be granted only if private facilities are satisfactory and create no nuisance or health hazard.

(Ord. 4.05, passed 7-7-1987)

50.038 SANITARY MANNER OF OPERATION.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the township.

(Ord. 4.05, passed 7-7-1987) Penalty, see 50.999

50.039 ADDITIONAL REQUIREMENTS.

No statement contained in this subchapter shall be construed to interfere with any additional requirements that may be imposed by the township or other regulatory agencies with respect to private sewage disposal.

(Ord. 4.05, passed 7-7-1987)

50.040 SEWER EXTENSION.

It is hereby recognized that the sewer may be extended, subject to approval of the City of Big Rapids pursuant to the wastewater treatment agreement dated as of December 8, 1978 by and between said city and the township, to premises not otherwise required hereunder to connect to the sewer. Such extensions shall be made pursuant to contract between the owners of said premises and the township, which contract shall provide that the extension be designed and installed at private cost or by special assessment. The township may coordinate the construction of said extension if the private developer furnishes an acceptable surety bond or deposits the estimated cost with the township. In any event, the design of the sewer extension and the construction inspection shall be approved and provided by an engineer designated by the township. A contract for extension of the sewer entered into by the township may provide that third parties subsequently connecting to said extension shall pay the developer a pro rata portion of the costs of construction said extension in addition to the fees payable under 50.205 through 50.218.

(Ord. 4.03, passed 9-1-1981)

BUILDING SEWERS AND CONNECTIONS**50.050 WRITTEN PERMITS REQUIRED.**

(A) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the township.

(B) All connections with any sewer of the township shall be made only by written authorization and permits issued by the township or its designated representative. The owner or his or her agent shall make application on a special form furnished by the township which shall be accompanied by payment in full in cash or certified check, or equivalent of the service stub charge, trunkage connection fee and permit and service stub inspection and approval fee and other charges or deposits required by this chapter. All permit applications shall contain the information required in 50.125, if applicable. The permit application shall be filed prior to or simultaneously with the application to the township for a building permit.

(Ord. 4.05, passed 7-7-1987; Ord. 4.07, passed 3-21-1991) Penalty, see 50.999

50.051 COSTS AND EXPENSES.

(A) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner of said property.

(B) The owner shall indemnify the township from all loss or damage that may directly be occasioned by the installation of the building sewer.

(Ord. 4.05, passed 7-7-1987)

50.052 PLANS AND SPECIFICATIONS.

(A) All applicants for sewer connection permits shall, when required submit plans and specifications of all plumbing construction within such building or premises and such plans and specifications shall meet the requirements of the Plumbing Code of the state, and all order, rules and regulations of the Department of Health. The approval of connection permit shall also be contingent upon the availability of capacity in all downstream sewers, lift stations, force mains and the city's sewage treatment plant including BOD and suspended solids capacity. When such plans and specifications have been approved by the township or by such officials as they may designate, a sewer or plumbing permit shall be issued, subject to final inspection and approval when construction is completed.

(B) Final approval will be subject to compliance with the Plumbing Code of the state, and all orders, rules and regulations of local and state regulatory agencies.

(Ord. 4.05, passed 7-7-1987)

50.053 INSPECTION.

(A) The applicant for a building sewer permit shall notify the township when the building sewer is ready for inspection. The township or its designated representative shall then inspect the said building and plumbing construction therein and if such construction meets the previous requirements as so approved in the construction permit, a sewer connection approval shall be issued, subject to the applicable provisions of other sections of this chapter.

(B) Upon final approval of any sewer connection all sewer supports, testing of sewer, back filling of sewer, including material and other elements contingent on completion of installation, shall comply with State Plumbing and Township Building Codes.

(Ord. 4, passed 1-23-1979; Ord. 4.05, passed 7-7-1987; Ord. 4.07, passed 3-21-1991)

50.054 COSTS OF REPAIRS, MAINTENANCE AND REPLACEMENTS.

The cost of all repairs, maintenance and replacements of existing building sewers and their connection to the public sewers shall be borne by the property owner. Such owner shall make application for permit to perform such work to the township through the designated representative.

(Ord. 4.05, passed 7-7-1987)

50.055 CONNECTION TO BE MADE BY TOWNSHIP OR APPROVED REPRESENTATIVES.

All connection to existing or new sewers will be made by employees of the township or its approved representatives. The connection of the building sewer into the public sewer shall be made at the _____ branch, if such branch is available at a suitable location.

(Ord. 4.05, passed 7-7-1987)

50.056 NOTIFICATION OF TOWNSHIP.

The applicant for the building sewer permit shall notify the township when the building sewer is ready for inspection and connection to the public sewer.

(Ord. 4.05, passed 7-7-1987)

50.057 EXCAVATIONS.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of, the work shall be restored in a manner satisfactory to the township.

(Ord. 4.05, passed 7-7-1987) Penalty, see 50.999

USE OF PUBLIC SEWERS**50.070 RESTRICTED SANITARY SEWER DISCHARGES.**

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof run-off, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

(Ord. 4.05, passed 7-7-1987) Penalty, see 50.999

50.071 STORM SEWERS.

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the township, and in compliance with rules and procedures of various agencies of the state. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the township, to a storm sewer or natural outlet. The township has the right to exclude industrial or commercial waste in whole or in part, for any reason.

(Ord. 4.05, passed 7-7-1987)

50.072 RESTRICTED PUBLIC SEWER DISCHARGES.

(A) Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- (1) Any liquid or vapor having a temperature higher than 104°F (40°C);
- (2) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
- (3) Any garbage that has not been properly shredded;
- (4) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in the sewers or other interference with the proper operation of the sewage works;
- (5) Any wastes having any other corrosive properties capable of causing damage or hazard to structures, equipment and personnel of the sewage works;
- (6) Any water or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, fish or aquatic life, or create any hazard in the receiving waters or in the wastewater treatment plant, or exceed the limitation set forth in the EPA categorical pretreatment standard or any other federal, state or county standard;
- (7) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the POTW plant;
- (8) Any substance which may cause the sewage works effluent or any other product of the sewage works such as residue, sludges or scums, to be unsuitable for land application or reclamation and reuse or to interfere with the reclamation process;
- (9) Any wastewater with color of sufficient light absorbency to interfere with treatment plant process, prevent analytical determinations or create any aesthetic effect on the treatment plant effluent, such as, but not limited to, dye wastes and vegetable tanning solutions;

Big Rapids Charter Township - Public Works

- (10) Any noxious or malodorous gas or substance capable of creating a public nuisance;
- (11) Any water and/or waste not complying to all NPDES permit requirements, pretreatment standards and all other unspecified state and federal regulations;
- (12) Any waters or wastewaters having chlorine demand in excess of 15 mg/l;
- (13) Any waters or wastes having pH less than 5.5 and greater than 9.5;
- (14) Any waters and/or wastewater which may contain any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by applicable state or federal regulations;
- (15) Any water or waste which may contain more than 100 parts per million (100 PPM), by weight, of fat, oil or grease or exceed a daily average or 25 parts per million (25 PPM);
- (16) Any grease, oil or other substance that will become solid or viscous at temperatures, between 32°F and 140°F, including mineral oils from the viscosity range of kerosene on up; and
- (17) Any wastes that contain insoluble solids in excess of 10,000 parts per million (10,000 PPM) or exceeds a daily average of 500 parts per million (500 PPM) or that contains a combination of soluble and insoluble material in excess of 20,000 parts per million (20,000 PPM) and must not contain any insoluble substance having a specific gravity greater than 2.65.

(B) When the township determines that a user(s) is contributing to the POTW, any of the above enumerated substances in such amounts so as to interfere with the operation of the POTW, the township shall:

- (1) Advise the user(s) of the impact of the contribution on the POTW; and
 - (2) Develop effluent limitation(s) for such user(s) to correct the interference with the POTW.
- (Ord. 4.05, passed 7-7-1987) Penalty, see 50.999

50.073 DISCHARGE OF WASTEWATERS.

(A) *State requirements.* State requirements and limitations on discharges to the POTW shall be met by all dischargers which are subject to such standards in any instance in which they are more stringent than federal or local requirements and limitations.

(B) *Supplementary limitations - discharge limits.*

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

Conventional Pollutants	
<i>Materials</i>	<i>Concentration (mg/l)</i>
Ammonia - N	64
BOD	530
Total suspended solids	900
FOG	200
TPH	49
Total phosphorus as P	36
Non-Conventional Pollutants/Upper Limits	
<i>Materials</i>	<i>Concentration (ug/L)</i>
Metals	
Arsenic	60 ug/L
Cadmium	90 ug/L
Copper	50 ug/L
Cyanide	130 ug/L
Chromium, total	700 ug/L
Chromium, hexavalent	300 ug/L
Lead	570 ug/L
Mercury	*(LOD)
Nickel	930 ug/L
Selenium	150 ug/L
Silver	43 ug/L
Zinc	700 ug/L
Organics	
1-4 Dichlorobenzene	24 ug/L
Chloroform	18 ug/L
Lindane	0.60 ug/L
Benzene	24 ug/L
Toluene	24 ug/L
Ethylbenzene	31 ug/L

Big Rapids Charter Township - Public Works

Conventional Pollutants	
<i>Materials</i>	<i>Concentration (mg/l)</i>
Xylenes, Total	44 ug/L
Methylene Chloride	41 ug/L
Tetrachloro ethylene	16 ug/L
Trichloro ethylene	21 ug/L
111, Trichloroethane	16 ug/L

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

1. There shall be no detectable amounts of mercury discharged into the publicly owned treatment works (POTW).
2. Mercury sampling procedures, preservation and handling, and analytical protocol for compliance monitoring shall be in accordance with EPA Method 245.1.
3. The LOD, developed in accordance with the procedure specified in 40 C.F.R. Part 136 shall not exceed 0.2 ug/L for mercury, unless higher levels are appropriate due to matrix interference.

(c) 1. 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).

2. In cases where true matrix interference(s) can be demonstrated, a discharge-specific LOD will be developed in accordance with the procedure in 40 C.F.R. Part 136. Discharge-specific LODs will be incorporated into the wastewater discharge permit of the nondomestic user.

(2) In additions to penalties for violation the chapter for discharging wastewater containing concentrations (and/or mass limitations) in excess of the limits stated above, surcharges shall be assessed by the township for any conventional pollutant discharged to the POTW in excess of average domestic influent WWTP concentration according to the City of Big Rapids sewer user charge system, 52.22

of the City of Bid Rapids code. Discharges of any pollutant may not exceed the stated limitation under any circumstance. Surcharges will be based on a prorated share of the annual costs of operation and maintenance associated with the treatment and handling of a substance, multiplied by the ratio of weight of excess substance over the normal weight of the substance to be treated annually.

(3) (a) The township's surcharge procedure shall include, on at least a semi-annual basis, composite sampling episodes of four consecutive days to determine the average concentration in mg/l of conventional pollutants from each non-domestic user. These average concentrations will be compared to the WWTP average domestic influent concentration for each parameter found under SURCHARGE in the city's user charge system. When the user concentration exceeds the domestic background for a parameter, the excess amount will be the concentration used to calculate the pounds to be surcharged. The flow number shall be the actual total monthly flow. Example: The domestic background average concentration for total phosphorus is 5 mg/l. User A has an average domestic concentration of 8 mg/l. The surcharge concentration for User A would be 3 mg/l. This concentration multiplied by the total monthly flow in millions of gallon x 8.34 pounds per gallon gives the total pounds of phosphorus. If User A consumed 600,000 gallons of water during the month, that would be .6 million gallons x 3 mg/l x 8.34 = 15.01 pounds of surcharge phosphorus @ \$2.51 pd \$37.67 for that month. The excess concentration surcharge shall remain in effect until the next sampling episode.

(b) Each user subject to surcharge shall be billed monthly according to water usage or metered discharge. Sampling and analysis shall be performed by the township. A split of each sample shall be made available to each user upon written request.

(c) The township 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.
(Ord. 4.05, passed 7-7-1987; Ord. 4.09, passed 3-4-1997; Ord. 4.10, passed 2-19-2007; Ord. 4.11, passed 3-6-2007)

50.074 GREASE, OIL, SAND INTERCEPTORS AND GREASE TRAPS.

(A) (1) Grease, oil, sand interceptors and conventional grease traps shall be provided when, in the opinion of the township, they are necessary for the township for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the township and shall be located as to be readily and easily accessible for cleaning and inspection.

(2) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water-tight and equipped with easily removable covers which when bolted in place shall be gas-tight and water-tight.

(B) Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times.
(Ord. 4.05, passed 7-7-1987) Penalty, see 50.999

50.075 PRELIMINARY TREATMENT.

(A) (1) Where necessary in the opinion of the township, the owner shall provide, at his or her expense, such preliminary treatment as may be necessary to:

(a) Reduce objectionable characteristics or constituents to within the maximum limits as provided for in 50.072 and 50.073; or

(b) Control the quantities and rates of discharge of such waters or wastes.

(2) Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for approval of the city and of the state regulation agencies and no construction of such facilities shall be commenced until said approvals are obtained in writing.

(B) Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.
(Ord. 4.05, passed 7-7-1987)

50.076 CONTROL MANHOLE.

When required by the township the owner of any property served by a building sewer carrying industrial wastes, shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. The control manhole may be required by the township for any industrial or commercial building sewer whose water supply is from an unmetered private well. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the township. The manhole shall be installed by the owner at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times.
(Ord. 4.05, passed 7-7-1987)

50.077 MEASUREMENTS, TESTS AND ANALYSES.

All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in 50.070 through 50.081, shall be determined in accordance with *Standard Methods for the Examination of Water and Sewage* and shall be determined at the control manhole provided for in 50.076 or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. In addition to the *Standard Methods*,

all testing should conform with *Guidelines Establishing Test Procedures for Analysis of Pollutants* as published in October 16, 1973, Federal Register (40 C.F.R. Part 136).
(Ord. 4.05, passed 7-7-1987)

50.078 FEDERAL PROHIBITED DISCHARGES.

There shall be no agreement between the township and any industrial concern that would allow any waiver of federal prohibited discharge standards or categorical pretreatment standards except under the mechanisms specified in the general pretreatment standards regulations. Special agreement or arrangements between the township and any industrial concern falling within the mechanisms specified in the general pretreatment standards regulations may be made whereby an industrial wastes of unusual strength or character may be accepted by the township for treatment, subject to payment of surcharge. The strength of such waste shall be determined by composite sampling at the owners expense over a period of time sufficient to generate a representative sample. Surcharges will be assessed based on a prorated share of the annual costs of operation and maintenance associated with the treatment and handling of a substance, multiplied by the ratio of weight of excess substance over the normal weight of the substance treated annually.

(Ord. 4.05, passed 7-7-1987)

50.079 ACCIDENTAL SPILLS.

(A) All discharges to the township sewer system shall provide protection from accidental spills potentially resulting in sewer discharge of prohibited materials or substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner(s) or user(s) expense. Detailed plan showing facilities and operating to provide spill prevention shall be submitted to the township for review, and shall be approved by the township prior to construction of the facility. All users subject to this provision shall complete a spill prevention program within 90 days of enactment of this chapter. Any user commencing discharge to the sewage works after the effective date of this chapter shall, at the direction of the township, develop a spill program prior to introducing pollutants into the sewage works. Review and approval of such plans and operating procedures by the township shall not relieve the discharges from the responsibility to modify its facility as necessary to meet the requirements of this chapter.

(B) When an accidental discharge occurs it will be the immediate responsibility of the user to notify the sewage works by telephone of the incident. Notification shall include the location of the discharge, type of waste, concentration, volume and recommended corrective action.

(C) Following an accidental discharge, it will be the responsibility of the user to submit a written report within 24 hours to the township detailing the cause of the discharge and the measures being implemented to prevent a reoccurrence. Submittal of the report will not relieve the user of liability for any expense, loss or damage to the sewage works, nor fines, civil penalties or other liabilities imposed upon the township as a result of the accident.

(D) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees of who to call in the event of a dangerous discharge. Employer shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

(Ord. 4.05, passed 7-7-1987) Penalty, see 50.999

50.080 DILUTION OR INCREASE IN PROCESS WATER.

(A) No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the national categorical pretreatment standards, alternative discharge limits or in any other pollutant-specific limitation developed by the township or state.

(B) Dilution may be an acceptable means of complying with some of the prohibitions set forth in 50.072 and 50.073, upon prior written approval of the township.

(Ord. 4.05, passed 7-7-1987) Penalty, see 50.999

50.081 FEDERAL STANDARDS.

Upon the promulgation of the national categorical pretreatment standards, alternative discharge limits or other federal or state limitations, for a particular industrial sub-category, the pretreatment standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter and shall be considered part of this chapter. The township shall notify all affected users of the applicable reporting requirements.

(Ord. 4.05, passed 7-7-1987)

USER CLASSIFICATION

50.095 CLASSES ENUMERATED.

(A) The recipients of wastewater treatment services will be assigned to one of the following classes:

(1) *Class I.* Any nongovernmental user identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under Divisions A, B, D, E and I and as defined in 40 C.F.R. Part 35.905 published September 27, 1978 in the Federal Register;

(2) *Class II.* Any user identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under Divisions F, G, H, J and K and any

commercial, institutional or governmental user determined to be introducing wastes of unusual volume or strength, or wastes in variance with 50.072; and

(3) *Class III*. All users, which produce primarily segregated domestic wastes or wastes from sanitary conveniences.

(B) A user in the divisions listed may be excluded from Class I and II and placed in Class III if it is determined that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

(Ord. 4.05, passed 7-7-1987; Ord. 4.07, passed 3-21-1991)

FEES

50.110 INTENT.

It is the intent of this subchapter to provide for the recovery of costs from the users of the township's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth the township's schedule of charges and fees.

(Ord. 4.05, passed 7-7-1987)

50.111 ADOPTION OF FEES.

The township may adopt charges and fees which may include:

(A) Fees for reimbursement of cost of setting up and operating the township's pretreatment program;

(B) Fees for monitoring, inspections and surveillance procedures;

(C) Fees for receiving accidental discharge procedures and construction;

(D) Fees for permit application;

(E) Fees for filing appeals;

(F) Fees for consistent removal (by the township) of pollutants otherwise subject to federal pretreatment standards; and

(G) Other fees as the township may deem necessary to carry out the requirements contained herein.
(Ord. 4.05, passed 7-7-1987)

*ADMINISTRATION***50.125 PERMIT REQUIREMENT.**

Application for use of sewers requires each person or establishment with a potential discharge other than normal strength domestic waste discharge, to do any or all of the following:

(A) Request service for sanitary sewer, storm sewer or other;

(B) Request to include all of the following:

(1) State nature of business or enterprise;

(2) State source and volume of water used both in processing, cooling and waste transportation;

(3) State volumes in gallons of water to be discharged to sanitary, storm or other surface or ground areas;

(4) List all substances of a chemical, biological or radioactive nature, other than those found in the source water supply, which are now or will be found in all wastewater discharges;

(5) Provide plan maps of buildings, waste treatment works, process flow patterns, outfall lines and in-plant drainage lines;

(6) Sample, test and file reports with the township and appropriate state agencies on specified waste characteristics. All schedules, locations and methods to be approved by the township;

(7) Place waste treatment facilities, process facilities, waste streams or other facilities generating wastes or possessing potential waste problems under designated control and supervision of persons who have been approved by appropriate state agencies;

(8) Provide a report on all raw materials entering the process or support systems, including analyses and assays provided by suppliers or raw materials; and

(9) Maintain records and file reports on final disposal of specific liquids, solids, sludges, oils, radioactive materials, solvents or other hazardous wastes.

(Ord. 4.05, passed 7-7-1987)

50.126 ISSUANCE OF SEWER USE PERMIT.

Issuing of sewer use permit upon completion of any or all of the items under 50.125, the township will, after reviewing applications, issue a sewer use permit which will include all or part of the following:

- (A) State location of discharge points into sanitary, storm sewers or surface water areas;
 - (B) Designation of maximum allowable volumes of wastewater to be discharged at discharge points;
 - (C) Designation of any discharge restrictions;
 - (D) Designation of types and sizes of containment facilities to control process spills to the designated sewers;
 - (E) Provision for sampling and analysis of waste discharged to designated sewers;
 - (F) Provisions for filing reports on waste analysis with the township;
 - (G) Provisions for notifying the township of any changes in process and/or wastes or proposed additional waste, or connections to the designated or other sewers;
 - (H) Establish limits on specific waste constituents in mg/l and in pounds per day. Limits can include, but are not limited to, BOD, COD, temperature, pH, suspended solids, volatile suspended solids, soluble metal wastes, toxins, pesticides, herbicides, solvents, detergents and other wastes capable of creating hazards to humans, animals or aquatic life or which might create any hazards to sewers, wastewater treatment plant or the receiving water;
 - (I) Permits shall be issued for a specified time period not to exceed five years, a permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to expiration of the users existing permit. The terms and conditions of the permit may be subject to modifications by the township during the term of the permit as limitations or requirements as identified in 50.125 are modified or other just cause exist. The user shall be notified of any proposed changes in his or her permit at least 30 days prior to the effective day of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance; and
 - (J) Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation without the approval of the township. Any succeeding owner or user shall also comply with the terms of the existing permit.
- (Ord. 4.05, passed 7-7-1987)

50.127 REPORTS.

(A) Within 90 days following the date for final compliance by the discharger with applicable pretreatment standards set forth in this chapter or 90 days following commencement of the introduction of wastewater into the POTW by a new discharger, any discharger subject to this chapter shall submit to the township a report indicating the nature and concentration of all prohibited or regulated substances contained in its discharge, and the average and maximum daily flow in gallons. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the discharger into compliance with the applicable pretreatment standards or requirements.

(B) This statement shall be signed by an authorized representative of the discharger.

(1) Any discharger subject to a pretreatment standard set forth in this chapter, after the compliance date of such pretreatment standard, or, in the case of a new discharger, after commencement of the discharge to the township, shall submit to the township during the months of June and December, unless required more frequently by the township, a report indicating the nature and concentration of prohibited or regulated substances in the effluent which are limited by the pretreatment standards. In addition, this report shall include a record of all measured or estimated average and maximum daily flows during the reporting period. Flows shall be reported on the basis of actual measurement, provided however, where cost of feasibility considerations justify, the township may accept report of average and maximum flows estimated by verifiable techniques. The flow rates, holiday, budget cycles or other extenuating factors may authorize the submission of said reports on months other than those specified above.

(2) Reports of permittees shall contain all results of sampling and analysis of the discharge, including the flow and the nature and concentration or production and mass where required by the township. The frequency of monitoring by the user shall be as prescribed in the applicable pretreatment standard of this chapter. All analyses shall be performed in accordance with 40 C.F.R. Part 136 and amendments thereto. (Comment: where 40 C.F.R. Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, *Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants*, April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator of the U.S. EPA.)
(Ord. 4.05, passed 7-7-1987)

50.128 MONITORING FACILITIES.

(A) Each discharger shall provide and operate at the dischargers own expense, a monitoring facility to allow inspection, sampling and flow measurement of each sewer discharge to the township. Each monitoring facility shall be situated on the dischargers premises, except where such a location would be impractical or cause undue hardship on the discharger, the township may concur with the facility being constructed in the public street or sidewalk area providing that the facility is located so that it will not be obstructed by landscaping or parked vehicles.

(B) There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the discharger.

(C) All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications. Construction shall be completed within 120 days of receipt of permit by discharger.

(Ord. 4.05, passed 7-7-1987)

50.129 PRETREATMENT.

Users shall provide necessary wastewater pretreatment as required to comply with this chapter and shall achieve compliance with all federal categorical pretreatment standards within the same limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to an acceptable level by the township shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the township for review and shall be acceptable to the township under provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the township prior to the users initiation of the changes.

(Ord. 4.05, passed 7-7-1987)

50.130 CONFIDENTIAL INFORMATION.

(A) Information and data furnished to the township with respect to the nature and frequency of discharge shall be available to the public or other governmental agency without restriction unless the discharger specifically requests and is able to demonstrate to the satisfaction of the township that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information of the discharger.

(B) When requested by a discharger furnishing a report, the portions of a report which may disclose trade secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, the national pollutant discharge elimination system (NPDES) permit, state disposal system permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the discharger furnishing this report. Wastewater constituents and characteristics will not be recognized as confidential information.

(C) Information accepted by the township as confidential shall not be transmitted to any governmental agency or the general public by the township until and unless a ten-day notification is given to the discharger.

(Ord. 4.05, passed 7-7-1987)

50.131 PUBLICATION OF VIOLATIONS.

(A) As required by 403.8(f) of the Federal Register, being 40 C.F.R. 403.8(f), the township shall annually publish in the major local newspaper a list of the users which were significantly violating any applicable pretreatment requirements or standards during the twelve previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.

(B) All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or MDNR upon request.

(Ord. 4.05, passed 7-7-1987)

POWERS AND AUTHORITY OF INSPECTORS**50.145 AUTHORITY.**

Authorized employees of the township (or its authorized representatives) bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter.

(Ord. 4.05, passed 7-7-1987)

50.146 POWERS.

While performing the necessary work on private properties referred to above, duly authorized employees of the township or its authorized representatives shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the township employees or its authorized representatives and the township shall indemnify the company against loss or damage to its property by township employees or its authorized representatives and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

(Ord. 4.05, passed 7-7-1987)

ENFORCEMENT**50.160 SUSPENSION OF WASTEWATER TREATMENT SERVICE.**

(A) The city may suspend wastewater treatment service when such suspension is necessary, in the opinion of the township, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment causes interference to the sewage works or causes the township to violate any condition of its NPDES permit.

(B) Any person notified of the wastewater treatment service shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the township shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the sewage works system or endangerment to any individuals. The township shall reinstate the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the township within 15 days of the day of occurrence.

(Ord. 4.05, passed 7-7-1987)

50.161 PERMIT REVOCATION.

Any user who violated the following conditions of this chapter, or applicable state or federal regulations, is subject to having his or her permit revoked in accordance with the procedures of 50.166:

(A) Failure of a user to factually report the wastewater constituents and characteristics of his or her discharge;

(B) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;

(C) Refusal of reasonable access to user premises for the purpose of inspection and/or monitoring; or

(D) Violation of conditions of the permit.

(Ord. 4.05, passed 7-7-1987)

50.162 WRITTEN NOTICE.

(A) Whenever the township finds that any user has violated or is violating this chapter, or any prohibition, limitation of requirements contained herein, the township may serve upon such person a written notice stating the nature of the violation.

(B) Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the township by the user.
(Ord. 4.05, passed 7-7-1987)

50.163 HEARING.

(A) Any user subject to enforcement action under the provisions of this chapter may request a hearing before the township within ten days of receipt of notification of proposed enforcement action. A hearing is to be held by the township concerning the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the township why the proposed enforcement action should not be taken.

(B) The township may conduct the hearing and take the evidence, or may designate any officer or employee to:

(1) Issue in the name of the township notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings; or

(2) Take the evidence.

(C) At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded steno graphically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.
(Ord. 4.05, passed 7-7-1987)

50.164 ORDER.

After the township has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, and that said devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.
(Ord. 4.05, passed 7-7-1987)

50.165 FEES.

The township shall also establish appropriate surcharges or fees to reimburse the township for the additional cost of operation and maintenance of wastewater treatment works due to the violations of this chapter.
(Ord. 4.05, passed 7-7-1987)

50.166 APPEAL.

Upon receipt of the townships order pursuant to 50.163(C), an aggrieved party may appeal the townships order to the Township Board for review and reconsidered under the following terms and conditions:

(A) Within ten days from the date the order is received from the township, the aggrieved party shall formally notify the Township Board his, her or its intent to appeal the townships order issued pursuant to 50.163(C) on a form to be provided by the township;

(B) Within 30 days from the date the order is received, the aggrieved party shall submit the Township Board the grounds on which the appeal is based together with all documents, evidence, transcripts and information in support of said parties position;

(C) Within 30 days of receiving the aggrieved parties appeal, the Township Board shall meet and review all responsive pleadings pertaining to said appeal and shall issue and order affirming the townships order, affirming the townships order in part and reversing part or reversing the townships order in full; and

(D) The township shall immediately forward a copy of its order to all interested parties of record.
(Ord. 4.05, passed 7-7-1987)

50.167 LEGAL ACTION.

If any person discharges sewage, industrial wastes or other wastes into the township wastewater disposal system contrary to the provisions of this chapter, federal or state pretreatment requirements or any order of the township, the township may commence an action for appropriate legal and/or equitable relief in the applicable court of this county.

(Ord. 4.05, passed 7-7-1987)

RECORDS**50.180 RECORDS.**

(A) The township will maintain and keep proper books or records and accounts, separate from all other records and accounts, in which shall be made full and correct entries of all transactions relating to the system. The township will cause an annual audit of such books or record and account for the preceding operating year to be made by recognized independent certified public accountant, and will supply such audit report to authorized public officials on request.

(B) All data, analysis, inspection records and all records pertaining to the industrial pretreatment program shall be maintained on file as prescribed by applicable state statutes or permanently, whichever is longer.

(Ord. 4.05, passed 7-7-1987)

ENACTMENT; AMENDMENT

50.195 ENACTMENT.

This chapter shall be in full force and effect 30 days after its publication as provided by law.

(Ord. 4.05, passed 7-7-1987)

50.196 AMENDMENT.

The township specifically reserves the right to amend this chapter in whole or in part, at one or more times hereafter, or to repeal the same, and by such amendment to repeal, abandon, increase, decrease or otherwise modify any of the fees, charges or rates herein provided. It being understood, however, that the adoption of this chapter or its subsequent amendment or repeal shall in no way change, relieve or release the contractual and legal obligation of the township to make the required payments to the City of Big Rapids under and as set forth in the wastewater treatment agreement between the City of Big Rapids and the township or the obligation of the township under any contract or ordinance authorizing the issuance of bonds for the acquisition, construction and improvement of the system.

(Ord. 4.05, passed 7-7-1987)

USER RATES AND CHARGES FOR WASTEWATER DISPOSAL SERVICE

50.205 MAINTAINED ON A PUBLIC UTILITY BASIS.

The sanitary sewer system of the township shall, as far as possible, be operated and maintained on a public utility basis as authorized by law. Each premises within the township connected to and using facilities of the system shall pay user rates and charges as fixed and established from time to time by the township. The township shall annually review the user rates and charges as required by Pub. L. No. 92-500, being 33 U.S.C. 1251 et seq.

(Ord. 4, passed 1-23-1979; Ord. 4.07, passed 3-21-1991; Ord. 4.08, passed 5-2-1995)

50.206 TRUNKAGE CONNECTION FEE.

(A) Except as provided in division (B) below, owners of premises required by 50.022 to connect to the sanitary sewer system shall pay a trunkage connection fee for connection to the system in the amount as set by the Township Board from time to time.

(B) Owners of premises located within a platted subdivision within which lateral sewers have been constructed pursuant to 50.023 or owners who have paid for the collection sewers serving said premises by special assessment or other means and required to connect to the sanitary sewer system shall pay a trunkage connection fee in the amount as set by the Township Board from time to time.

(C) An additional trunkage connection fee shall be charged to a premises if, following connection to the system, the use of the premises is changed to a more intensive use and additional units are assigned thereto pursuant to 50.208.

(Ord. 4, passed 1-23-1979; Ord. 4.01, passed 5-1-1979; Ord. 4.07, passed 3-21-1991)

50.207 SERVICE STUB CHARGE.

(A) Owners of premises required to connect to the sanitary sewer system shall pay a service stub charge for each **AY@** and service stub required in an amount equal to the costs incurred in constructing said **AY@** and service stub, except that an owner of premises for which a **AY@** and service stub was installed in the initial construction of the system or who otherwise paid for the **AY@** and service stub shall not be required to pay a service stub charge.

(B) Prior to August 1, 1995, the permit and service stub inspection and approval fee shall be a minimum of an amount shall be set by the Township Board from time to time per service stub. Effective August 1, 1995 and thereafter the minimum permit and service stub inspection and approval fee shall be established by resolution of the Township Board from time to time. If, however, unusual circumstances demand, the township may charge inspection and approval costs in excess of said minimum fee on an hourly or other reasonable basis intended to reimburse the township for its actual costs, including the costs of outside consultants.

(Ord. 4, passed 1-23-1979; Ord. 4.07, passed 3-21-1991; Ord. 4.08, passed 5-2-1995)

50.208 UNIT FACTORS.

The number of units to be assigned to any particular premises used for other than single residence purposes shall be determined by the township based on the unit factors set forth in Appendix A. Any use not enumerated in Appendix A shall, in the discretion of the township, be assigned those units which attach to the property based upon the most similar use enumerated in Appendix A. The township, if the circumstances justify, may assign more than one unit to a single-family dwelling. No less than one unit shall be assigned to each premises. Units in excess of one may be computed and assigned to the nearest tenth. If subsequent additions to the premises at any time increase the amount of sanitary sewage emanating from the premises, the township shall increase the number of units assigned to said premises

and thereupon a trunkage connection fee computed on the same basis as in 50.206, for the additional units, shall be payable in cash at the time a construction or other permit is issued by the township for such changes in use.

(Ord. 4, passed 1-23-1979; Ord. 4.07, passed 3-21-1991)

50.209 MISCELLANEOUS CUSTOMER FEE.

The township shall, from time to time, establish and impose on one or more customers of the system a miscellaneous customer fee, as necessary for miscellaneous services, repairs and related administrative costs associated with operating and maintaining the system and not covered by the sewer service charges, including, without limitation, repair to the system or components thereof caused by the negligent or intentional acts of a customer or other persons using the premises of a customer, shut off and turn on charges and review of plans, specifications and other information for connection, pretreatment and other proposed uses of the system.

(Ord. 4.07, passed 3-21-1991)

50.210 METERING EQUIPMENT.

Class I, Class II and Class III users shall purchase, install, operate and maintain metering equipment on their water supply to determine the actual volume of water use.

(Ord. 4, passed 1-23-1979; Ord. 4.07, passed 3-21-1991)

50.211 COLLECTION OF CHARGES.

It shall be the duty of the Township Treasurer to bill and collect all sewer rates and charges. The bill shall separately itemize the sewer rates and charges payable. The sewer service charge shall be based upon the water used by the customer. Payment of the bill is due and payable on or before the due date.

(Ord. 4, passed 1-23-1979; Ord. 4.02, passed 9-14-1979; Ord. 4.07, passed 3-21-1991)

50.212 METER FAILING TO REGISTER.

If a meter fails to register properly, the consumption for the billing period will be estimated from the consumption of a preceding period when water was measured. If a meter reader is unable to gain access to a meter for reading after two calls, the Treasurer may estimate the bill and make appropriate adjustments on the bill for the succeeding billing period. If a metered bill appears excessive, complaint should be made to the Township Treasurer.

(Ord. 4, passed 1-23-1979; Ord. 4.07, passed 3-21-1991)

50.213 LATE PAYMENT CHARGE.

(A) If sewer rates and charges are not paid on or before the due date then a penalty of 10% or the amount unpaid shall be added thereto together with interest at the rate of 0.5% per month.

(B) (1) If sewer rates and charges are not paid on or before the due date, the township, pursuant to Public Act 178 of 1939, being M.C.L.A. 123.161 through 123.167, as amended, may:

(a) Discontinue the service provided by the system by disconnecting the building sewer from the service stub or inserting a shutoff valve in the service stub or in the alternative, for premises served by public water, water service may be shut off to the premises and the service so discontinued shall not be reinstated until all sums then due and owing, including penalties, interest and all expenses incurred by the township for shutting off and turning on the service, shall be paid to the township;

(b) Institute an action in any court of competent jurisdiction of the collection of the amounts unpaid, including penalties, interest and reasonable attorney fees; or

(c) Enforce the lien created in 50.214(A).

(2) These remedies shall be cumulative and shall be in addition to any other remedy provided in this chapter or now or hereafter existing at law or in equity. Under no circumstances shall action taken by the township to collect unpaid sewer rates and charges, penalties and interest, invalidate or waive the lien created by 50.214(A).

(Ord. 4, passed 1-23-1979; Ord. 4.03, passed 9-1-1981; Ord. 4.07, passed 3-21-1991)

50.214 LIEN.

(A) The sewer rates and charges shall be a lien on the respective premises served by the system. Whenever sewer rates and charges shall be unpaid for 90 days or more, they shall be considered delinquent. The Treasurer shall certify annually all delinquent sewer rates and charges, penalties and interest thereon, together with an additional amount equal to 6% of the aggregate amount delinquent, on or before September 1, of each year, to the tax-assessing officer of the township, who shall enter the delinquent sewer rates and charges, interest and penalties upon the next tax roll as a charge against the premises affected and such charge shall be collected and the lien thereon enforced in the same manner as ad valorem property taxes levied against such premises.

(B) A lien shall not attach for sewer rates and charges to a premises which is subject to a legally executed lease that expressly provides that the tenant (and not the landlord) of the premises or a dwelling unit thereon shall be liable for payment of sewer rates and charges, effective for services which accrue after the date an affidavit is filed by the landlord with the township. This affidavit shall include the names and addresses of the parties, the expiration date of the lease and an agreement by the landlord to give the township 20 days written notice of any cancellation, change in or termination of the lease. The filing of the affidavit by the landlord shall be accompanied by a true copy of the lease and a security deposit in the amount as set by the Township Board from time to time per unit. Upon the failure of the tenant

to pay the sewer rates and charges when due, the security deposit shall be applied by the township against the unpaid balance, interest and penalties. Upon notification make sufficient payment to the township to cover the amount of the security deposit so advanced. Upon the failure of the tenant to do so within ten days of said notification, the penalties, rights and remedies set forth in 50.211 and division (A) above shall be applicable with respect to the unpaid sewer rates and charges, including interest and penalties. The security deposit shall be held by the township without interest and shall be returned to the landlord upon proof of termination of the lease.

(Ord. 4.07, passed 3-21-1991)

50.215 FREE SERVICE.

No free service shall be furnished by the system to any person, public or private, or to any public agency or instrumentality.

(Ord. 4.07, passed 3-21-1991)

50.216 APPLICATIONS FOR CONNECTION PERMITS.

Applications for connection permits may be canceled and/or sewer service disconnected by the township for any violation of any part of this chapter, including, without limitation, any of the following reasons:

(A) Misrepresentation in the permit application as to the nature or extent of the property to be serviced by the system;

(B) Nonpayment of sewer rates and charges;

(C) Improper or imperfect and/or failure to keep building sewers in a suitable state of repair; and/or

(D) Damage to any part of the system.

(Ord. 4.07, passed 3-21-1991)

50.217 DISCONTINUANCE FOR NONPAYMENT.

Where the sewer service supplied to a customer has been discontinued for nonpayment of sewer rates and charges, service shall not be reestablished until all delinquent sewer rates and charges, penalties and interest, and the turn-on charge has been paid. The township reserves the right as a condition to reconnect said service to request that a nominal sum of an amount as set by the Township Board from time to time per unit be placed on deposit with the township for the purpose of establishing or maintaining any customer's credit. Said deposit shall not be considered in lieu of any future billing for sewer rates and charges. Upon the failure of the customer to pay the sewer rates and charges when due, the security deposit shall be applied by the township against the unpaid balance, including penalties and interest. Upon notification by the township, the customer shall immediately make sufficient payment to

the township to cover the amount of the security deposit so advanced. Upon the failure of the customer to do so within ten days of said notification, the penalties, rights and remedies set forth in 50.211 and 50.214(A) shall be applicable with respect to the unpaid sewer rates and charges, including interest and the customer of all sewer rates and charges as and when due, for a minimum of four successive quarterly billing periods.

(Ord. 4.07, passed 3-21-1991)

50.218 HARDSHIP APPLICATION.

The owner of a premises may file a hardship application with the Township Board seeking a deferment in the partial or total payment of the trunkage connection fee, based upon a showing of financial hardship and in accordance with state laws.

(Ord. 4, passed 1-23-1979; Ord. 4.07, passed 3-21-1991)

INDUSTRIAL COST RECOVERY CHARGES FOR WASTEWATER DISPOSAL SERVICE

50.230 INDUSTRIAL COST RECOVERY SYSTEM.

Federal assistance has been provided for construction of certain portions of the city's wastewater collection and disposal system which treats the sewage collected by the township sanitary sewer system. In accordance with the Federal Water Pollution Control Act, Pub. L. No. 92-500, being 33 U.S.C. 1251 et seq., 100% of the federal assistance allocable to the treatment of wastes generated by a Class I user or capacity committed to industrial use must be recovered by an industrial cost recovery system. The industrial cost recovery charges shall be established by the township and shall be reviewed annually.

(Ord. 4, passed 1-23-1979)

50.231 CLASS I USERS CHARGE.

Commencing on the effective date of this chapter, Class I users will be subject to industrial cost recovery charges. These charges will be billed periodically in accordance with this chapter. These charges are separate from and in addition to the user charges.

(Ord. 4, passed 1-23-1979)

50.232 SPECIAL CONSIDERATION.

Where metered water consumption is not representative of the quantity of wastewater discharged by an industry, special consideration will be given by the township for establishing an equitable basis for determining industrial cost recovery charges.

(Ord. 4, passed 1-23-1979)

50.233 BILLS.

Bills shall be payable periodically and simultaneously with payments made for user charges and shall be subject to such penalties as may apply to the bills for user service.

(Ord. 4, passed 1-23-1979)

50.234 COMPUTATION.

Each year during the industrial cost recovery period, each industrial user of the treatment works shall pay its share of the total amount of the grant amendment awarded pursuant to this part, divided by the recovery period.

(Ord. 4, passed 1-23-1979)

50.235 INDUSTRIAL COST RECOVERY PERIOD.

The industrial cost recovery period shall be equal to 30 years or the useful life of the treatment works, whichever is less.

(Ord. 4, passed 1-23-1979)

50.236 FIRST PAYMENT.

The first payment by an industrial user shall be made not later than one year after such user begins use of the treatment works.

(Ord. 4, passed 1-23-1979)

50.237 INDUSTRIAL USERS SHARE.

(A) An industrial users share shall be based on all factors which significantly influence the cost of the treatment works. Factors such as strength, volume and delivery flow rate characteristics shall be considered and included to ensure a proportional distribution of the grant assistance allocable to industrial use to all industrial users of the treatment works. As a minimum, an industry's share shall be proportional to its flow, in relation to treatment works flow capacity.

(B) If there is a substantial change in the strength, volume or delivery flow rate characteristics introduced into the treatment works by an industrial user, such users share shall be adjusted accordingly.

(C) If there is an expansion or upgrading of the treatment works, each existing industrial users share shall be adjusted accordingly.

(D) An industrial users share shall include only that portion of the grant assistance allocable to its use or to capacity firmly committed for its use.

(E) All unallocated treatment works capacity must conform with the requirements of 204(a)(5) of the Act, being 33 U.S.C. 1284(a)(5). Cost-effectiveness guidelines are published as Appendix A to 204(a)(5), being 33 U.S.C. 1284(a)(5) to furnish additional advisory information concerning the implementation of 212(c) of the Act, being 33 U.S.C. 1292(c).

(F) An industrial user
s share shall not include an interest component.
(Ord. 4, passed 1-23-1979)

50.999 PENALTY.

(A) Any person who shall violate any provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of an amount as set by the Township Board from time to time or by imprisonment for not more than 90 days or both. Each day in which any such violation shall continue shall be deemed a separate offense.

(B) Any person violating any of the provisions of this chapter shall become liable to the township for any expense, loss or damage occasioned the township by reason of violation.

(C) Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction, be punished by a fine of an amount as set by the Township Board from time to time or by imprisonment for not more than 90 days, or both.
(Ord. 4.05, passed 7-7-1987)

APPENDIX A: TABLE OF UNIT FACTORS

<i>Table of Unit Factors</i>	
<i>Usage</i>	<i>Unit Factor</i>
Auto dealers	.40 per 1,000 sq. ft.
Athletic facilities and gymnasiums	.25 per 1,000 sq. ft.
Barber shops	.14 per chair
Bars and lounges (excluding restaurant operations)	.02 per seat
Bathhouse	.5 per shower
Beauty shops	.25 per booth
Boarding houses	.16 per person
Boarding schools	.30 per person
Bowling alleys	.16 per alley plus .08 per seat
Bowling alleys without bars or lunch facilities	.16 per alley
Commercial businesses not otherwise listed	.50 per 1,000 sq. ft.
Car wash	
Drive through	10.00 single production
Self-spray	4.00 per stall
Churches	.005 per church seat
Churches with eat or drink facilities	.005 per church seat per hall + 1.00 per hall
Cleaners (pick up only)	.166 per employee
Cleaners (pressing facilities)	1.25 per press
Clinics (min. assignment - 1.00 unit per profession)	.50 per doctor
Convalescent homes	.25 per bed
Convents	.25 per person
Country clubs	.03 per member
Drug stores (with fountain service)	.083 per seat

Big Rapids Charter Township - Public Works

<i>Table of Unit Factors</i>	
<i>Usage</i>	<i>Unit Factor</i>
Fraternal organizations (members only)	1.00 per hall
Fraternal organizations (members and rentals)	2.00 per hall
Grocery store and supermarkets	1.10 per 1,000 sq. ft.
Hospitals	1.10 per bed
Hotels (private baths, 2 persons per room)	.25 per bed
Industry - dry water process	
0C50,000 gallons per day	.20 per 1,000 sq. ft.
50,001C100,000 gallons	.30 per 1,000 sq. ft.
100,001C150,000 gallons	.40 per 1,000 sq. ft.
150,001C200,000 gallons	.50 per 1,000 sq. ft.
Industry - wet (water process in excess of 200,001 gallons per day)	To be determined at time of application
Laundry (self service)	.30 per washing machine
Multiple-family residence	1.00 per living unit
Motels	.75 per bed
Motels (with efficiency)	.25 per bed
Office building	.40 per 1,000 sq. ft.
Public institutes other than hospitals	.30 per employee
Retail businesses	.50 per 1,000 sq. ft.
Retail with snack bar or dinner service	add .08 per seat
Restaurants (dinner and/or drinks)	.10 per seat
Rooming houses (no meals)	.125 per person
Schools (shower, gym, cafeteria)	.50 per classroom
Schools (with cafeteria only, without shower and/or pool)	.06 per student
Schools (showers and/or pool)	2.00 per classroom
Service station	.25 per pump
Snack bars, drive-ins and the like	.08 per seat and/or stall
Swimming pool	3.0 per 1,000 sq. ft.

<i>Table of Unit Factors</i>	
<i>Usage</i>	<i>Unit Factor</i>
Theaters (drive-in)	.02 per car space
Theaters (inside with air-conditioning)	.000093 x weekly hours of operation x seats
Tourist courts (individual baths)	.27 per cubical
Trailer parks (central bath houses)	.35 per trailer
Trailer parks (individual baths)	1.0 per trailer or pad
Trailer parks (individual baths, seasonal)	.27 per trailer or pad
Warehouses	.10 per 1,000 sq. ft.

(Ord. 4, passed 1-23-1979; Ord. 4.07, passed 3-21-1991)

CHAPTER 51: WATER

Section

General Provisions

51.01 Title

Objectives and Findings

51.15 Objectives re water system

51.16 Findings re public health, safety and welfare

Sewer Extensions

51.30 Extensions

51.31 Coordination with land use approval

51.32 Payback arrangements

Water System Rates, Fees and Charges

51.45 Water system rates and charges

51.46 Water availability fee

Delinquent Rates and Charges

51.60 Lien

GENERAL PROVISIONS

51.01 TITLE.

This chapter shall be known as the Water Chapter and may be cited as such.
(Ord. 23.04, passed 7-19-2001)

OBJECTIVES AND FINDINGS**51.15 OBJECTIVES RE WATER SYSTEM.**

Public water service is provided to township residents and property owners in accordance with the terms of the townships water franchise ordinance, which is Ord. 23.02 adopted by the Township Board on October 19, 1999 and effective upon its publication in the *Big Rapids Pioneer* on October 23, 1999 (the Awater franchise ordinance) by the terms of which the township granted a 30-year non-exclusive revocable franchise to the City of Big Rapids (the Acity) to provide public water service within the township. The terms of water service are further set forth in the retail water service agreement, dated March 7, 2000, by and between the city and the township (the Awater service agreement). The township is adopting this chapter to provide for certain matters contemplated by and consistent with the water franchise ordinance and the water service agreement, including, without limitation, the certificate and placement of delinquent water rates and charges on the township ad valorem property tax roll and the extension of the water system by private property owners.

(Ord. 23.04, passed 7-19-2001)

51.16 FINDINGS RE PUBLIC HEALTH, SAFETY AND WELFARE.

The township hereby determines that the water system is immediately necessary to protect and preserve the public health, safety and welfare of the township. This determination is based upon the need for enhanced fire protection provided by the availability of municipal water.

(Ord. 23.04, passed 7-19-2001)

SEWER EXTENSIONS**51.30 EXTENSIONS.**

(A) Extension of or changes in the water system may be initiated by the township or by written request, including petitions, from property owners. The township may grant the petition, in its discretion, and may prescribe the terms and conditions upon which the petition will be granted and may require the written acceptance of such terms and conditions by the petitioners.

(B) If the petition is granted, the township may proceed with the work under the direction and control of the township. The work will be done at the expense of the property owners unless otherwise stipulated, and any and all extensions shall be subject to the provisions of this chapter.

(C) The township may also, in its discretion, permit pursuant to a written construction agreement acceptable to the township, the extension to be made under the direction and control of a private party

and dedicated to the township upon completion. If the public water main is to be so extended, the extension shall be approved by the township and the Township Engineer, who shall determine the location of the public water main, and approve the construction methods and materials used in the construction. The extension shall cover the entire road or public right-of-way frontage of the premises to be served by the extension. The persons responsible for the extension shall obtain all necessary permission to work in the public right-of-way from the township, County Road Commission, Michigan Department of Transportation and other public bodies, and shall be responsible for the payment of all costs related to construction of the public water main and water services and related improvements and appurtenances including, but not limited to, actual construction costs, restoration and replacement costs, costs of connecting to the existing water system, permit and inspection fees, and reimbursement to the township for out-of-pocket expenses for Township Engineer and staff review. These costs shall be in addition to all applicable water rates and charges imposed by the city pursuant to the water franchise ordinance or the water service agreement or by the township pursuant to this chapter. Upon satisfactory completion of the extension, the extension shall be dedicated to the public, and upon acceptance as evidenced by the terms of a written agreement between the persons responsible for the extension and the township, become part of the water system. No building shall be connected to such an extension until the extension has been accepted by the township.
(Ord. 23.04, passed 7-19-2001)

51.31 COORDINATION WITH LAND USE APPROVAL.

No final land use approval pursuant to the township zoning regulations shall imply the townships acceptance of the proposed manner of a water system extension, unless and until such a water system extension has been formally approved by the Township Board. Furthermore, approval of a water system extension by the Township Board shall not imply the grant by the township of any approval for land use.
(Ord. 23.04, passed 7-19-2001)

51.32 PAYBACK ARRANGEMENTS.

(A) The township may, with the approval of the Township Board, enter into Apayback arrangements with persons who extend the water system, pursuant to which some portion of water availability fees received in the future by the township for connection to the extension are shared with the party who installed the extension. Payback arrangements may be considered in situations in which the water system is extended to serve a development, in such a way that an available public water main becomes incidentally available to properties not under the control of the person extending the water system along the route of the extension.

(B) (1) Each request for a payback arrangement shall be considered by the township on a case-by-case basis, based upon the circumstances and merits of each situation. The township shall have no obligation to enter into a payback arrangement.

Big Rapids Charter Township - Public Works

(2) Where authorized, payback arrangements shall conform to the following general principles:

(a) Payback arrangements shall be offered only from the connection of properties which are upstream from the end point of the water extension installed by the person extending the water system. Payback arrangements shall not be made with respect to the connection of the original development to which the extension is being made;

(b) The term of the payback arrangement shall be limited to connections made not more than ten years from the date of the payback agreement. The township shall not be required to reimburse the developer with respect to any connections made after that time;

(c) No developer shall be reimbursed more than the amount determined to be attributable to the cost of making the water system extension incidentally available to premises along the route of the extension;

(d) Decisions as to the water availability fee applicable to new connections and the amount reimbursed to the developer, shall be made exclusively by the township; and

(e) Each payback arrangement shall be embodied in a written agreement and approved by the Township Board.

(Ord. 23.04, passed 7-19-2001)

WATER SYSTEM RATES, FEES AND CHARGES**51.45 WATER SYSTEM RATES AND CHARGES.**

Water system customers located in the township which receive public water service from the city in accordance with the water franchise ordinance and the water service agreement shall pay to the city such rates, fees and charges equal to fees, rates and charges imposed by the city on non-property taxpaying customers located in the city, in accordance with 5 of the water franchise ordinance.

(Ord. 23.04, passed 7-19-2001)

51.46 WATER AVAILABILITY FEE.

(A) In addition to the payment of the water system rates, fees and charges required by 51.60, the owner of a premises served by an extension of the water system funded not by the city but by the township or one or more private property owners in accordance with 51.30 through 51.32, shall pay a water availability fee to the township.

(B) The water availability fee is an amount charged to premises in the township to make the water system directly available to serve said premises and shall represent the cost allocable to such premises for the water mains made available to the premises for connection thereto, fire hydrants, valves and associated costs plus 10% for township administrative costs related to the water system.

(C) The water availability fee may be based upon the units assignable to a premises, as defined in Ord. 4.07 adopted March 21, 1991, the amount of frontage of the premises on the public water main made available by the extension or a combination of both. The water availability fee shall be an amount determined by resolution of the Township Board for each extension of the water system made in accordance with 51.30 through 51.32 and may be set in different amounts for different extensions, depending upon the relative cost.

(D) For extensions of the water system subject to a payback agreement pursuant to 51.32, the revenues derived from water availability fees, if and when received, shall form the basis of the payback payments.

(E) The water availability fee shall be paid in full by the owner of a premises receiving water service by means of such an extension prior to the issuance by the township of a building permit for the premises. Notwithstanding the foregoing, if a premises served by such extension has previously been issued a building permit, then the water availability fee shall be paid in full by the owner of the premises prior to the issuance by the township of an occupancy permit.

(F) Premises located in a special assessment district established by the township to finance a water system extension in accordance with 51.30(B) in which the full cost of the extension has been spread by special assessment, shall receive full credit towards the payment of the water availability fee; provided that such credit shall not result in a full or partial refund of the special assessment paid or payable on the special assessment roll.

(Ord. 23.04, passed 7-19-2001)

DELINQUENT RATES AND CHARGES

51.60 LIEN.

(A) The rates, fees and charges imposed upon a customer of the water system, including the water availability fee shall be a lien on the respective premises served by the system.

(B) Whenever any such water rates, fees and charges or a water availability fee is not paid when due and remains unpaid for six months or more, they shall be considered delinquent. Not later than September 1 of each year, the city shall certify to the township in accordance with 6 of the water franchise ordinance, the names of township water customers who are more than six months delinquent

in payment together with the amount of the delinquency. The Township Treasurer, in turn, shall certify all such delinquent amounts together with any delinquent water availability fees, plus an additional penalty on the total amount delinquent in the amount, if any, prescribed by city ordinance, to the Township Supervisor, who shall enter the delinquent rates, fees, charges and penalties upon the next township ad valorem tax roll as a charge against the premises affected and such charge shall be collected and the lien thereon enforced in the same manner as ad valorem property taxes levied against such premises.

(Ord. 23.04, passed 7-19-2001)

TITLE VII: TRAFFIC CODE

Chapter

70. TRUCK ROUTES

CHAPTER 70: TRUCK ROUTES

Section

- 70.01 Definitions
- 70.02 Rule of construction
- 70.03 Truck routes
- 70.04 Prohibition against travel on other than truck routes
- 70.05 Exemptions
- 70.06 Pick-ups, deliveries, service calls
- 70.07 Leaving or returning to home or place of business
- 70.08 Special permits
- 70.09 Signs
- 70.10 Administrative liability

- 70.99 Penalty

70.01 DEFINITIONS.

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

IMPLEMENT OF HUSBANDRY. Every vehicle which is designed for agricultural purpose and exclusively used by the owner thereof in the conduct of agricultural operations.

PERSON. Includes an agency, company, organization, firm, association, partnership, joint venture, corporation, trust or equivalent entity or a combination of any of them as well as a natural person.

ROAD. Any street, highway or route within the Big Rapids Charter Township.

SEMI-TRAILER. Every vehicle with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by some other vehicle.

TRAILER. Every vehicle with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

Big Rapids Charter Township - Traffic Code

TRUCK. Every motor vehicle which is designed, used or maintained primarily for the transportation of property, except a pick-up truck or a van designed so as to carry loads of no more than one ton.

TRUCK TRACTOR. Every motor vehicle designed primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of vehicle and load so drawn.
(Ord. 22, passed 5-6-1997)

70.02 RULE OF CONSTRUCTION.

Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.
(Ord. 22, passed 5-6-1997)

70.03 TRUCK ROUTES.

The following roads in the township, to the exclusion of all other roads, are hereby designated as truck routes and classified for truck traffic:

- (A) 220th Avenue from Woodward Avenue south to a point one-half mile south of 15 Mile Road;
- (B) 13 Mile Road from the Mecosta County line east to 205th Avenue;
- (C) 205th Avenue from 13 Mile Road to 15 Mile Road;
- (D) Arthur Road from 205th Avenue east to Northland Drive;
- (E) Northland Drive from 12 Mile Road north to 18 Mile Road;
- (F) 16 Mile Road from Big Rapids city limit to 180th Avenue;
- (G) U.S. 131 Expressway;
- (H) Route M-20;
- (I) 14 Mile Road from Northland Drive to 190th Avenue; and
- (J) Old Millpond Road from Taft Road to 15 Mile Road.

(Ord. 22, passed 5-6-1997)

70.04 PROHIBITION AGAINST TRAVEL ON OTHER THAN TRUCK ROUTES.

Except as expressly permitted under this chapter, no person shall operate a truck or truck-tractor and semi-trailer or truck-tractor and trailer combination, or track and trailer combination, in the township on any road other than a designated truck route.

(Ord. 22, passed 5-6-1997) Penalty, see 70.99

70.05 EXEMPTIONS.

The truck route limitations prescribed in this chapter shall not apply to:

(A) Fire trucks or other emergency vehicles or vehicle on emergency business involved in the saving of life or property;

(B) Implements of husbandry incidentally moved upon a road;

(C) Road repair, construction or maintenance vehicles while involved in the repair, construction or maintenance of roads within the township; or

(D) Garbage service vehicles while involved in the provision of services to residents of the township.
(Ord. 22, passed 5-6-1997)

70.06 PICK-UPS, DELIVERIES, SERVICE CALLS.

A vehicle which would otherwise be restricted to truck routes and which is being used to make pick-ups, deliveries or service calls in the township on roads other than designated truck routes shall restrict its travel to a minimum and shall not be driven or moved on other than truck routes except when being used to make pick-ups, deliveries or service calls within the township. Said vehicle shall be driven in such a manner as to leave a permitted truck route and proceed to its destination or destinations in the township by the most direct route. Upon completion of the pick-ups, deliveries or service calls, the vehicle shall return to the nearest permitted truck route or leave the township by the most direct route. This section shall not be interpreted as permitting a vehicle otherwise restricted to a truck route from entering or leaving the township by other than a truck route.

(Ord. 22, passed 5-6-1997) Penalty, see 70.99

70.07 LEAVING OR RETURNING TO HOME OR PLACE OF BUSINESS.

Nothing herein contained shall prevent a truck or truck-tractor and semi-trailer, or truck-tractor and trailer combination, or truck and trailer combination from leaving or returning to its customary storage

location at the owner or operators personal residence, or a commercial or industrial location in the township, provided the most direct route to and from a designated truck route is utilized.

(Ord. 22, passed 5-6-1997)

70.08 SPECIAL PERMITS.

The Township Supervisor shall have authority to grant a written permit in special cases which would otherwise be in violation of the provisions of this chapter. Such permits, however, shall not be given for more than one round trip and in no case shall a permit be valid for a longer period than ten days from the date of issue. Said permit shall describe the vehicle, the time and date of travel, and the route to be taken by the vehicle. The Township Board shall, by resolution, grant written special permits for longer periods of time for special projects or in conjunction with special use permits granted by the Township Zoning Board. The Township Board shall, by resolution, set fees for such special permits.

(Ord. 22, passed 5-6-1997)

70.09 SIGNS.

The Township Board shall procure and have posted appropriate signs along the designated truck routes as required by the laws of the state.

(Ord. 22, passed 5-6-1997)

70.10 ADMINISTRATIVE LIABILITY.

No officer, agent or employee of the township, or member of the Township Board shall render himself or herself personally liable for any damage that may accrue to any person as a result of any act, decision or other consequence or occurrence arising out of the discharge of his or her duties and responsibilities pursuant to this chapter.

(Ord. 22, passed 5-6-1997)

70.99 PENALTY.

Any person who violates any provision of this chapter shall be guilty of a misdemeanor and upon conviction shall be fined an amount as set by the Township Board from time to time or shall be imprisoned in the county jail for not more than 90 days or both such fine and imprisonment at the discretion of the court.

(Ord. 22, passed 5-6-1997)

TITLE IX: GENERAL REGULATIONS

Chapter

- 90. CEMETERIES**
- 91. TOWNSHIP PARK RULES**
- 92. OPEN BURNING**
- 93. NOISE CONTROL**
- 94. PROHIBITION OF RECREATIONAL MARIHUANA ESTABLISHMENTS**

CHAPTER 90: CEMETERIES

Section

General Provisions

- 90.001 Title
- 90.002 Definition

General Rules

- 90.015 Vehicles; hours
- 90.016 Trucks
- 90.017 Damage
- 90.018 Children
- 90.019 Advertising
- 90.020 Prohibited activities
- 90.021 Visitors
- 90.022 Alcoholic beverages
- 90.023 Work and activities
- 90.024 Enforcement

Interment and Services

- 90.035 Completed burial - transit permit
- 90.036 Applications for burial
- 90.037 Payment for grave opening
- 90.038 Interments
- 90.039 Disinterments
- 90.040 Funeral processions
- 90.041 Charges; services
- 90.042 Vaults
- 90.043 Cremation burials
- 90.044 Graveside services
- 90.045 Sunday or holiday burials

Use of Cemetery Vault

- 90.060 Summer season
- 90.061 Winter

Big Rapids Charter Township - General Regulations***Flowers, Trees, Monuments and the Like***

- 90.075 Prohibitions
- 90.076 Containers
- 90.077 Urns
- 90.078 Growing of flowers
- 90.079 Property left in cemetery
- 90.080 Trees
- 90.081 Landscaping
- 90.082 Planting flowers on graves
- 90.083 Removal of flowers and grave decorations
- 90.084 Winter ornamentation
- 90.085 Artificial flowers

Markers, Monuments and Vaults

- 90.100 One monument/marker per burial lot
- 90.101 Concrete foundation required
- 90.102 Babyland markers
- 90.103 Materials
- 90.104 Mausoleums
- 90.105 Landmarks and cornerstones
- 90.106 Disrepair
- 90.107 Inspection

Purchase of Cemetery Lots and Restrictions as to the Use

- 90.120 Paid in full
- 90.121 Speculation purchases
- 90.122 Perpetual care
- 90.123 Subject to rules and regulations
- 90.124 Grade
- 90.125 Planting of trees, sodding, surveying and the like
- 90.126 Raising or lowering of cemetery lots
- 90.127 Mounds
- 90.128 Grounds and Maintenance Manager and employees
- 90.129 Removal and modification of ornamentation
- 90.130 Caring for lots

Perpetual Care Funds

- 90.145 Perpetual Care Fund

Enforcement; Correction of Errors

- 90.160 Enforcement
- 90.161 Correction of errors

GENERAL PROVISIONS

90.001 TITLE.

This chapter shall be known and cited as the Big Rapids Charter Township Cemetery Chapter.
(Ord. 19, eff. 7-16-1994)

90.002 DEFINITION.

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

FUNERAL DIRECTOR. Includes all licensed morticians, their agents and employees.
(Ord. 19, eff. 7-16-1994)

GENERAL RULES

90.015 VEHICLES; HOURS.

The speed of cars and other vehicles driven in the cemetery shall not exceed 15 mph. No vehicle shall be driven in the cemetery other than during 8:00 a.m. to dusk, road conditions permitting. Cars, other motorized vehicles and bicycles are to be operated on the roads only.
(Ord. 19, eff. 7-16-1994) Penalty, see 10.99

90.016 TRUCKS.

All trucks with monumental material shall be driven only on cemetery roads.
(Ord. 19, eff. 7-16-1994) Penalty, see 10.99

90.017 DAMAGE.

Persons driving in the cemetery are responsible for all damage caused by their negligence. All vehicles shall use the Bellevue Street entrance, the north gate to enter and the south gate to exit.
(Ord. 19, eff. 7-16-1994) Penalty, see 10.99

90.018 CHILDREN.

Children shall not be permitted on the cemetery grounds unless attended by an adult person who shall be responsible for their conduct. Mischievous behavior shall not be tolerated. The cemetery shall not be used as a playground.
(Ord. 19, eff. 7-16-1994) Penalty, see 10.99

90.019 ADVERTISING.

No advertisement is permitted in the cemetery.
(Ord. 19, eff. 7-16-1994) Penalty, see 10.99

90.020 PROHIBITED ACTIVITIES.

Sleigh riding, snowmobiling, skiing or sliding downhill within the cemetery is prohibited.
(Ord. 19, eff. 7-16-1994) Penalty, see 10.99

90.021 VISITORS.

All persons interested in the cemetery should confine themselves to the walks and drives as much as possible. Vandalism and/or desecration of cemetery property is prohibited.
(Ord. 19, eff. 7-16-1994) Penalty, see 10.99

90.022 ALCOHOLIC BEVERAGES.

No alcoholic beverages are allowed.
(Ord. 19, eff. 7-16-1994) Penalty, see 10.99

90.023 WORK AND ACTIVITIES.

No work or activity shall be performed within the cemetery boundaries without the express knowledge and consent of the Grounds and Maintenance Manager.
(Ord. 19, eff. 7-16-1994) Penalty, see ' 10.99

90.024 ENFORCEMENT.

The Grounds and Maintenance Manager has the authority to enforce these rules.
(Ord. 19, eff. 7-16-1994)

INTERMENT AND SERVICES

90.035 COMPLETED BURIAL - TRANSIT PERMIT.

A completed burial-transit permit must be furnished to the Grounds and Maintenance Manager or his or her designate before the remains are removed from the hearse or other conveyance.
(Ord. 19, eff. 7-16-1994) Penalty, see 10.99

90.036 APPLICATIONS FOR BURIAL.

All applications for burials shall be made to the Grounds and Maintenance Manager in time to allow 12 working hours to prepare the grave for burial. The owner of the lot or grave or the person ordering the grave prepared for burial, shall complete a burial order form provided by the township. Scheduling of storage burials is at the discretion of the Grounds and Maintenance Manager.
(Ord. 19, eff. 7-16-1994)

90.037 PAYMENT FOR GRAVE OPENING.

Payment for any grave opening must accompany the burial transit permit.
(Ord. 19, eff. 7-16-1994)

90.038 INTERMENTS.

(A) Owners of cemetery lots shall not permit interments on the lots for remuneration. Cemetery lots shall be used only for the burial of the human dead. No interment of two or more bodies shall be made in one grave except in the case of parent and infant child or two infants buried in one casket.

(B) All interments must be made under the supervision and direction of the Grounds and Maintenance Manager. The funeral director shall provide adequate personnel to transfer the casket from the hearse or conveyance onto the lowering device.
(Ord. 19, eff. 7-16-1994)

90.039 DISINTERMENTS.

(A) No body interred shall be disinterred, except by permission of the Township Board, (plus any other permits required).

(B) Parties ordering disinterment must furnish a concrete or steel vault to receive the remains.
(Ord. 19, eff. 7-16-1994)

90.040 FUNERAL PROCESSIONS.

All funeral processions in the cemetery shall be under the sole control of the Grounds and Maintenance Manager.

(Ord. 19, eff. 7-16-1994)

90.041 CHARGES; SERVICES.

(A) Charges for all services shall be available from the Grounds and Maintenance Manager or from the office of the Township Clerk. Cemetery service charges are subject to change or revision by action of the Township Board. Charges for services not pertaining to the opening and closing of graves shall be due upon completion of the service. A service shall be rendered only upon the completion of a work order by the person requesting the service and accepting responsibility for payment for the service.

(B) The township offers the following services:

- (1) The opening and closing of graves;
- (2) Disinterment and reinternment in the same cemetery;
- (3) Disinterment for removal to another cemetery (charges for the above three services vary for infants or adults);
- (4) Grading or sodding the grave or lot;
- (5) Setting foundations for grave markers or memorials;
- (6) Snow removal at cost of removal;
- (7) Genealogy research assistance and copies of records; and
- (8) Work requested by the lot owner is subject to current wage, equipment and overhead charges. A work order describing the service to be performed must be filled out and signed by the person or entity accepting responsibility for payment. No service will be performed without this being done.
(Ord. 19, eff. 7-16-1994)

90.042 VAULTS.

All burials shall be made in a steel or cement vault with the exception of Babyland or cremains.
(Ord. 19, eff. 7-16-1994)

90.043 CREMATION BURIALS.

There shall be a maximum of four cremation burials per grave. A maximum of two cremation burials may be allowed on a previous full burial on any given lot. The size of any cremains container must allow for a minimum of eight inches of soil above the top of said container.
(Ord. 19, eff. 7-16-1994)

90.044 GRAVESIDE SERVICES.

Graveside services are allowed from April 1 to October 31 at the discretion of the Grounds and Maintenance Manager. All other graveside services and processions will be at the discretion of the Grounds and Maintenance Manager.
(Ord. 19, eff. 7-16-1994)

90.045 SUNDAY OR HOLIDAY BURIALS.

The township does not bury on Sunday or holidays without the expressed approval of the Township Board or the Township Supervisor.
(Ord. 19, eff. 7-16-1994)

USE OF CEMETERY VAULT

90.060 SUMMER SEASON.

The Township Board may prohibit or restrict the use of the cemetery vault during the summer season. All bodies deposited therein must be removed forthwith when so ordered by the Township Board through the Grounds and Maintenance Manager, and if not removed, the bodies will be interred within the grounds set aside for strangers at the expense of those who are liable therefore. The body of a person who died from contagious disease will not be admitted to the receiving vault unless prepared by a licensed embalmer.
(Ord. 19, eff. 7-16-1994)

90.061 WINTER.

The Township Board authorizes the Grounds and Maintenance Manager to restrict or prohibit interments during the winter as he or she deems it advisable. Graveside services and processions are restricted from November 1 through April 30. Witnessing during this time will be allowed only with the expressed permission of the Grounds and Maintenance Manager who shall have the authority to control the burial site activity. Winter burials will be conducted at the discretion of the Grounds and Maintenance Manager.

(Ord. 19, eff. 7-16-1994)

FLOWERS, TREES, MONUMENTS AND THE LIKE**90.075 PROHIBITIONS.**

All persons are strictly prohibited from plucking any flowers, either wild or cultivated, breaking trees, shrubs or plants, or writing upon or defacing any monument, fence or structure within the cemetery.

(Ord. 19, eff. 7-16-1994) Penalty, see 10.99

90.076 CONTAINERS.

The use of jars, bottles, jugs or other items deemed inappropriate by the Grounds and Maintenance Manager for cut flowers is discouraged. All containers for the use of cut flowers must be set flush with the ground.

(Ord. 19, eff. 7-16-1994) Penalty, see ' 10.99

90.077 URNS.

All flower urns, other than bronze, must be kept painted. Placement of urns to be under the control of the Grounds and Maintenance Manager.

(Ord. 19, eff. 7-16-1994) Penalty, see ' 10.99

90.078 GROWING OF FLOWERS.

The growing of flowers is not included in the perpetual care of the cemetery.

(Ord. 19, eff. 7-16-1994) Penalty, see ' 10.99

90.079 PROPERTY LEFT IN CEMETERY.

Vases, settees, chairs, planting urns, baskets or other property left in the cemetery are left at the risk of the owner thereof and neither the Grounds and Maintenance Manager nor the Township Board shall be responsible or liable for the loss, destruction or damage of said property.

(Ord. 19, eff. 7-16-1994) Penalty, see ' 10.99

90.080 TREES.

No tree or trees growing on any lot shall be trimmed or removed without the consent of the Grounds and Maintenance Manager or the Township Board.

(Ord. 19, eff. 7-16-1994) Penalty, see 10.99

90.081 LANDSCAPING.

All planting in the cemetery shall be done in accordance with a definite plan of landscaping and under the supervision and direction of the Grounds and Maintenance Manager.

(Ord. 19, eff. 7-16-1994) Penalty, see 10.99

90.082 PLANTING FLOWERS ON GRAVES.

All flowers planted on any grave shall be planted directly in front of the headstone, monument or footstone, or at the head of the grave if there is no marker. Flower beds are to be cultivated and kept neat at all times.

(Ord. 19, eff. 7-16-1994) Penalty, see 10.99

90.083 REMOVAL OF FLOWERS AND GRAVE DECORATIONS.

The Grounds and Maintenance Manager or his or her agent shall remove all dead flowers, emblems or grave decorations when, in his or her judgement and discretion said flowers, emblems or grave decorations shall be unsightly. Neither the Grounds and Maintenance Manager, his or her agent, nor the Township Board shall be liable or responsible for the return of said removed objects to the lot owner.

(Ord. 19, eff. 7-16-1994) Penalty, see 10.99

90.084 WINTER ORNAMENTATION.

Winter ornamentation shall be removed by May 10.

(Ord. 19, eff. 7-16-1994)

90.085 ARTIFICIAL FLOWERS.

No artificial flowers are permitted (except from November 15 through March 31). No gravel, crushed or pea stone, lava stone, edging materials and the like shall be used in the cemetery.
(Ord. 19, eff. 7-16-1994) Penalty, see 10.99

MARKERS, MONUMENTS AND VAULTS**90.100 ONE MONUMENT/MARKER PER BURIAL LOT.**

Only one monument will be permitted on any burial lot and only one marker per grave. Additional markers may be added for cremation burials, but must be flush to the ground.
(Ord. 19, eff. 7-16-1994) Penalty, see 10.99

90.101 CONCRETE FOUNDATION REQUIRED.

No monument or marker shall be erected without a concrete foundation which shall be installed by the cemetery employees and under the direction and supervision of the Grounds and Maintenance Manager.
(Ord. 19, eff. 7-16-1994) Penalty, see ' 10.99

90.102 BABYLAND MARKERS.

No marker in Babyland shall be larger than 21 inches long and ten inches wide.
(Ord. 19, eff. 7-16-1994) Penalty, see ' 10.99

90.103 MATERIALS.

All materials used in the construction of mausoleums, vaults, monuments, head stones and permanent lot markers, where permitted, must be of recognized durable granite, marble or standard bronze. The use of sandstone, terra cotta, slate, artificial stone, wood or iron in any form is not permitted where exposed to the elements.
(Ord. 19, eff. 7-16-1994) Penalty, see 10.99

90.104 MAUSOLEUMS.

No mausoleum shall be built in the cemetery until specifications for same shall have been approved by the Township Board. The Township Board reserves the right to reject any or all plans or specifications. (Ord. 19, eff. 7-16-1994) Penalty, see 10.99

90.105 LANDMARKS AND CORNERSTONES.

(A) Before contraction of a private mausoleum is begun, a sum of money specified by the Township Board shall be deposited with the Township Treasurer who shall establish a specific perpetual care fund for the perpetual care of said private mausoleum. The interest income generated by this fund shall be used for the perpetual care of this mausoleum. The duty of perpetual maintenance imposed herein is limited to the interest income generated from the investment established hereunder.

(B) No landmarks or corner stones indicating boundaries, steps leading to lots, fences, curbing or cement or gravel covered graves above ground shall be permitted. (Ord. 19, eff. 7-16-1994) Penalty, see 10.99

90.106 DISREPAIR.

If any marker, monument or mausoleum falls into disrepair, it may be removed by order of the Township Board. (Ord. 19, eff. 7-16-1994)

90.107 INSPECTION.

The Grounds and Maintenance Manager is charged with the responsibility of inspecting and approving all materials used for monumental work before it can be brought onto the cemetery grounds. (Ord. 19, eff. 7-16-1994)

PURCHASE OF CEMETERY LOTS AND RESTRICTIONS AS TO THE USE

90.120 PAID IN FULL.

Cemetery lots must be paid for in full at time of purchase. (Ord. 19, eff. 7-16-1994)

90.121 SPECULATION PURCHASES.

No purchase of burial rights shall be made for speculation purposes. No burial rights shall be transferred from one owner to another for more than the original cost, and the transfer must be recorded at the office of the Township Clerk.

(Ord. 19, eff. 7-16-1994)

90.122 PERPETUAL CARE.

All purchases of burial rights shall include the perpetual care thereof.

(Ord. 19, eff. 7-16-1994)

90.123 SUBJECT TO RULES AND REGULATIONS.

Purchasers of burial rights are subject to these rules and regulations and any charges, alterations, amendments or modifications thereof made and adopted by the Township Board.

(Ord. 19, eff. 7-16-1994)

90.124 GRADE.

The Township Board shall establish the grade of all lots, lawns and avenues and shall supervise all improvements within the cemetery, before and after interments, and no lot shall be filled or raised above the established grade.

(Ord. 19, eff. 7-16-1994)

90.125 PLANTING OF TREES, SODDING, SURVEYING AND THE LIKE.

The planting of trees, sodding, surveying and all general improvements to the cemetery shall be controlled, authorized and directed by the Township Board.

(Ord. 19, eff. 7-16-1994)

90.126 RAISING OR LOWERING OF CEMETERY LOTS.

Whenever, in the opinion of the Township Board, one or more cemetery lots need raising or lowering in order to beautify or improve the general appearance of the area where said lot or lots are located, the Township Board shall have full power and authority to do so without the consent of the lot owner. In all such cases the Grounds and Maintenance Manager shall restore the lot to as good a

condition as before said raising or lowering, or as near thereto as possible and said raising or lowering shall be without expense to the lot owner, unless requested by the owner.

(Ord. 19, eff. 7-16-1994)

90.127 MOUNDS.

No mounds shall be erected on lots or graves which shall interfere with or impede the unrestricted use of a lawn mower.

(Ord. 19, eff. 7-16-1994)

90.128 GROUNDS AND MAINTENANCE MANAGER AND EMPLOYEES.

The digging, opening, refilling and trimming of graves, the removal of bodies from one place to another in said cemetery, the construction of foundations for head stones and tablets, and the constructing of graves shall be done solely by the Grounds and Maintenance Manager and the employees of the township under his or her direction.

(Ord. 19, eff. 7-16-1994)

90.129 REMOVAL AND MODIFICATION OF ORNAMENTATION.

Individual taste in ornamentation of cemetery lots is permitted and will be respected, but the right to remove or modify an improvement on any lot which the Grounds and Maintenance Manager considers injurious to the general appearance or well-being of the cemetery, or the adjacent lot(s), is reserved to the Grounds and Maintenance Manager and he or she shall be the sole judge when said improvement shall be removed or modified, either before or after interment.

(Ord. 19, eff. 7-16-1994)

90.130 CARING FOR LOTS.

Persons caring for lots shall do so under the supervision and direction of the Grounds and Maintenance Manager.

(Ord. 19, eff. 7-16-1994)

PERPETUAL CARE FUNDS**90.145 PERPETUAL CARE FUND.**

The Township Board recognizes its obligation to maintain the existing Perpetual Care Fund. It is to be administered by the Township Board and is to be held in trust and invested by the Township Treasurer and the interest therefrom shall be used for the care and maintenance of cemetery lots or parts thereof entitled to perpetual care.

(Ord. 19, eff. 7-16-1994)

ENFORCEMENT; CORRECTION OF ERRORS**90.160 ENFORCEMENT.**

All person(s) disturbing the peace and quiet of the cemetery or creating a disturbance, destruction or damage therein shall be considered as a disorderly person and punished as provided under current township, state and federal ordinances and laws.

(Ord. 19, eff. 7-16-1994) Penalty, see ' 10.99

90.161 CORRECTION OF ERRORS.

The Township Board shall have the right to correct any errors which may be made, either in making interments or disinterment's, or in the description, transfer or conveyance of any property, either by canceling such conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location as near as possible, or by refunding the amount of money paid on account of that purchase. In the event the error shall involve the interment of remains of any person in such property, the Township Board shall have the right to remove and reinter in such other property of equal value and similar location as may be substituted and conveyed by the Township Board.

(Ord. 19, eff. 7-16-1994)

CHAPTER 91: TOWNSHIP PARK RULES

Section

- 91.01 Short title
- 91.02 Public use and hours
- 91.03 Protection of property
- 91.04 Protection of wildlife
- 91.05 Regulations governing sports, games, activities and other uses
- 91.06 Boating
- 91.07 Camping
- 91.08 Traffic and parking
- 91.09 Trespass
- 91.10 Definitions

- 91.99 Penalty

91.01 SHORT TITLE.

This chapter may be known and referred to as the Big Rapids Charter Township Park Chapter.
(Ord. 13, passed 6-6-1989)

91.02 PUBLIC USE AND HOURS.

(A) Fees and charges.

(1) Fees and charges may be assessed by the Township Board for the use of any facility, land, area or program on township park property.

(2) It shall be unlawful for any person to use any facility, land or area for which a fee or charge has been established by the Township Board without payment of such fee or charge.

(B) Hours. No person or vehicle shall remain upon property administered by or under the jurisdiction of the Township Board outside posted hours of operation.
(Ord. 13, passed 6-6-1989) Penalty, see ' 91.99

91.03 PROTECTION OF PROPERTY.

(A) Destruction of buildings, markers, monuments and other properties shall be prohibited, and no person shall, on township park property:

(1) Willfully destroy, deface, alter, change or remove any monument, stone marker, bench mark, stake, post or blaze, marking or designate any boundary line, survey line or reference point;

(2) Cut, break, mark upon or otherwise injure any building, equipment, bridge, drain, wall, fountain, lamp post, fence, gate, hedge or other structure;

(3) Deface, destroy or remove any placard, notice or sign, whether permanent or temporary, posted or exhibited within or upon park property; and

(4) Appropriate, excavate, injure or destroy any historical or prehistorical ruin or any object of antiquity, without permission of the Township Board or its agent.

(B) Destruction of plant life and natural surroundings shall be prohibited, and no person shall:

(1) Cut, remove or destroy any tree, sampling, seeding, bush or shrub, whether alive or dead, or ship, blaze, box, girdle, trim or otherwise deface or injure any tree or shrub, or break or remove any branch, foliage, flower or any tree or shrub, or pick, gather, uproot, remove or destroy any flower, plant or grass; and

(2) Remove or cause to be removed any sod, earth, humus, peat, boulders, gravel or sand, without written permission of the Township Board or its agent.

(C) The following rules shall apply to fires on Township Park property:

(1) No person shall willfully set or cause to be set on fire any tree, woodland, brushland, grassland or meadow within or upon the property of the Township Board;

(2) No person shall build any fire upon Township Board property except within the fireplaces, receptacles or open spaces approved and designated by the Township Board for such purpose;

(3) No person shall drop, throw or otherwise scatter lighted matches, burning discarded cigarettes, tobacco paper or other flammable materials within or upon any property of the Township Board; and

(4) Fire shall not be left unattended. All fires shall be used in accordance with Chapter 92 of this code of ordinances and be extinguished upon leaving the immediate vicinity.

(Ord. 13, passed 6-6-1989) Penalty, see ' 91.99

91.04 PROTECTION OF WILDLIFE.

It shall be unlawful for any person while on Township Park property to:

(A) Cause any animal or fowl to run at large;

(B) Bring, drive or lead any animal onto township park property; excepting that horses and other beasts of burden and draft animals may be ridden by persons in charge thereof or driven before a vehicle attached thereto, on such portions of township park property as may be designated;

(C) Bring, drive, led or carry any dog or other animal or pet which is unleashed, upon a leash more than six feet in length, or upon township park property. All such animals must be under the immediate control of a competent person at all times;

(D) Suffer his or her dog or pet to enter any public building, except a trained and working leader dog;

(E) Torture, ill-treat or neglect any animal or fowl; and

(F) (1) No person shall hunt, trap, catch, wound or kill, or treat cruelly, attempt to trap, catch, wound, or kill any bird or animal, molest or rob any nest of any bird or any lair, den or burrow of any animal in or upon any land or waters administered by or under the jurisdiction of the Township Board.

(2) All game, animals, fowl, birds, fish and other aquatic life, hunted, killed, taken or destroyed, bought, sold, bartered, or had in possession, contrary to any of the provisions hereof, shall be and the same are declared to be contraband and the same shall be turned over to the State Department of Natural Resources for disposal. Provided further that any weapon or object carried or used by any person in violation of these rules, shall be subject to seizure by the Township Board or its agents and disposed of according to law.

(Ord. 13, passed 6-6-1989) Penalty, see ' 91.99

91.05 REGULATIONS GOVERNING SPORTS, GAMES, ACTIVITIES AND OTHER USES.

(A) No violent or rough exercises or play which endangers other park users shall be engaged in any public park.

(B) There will not be a designated swimming area provided within any township park.

(C) Canoe and tube landings in the park should take place in designated areas provided in the township park for such purpose.

Big Rapids Charter Township - General Regulations

(D) No person shall place or deposit any garbage, glass, tin cans, paper or miscellaneous waste in or on any park property except in containers provided for that purpose. Glass containers will be prohibited within 100 feet of any watercourse.

(Ord. 13, passed 6-6-1989) Penalty, see 91.99

91.06 BOATING.

No person shall bring into, use or navigate any boat, yacht, raft or other watercraft upon any watercourse located within or upon the properties administered by or under the jurisdiction of the Township Board, except at such time and places as may be provided or designated for such purpose. All watercraft shall comply with and be used in compliance with Public Act 451 of 1994, being M.C.L.A. ' ' 324.80101 et seq., as amended, and such regulations as may be adopted under the authority of the act, a copy of which is attached hereto and made a part of these rules.

(Ord. 13, passed 6-6-1989) Penalty, see 91.99

91.07 CAMPING.

It shall be unlawful to camp anywhere within the park area.

(Ord. 13, passed 6-6-1989) Penalty, see 91.99

91.08 TRAFFIC AND PARKING.

(A) *Parking in prohibited areas; standing for loading or unloading in certain places.*

(1) It shall be unlawful for the operator of a vehicle to stop, stand or park said vehicle in any place marked as a passenger or loading zone, other than for the expeditious loading or unloading of passengers, or for the unloading and delivery or pick up and loading of materials.

(2) It shall be unlawful for the operator of a vehicle to stop, stand or park such vehicle upon any roadway or in any parking area in such manner as to form an obstruction to traffic thereon.

(3) It shall be unlawful to park any vehicle in any area which is designated as a prohibited parking area.

(4) It shall be unlawful to drive or park any motor vehicle in or upon township property which is used for recreational purposes, unless otherwise allowed by these rules.

(B) *Motor-driven vehicles.* It shall be unlawful for any person to:

(1) Operate a motor-driven vehicle of any kind or nature except on roads or designated parking areas;

(2) Operate a motor-driven vehicle on any park road at a speed exceeding ten mph or at any speed greater than that posted; provided further, however, that notwithstanding any provision herein, any person driving a vehicle on any park road shall drive at a careful and prudent speed not greater than nor less than is responsible and proper, having due regard to the traffic, surface and width of the road and of any other condition then existing, and no person shall drive any vehicle upon a park road at a speed greater than will permit him or her to bring said vehicle to a stop within the assured clear distance ahead;

(3) Operate a motor vehicle upon township property in a speed contest or for the purpose of making a speed record, including that commonly known as a drag race, whether from a standing start or otherwise over a measured or unmeasured distance, the object of which is to better or defeat one or more contestants on the basis of the elapsed time, superior performance or speed;

(4) Operate any vehicle upon township property, including, but not limited to, any area designated for the parking of vehicles, in a careless or negligent manner likely to endanger any person or property;

(5) Drive any vehicle upon township property while impaired or under the influence of intoxicating liquor or narcotic, drug, barbitol or any derivative of barbitol;

(6) Operate a motor vehicle upon township property without having a valid operators license, motor vehicle registration certificate and proof of the minimum liability coverage or uninsured motor vehicle fee as required by the State Vehicle Code in his or her possession;

(7) Operate any vehicle upon township property contrary to posted traffic signs, symbols, rules or regulations or marked roadways;

(8) Operate any motor vehicle in any manner upon township property which results in excessive noise or disturbs the peace, quiet or tranquility of the area;

(9) Leave or cause to be left, any vehicle upon property administered by or under the jurisdiction of the township except during designated park hours; and

(10) Operate or ride on a motorcycle or motor-driven cycle without wearing a crash helmet approved by the Department of State Police. Rules of the Department of State Police for the implementation of ' 658(d), Public Act 300 of 1949, being M.C.L.A. ' ' 257.1 through 257.923, as amended, shall apply to this rule.

(Ord. 13, passed 6-6-1989) Penalty, see ' 91.99

91.09 TRESPASS.

(A) *Livestock.* No person shall drive or cause to be driven any horses, cattle, sheep, goats, swine or other livestock upon or across property administered by or under the jurisdiction of the township, without the written permission of the township or its agent.

(B) *Peddling and soliciting.* It shall be unlawful for any person to peddle or solicit business of any nature whatsoever, or to distribute handbills, or other advertising matter, to post unauthorized signs on any lands, water, structures or property administered by or under the jurisdiction on the township, or to use such lands, water, structures or property unless first authorized in writing by the township or its agent.

(C) *Unlawful obstruction.* No person, firm or corporation shall by force, threats, intimidation, unlawful fencing, enclosing or by any other means prevent or obstruct any person from entering, leaving or making full use of any property administered by or under the jurisdiction of the township.

(D) *Hindering employees.* No person shall interfere with, or in any manner hinder any employee or agent of the township while performing his or her official duties.

(E) *Resisting park ranger.* No person shall interfere with any park ranger or police officer in the discharge of his or her duties; or fail or refuse to obey any lawful command of any park ranger or police officer.

(F) *Alcoholic beverages, drugs.*

(1) The sale of alcohol is prohibited upon the property administered by or under the jurisdiction of the township or its agent.

(2) The consumption of alcohol by minors upon property administered by or under the jurisdiction of the township is prohibited at all times.

(3) No person shall sell, use or have in his or her possession any drug or narcotic; the sale, use or possession of which is prohibited by the state law.

(G) *Personal conduct.*

(1) It shall be unlawful for any person to be under the influence of intoxicants, or to engage in any violent, abusive, loud, boisterous, vulgar, lewd, wanton, obscene or otherwise disorderly conduct, or to disturb or annoy others, while in or on any property administered by or under the jurisdiction of the township.

(2) It shall be unlawful to conduct or to participate in any form of gambling, lottery or game of chance upon park property.

(H) *Use of loudspeaker.* It shall be unlawful to use a loudspeaker, public address system or amplifier within or upon township property.

(I) *Fireworks.* No person shall fire, discharge or have in his or her possession any rocket, firecracker, torpedo, squib or other fireworks or any substance of an explosive nature within or upon the property of the township.

(J) *Weapons.* No person shall, at any time bring into or upon the townships parks properties, nor have in his or her possession, nor discharge, or set off anywhere upon said properties, a revolver, pistol, shotgun, rifle, air gun or any gun, rifle, firearm or low or other weapon that discharges projectiles either by air, explosive substance or any other force, provided, however, that this section shall not apply to any Deputy Sheriff, police officer, peace officer or other duly appointed law enforcement officer while carrying out the duties and responsibilities of his or her position.

(K) *Littering and pollution of waters.* It shall be unlawful to throw, cast, lay, drop or discharge into or leave in waters administered by or under the jurisdiction of the township any substance, matter or thing, liquid or solid which may or shall result in the pollution of said waters.

(L) *Balloons, airplanes and parachutes.*

(1) No person shall make any ascent in any balloon or airplane or any descent in or from any balloon or airplane or parachute on any lands or waters administered by or under the jurisdiction of the township.

(2) Flying of model air craft in or on park premises is prohibited.

(M) *Emergency powers.* Nothing in these rules shall:

(1) Prohibit or hinder duly authorized agents of the township or any peace officers from performing their official duties; or

(2) Prohibit the Township Board from establishing emergency rules required to protect the health, welfare and safety of park visitors and to protect park property; including, but not limited to, the right of the Township Board to order all persons off township property, and to close all or any portion of said park. (Ord. 13, passed 6-6-1989) Penalty, see ' 91.99

91.10 DEFINITIONS.

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

Big Rapids Charter Township - General Regulations

CAMPING. The overnight lodging or sleeping of person or persons on the ground or in any manner, or in any sleeping bag, tent, trailer-tent, trailer coach, vehicle camper, motor vehicle, boat or in any other conveyance erected, parked or placed on the premises or waters within any park or recreation area administered by the township.

PERSON or PERSONS. Individuals, male or female, singular or plural; firms, corporations or any group or gathering of individuals.

RULES. The rules adopted by the Township Board, applicable to all property administered by or under the jurisdiction of the said Township Board and all amendments thereto.

TOWNSHIP BOARD. The Board of Big Rapids Charter Township.

TOWNSHIP PARK PROPERTY. All lands, waters and property administered by or under the jurisdiction of Big Rapids Charter Township.

(Ord. 13, passed 6-6-1989)

91.99 PENALTY.

(A) Any person violating any provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof be fined an amount as set by the Township Board from time to time and costs of prosecution, or imprisoned in the county jail for a period not exceeding 90 days or both, for each offense.

(B) Pursuant to applicable state law, any person convicted of an act of vandalism in a park or recreation area owned and operated by the township shall reimburse the township for up to three times the amount of the damage as determined by the court. In every case of a conviction for an offense of vandalism, the court before whom such conviction is obtained, shall enter judgement in favor of the township and against the defendant for liquidated damages in a sum up to three times the amount of the damage as determined by the court. The Township Attorney shall take such steps as shall be necessary to collect the award by execution or otherwise. If two or more defendants are convicted of the vandalism, the judgment for damages shall be entered against them jointly. If the defendant is a minor, the judgment shall be entered against his or her parents. Upon collection the sums shall be credited to the General Fund of the township and shall be used for repairs and improvements to the parks and recreation areas.

(Ord. 13, passed 6-6-1989)

CHAPTER 92: OPEN BURNING

Section

- 92.01 Intent
- 92.02 Permission needed
- 92.03 Bonfires
- 92.04 Definitions

- 92.99 Penalty

92.01 INTENT.

This chapter is adopted in the interest of public safety, health and morals, and is designed to promote the general peace, health, safety and welfare of the township.
(Ord. 12, passed 6-16-1987)

92.02 PERMISSION NEEDED.

No person, partnership, firm, association or corporation shall within the limits of the township, start or have an open fire except for domestic purposes, without checking the DNR site for availability of burning at current time.
(Ord. 12, passed 6-16-1987) Penalty, see ' 92.99

92.03 BONFIRES.

(A) Fuel for bonfires shall consist of seasoned dry wood only and shall be ignited with a small quantity of paper only. Bonfires shall not contain rubbish, garbage, trash or materials made of or coated with rubber, plastic, leather or petroleum base materials and shall not contain any flammable or combustible liquids. The allowable quantity of wood to be burned may be determined by the fire officials and shall be based upon the fire safety requirements of the situation and the desirable duration of the burn.

(B) Bonfires shall be constantly attended by a competent person until such fire is extinguished. This person shall have fire extinguishing equipment readily available for use.
(Ord. 12, passed 6-16-1987) Penalty, see ' 92.99

92.04 DEFINITIONS.

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

DOMESTIC, CAMP OR COOKING FIRES. Any fires around the home, where the material to be burned has been properly piled or placed in a debris burner.

(Ord. 12, passed 6-16-1987)

92.99 PENALTY.

(A) Any person, partnership, firm, association or corporation, or clerk or agent thereof, who shall set or start an open fire without permission as required by this chapter, shall be deemed guilty of a misdemeanor and shall upon conviction thereof be subject to an appearance citation issued by the Township Fire Department, and/or the County Sheriff Department, and/or the Department of Natural Resources (DNR).

(B) Any person, partnership, firm, association or corporation who violates or fails to comply with any provision of this chapter or who sets an open fire which necessitates calling the Township Fire Department, or any other fire department, shall pay to the township by reason of calling the Township Fire Department or any other fire department.

(Ord. 12, passed 6-16-1987)

CHAPTER 93: NOISE CONTROL

Section

- 93.01 Title and purpose
- 93.02 Unlawful noise prohibited

- 93.99 Penalty

93.01 TITLE AND PURPOSE.

(A) This chapter shall be known and cited at the Big Rapids Charter Township Noise Control Chapter.

(B) The Township Board finds the need to establish noise control regulations within the township, to secure the public health, safety and general welfare of the residents and property owners therein.
(Ord. 8, passed 10-4-1983)

93.02 UNLAWFUL NOISE PROHIBITED.

(A) It shall be unlawful for any person to create, assist in creating, permit, continue or permit the continuance of any excessive, unnecessary or unusually loud noise, or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the township.

(B) The following acts, among others, are declared to be loud, disturbing, injurious and unnecessary and unlawful noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

(1) *Horns and signal devices.* The sounding of any horn or signal device on any vehicle, while not in motion, except as a danger signal or to give warning of intent to get into motion, or, it in motion, only as a danger signal after or as brakes are being applied; the creation by means of such signal devices of any unreasonably loud or harsh sounds, and the sounding of any signal device for any unreasonable or unnecessary period of time;

(2) *Radio, phonograph, musical instruments.* The playing of any radio, phonograph, television set, amplified or unamplified musical instruments, loudspeaker, tape recorder or other electronic sound

Big Rapids Charter Township - General Regulations

producing devices, in such a manner or with volume at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel, hospital or other type of residence, or of any persons in the vicinity. The operation of any such set, instrument, phonograph, machine or device in such a manner as to be plainly audible on a property or in a dwelling unit other than that in which it is located, shall be prima facie evidence of a violation of this section;

(3) *Shouting and whistling.* Yelling, shouting, hooting, whistling, singing or the making of any other loud noises on the public streets, between the hours of 11:00 p.m. and 7:00 a.m., or the making of any such noise at any time or place so as to annoy or disturb the quiet, comfort, or repose of any persons in the vicinity;

(4) *Animal or bird noises.* The keeping of any animal, bird or fowl, which emanates frequent or extended noise which shall unreasonably disturb the quiet, comfort or repose of any person in the vicinity, such as allowing or permitting any dog to bark repeatedly in an area where such barking can be clearly heard from nearby residential property;

(5) *Whistle or siren.* The blowing of any whistle or sirens, except to give notice of the time to begin or stop work or as a warning of danger, or as a warning of fire or emergency vehicles;

(6) *Engine exhaust.* The discharge into the open air of the exhaust of any steam engine, or stationary internal combustion engine, except through a muffler or other device which effectively prevents loud or explosive noises therefrom;

(7) *Construction noises.* The erection (including excavation therefor), demolition, alteration or repair of any building, and the excavation of streets and highways on Sundays, and other days, except between the hours of 7:00 a.m. and 8:00 p.m., unless a permit therefor be first obtained from the Township Supervisor; and

(8) *Vibration.* Operating or permitting the operation of any device that creates vibration which is above the vibration perception threshold of an individual at or beyond the property line of the source. For the purposes of this section, **VIBRATION PERCEPTION THRESHOLD** means the minimum ground or structure borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation.

(Ord. 8, passed 10-4-1983) Penalty, see ' 93.99

93.99 PENALTY.

(A) Any person, firm or corporation found violating the provisions of this chapter, shall, upon conviction, be punished by a fine as set by the Township Board from time to time or by imprisonment not to exceed 90 days, or by both such fine and imprisonment, at the discretion of the court.

(B) Each day that a violation shall continue is to constitute a separate offense.

(C) Provisions of this chapter may also be enforced by suit for injunction, damages or other appropriate legal action.

(Ord. 8, passed 10-4-1983)

CHAPTER 94: PROHIBITION OF RECREATIONAL MARIHUANA ESTABLISHMENTS

Section

94.001	Purpose
94.002	Title
94.003	Definition
94.004	No Marihuana Establishments
94.005	Violations and Penalties
94.006	Severability
94.007	Repeal
94.008	Effective Date

PROHIBITION OF RECREATIONAL MARIHUANA ESTABLISHMENTS

94.001 PURPOSE.

An ordinance to provide a title for the ordinance; to define words; to prohibit marihuana establishments within the boundaries of Big Rapids Charter Township pursuant to Initiated Law 1 of 2018, MCL 333.27951, *et seq.*, as may be amended; to provide penalties for violation of this ordinance; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith; and to provide an effective date.

94.002 TITLE.

This ordinance shall be known as and may be cited as the Big Rapids Charter Township Prohibition of Marihuana Establishments Ordinance.

94.003 DEFINITION.

Words used herein shall have the definitions as provided for in Initiated Law 1 of 2018, MCL 333.27951, *et seq.*, as may be amended.

94.004 NO MARIHUANA ESTABLISHMENTS.

Big Rapids Charter Township hereby prohibits all marihuana establishments within the boundaries of the Township pursuant to Initiated Law 1 of 2018, MCL 333.27951, *et seq.*, as may be amended.

94.005 VIOLATIONS AND PENALTIES.

1. Any person who disobeys neglects or refuses to comply with any provision of this ordinance or who causes allows or consents to any of the same shall be deemed to be responsible for the violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.
2. A violation of this ordinance is a municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$500, in the discretion of the Court. The foregoing sanctions shall be in addition to the rights of the Township to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township incurs in connection with the municipal civil infraction.

3. Each day during which any violation continues shall be deemed a separate offense.
4. In addition, the Township may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.
5. This ordinance shall be administered and enforced by the Ordinance Enforcement Officer of the Township or by such other person (s) as designated by the Township Board from time to time.

94.006 SEVERABILITY.

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

94.007 REPEAL.

All ordinance or parts of ordinances in conflict herewith are hereby repealed.

94.008 EFFECTIVE DATE.

This ordinance was adopted on July 2, 2019, and shall take effect August 1, 2019.

TITLE XI: BUSINESS REGULATIONS

Chapter

- 110. USED CAR SALES AND LOTS**
- 111. SEXUALLY ORIENTED BUSINESSES**
- 112. CABLE TELEVISION SERVICE**
- 113. WASTE HAULERS**



CHAPTER 110: USED CAR SALES AND LOTS

Section

- 110.01 Definitions
- 110.02 License requirements and procedure for obtaining license
- 110.03 Regulations
- 110.04 Revocation

- 110.99 Penalty

110.01 DEFINITIONS.

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

ESTABLISHED USED CAR LOT. A used car lot in Big Rapids Charter Township or any land in Big Rapids Charter Township maintained and/or used for the conduct of a used car business.

USED CAR BUSINESS. The purchase, sale, lease or exchange by any person, firm or corporation of five or more used cars within a 12-month period.

USED CAR DEALER. A person who brokers, deals or engages in the purchase, sale, lease or exchange of five or more used cars within a 12-month period.

USED CAR LOT. Any place where used cars are displayed and offered for purchase, sale, lease or exchange in the open by a used car dealer or used car business.

USED CAR. Any used or second-hand motor vehicle to which a certificate of title and license plates have been issued and which motor vehicle has been registered for use on the highways by a consumer or by a dealer, and any used or second-hand vehicle, defined as any vehicle required to be titled, trailer coaches, and trailers weighing over 2,500 pounds.

(Ord. 32, passed 9-7-2010)

110.02 LICENSE REQUIREMENTS AND PROCEDURE FOR OBTAINING LICENSE.

(A) No person, firm or corporation shall operate as a used car dealer or engage in a used car business within the township without a township used car sales license as herein provided.

(B) A separate township used car sales license shall be required for each new used car lot.

(C) The Township Clerk is hereby authorized to issue a township used car sales license upon submission by the applicant of a written application on forms to be provided by the Township Clerk and upon compliance by the applicant with the following requirements:

(1) (a) The application shall be accompanied by written detailed plans showing the layout of land to be used, the portion thereof to be improved as required herein, method proposed for improvement/drainage, driveways for ingress and egress, and buildings to be built or existing buildings to be used in the operation of the established used car lot; and

(b) The application shall also be accompanied by evidence that he or she has obtained all applicable zoning, use or site plan approvals/permits required to be obtained prior to operating a used car lot or business in the proposed location in the township. The granting of a township used car sales license is contingent on obtaining all applicable zoning, use, or site plan approvals/permits.

(2) Applicant must furnish evidence that he or she possesses a valid state Class B used vehicle dealers license.

(3) All township used car sales licenses issued under this chapter shall remain valid unless either the state license is revoked or suspended or the township determines the lot is no longer in compliance.

(D) No township used car sales license issued under this chapter may be transferred except upon written application by the licensee and the proposed transferee on forms to be provided by the Township Clerk and the payment of a transfer fee in the amount as set by the Township Board from time to time. Prior to transferring any township used car sales license, the township shall determine that the established used car lot for which the township used car sales license is in compliance with all of the provisions of this chapter.

(Ord. 32, passed 9-7-2010) Penalty, see 110.99

110.03 REGULATIONS.

Each licensee under this chapter shall comply with the following regulations:

(A) Keep his or her premises in a neat and clean condition. He or she shall not allow any used motor vehicles that are part of his or her inventory to encroach upon the streets and sidewalks of the township; and

(B) Not allow any loud or boisterous noises to emanate from his or her place of business, either by persons congregating there or by the playing of recording instruments, radios and/or television sets or other sound-reproducing equipment.

(Ord. 32, passed 9-7-2010) Penalty, see 110.99

110.04 REVOCATION.

Any township used car sales license issued under this chapter shall be automatically revoked upon termination, suspension, revocation or failure to renew the licensee's state Class B used vehicle dealer's license or upon proof by competent legal evidence that the licensee made a false statement in any application for township used car sales license filed upon this chapter. Any such township used car sales license may be revoked by the Township Board in its discretion upon proof of conviction of the licensee for a violation of this chapter.

(Ord. 32, passed 9-7-2010)

110.99 PENALTY.

Any person, firm or corporation who shall violate any provision of this chapter shall be deemed guilty of a misdemeanor, punishable by imprisonment in the county jail for not more than 90 days or by fine of an amount as set by the Township Board from time to time, or both such fine and imprisonment, in the discretion of the court.

(Ord. 32, passed 9-7-2010)



CHAPTER 111: SEXUALLY ORIENTED BUSINESSES

Section

- 111.01 Purpose and findings
- 111.02 Uses subject to control
- 111.03 Definitions
- 111.04 Unlawful activities
- 111.05 Scierter required to prove violation or business liability

- 111.99 Penalty

§ 111.01 PURPOSE AND FINDINGS.

The township hereby makes its stated findings and legislative record related to the adverse secondary effects of sexually oriented businesses, based on the judicial opinions and reports related to such secondary effects, as detailed below.

(A) In the development and execution of this chapter it is recognized that there are some uses which because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or when one or more of them are located in near proximity to a residential zone, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects shall not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this chapter. These controls are for the purpose of preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential neighborhood. These controls do not legitimize activities, which are prohibited in other township ordinances.

(B) In regulating sexually oriented businesses, it is the purpose of this chapter to promote the health, safety and general welfare of the citizens of the township, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the township. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this chapter to condone or legitimize the distribution of obscene material.

(C) Based on evidence, of the adverse secondary effects of adult uses presented in hearings and in reports made available to the Township Board, and on findings incorporated in the cases of: *Peek-A-Boo Lounge of Bradenton, Inc. v. Manatee County*, 2009 WL 4349319 (M.D. Fla. 2009); *Sensations, Inc. et al. v. City of Grand Rapids*, 526 F.3d 291 (6th Cir, 2008); *Pap's AM. v. City of Erie*, 529 U.S. 277 (2000); *Thomas v. Chicago Park District*, 122 S. Ct. 775 (2002); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *DLS, Inc. v. City of Chattanooga*, 107 F. 3d 403 (6th Cir. 1997); *East Brooks Books, Inc. v. City of Memphis*, 48 F. 3d 220 (6th Cir 1995); *Broadway Books v. Roberts*, 642 F. Supp. 486 (E.D. Tenn. 1986); *Bright Lights, Inc. v. City of Newport*, 830 F. Supp. 378 (E.D. Ky. 1993); *Richland Bookmart v. Nichols*, 137 F. 3d 435 (6th Cir. 1998); *Dejavu v. Metro Government*, 1999 U.S. App. LEXIS 535 (6th Cir. 1999); *Bamon Corp. v. City of Dayton*, 7923 F. 2d 470 (6th Cir. 1991); *Threesome Entertainment v. Strittmather*, 4 F. Supp. 2d 710 (N.D. Ohio 1998); *J.L. Spoons, Inc. v. City of Brunswick*, 49 F. Supp. 2d 1032 (N.D. Ohio 1999); *Triplett Grile, Inc. v. City of Akron*, 40 F. 3d 129 (6th Cir. 1994); *Nightclubs, Inc. v. City of Paducah*, 202 F. 3d 884, 894 (6th Cir. 2000); *O'Connor v. City and County of Denver*, 894 F. 2d 1210 (10th Cir. 1990); *Dejavu of Nashville, Inc., et al. v. Metropolitan Government of Nashville and Davidson County*, 2001 U.S. App. LEXIS 26007 (6th Cir. Dec. 6, 2001); *Z. J. Gifts D-2, L.L.C v. City of Aurora*, 136 F. 3d (10th Cir. 1998), *Connection Distrib. Co. v. Reno*, 154 F. 3d 281 (6th Cir. 1998); *Sundance Assocs. v. Reno*, 139 F. 3d 804 (10th Cir. 1998); *American Library Association v. Reno*, 33 F. 3d 78 (D.C. Cir. 1994); *American Target Advertising, Inc. v. Giani*, 199 F 3d 1241(10th Cir. 2000); *Z.J. Gifts D-2, L.L.C v. City of Aurora*, 136 F. 3d 683(10th Cir. 1998); *ILQ Investments, Inc. v. City of Rochester*, 25 F. 3d 1413, 1416, (8th Cir. 1994); *Bigg Wolf Discount Video Movie Sales, Inc. v. Montgomery County*, 2002 U.S. Dist. LEXIS 1896 (D. Md, Feb. 6, 2002); *Currence v. Cincinnati*, 2002 U.S. App. LEXIS 1258 (6th Cir., Jan. 24, 2002); and other cases; and on testimony to Congress in 136 Cong. Rec. S. 8987; 135 Cong. Rec. S. 14519; 135 Cong. Rec. S. 5636; 134 Cong. Rec. E. 3750; and reports of secondary effects occurring in an around sexually oriented businesses, including, but not limited to, Phoenix, Arizona - 1979; Minneapolis, Minnesota - 1980; Houston, Texas - 1997; Amarillo, Texas; Garden Grove, California - 1991; Los Angeles, California - 1977; Whittier, California - 1978; Austin, Texas - 1986; Seattle, Washington - 1989; Oklahoma - 1986; Cleveland, Ohio and Dallas, Texas - 1997; St. Croix County, Wisconsin - 1993; Bellevue, Washington, - 1998; Newport News, Virginia - 1996; New York Times Square study - 1994; Phoenix, Arizona - 1995 through 98; and also on findings from the paper entitled "Stripclubs According to Strippers; Exposing Workplace Sexual Violence", by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota, and from "Sexually Oriented Businesses: An Insider's View", by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000, and the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the Township Board finds that sexually oriented businesses as a category of establishments are correlated with harmful secondary effects, and that the foregoing reports are reasonably believed to be relevant to the problems that the township is seeking to abate and prevent in the future.

(D) The township also relies upon findings concerning secondary effects contained in additional reports as well as in cases in accord with those cited above including those upholding regulations of nudity and the time, place and manner of operation of sexually oriented businesses: *Deja Vu of Cincinnati, L.L.C. v. Union Township*, 411 F. 3d 777 (6th Cir. 2005); *Bronco's Entertainment, Ltd. v.*

Charter Township of Van Buren, 2005 U.S. App. LEXIS 18496 (6th Cir. 2005); *Charter Township of Van Buren v. Garter Belt, Inc.*, 258 Mich. App. 594 (2003) (following *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000), *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991), and *California v. LaRue*, 409 U.S. 109 (1972)); *Gammoh v. City of La Habra*, 395 F. 3d 1114 (9th Cir. 2005); *SOB, Inc. v. County of Benton*, 317 F. 3d 856 (8th Cir. 2003); *G. M. Enterprises, Inc. v. Town of St. Joseph*, 350 F. 3d 631 (7th Cir. 2003); *Heideman v. South Salt Lake City*, 348 F. 3d 1182 (10th Cir. 2003); *In re Tennessee Public Indecency Statute*, 1999 U.S. App. LEXIS 535 (6th Cir. 1999); *Currence v. City of Cincinnati*, 2002 U.S. App. LEXIS 1258; *Jott, Inc. v. Clinton Township*, 224 Mich. App. 513 (1997); *Michigan ex rel. Wayne County Prosecutor v. Dizzy Duck*, 449 Mich. 353 (1995); *Kev, Inc. v. Kitsap County*, 793 F. 2d 1053 (9th Cir. 1986); *Hang On, Inc. v. City of Arlington*, 65 F. 3d 1248 (5th Cir. 1995); *Tily B. Inc. v. City of Newport Beach*, 69 Cal. App. 4th (Cal. App. 1997); *Lady J. Lingerie, Inc. v. City of Jacksonville*, 973 F. Supp. 1428 (M.D. Fla. 1997); *City of Elko v. Abed*, 2004 Minn. App. LEXIS 360 (Minn. App. 2004); *Center for Fair Public Policy v. Maricopa County Arizona*, 336 F. 3d 1153 (9th Cir. 2003); *Richland Bookmart, Inc. v. Nichols*, 137 F. 3d 435 (6th Cir. 1998); *Richland Bookmart, Inc. v. Nichols*, 278 F. 3d 570 (6th Cir. 2002); *DiMa Corp. v. Town of Hallie*, 185 F. 3d 823 (7th Cir. 1999); *Lady J. Lingerie, Inc. v. City of Jacksonville*, 176 F. 3d 1358 (11th Cir. 1998); *Nat'l. Amusements Inc. v. Town of Dedham*, 43 F. 3d 731 (1st Cir. 1995); *Mitchell v. Comm'n Adult Enter. Est. of the State of Delaware*, 10 F. 3d 123 (3d Cir. 1993); *Star Satellite, Inc. v. City of Biloxi*, 779 F. 2d 1074 (5th Cir. 1986); *Heideman v. South Salt Lake City*, 2006 U.S. App. LEXIS 2745 (10th Cir. 2006); *Fantasyland Video, Inc. v. San Diego County*, 373 F. Supp. 2d 1094 (S.D. Cal. 2005); *State ex rel. Nasal v. BJS No. 2, Inc.*, 127 Ohio Misc. 2d 101 (Ohio Ct. Comm. Pleas 2003); *Baby Dolls Topless Saloons, Inc. v. City of Dallas*, 295 F. 3d 471 (5th Cir. 2002); *Z.J. Gifts D-2, L.L.C v. City of Aurora*, 136 F. 3d 683 (10th Cir. 1998); *World Wide Video of Washington, Inc. v. City of Spokane*, 368 F. 3d 1186 (9th Cir. 2004); *Andy's Restaurant & Lounge, Inc. v. City of Gary*, Case No. 2:01-CV-327 (N.D. Ind. 2005); *Summaries of Key Reports Concerning the Negative Secondary Effects of Sexually Oriented Businesses*; Rome, Georgia - 1996; San Diego, California - 2003; Greensboro, North Carolina - 2003; Dallas, Texas - 1997; and numerous media reports, in finding that:

(1) Sexually oriented businesses, as a category of commercial uses, are often associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter and sexual assault and exploitation;

(2) Illegal and unsanitary acts involving nudity, including lewd conduct, masturbation, oral and anal sex, occur at unregulated sexually oriented businesses, including those businesses which provide private or semi-private rooms, booths or cubicles for viewing films, videos or live performances; and

(3) Each of the foregoing negative secondary effects constitutes a harm which the township has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the township's rationale for this chapter, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the township's interest in regulating sexually oriented businesses extends to preventing future secondary

effects of either current or future sexually oriented businesses that may locate in the township. The township finds that the cases and documentation relied on in this chapter are reasonably believed to be relevant to said secondary effects.

(Ord. 21.01, passed 4-5-2011)

§ 111.02 USES SUBJECT TO CONTROL.

Uses subject to these controls are adult businesses as listed in § 153.019 of the township zoning regulations as follows:

(A) Adult book store or adult video store;

(B) Adult cabaret;

(C) Adult mini motion picture theatre;

(D) Adult motion picture theatre;

(E) Escort agency; and

(F) Massage parlor.

(Ord. 21.01, passed 4-5-2011)

§ 111.03 DEFINITIONS.

(A) The terms in this section shall have the meanings ascribed to them in § 153.290 of the township zoning regulations, unless otherwise indicated herein.

(B) In addition, the following terms shall have the meanings ascribed to them unless the context clearly indicates or requires a different meaning.

EMPLOYEE. A person who performs any service for any consideration on the premises of an sexually oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise, and whether or not said person is paid a salary, wage or other compensation by the operator of said sexually oriented business. **EMPLOYEE** does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises or for the delivery of goods to the premises.

NUDITY, NUDE or STATE OF NUDITY. The knowing or intentional live display of a human genital organ or anus with less than a fully opaque covering or a female's breast with less than a fully opaque covering of the nipple and areola. **NUDITY**, as used in this chapter, does not include a woman's

breast feeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.

OPERATE or CAUSE TO OPERATE. To cause to function or to put or keep in a state of doing business. **OPERATOR** means any person on the premises of a sexually oriented business who exercises overall operational control of the business or a part of the business, who can open or close the business to the public, or who causes to function or who puts or keeps the business open or in operation. A person may be found to be operating or causing to be operated a sexually oriented business regardless of whether that person is an **OWNER** or **PART OWNER** of the business.

PATRON. A customer of the sexually oriented business or a person from the general public, not an employee of the business, who is on the premises to obtain, receive or view the products, services or performances offered by the business.

REGULARLY. Recurring, attending or functioning at fixed or uniform intervals.

SEMI-NUDITY, SEMI-NUDE or IN A SEMI-NUDE CONDITION. The showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard or similar wearing apparel provided the areola is not exposed in whole or in part.

SEXUALLY ORIENTED BUSINESS. Any adult motion picture theater, adult mini motion picture theatre, adult bookstore, adult video store or adult cabaret as defined in § 153.290 of the township zoning regulations.
(Ord. 21.01, passed 4-5-2011)

§ 111.04 UNLAWFUL ACTIVITIES.

(A) Nothing contained in this chapter is intended, or shall be construed, to permit or authorize activities which are unlawful under state law or township ordinance. It is unlawful and a violation of this chapter for an operator to knowingly or intentionally violate the provisions of this chapter or to allow, either knowingly or intentionally, an employee or a patron to violate the provisions of this chapter. It shall be a defense to prosecution that the person prosecuted was powerless to prevent the violation.

(B) No person shall knowingly or intentionally, in a sexually oriented business, appear before a patron or patrons in a state of nudity, regardless of whether such public nudity is expressive in nature.

(C) No employee shall knowingly or intentionally, in a sexually oriented business, appear within view of any patron in a semi-nude condition unless the employee, while semi-nude, shall be and remain at least six feet from all patrons and on a fixed stage at least 18 inches from the floor in a room of at least 600 square feet.

(D) A sexually oriented business which exhibits on the premises, through any mechanical or electronic image-producing device, a film, video cassette, digital video disk or other video reproduction characterized by an emphasis on the display of specified sexual activities or specified anatomical areas shall comply with the following requirements. The interior of the premises shall be configured in such a manner that there is an unobstructed view from an operator's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose. An operator's station shall not exceed 32 square feet of floor area. If the premises has two or more operator's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the operator's stations. The view required in this division (D) must be direct line of sight from the operator's station. It is the duty of the operator to ensure that a least one employee is on duty and situated in an operator's station at all times that any patron is on the portion of the premises monitored by that operator station. It shall be the duty of the operator, and it shall also be the duty of any employees present on the premises, to ensure that the view area specified in this division (D) remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises.

(E) Sexually oriented businesses that do not have stages or interior configurations which meet at least the minimum requirements of this section shall be given 180 days from the effective date of this chapter to comply with the stage and building requirements of this section. During said 180 days, an employee who appears within view of any patron in a semi-nude condition shall nevertheless remain, while semi-nude, at least six feet from all patrons.

(F) No employee who regularly appears within view of patrons in a semi-nude condition in a sexually oriented business shall knowingly or intentionally touch a patron or the clothing of a patron in a sexually oriented business.

(G) No operator shall allow or permit a sexually oriented business to be or remain open between the hours of 2:00 a.m. and 7:00 a.m. on any day.
(Ord. 21.01, passed 4-5-2011) Penalty, see § 111.99

§ 111.05 SCIENTER REQUIRED TO PROVE VIOLATION OR BUSINESS LIABILITY.

This chapter does not impose strict liability. Unless a culpable mental state is otherwise specified herein, a showing of a knowing or reckless mental state is necessary to establish a violation of a provision of this chapter. Notwithstanding anything to the contrary, for the purposes of this chapter, an act by an employee shall be imputed to the sexually oriented business for purposes of finding a violation of this chapter only if an officer, director or general partner, or a person who managed, supervised or controlled the operation of the business premises, knowingly or recklessly allowed such act to occur on the premises. It shall be a defense to liability that the person to whom liability is imputed was powerless to prevent the act.

(Ord. 21.01, passed 4-5-2011)

§ 111.99 PENALTY.

(A) Any person, business or entity violating or refusing to comply with any provisions of this chapter shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished by imposition of a fine not to exceed \$500 or by imprisonment for a period not to exceed 90 days, or both. Each day that a violation is permitted to exist or occur, and each separate occurrence, shall constitute a separate offense. Further, any premises, building, dwelling or other structure in which a sexually oriented business, as defined in § 153.290 of the township zoning regulations, is repeatedly operated or maintained in violation of the provisions of this chapter shall constitute a public nuisance and shall be subject to civil abatement proceedings initiated by the township in a court of competent jurisdiction. Each day that a violation is permitted to exist or occur shall constitute a separate operation or maintenance of the violation.

(B) Notwithstanding division (A) above, the township may employ any remedy available at law or in equity to prevent or remedy a violation of any provision of this section.
(Ord. 21.01, passed 4-5-2011)



CHAPTER 112: CABLE TELEVISION SERVICE

Section

General Provisions

- 112.01 Short title
- 112.02 Purpose
- 112.03 Definitions
- 112.04 Undefined words or terms

Rules, Regulations and Hearings

- 112.15 Rate regulation; adoption of F.C.C. Rules and/or Regulations
- 112.16 Designation of the cable franchising authority
- 112.17 Regulated cable operators
- 112.18 Submission of existing rate schedule
- 112.19 Franchising authority existing rate review
- 112.20 Regulation of rate increases
- 112.21 Franchising authority rate increase review
- 112.22 Tolling order
- 112.23 Public hearing
- 112.24 Public hearing notice
- 112.25 Franchising authority decision on review of existing rates or proposed rate increase
- 112.26 Refund hearing
- 112.27 Refund hearing decision
- 112.28 Notice of franchising authority decisions
- 112.29 Proprietary information and production documents

GENERAL PROVISIONS

112.01 SHORT TITLE.

This chapter may be known and referred to as the Big Rapids Charter Township Cable Television Rate Regulation Chapter.

(Ord. 17, passed 11-2-1993)



112.02 PURPOSE.

The purpose of this chapter is to regulate rates of cable television basic service and associated equipment through adoption of regulations consistent with the provisions of the Federal Communications Act of 1934, as amended, being 47 U.S.C. 201 et seq., including the Cable TV Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, being 47 U.S.C. 521 et seq., and the Federal Communication Commission Rules and Regulations promulgated pursuant thereto; and to provide procedures applicable to rate regulation which offer a reasonable opportunity for comment by interested parties.

(Ord. 17, passed 11-2-1993)

112.03 DEFINITIONS.

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

ACT. The Federal Communications Act of 1934, being 47 U.S.C. 201 et seq., as amended, specifically including the amendments contained in the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, being 47 U.S.C. 521 et seq.

ASSOCIATED EQUIPMENT.

(1) Equipment used by a subscriber to receive basic service cable programming regardless of whether such equipment is also used to receive other tiers of regulated programming service and/or unregulated tiers of programming service(s).

(2) ***ASSOCIATED EQUIPMENT*** includes, but is not limited to:

- (a) Converter boxes;
- (b) Remote control units;
- (c) Connections for additional television receivers; and
- (d) Other cable home wiring.

BASIC SERVICE. The level or tier, of cable television programming which includes, at a minimum, all signals of domestic television broadcast stations provided to any subscriber (except a signal secondarily transmitted by satellite carrier beyond the local service area of such station, regardless of how such signal is ultimately received by the cable system), a public, educational and/or governmental programming required by the franchise authority to be carried as a basic service, and any additional video programming signals added to the basic service by the regulated cable operator.

EXISTING RATES. The rates for basic service and associated equipment charged by a regulated cable operator on the initial date of regulation by the franchising authority.

F.C.C. The United States Federal Communications Commission.

F.C.C. RULES AND/OR REGULATIONS. Any and all rules and/or regulations which the F.C.C. promulgates and/or adopts pursuant to the Act.

FRANCHISING AUTHORITY. The Township Board.

ORDINANCE. This cable television basic service regulation chapter.

RATE INCREASE. An increase in rates for basic service and/or associated equipment including among others increases in rates that are the result of reductions in programming provided under the basic service.

REGULATED CABLE OPERATOR. Any operator of a cable television system that is subject to regulation by a certified franchising authority.

TOWNSHIP. Big Rapids Charter Township.
(Ord. 17, passed 11-2-1993)

112.04 UNDEFINED WORDS OR TERMS.

Any word or term which is not specifically defined in 112.03 shall be given its normal, ordinary meaning. Provided that any word or term which is used in this chapter and which is not specifically defined in 112.03 but is defined in F.C.C. Rules or Regulations shall have the meaning given to such word or term in the F.C.C. Rules and/or Regulations.
(Ord. 17, passed 11-2-1993)

RULES, REGULATIONS AND HEARINGS

112.15 RATE REGULATION; ADOPTION OF F.C.C. RULES AND/OR REGULATIONS.

(A) The township, by this reference, hereby adopts all rules and regulations regarding basic service rates and associated equipment rates which the F.C.C. promulgates pursuant to the Act, and makes said rules and regulations part of this chapter.

(B) The township has submitted an application to the F.C.C. for certification as a cable franchising authority pursuant to the Act. Upon certification as a cable franchising authority, the township shall regulate the basic service rates and associated equipment rates in compliance with the Act, the F.C.C. Rules and/or Regulations and this chapter.

(C) Upon receiving its certification, the franchising authority shall send written notice of its certification and notice that it has adopted the required regulations, return receipt requested, to all regulated cable operators within the township. The date upon which the franchising authority gives this notice is the initial date of regulation.

(Ord. 17, passed 11-2-1993)

112.16 DESIGNATION OF THE CABLE FRANCHISING AUTHORITY.

Effective upon certification of the township as a cable franchising authority, the Township Board is hereby designated as the cable franchising authority for the township and shall execute the powers, duties and responsibilities given to the cable franchising authority in this chapter, the Act and the F.C.C. Rules and/or Regulations.

(Ord. 17, passed 11-2-1993)

112.17 REGULATED CABLE OPERATORS.

(A) A regulated cable operator shall comply with all duties and obligations imposed upon the regulated cable operator by the Act, F.C.C. Rule and/or Regulations and this chapter.

(B) A regulated cable operator has the burden of proving that it's submitted existing rates or a proposed rate increase comply with the Act and F.C.C. Rules and Regulations.

(Ord. 17, passed 11-2-1993)

112.18 SUBMISSION OF EXISTING RATE SCHEDULE.

(A) Within 30 days of receiving the notice identified in 112.15(C), a regulated cable operator shall submit an original and eight copies of a written schedule of the regulated cable operators existing rates to the franchising authority. Said schedules shall be addressed in care of the Township Clerk.

(B) The schedule(s) identified in division (A) above shall contain a detailed statement explaining whether the regulated cable operators existing rates comply with existing F.C.C. Rules and/or Regulations for basic service rates and associated equipment rates.

(C) Upon receipt of the existing basic service rate and associated equipment rate schedule(s), the Township Clerk shall provide the schedule(s) to the franchising authority within seven days.

(Ord. 17, passed 11-2-1993)

112.19 FRANCHISING AUTHORITY EXISTING RATE REVIEW.

(A) Unless the time for conducting the public hearing and entering a decision is extended by the issuance of a tolling order by the franchising authority pursuant to 112.22, the franchising authority shall hold a public hearing on the existing rate schedule(s) which the regulated cable operator submitted to the franchising authority, and enter a decision on said submitted schedule(s) within 30 days of the date the Township Clerk received the schedule(s). If the time for conducting the public hearing is extended pursuant to 112.22, a public hearing should be held and decision rendered, before the extended time period expires.

(B) The existing rates identified in the submitted schedule (s) of rates shall go into effect 30 days from the date of the Township Clerk's receipt of the schedule(s) unless the franchising authority disapproves the rate or extends the time period for conducting the review of existing rates pursuant to 112.22.

(C) If the franchising authority fails to act on the submitted existing rates by the end of the respective tolling period then the rates will remain in effect. If the franchising authority subsequently disapproves any portion of said rates, refunds may not be ordered unless a brief written order is issued by the franchising authority before the end of the respective tolling period directing the regulated cable operator to keep an accurate accounting of all its customers and the amounts paid by each as a result of said rates.

(Ord. 17, passed 11-2-1993)

112.20 REGULATION OF RATE INCREASES.

(A) A regulated cable operator cannot institute a rate increase charged to its subscribers unless the regulated cable operator complies with the Act, F.C.C. Rules and/or Regulations and this chapter.

(B) A regulated cable operator which proposes a rate increase must submit at least eight copies of the proposed rate increase(s) request to the franchising authority in care of the Township Clerk.

(Ord. 17, passed 11-2-1993)

112.21 FRANCHISING AUTHORITY RATE INCREASE REVIEW.

(A) Unless the time for conducting the public hearing and entering a decision is extended by the issuance of a tolling order by the franchising authority pursuant to 112.22, the franchising authority shall conduct a public hearing and render a decision upon the regulated cable operator's proposed rate increase request within 30 days of the Township Clerk's receipt of a proposed rate increase request. If the time for holding the public hearing is extended pursuant to 112.22, the public hearing should be held and decision rendered, before the extended time period expires.

(B) A proposed rate increase requested by a regulated cable operator will become effective after 30 days have elapsed from the date the Township Clerk received the proposed rate increase request unless the franchising authority disproves the proposed rate increase or extends the time period for conducting the review of the proposed rate increase pursuant to 112.22.

(C) If the franchising authority allows rate increases to go into effect at the end the respective tolling period through inaction and then subsequently disapproves any portion of such rates, than refunds may not be ordered unless a brief written order is issued by the franchising authority before the end of the respective tolling period, directing the regulated cable operator to keep an accurate accounting of all its customers and the amounts paid by each as a result of said rates.

(Ord. 17, passed 11-2-1993)

112.22 TOLLING ORDER.

(A) If the franchising authority is unable to determine, based upon the material submitted by the regulated cable operator that the existing rates or proposed rate increase(s) are reasonable or if the regulated cable operator has submitted a cost of service showing, then the franchise authority may toll the 30-day deadline for an additional 90 days in cases not involving cost of service showings or for an additional 150 days in cases involving cost of service showings.

(B) In order for the franchising authority to toll the 30-day period pursuant to this section, the franchising authority must issue an order explaining that additional time and/or information is necessary in order for the franchising authority to act upon the existing rates or the proposed rate increase. Said order must be in writing, by resolution adopted within said 30-day period.

(C) The franchising authority shall send a copy of the tolling order to the regulated cable operator by first class mail within seven days after the effective date of the decision.

(Ord. 17, passed 11-2-1993)

112.23 PUBLIC HEARING.

(A) During the public hearing on the review of a regulated cable operator's existing rates or on review of a proposed rate increase, the franchising authority shall provide the regulated cable operator and all other interested persons with the opportunity to comment on the rates either in person, in writing, or by agent.

(B) The franchising authority may conduct as many public hearings as necessary to carry out the provisions of the Act, F.C.C. Rules and Regulations and this chapter.

(C) If the franchising authority deems it necessary, either prior to or following a public hearing the franchising authority may direct the preparation of a written report for the franchising authority. This

report may contain a recommendation to the franchising authority for its decision on the review of the existing rate schedule(s) or proposed rate request submitted by a regulated cable operator. This recommendation should also summarize and be based upon the schedule or request submitted by the regulated cable operator; comments or objections to the schedule or request which the franchising authority received from the regulated cable operator; any additional information received from the regulated cable operator; information which the franchising authority received from a consultant, its staff or its attorney; and other information which it deems appropriate.

(D) The franchising authority shall send, by first class mail, a copy of any report to the regulated cable operator prior to the franchising authority's consideration of the report at a public hearing.
(Ord. 17, passed 11-2-1993)

112.24 PUBLIC HEARING NOTICE.

(A) The franchising authority shall send a written notice of the date, time and location of the public hearing to the regulated cable operator which submitted the existing rates or proposed rate increase for review no less than seven days before the date of the public hearing. Said notice is to be sent to the regulated cable operator by first class mail.

(B) (1) The franchising authority shall cause to be published, in a qualified newspaper of general circulation within the township, a notice of the public hearing on the existing rate schedule(s) or proposed rate increase request no less than seven days before the public hearing.

(2) Said notice shall:

(a) State that a regulated cable operator has submitted the existing rate schedule(s) or proposed rate increase request to the franchising authority for review pursuant to this chapter;

(b) State the location and times at which the public may examine the submitted schedule(s) of existing rates or proposed rate increase request;

(c) State the date, time and location at which the franchising authority will conduct the public hearing; and

(d) State that all interested persons shall have an opportunity to comment on the rates at the public hearing, and/or to submit written comments on or before the date of the public hearing to the franchising authority.

(Ord. 17, passed 11-2-1993)

112.25 FRANCHISING AUTHORITY DECISION ON REVIEW OF EXISTING RATES OR PROPOSED RATE INCREASE.

The franchising authority shall issue a written order supported by its reasons, by resolution which:

- (A) Approves the regulated cable operator's existing rate or proposed rate increase;
- (B) Disapproves the regulated cable operator's existing rate or proposed rate increase;
- (C) Approves, in part, and disapproves, in part, the regulated cable operator's existing rate or proposed rate increase;
- (D) Orders a rate reduction;
- (E) Prescribes a reasonable rate;
- (F) Determines that a refund hearing should be held pursuant to 112.26; and/or
- (G) Orders any further appropriate relief permitted by this ordinance, the Act or the F.C.C. Rules and/or Regulations.
(Ord. 17, passed 11-2-1993)

112.26 REFUND HEARING.

(A) If the franchising authority determines that the subscribers to a regulated cable operator may be entitled to a refund pursuant to F.C.C. rules and regulations (specifically 47 C.F.R. Part 76.942), the franchising authority shall include a notice in its decision issued pursuant to 112.25, that the franchising authority will hold a public hearing to consider ordering the regulated cable operator to make a refund to subscribers.

(B) The franchising authority shall then conduct a public hearing to determine whether to order a refund to subscribers and the amount of the refund.

(C) The franchising authority shall send, by first class mail, to the regulated cable operator, written notice of the date, time and location of the public hearing. Said notice must be sent no less than seven days before the public hearing.
(Ord. 17, passed 11-2-1993)

112.27 REFUND HEARING DECISION.

(A) At any refund hearing the regulated cable operator may appear in person, by agent or in writing to comment upon whether the franchising authority should order a refund.

(B) Members of the public may also comment at the refund hearing in person, by agent or in writing.

(C) At the conclusion of the refund hearing, the franchising authority shall issue a written order, by resolution:

(1) Denying a refund; or

(2) Ordering the regulated cable operator to implement a refund.

(Ord. 17, passed 11-2-1993)

112.28 NOTICE OF FRANCHISING AUTHORITY DECISIONS.

(A) All decisions of the franchising authority issued pursuant to 112.25 and/or 112.27 shall be:

(1) In writing, by resolution, supported by its reasons; and

(2) Effective as of the date the franchising authority makes the decision.

(B) (1) Notice of all decisions of the franchising authority issued pursuant to 112.25 and/or 112.27 shall be published in a qualified newspaper of general circulation in the township no less than 15 days after the effective date of the decision.

(2) Said notice shall include:

(a) A summary of the franchising authority's written decision;

(b) A statement that copies of the franchising authority's decision are available for public inspection; and

(c) A statement as to the location at which, and times during which, the public may inspect copies of the franchising authority's decision.

(C) The franchising authority shall send, by first class mail, a copy of the franchising authority's decision to the regulated cable operator not more than seven days after the effective date of the franchising authority's decision.

(Ord. 17, passed 11-2-1993)

112.29 PROPRIETARY INFORMATION AND PRODUCTION DOCUMENTS.

(A) The franchising authority may require the regulated cable operator to produce documents needed to make rate decisions.

(B) Requests, that proprietary information be held confidential shall be supported by the regulated cable operator and be handled in a manner analogous to the procedures and criteria set forth in 47 C.F.R. Part 0.459.

(Ord. 17, passed 11-2-1993)

CHAPTER 113: WASTE HAULERS

Section

- 113.01 Title
- 113.02 Definitions
- 113.03 Purpose
- 113.04 License requirements
- 113.05 Procurement procedure for license
- 113.06 Conditions of license

- 113.99 Penalty

113.01 TITLE.

This chapter shall be known as and cited as the Big Rapids Charter Township Waste Hauler Licensing Chapter.
(Ord. 15, passed 6-4-1991)

113.02 DEFINITIONS.

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

BOARD. The Big Rapids Charter Township Board or any member or members designated by the board as its agent.

PERSON. Any individual, partnership, association or corporation.

TOWNSHIP. The Big Rapids Charter Township.

WASTE HAULER. Any person or persons who haul trash, rubbish, garbage or recyclable materials for profit within the township.
(Ord. 15, passed 6-4-1991)

113.03 PURPOSE.

(A) The purpose of this chapter is to assure compliance with the current Department of Natural Resources Solid Waste Management Act, Public Act 451 of 1994, being M.C.L.A. 324.11501 et seq., which states:

A solid waste hauler transporting solid waste over a public road in this state shall deliver all waste to a disposal area or solid waste transfer facility licensed under this Act (641) and shall use only a vehicle or container that does not contribute to littering and that conforms to the rules promulgated by the Director (see M.C.L.A. 324.11527(1)).

(B) The second purpose of this chapter is to establish a registry of waste hauling's businesses that operate within the township for the general information of the public.
(Ord. 15, passed 6-4-1991)

113.04 LICENSE REQUIREMENTS.

No person may commence or continue a waste hauling business, as herein defined, within the township without having first obtained a township license as provided hereafter and without maintaining such license in current effect during any business operation or activity.
(Ord. 15, passed 6-4-1991) Penalty, see 113.99

113.05 PROCUREMENT PROCEDURE FOR LICENSE.

No license to commence or continue a waste hauling business shall be issued until the owner or operator thereof shall have first submitted an application to the Clerk of the township on a form provided by the township. A fee of an amount as set by the Township Board from time to time shall accompany the application. Upon the filing of the properly completed application and upon payment of the fee, the Clerk shall issue a license to the person to commence or continue the business designated in said application if the business complies with the terms of this chapter.
(Ord. 15, passed 6-4-1991) Penalty, see 113.99

113.06 CONDITIONS OF LICENSE.

The license issued under this chapter shall be effective until May 31 of the succeeding year with renewals of the same to be issued upon application and payment of the fee thereof in the same manner set forth herein for the original issuance of the license. No license shall be issued by the Clerk where the existing or proposed business would be illegal under any existing law or ordinance. No license may be transferred by the holder to any other person except upon prior approval of the Board. This Board shall have the right of inspection of the hauling vehicle to assure compliance with this chapter. In the event

of any noncompliance with the provisions of this chapter after a license has been issued, the same may be revoked by order of the board until the noncompliance has been corrected as determined by the Board. (Ord. 15, passed 6-4-1991) Penalty, see 113.99

113.99 PENALTY.

Any violation of this chapter or any part thereof shall be punishable by a fine not to exceed an amount as set by the Township Board from time to time. In addition, the township specifically reserves the right to proceed in any court of competent jurisdiction, for the purpose of obtaining an injunction, restraining order or other appropriate remedy to compel compliance with this chapter. (Ord. 15, passed 6-4-1991)





TITLE XV: LAND USAGE

Chapter

- 150. BUILDINGS**
- 151. DIVISION OF LOTS**
- 152. FLOODPLAIN MANAGEMENT**
- 153. ZONING**
- 154. JUNK ACCUMULATION**

CHAPTER 150: BUILDINGS

Section

State Building Code

150.01 Agency designated

Dangerous Buildings

150.15 Title

150.16 Definitions

150.17 Prohibition of dangerous buildings

150.18 Notice of dangerous building; hearing

150.19 Dangerous Building Hearing Officer; duties; hearing; order

150.20 Enforcement hearing before the Township Board or Dangerous Building Board of Appeals

150.21 Implementation and enforcement of remedies

150.22 Sanction for nonconformance with order

150.23 Dangerous Building Board of Appeals

150.24 Appeal of Township Board/Board of Appeals decision

Address, Street and Road Numbering

150.35 Preamble

150.36 Name

150.37 Purpose

150.38 Definitions

150.39 Regulation

150.40 Violation

150.41 Construction

150.99 Penalty

STATE BUILDING CODE**150.01 AGENCY DESIGNATED.**

Pursuant to the provisions of the Michigan Building, Electrical, Plumbing and Mechanical Code, in accordance with Public Act 230 of 1972, 9, being M.C.L.A. 125.1509, as amended, the Building Official of the township is hereby designated as the enforcing agency to discharge the responsibility of the township under Public Act 230 of 1972, being M.C.L.A. 125.1501 through 125.1531, as amended. The township assumes responsibility for the administration and enforcement of said Act throughout its corporate limits. (Ord. 26, passed 10-5-1999)

DANGEROUS BUILDINGS**150.15 TITLE.**

This subchapter shall be known and cited as the Big Rapids Charter Township Dangerous Buildings Subchapter. (Ord. 30, passed 3-16-2009)

150.16 DEFINITIONS.

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

DANGEROUS BUILDING. Any building or structure, residential or otherwise that has one or more of the following defects or is in one or more of the following conditions:

- (1) A door, aisle, passageway, stairway or other means of exit does not conform to the Township Fire Code or Township Building Code;
- (2) A portion of the building or structure is damaged by fire, wind, flood or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the catastrophe and does not meet the minimum requirements of the Housing Law of Michigan, Public Act 167 of 1917, being M.C.L.A. 125.401 et seq., as amended, or the Township Building Code for a new building or structure, purpose or location;
- (3) A part of the building or structure is likely to fall, become detached or dislodged, or collapse, and injure persons or damage property;

(4) A portion of the building or structure has settled to such an extent that walls or other structural portions of the building or structure have materially less resistance to wind than is required in the case of new construction by the Housing Law of Michigan, Public Act 167 of 1917, as amended, (M.C.L.A. 125.401 et seq.), or the Township Building Code;

(5) The building or structure, or a part of the building or structure, because of dilapidation, deterioration, decay, faulty construction or the removal or movement of some portion of the ground necessary for the support, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way;

(6) The building or structure, or a part of the building or structure, is manifestly unsafe for the purpose for which it is used;

(7) The building or structure is damaged by fire, wind or flood, or is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, or becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful or immoral act;

(8) A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation, is in a condition that the health officer of the township or county determines is likely to cause sickness or disease, or is likely to injure the health, safety or general welfare of people living in the dwelling;

(9) A building or structure is vacant, dilapidated and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers; and

(10) A building or structure that is unoccupied and is not listed as being available for sale, lease or rent with a real estate broker licensed under Article 25 of the Occupational Code, Public Act 299 of 1980, (M.C.L.A. 339.2501 et seq.), or is not publicly offered for sale by the owner. This division (10) does not apply to either of the following:

(a) A building or structure as to which the owner or agent does both of the following:

1. Notifies the local authority that the building or structure will remain unoccupied. The notice shall be given by the owner or agent not more than 30 days after the building or structure becomes unoccupied; and

2. Maintains the exterior of the building or structure and adjoining grounds in accordance with this subchapter and the Housing Law of Michigan, Public Act 167 of 1917, as amended, (M.C.L.A. 125.401 et seq.), or the Township Building Code.

(b) A secondary dwelling of the owner that is regularly unoccupied for a period of time each year, if the owner notifies the local authority that the dwelling will remain unoccupied for periods of time throughout the year. An owner who has given the notice prescribed by this division (10)(b) shall notify the local authority not more than 30 days after the dwelling no longer qualifies for this exception. As used in this division (10)(b),

SECONDARY DWELLING means a dwelling such as a vacation home, hunting cabin or summer home that is occupied by the owner or a member of the owner's family during part of year.

ENFORCING AGENCY. This township, through the Township Building Official and/or such other official(s) or agency as may be designated by the Township Board to enforce this subchapter.

TOWNSHIP BUILDING CODE. The Building Code administered and enforced in the township pursuant to the Stille-DeRossett-Hale Single State Construction Code Act, Public Act 230 of 1972, as amended, (M.C.L.A. 125.1501 et seq.).

(Ord. 30, passed 3-16-2009)

150.17 PROHIBITION OF DANGEROUS BUILDINGS.

It shall be unlawful for any owner or agent thereof to keep or maintain any building or part thereof which is a dangerous building as defined in this subchapter.

(Ord. 30, passed 3-16-2009) Penalty, see 150.99

150.18 NOTICE OF DANGEROUS BUILDING; HEARING.

(A) *Notice requirement.* Notwithstanding any other provision of this subchapter, if a building or structure is found to be a dangerous building, the enforcing agency shall issue a notice that the building or structure is a dangerous building.

(B) *Parties entitled to notice.* The notice shall be served on each owner of or party in interest in the building or structure in whose name the property appears on the last local tax assessment records of the township.

(C) *Contents of notice.* The notice shall specify the time and place of a hearing on whether the building or structure is a dangerous building and state that the person to whom the notice is directed shall have the opportunity at the hearing to show cause why the Hearing Officer should not order the building or structure to be demolished, otherwise made safe or properly maintained.

(D) *Service of notice.* The notice shall be in writing and shall be served upon the person to whom the notice is directed either personally or by certified mail, return receipt requested, addressed to the owner or party in interest at the address shown on the tax records. If a notice is served upon a person

by certified mail, a copy of the notice shall also be posted upon a conspicuous part of the building or structure. The notice shall be served upon the owner or party in interest at least ten days before the date of the hearing included in the notice.

(Ord. 30, passed 3-16-2009)

150.19 DANGEROUS BUILDING HEARING OFFICER; DUTIES; HEARING; ORDER.

(A) *Appointment of Hearing Officer.* The Hearing Officer shall be appointed by the Township Supervisor to serve at his or her pleasure. The Hearing Officer shall be a person who has expertise in housing matters, including, but not limited to, an engineer, architect, building contractor, building inspector or member of a community housing organization. An employee of the enforcing agency shall not be appointed as a Hearing Officer.

(B) *Filing dangerous building notice with Hearing Officer.* The enforcing agency shall file a copy of the notice of the dangerous condition of any building with the Hearing Officer.

(C) *Hearing testimony and decision.* At a hearing prescribed by this subchapter, the Hearing Officer shall take testimony of the enforcing agency, the owner of the property and any interested party. Not more than five days after completion of the hearing, the Hearing Officer shall render a decision either closing the proceedings or ordering the building or structure demolished, otherwise made safe, or properly maintained.

(D) *Compliance with Hearing Officer Order.* If the Hearing Officer determines that the building or structure should be demolished, otherwise made safe or properly maintained, the Hearing Officer shall so order, fixing a time in the order for the owner, agent or lessee to comply with the order. If the building is a dangerous building under 150.16 in division (10) of the definition for dangerous building, the order may require the owner or agent to maintain the exterior of the building and adjoining grounds owned by the owner of the building including, but not limited to, the maintenance of lawns, trees and shrubs.

(E) *Noncompliance with Hearing Officer order/request to enforce order.* If the owner, agent or lessee fails to appear or neglects or refuses to comply with the order issued under division (D) above, the Hearing Officer shall file a report of the findings and a copy of the order with the Township Board not more than five days after noncompliance by the owner and request that necessary action be taken to enforce the order. If the Township Board has established a Dangerous Building Board of Appeals pursuant to 150.23, the Hearing Officer shall file the report of the findings and a copy of the order with the Board of Appeals and request that necessary action be taken to enforce the order. A copy of the findings and order of the Hearing Officer shall be served on the owner, agent or lessee in the manner prescribed in 150.18(D).

(Ord. 30, passed 3-16-2009)

150.20 ENFORCEMENT HEARING BEFORE THE TOWNSHIP BOARD OR DANGEROUS BUILDING BOARD OF APPEALS.

The Township Board, or the Dangerous Building Board of Appeals, as applicable, shall fix a date not less than 30 days after the hearing prescribed in 150.19(C) for a hearing on the findings and order of the Hearing Officer and shall give notice to the owner, agent or lessee in the manner prescribed in 150.18(D) of the time and place of the hearing. At the hearing, the owner, agent or lessee shall be given the opportunity to show because why the order should not be enforced. The Township Board or the Board of Appeals shall either approve, disapprove or modify the order. If the Township Board or the Board of Appeals approves or modifies the order, the Township Board shall take all necessary action to enforce the order. If the order is approved or modified, the owner, agent or lessee shall comply with the order within 60 days after the date of the hearing under this section. In the case of an order of demolition, if the Township Board or the Board of Appeals determines that the building or structure has been substantially destroyed by fire, wind, flood or other natural disaster and the cost of repair of the building or structure will be greater than the state equalized value of the building or structure, the owner, agent or lessee shall comply with the order of demolition within 21 days after the date of the hearing under this section.

(Ord. 30, passed 3-16-2009) Penalty, see 150.99

150.21 IMPLEMENTATION AND ENFORCEMENT OF REMEDIES.

(A) *Implementation of order by township.* In the event of the failure or refusal of the owner or party in interest to comply with the decision of the Township Board, or the Board of Appeals, as applicable, the Township Board may, in its discretion, contract for the demolition, making safe or maintaining the exterior of the building or structure or grounds adjoining the building or structure.

(B) *Reimbursement of costs.* The costs of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure, incurred by the township to bring the property into conformance with this subchapter shall be reimbursed to the township by the owner or party in interest in whose name the property appears.

(C) *Notice of costs.* The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified by the Township Assessor of the amount of the costs of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure, by first class mail at the address shown on the township records.

(D) *Lien for unpaid costs.* If the owner or party in interest fails to pay the costs within 30 days after mailing by the Assessor of the notice of the amount of the cost, in the case of a single-family dwelling or a two-family dwelling, the township shall have a lien for the costs incurred by the township to bring the property into conformance with this subchapter. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. A lien provided for in this division (D) does not have

priority over previously filed or recorded liens and encumbrances. The lien for the costs shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax Act, Public Act 206 of 1893, as amended, (M.C.L.A. 211.1 et seq.).

(E) *Court judgment for unpaid costs.* In addition to other remedies under this subchapter, the township may bring an action against the owner of the building or structure for the full cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure. In the case of a single-family dwelling or a two-family dwelling, the township shall have a lien on the property for the amount of a judgment obtained pursuant to this division (E). The lien provided for in this division (E) shall not take effect until notice of the lien is filed and recorded as provided for by law. The lien does not have priority over prior filed or recorded liens and encumbrances.

(F) *Enforcement of judgment.* A judgment in an action brought pursuant to division (E) above may be enforced against assets of the owner other than the building or structure.

(G) *Lien for judgment amount.* In the case of a single-family dwelling or a two-family dwelling the township shall have a lien for the amount of a judgment obtained pursuant to division (E) above against the owner's interest in all real property located in this state that is owned in whole or in part by the owner of the building or structure against which the judgment is obtained. A lien provided for in this division (G) does not take effect until notice of the lien is filed or recorded as provided by law, and the lien does not have priority over prior filed or recorded liens and encumbrances.

(Ord. 30, passed 3-16-2009)

150.22 SANCTION FOR NONCONFORMANCE WITH ORDER.

Any person or other entity who fails or refuses to comply with an order approved or modified by the Township Board, or Board of Appeals, as applicable, under 150.20 within the time prescribed by that section is responsible for a municipal civil infraction.

(Ord. 30, passed 3-16-2009) Penalty, see 150.99

150.23 DANGEROUS BUILDING BOARD OF APPEALS.

(A) *Establishment and duties.* The Township Board may establish a Dangerous Building Board of Appeals to hear all of the cases and carry out all of the duties of the Township Board described in 150.20. If the Township Board establishes a Board of Appeals, the establishment and operation of the Board of Appeals shall be controlled by the following provisions of this section.

(B) *Membership.* The Board of Appeals shall be appointed by the Township Board and shall consist of the following members:

- (1) A building contractor;

(2) A registered architect or engineer;

(3) Two members of the general public; and

(4) An individual registered as a building official, plan reviewer or inspector under the Building Officials and Inspectors Registration Act, Public Act 54 of 1986, (M.C.L.A. 338.2301 et seq.). The individual may not be an employee of the enforcing agency.

(C) *Terms.* Board of Appeals members shall be appointed for three years, except that of the members first appointed, two members shall serve for one year, two members shall serve for two years, and one member shall serve for three years. A vacancy created other than by expiration of a term shall be filled for the balance of the unexpired term in the same manner as the original appointment. A member may be reappointed for additional terms.

(D) *Officers.* The Board of Appeals annually shall select a Chairperson, Vice Chairperson and other officers that the Board of Appeals considers necessary.

(E) *Quorum and final action votes.* A majority of the Board of Appeals members appointed and serving constitutes a quorum. Final action of the Board of Appeals shall be only by affirmative vote of a majority of the Board members appointed and serving.

(F) *Compensation and expenses.* The Township Board shall fix the amount of any per diem compensation provided to the members of the Board of Appeals. Expenses of the Board of Appeals incurred in the performance of official duties may be reimbursed as provided by law for employees of the Township Board.

(G) *Open Meetings Act applicable.* A meeting of the Board of Appeals shall be held pursuant to the Open Meetings Act, Public Act 267 of 1976, as amended, (M.C.L.A. 15.261 et seq.). Public notice of the time, date and place of the meeting shall be given in the manner required by the Open Meetings Act.

(H) *Freedom of Information Act applicable.* A writing prepared, owned, used, in the possession of or retained by the Board of Appeals in the performance of an official function shall be made available to the public pursuant to the Freedom of Information Act, Public Act 442 of 1976, as amended, (M.C.L.A. 15.231 et seq.).

(Ord. 30, passed 3-16-2009)

150.24 APPEAL OF TOWNSHIP BOARD/BOARD OF APPEALS DECISION.

An owner aggrieved by any final decision or order of the Township Board, or the Board of Appeals, as applicable, under 150.20 may appeal the decision or order to the circuit court by filing a petition for an order of superintending control within 20 days from the date of the decision.

(Ord. 30, passed 3-16-2009)

ADDRESS, STREET AND ROAD NUMBERING

150.35 PREAMBLE.

It is hereby determined by the Township Board that the health, safety and welfare of the inhabitants of the township would be better served by the establishment of a township wide street and road numbering system. Such uniform street and road numbering will enable the police agencies, ambulance service and public utilities to more rapidly identify and locate properties within the township. It is further determined that the establishment of regulations and standards be provided within the framework of governing law. (Ord. 27, passed 10-5-1999)

150.36 NAME.

This subchapter shall be known and cited as Big Rapids Charter Township Address, Street and Road Numbering Subchapter. (Ord. 27, passed 10-5-1999)

150.37 PURPOSE.

The purpose of this subchapter is to establish a township wide, with the exception of city street and road numbering system in a uniform logical manner; to provide for a central point to issue and control numbering and to provide rules and guidelines to facilitate enforcement thereof. (Ord. 27, passed 10-5-1999)

150.38 DEFINITIONS.

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

EAST AND WEST BASE LINE. A line drawn east and west across the south boundary of the township (12 Mile Road).

INTERESTED PARTY. The emergency services, owner, occupant, Building Department public utilities or any other governmental agency.

NORTH AND SOUTH BASE LINE. A line drawn north and south across the east boundary of the township (180th Avenue).

Big Rapids Charter Township - Land Usage

ODD OR EVEN NUMBER. The system of having even numbers assigned on the right side and odd numbers on the left side of all streets and roads as a person faces away from the base lines.

PREMISES. Any lot or parcel of land owned by any person, firm or corporation, public or private, improved with buildings or vacant, whether occupied or not.

STREET NUMBER or ROAD NUMBER. Any series of numbers assigned by the Township Building Department in conformance with the township numbering grid system for the purpose of identification of a particular premises location in relation to the grid system.

STREET OR ROAD NAME. Any official name as recognized by government authority and no such named street or road shall be changed without approval of the Township Board and the County Road Commission.

TOWNSHIP NUMBERING SYSTEM.

(1) Refers to a general east and west, and a north and south numbering system with the provision of allowing 1,000 numbers per mile for each mile of distance from the base lines. Numbering of east - west streets or roads shall begin at 18000 at the north - south base line (180th Avenue) and the numbering of north - south streets or roads shall begin at 12000 at the east - west base line (12 Mile Road).

(2) Those areas of the township that were detached from the City of Big Rapids, and that use the city addressing scheme, will be numbered in accordance with the addressing policies that the city had in effect at the time of detachment.

(Ord. 27, passed 10-5-1999)

150.39 REGULATION.

(A) All premises and mailboxes shall bear a distinctive street number in accordance with and as designated upon the street numbering maps on file in the office of the Township Building Department which maps, by reference, together with any revisions thereof shall become an operative part of this subchapter.

(B) Any owner of any premises shall place upon the street front of such premises and on the street mailbox of such premises, in such position to be plainly visible, such designated number.

(C) Number on mailboxes shall be displayed in such manner as to be plainly visible from road traffic lanes in either direction of approach. The numbers shall be of a contrasting reflectorized color, to their background and shall be not less than one inch in height; numbers in block or script displayed on building fronts shall be of a contrasting reflectorized color to their background and shall be not less than three inches in height. Where there is no mail delivery, the assigned number shall be displayed

either on the street front of the premises or on a roadside sign or both in such manner as to be plainly visible from road traffic lanes in either direction of approach.

(D) Where the mailbox is located on a street other than the premises as numbered, the mailbox shall show both the number assigned and the street name of the premises in contrasting reflectorized color, to their background and shall be not less than one inch in height. Grouping of mailboxes shall be permitted but the grouping shall be in sequential order according to the assigned number.

(E) Numbers shall be assigned and recorded by the Township Building Department at the request of any interested party in accordance with these regulations.
(Ord. 27, passed 10-5-1999) Penalty, see 150.99

150.40 VIOLATION.

Failure to display numbers within 30 days after assignment and recordation, or in the case of new construction, within 30 days after a letter or certificate of occupancy has been issued, shall be considered a violation of this subchapter.

(Ord. 27, passed 10-5-1999) Penalty, see 150.99

150.41 CONSTRUCTION.

This subchapter shall not supersede any existing city authority for street numbering, but shall be in addition to and not in conflict with all other laws and ordinances respecting street and road numbering.

(Ord. 27, passed 10-5-1999)

150.99 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of 10.99.

(B) Any person or other entity who fails or refuses to comply with an order approved or modified by the Township Board, or Board of Appeals, as applicable, under 150.20 within the time prescribed by that section is responsible for a municipal civil infraction as defined by state law and subject to a civil fine of an amount as set by the Township Board from time to time, plus costs, which may include all direct or indirect expenses to which the township has been put in connection with the violation. A violator of 150.15 through 150.24 shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under state law. Each day a violation of this 150.15 through 150.24 continues to exist constitutes a separate violation.

Big Rapids Charter Township - Land Usage

(C) Any person, firm or corporation violating the provisions of 150.35 through 150.41 shall be subject to a fine of an amount as set by the Township Board from time to time. In addition to the imposition of the foregoing fines, penalties and other legal remedies, the Township Board may cause the proper posting of numbers, and the cost thereof assessed against the owner of such premises.
(Ord. 27, passed 10-5-1999; Ord. 30, passed 3-16-2009)

CHAPTER 151: DIVISION OF LOTS

Section

Land Division

- 151.01 Title
- 151.02 Purpose
- 151.03 Definitions
- 151.04 Prior approval requirements for land divisions
- 151.05 Application for land division approval
- 151.06 Procedure for review of applications for land divisions approval
- 151.07 Standards for approval of land divisions
- 151.08 Consequence of noncompliance with land division approval requirements

Procedures and Standards

- 151.20 Approval required
- 151.21 Division
- 151.22 Approval

- 151.99 Penalty

LAND DIVISION

151.01 TITLE.

This subchapter shall be known and cited as the Big Rapids Charter Township Land Division Subchapter.

(Ord. 9.01, passed 11-4-1997)

151.02 PURPOSE.

The purpose of this subchapter is to carry out the provisions of the State Land Division Act (Public Act 288 of 1967, being M.C.L.A. 560.101 through 560.293, as amended, formerly known as the

Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of the municipality by establishing reasonable standards for prior review and approval of land divisions within the township.

(Ord. 9.01, passed 11-4-1997)

151.03 DEFINITIONS.

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

APPLICANT. A natural person, firm, association, partnership, corporation or combination of any of them that holds an ownership interest in land whether recorded or not.

DIVIDE or DIVISION. The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of 108 and 109 of the State Land Division Act (Public Act 288 of 1967, being M.C.L.A. 560.101 through 560.293, as amended). ***DIVIDE*** and ***DIVISION*** does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the State Land Division Act, this subchapter and other applicable ordinances.

EXEMPT SPLIT or EXEMPT DIVISION. The partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors or assigns that does not result in one or more parcels of less than 40 acres or the equivalent; provided all resulting parcels are accessible for vehicular travel and utilities from existing public roads through existing adequate roads or easements, or through areas owned by the owner of the parcel that can provide such access.

FORTY ACRES OR THE EQUIVALENT. Either 40 acres, a quarter-quarter section containing not less than 30 acres or a government lot containing not less than 30 acres.

GOVERNING BODY. The Big Rapids Charter Township Board.
(Ord. 9.01, passed 11-4-1997)

151.04 PRIOR APPROVAL REQUIREMENTS FOR LAND DIVISIONS.

Land in the township shall not be divided without the prior review and approval of the Township Assessor, or other official designated by the governing body, in accordance with this subchapter and the

State Land Division Act (Public Act 288 of 1967, being M.C.L.A. 560.101 through 560.293, as amended); provided that the following shall be exempted from this requirement:

(A) A parcel proposed for subdivision through a recorded plat pursuant to the State Land Division Act;

(B) A lot in a recorded plat proposed to be divided in accordance with the State Land Division Act; and

(C) An exempt split as defined in this subchapter.
(Ord. 9.01, passed 11-4-1997)

151.05 APPLICATION FOR LAND DIVISION APPROVAL.

An applicant shall file all of the following with the Township Assessor or other official designated by the governing body for review and approval of a proposed land division before making any division either by deed, land contract lease for more than one year, or for building development:

(A) A completed application form on such form as may be approved by the Township Board;

(B) Proof of fee ownership of the land proposed to be divided;

(C) A tentative parcel map drawn to scale including an accurate legal description of each proposed division, and showing the boundary lines, approximate dimensions, and the accessibility of each division from existing or proposed public roads for automobile traffic and public utilities;

(D) Proof that all standards of the State Land Division Act (Public Act 288 of 1967, being M.C.L.A. 560.101 through 560.293, as amended) and this subchapter have been met;

(E) The history and specifications of the land proposed to be divided sufficient to establish that the proposed division complies with 108 of the State Land Division Act (Public Act 288 of 1967, being M.C.L.A. 560.101 through 560.293, as amended);

(F) If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer;

(G) Unless a division creates a parcel which is acknowledged and declared to be not a development site, all divisions shall result in buildable parcels with sufficient area to comply with all required setback provisions, minimum floor areas, off-street parking spaces, approved on-site sewage disposal and water well locations (where public water and sewer service is not available), access to existing public utilities and public roads, and maximum allowed area coverage of buildings and structures on the site. Declared agricultural land and land for forestry use shall not be subject to the foregoing as Adevelopment sites as provided in the State Land Division Act at 102; and

(H) The fee as may from time to time be established by resolution of the governing body of the township for land division reviews pursuant to this subchapter to cover the costs of review of the application and administration of the subchapter and the State Land Division Act (Public Act 288 of 1967, being M.C.L.A. 560.101 through 560.293, as amended).
(Ord. 9.01, passed 11-4-1997) Penalty, see 151.99

151.06 PROCEDURE FOR REVIEW OF APPLICATIONS FOR LAND DIVISIONS APPROVAL.

(A) The Assessor or other designee shall approve, approve with reasonable conditions to assure compliance with applicable ordinances and the protection of public health, safety and general welfare, or disapprove the land division applied for within 30 days after receipt of the application package conforming to this subchapter's requirements, and shall promptly notify the applicant of the decision and the reasons for any denial. If the application package does not conform to this subchapter's requirements and the State Land Division Act (Public Act 288 of 1967, being M.C.L.A. 560.101 through 560.293, as amended), the Assessor or other designee shall return the same to the applicant for completion and refile in accordance with this subchapter and the State Land Division Act.

(B) Any person or entity aggrieved by the decision of the Assessor or designee may, within 30 days of said decision appeal the decision to the governing body of the township or such other body or person designated by the governing body which shall consider and resolve such appeal by a majority vote of said Board or by the designee at its next regular meeting or session affording sufficient time for a 20-day written notice to the applicant (and appellants where other than the applicant) of the time and date of said meeting and appellate hearing.

(C) The Assessor or designee shall maintain an official record of all approved and accomplished land divisions or transfers.
(Ord. 9.01, passed 11-4-1997)

151.07 STANDARDS FOR APPROVAL OF LAND DIVISIONS.

A proposed land division shall be approved if the following criteria are met:

(A) All the parcels to be created by the proposed land division(s) fully comply with the applicable lot (parcel), yard and area requirements or pertinent ordinances, including, but not limited to, minimum lot (parcel) frontage/width, minimum road frontage, minimum lot (parcel) area, and maximum lot (parcel) coverage and minimum setbacks for existing buildings/structures or have received a variance from such requirement(s) from the appropriate Zoning Board of Appeals;

(B) The proposed land division(s) comply with all requirements of the State Land Division Act (Public Act 288 of 1967, being M.C.L.A. 560.101 through 560.293, as amended) and this subchapter;

(C) All parcels created and remaining have existing adequate accessibility, or an area available therefor, to a public road for public utilities and emergency and other vehicles not less than the requirements of all applicable ordinances; and

(D) The ratio of depth to width of any parcel created by the division does not exceed a four to one ratio exclusive of access roads, easements or non-development sites. The depth of a parcel created by a land division shall be measured within the boundaries of each parcel from the abutting road right-of-way to the most remote boundary line point of the parcel from the point of commencement of the measurement. The width of a parcel shall be measured at the abutting road or right-of-way line, or as otherwise provided in any applicable ordinances.

(Ord. 9.01, passed 11-4-1997)

151.08 CONSEQUENCE OF NONCOMPLIANCE WITH LAND DIVISION APPROVAL REQUIREMENTS.

Any parcel created in noncompliance with this subchapter shall not be eligible for any building permits, or zoning approvals, such as conditional land use approval or site plan approval, and shall not be recognized as a separate parcel on the assessment roll. In addition, violation of this subchapter shall subject the violator to the penalties and enforcement actions set forth in 151.99, and as may otherwise be provided by law.

(Ord. 9.01, passed 11-4-1997)

PROCEDURES AND STANDARDS

151.20 APPROVAL REQUIRED.

The division of a lot in a recorded plat in the township is prohibited, unless approved by the Township Assessor, following application to the Township Assessor. The application shall be filed with the Township Assessor and shall contain a drawing showing the dimensions and description of each part of the lot as proposed for dividing. The application shall also state the reasons for the proposed division.

(Ord. 9, passed 5-7-1985)

151.21 DIVISION.

(A) No lot in a recorded plat shall be divided into more than four parts, and the resulting lots shall be at least the minimum area required for building by the zoning ordinance in effect in the township at the time of application, for the district in which the platted lot is located. No building permit shall be issued, or any building construction commenced, unless the division has been approved by the Township

Assessor, and the suitability of the land for building sites has been approved by the County Health Department.

(B) The division of a lot resulting in a smaller area than prescribed by division (A) above may be permitted by the Township Assessor, but only for the purpose of adding to the existing building site or sites. The application shall be in affidavit form and shall so state the intent of the division.

(Ord. 9, passed 5-7-1985) Penalty, see 151.99

151.22 APPROVAL.

Approval of the division of a lot in a recorded plat shall be contingent on an agreement in writing by the applicant that any sales contract, deed or any other document presented for recording at the office of the County Register of Deeds shall be accompanied by a copy of the written approval of the Township Assessor and a copy of the drawing of the lot as approved by the Township Assessor for dividing.

(Ord. 9, passed 5-7-1985)

151.99 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of 10.99.

(B) (1) Any person who violates any of the provisions of 151.01 through 151.08 shall be deemed guilty of a misdemeanor and shall be punished by a fine of an amount as set by the Township Board from time to time or by imprisonment in the county jail for not to exceed 90 days or by both such fine and imprisonment.

(2) Any person who violates any of the provisions of 151.01 through 151.08 shall also be subject to a civil action seeking invalidation of the land division and appropriate injunctive or other relief.

(Ord. 9.01, passed 11-4-1997)

CHAPTER 152: FLOODPLAIN MANAGEMENT

Section

- 152.01 Agency defined
- 152.02 Code appendix enforced
- 152.03 Designation of regulated flood prone hazard areas

152.01 AGENCY DEFINED.

Pursuant to the provisions of the State Construction Code, in accordance with 8b(6) of Public Act 230 of 1972, being M.C.L.A. 125.1501 through 125.1531, as amended, the Building Official of the township is hereby designated as the enforcing agency to discharge the responsibility of the township under Public Act 230 of 1972, being M.C.L.A. 125.1501 through 125.1531, as amended. The township assumes responsibility for the administration and enforcement of said Act throughout the corporate limits of the community adopting this chapter.

(Ord. 34, passed 1-6-2015)

152.02 CODE APPENDIX ENFORCED.

Pursuant to the provisions of the State Construction Code, in accordance with 8b(6) of Public Act 230 of 1972, being M.C.L.A. 125.1501 through 125.1531, as amended, Appendix G of the State Building Code shall be enforced by the enforcing agency within the jurisdiction of the community adopting this chapter.

(Ord. 34, passed 1-6-2015)

152.03 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 February 4, 2015 and the Flood Insurance Rate Map(s) (FIRMS) panel number(s) of 26107C; 0127C, 0131C, 0133C, 0134C, 0151C, 0153C, 0154C, 0161C, 0162C, 0163C and 0164C dated February 4, 2015 are adopted by reference for the purposes of administration of the State Construction Code, and declared to be a part of 1612.3 of the State Building Code, and to provide the content of the Flood Hazards section of Table R301.2(1) of the State Residential Code.

(Ord. 34, passed 1-6-2015)

CHAPTER 153: ZONING

Section

Preamble

- 153.001 Purpose
- 153.002 Continuance of nonconforming uses and buildings
- 153.003 Essential service clause

Districts

- 153.015 Establishment of districts
- 153.016 A Residential District (uses and dimension regulations)
- 153.017 B Residential District (uses and dimension regulations)
- 153.018 Agricultural District (uses and dimension regulations)
- 153.019 Commercial District (uses and dimension regulations)
- 153.020 Industrial District
- 153.021 Highway Interchange District (HI)

Building Standards and Facilities

- 153.035 Building standards and facilities

Nonconforming Uses

- 153.050 Nonconforming use; generally
- 153.051 Alterations of a nonconforming use building
- 153.052 Building damage of a nonconforming use building
- 153.053 Discontinuance of nonconforming use
- 153.054 Completion of nonconforming buildings and structures
- 153.055 Substitution or expansion of nonconforming uses

Water and Sewage

- 153.070 Water supply and sewage disposal facilities

Shoreland Regulations

153.085 Shoreland regulations

Supplemental Regulations

153.100 Restrictions of record
153.101 Automobile or travel trailers
153.102 Outdoor lighting regulations

Parking

153.115 Vehicular parking space, access and lighting

Special Use Permits

153.130 Uses by special permit

Planned Unit Development

153.145 Intent
153.146 Modification powers
153.147 Application procedure
153.148 Review procedure
153.149 Open space preservation

Temporary Dwelling Structures

153.160 Temporary dwelling structures
153.161 Regulations governing the location of junk yards

Advertising Signs

153.175 Advertising signs
153.176 Uses and conditions
153.177 Exemptions
153.178 Sign permits

Site Use Design Standards

153.190 Site use standards

Mineral Mining Control

- 153.205 Title
- 153.206 Interpretation, existing operation and restrictions
- 153.207 Definitions
- 153.208 License required
- 153.209 Licensing procedure
- 153.210 Application contents
- 153.211 Fees
- 153.212 Issuance of license
- 153.213 Conditions in license
- 153.214 Fencing and screening
- 153.215 Hours of operation
- 153.216 Road access
- 153.217 Road maintenance
- 153.218 Operation of use
- 153.219 Noise standards
- 153.220 Performance bond
- 153.221 Plan of operations
- 153.222 Transportation vehicle standards
- 153.223 Lighting
- 153.224 Drainage
- 153.225 Setbacks
- 153.226 Reclamation plan
- 153.227 General requirements
- 153.228 Termination and reclamation
- 153.229 Excavation/filling
- 153.230 Bank slopes
- 153.231 Vegetation
- 153.232 Cessation of mining
- 153.233 Remedies

Communication Towers

- 153.245 Communication towers
- 153.246 Qualifying conditions

Sexually Oriented Businesses

- 153.250 Purpose and findings
- 153.251 Uses subject to control
- 153.252 Definitions
- 153.253 Unlawful activities
- 153.254 Scierter required to prove violation or business liability
- 153.259 Penalty

Administration and Enforcement

- 153.260 Zoning Administrator
- 153.261 Permits
- 153.262 Site plan review

Board of Appeals

- 153.275 Organization
- 153.276 Meetings; powers and duties of Chairperson; records
- 153.277 Duties
- 153.278 Hearings and notices

Definitions

- 153.290 Definitions

Legal Status

- 153.305 Validity
- 153.306 Effective date
- 153.999 Penalty

PREAMBLE

153.001 PURPOSE.

(A) To promote the public health, safety, morals and general welfare of the township;

(B) To encourage the use of lands in accordance with their characters and capabilities and to limit the improper use of land;

(C) To avoid overcrowding of land;

(D) To lessen congestion on the public roads;

(E) To reduce hazards to life and property; and

(F) To conserve expenditure of funds for public improvements and services to conform to the most advantageous use of land and resources.

(Ord. 2, passed 8-12-1971; Ord. 3, passed 8-8-1974)

153.002 CONTINUANCE OF NONCONFORMING USES AND BUILDINGS.

The lawful use of any building, land or premises existing prior to the enactment of this chapter may be continued on such terms as hereinafter provided, (see 153.050) although such use does not conform to all of the provisions of this chapter or amendment.

(Ord. 2, passed 8-12-1971; Ord. 3, passed 8-8-1974)

153.003 ESSENTIAL SERVICE CLAUSE.

The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions, of overhead or underground gas, electrical, steam or water, distribution or transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health or safety or general welfare, shall be permitted as authorized by law and other ordinances of the county and the township in any use district, it being the intention hereof to exempt such erection, construction, alteration and maintenance from the application of this chapter.

(Ord. 2, passed 8-12-1971; Ord. 3, passed 8-8-1974)

*DISTRICTS***153.015 ESTABLISHMENT OF DISTRICTS.**

(A) The unincorporated portion of the township is hereby divided into the following land use districts:

- (1) A-Residential District;
- (2) B-Residential District;
- (3) Commercial District;
- (4) Industrial District;
- (5) Highway Interchange District; and
- (6) Agricultural District.

(B) Said districts are bounded on a map entitled Land Use Map of Big Rapids Charter Township, Michigan, which map is made part of this chapter.

(C) The districts above designated are described as in Big Rapids Township, Mecosta County, Michigan, as follows:

(1) *A-Residential District.*

- (a) Section 1: The E 1/2 of the NE 1/4 and the E 1/2 of the SE 1/4;
- (b) Section 2: The part of the SE 1/4 outside the city limits of the City of Big Rapids;
- (c) Section 10: The E 1/2 of the NW 1/4; the part of the S 1/2, lying outside of the limits of the City of Big Rapids; the E 1/2 of the NE 1/4 of the NW 1/4 and the SW 1/4 of the NW 1/4;
- (d) Section 12: All of the NE 1/4 and the E 1/2 of the NW 1/4;
- (e) Section 13: The part of the S 1/2 of the S 1/2 of the SW 1/4 lying west of the Old Millpond Road;
- (f) Section 14: The part of the S 1/2 of the S 1/2 of the SE 1/4 lying east of the Muskegon River;
- (g) Section 15: All the section lying outside of the limits of the City of Big Rapids;
- (h) Section 21: The E 1/2 of the SE 1/4;

(i) Section 22: All that part of the NE 1/4 lying outside the city limits of the City of Big Rapids, the entire NW 1/4, the entire SW 1/4 and the W 1/2 of the SE 1/4;

(j) Section 23: All that part of Section 23 lying north and east of the Muskegon River;

(k) Section 24: All of the W 1/2 of the W 1/2 of Section 24 lying north of the Muskegon River, except that part lying east of the centerline of the Old Millpond Road;

(l) Section 25: All of Section 25;

(m) Section 26: NW 1/4 of the SE 1/4;

(n) Section 27: That portion of the NE 1/4 platted as Gilbert Manor and the N 1/2 of the NW 1/4;

(o) Section 33: E 1/2 of NW 1/4 and the W 1/2 of the NE 1/4; and

(p) Section 36: All that part of Section 36 lying east of the Muskegon River.

(2) *B-Residential District.*

(a) Section 13: That part lying south of Fifteen Mile Road; that part of the E 1/2 of the SE 1/4 of the SE 1/4 lying north of Fifteen Mile Road; SE 1/4 of the NW 1/4 of the NW 1/4; and the W 1/2 of the NE 1/4 of the NW 1/4 of the NW 1/4;

(b) Section 24: All of the E 1/2 lying east of the Muskegon River; that part of the NE 1/4 of the NW 1/4 lying south of Fifteen Mile Road and east of the White Pine Trail State Park; and

(c) Section 36: All of Section 36 lying west of Muskegon River, except the NW 1/4.

(3) *Commercial District.*

(a) Section 3: That part of the NW 1/4 lying north of Northland Drive; the S 1/2 of the SW 1/4 of SE 1/4; and the S 1/2 of the N 1/2 of the SW 1/4 of the SE 1/4 including all the lots of the Brown's Addition not in the city and portions of the Chew's Farm Addition; a parcel 200 feet N & S and 503.5 feet E & W in the far NE corner of the NW 1/4 of the NW 1/4; and a parcel 238.5 feet of the E & W and 365.5 feet N & S in the far SE corner of the NW 1/4;

(b) Section 12: All of the S 1/2 of the SW 1/4;

(c) Section 13: The NE 1/4 of the NW 1/4; and the E 1/2 of the NE 1/4 of the NW 1/4 of the NW 1/4;

(d) Section 22: The E 1/2 of the SE 1/4;

Big Rapids Charter Township - Land Usage

(e) Section 23: The W 1/2 of the SW 1/4 lying south of the city limits of the City of Big Rapids, the N 1/2 of the NE 1/4 of the SW 1/4 lying south of the Muskegon River, and the SW 1/4 of the NE 1/4 of the SW 1/4;

(f) Section 26: The SW 1/4 and the W 1/2 of the NW 1/4; and

(g) Section 27: A parcel of land commencing at the NE Section Corner of Section 27, thence south along the west right-of-way of Northland Drive 275 feet, thence west parallel with the north section line 300 feet, thence north parallel with the right-of-way of Northland Drive 275 feet, thence east along the north section line 300 feet to the point of beginning.

(4) *Industrial District.*

(a) Section 3: The part of the NW 1/4 lying south and west of Northland Drive, excluding a partial 200 feet N & S and 503.5 feet E & W in the far NE corner of the NW 1/4 of the NW 1/4, and also excluding a partial 238.5 feet E & W and 365.5 feet N & S in the far SE corner of the NW 1/4; the NE 1/4 of the SW 1/4; the N 1/2 of the NW 1/4 of the SW 1/4; the SE 1/4 of the NW 1/4 of the SW 1/4; all the part of the N 1/2 of the N 1/2 of the SE 1/4 lying W of Northland Drive; all the part of the NW 1/4 of the SE 1/4 lying west of Northland Drive; a part of the SW 1/4 beginning 0 degrees, 49 minutes W 50 feet of the SE corner of the SW 1/4 of the NW 1/4 of the SW 1/4, thence 34 degrees, 52 minutes W 395.8 ft., thence 62 degrees, 25 minutes 450 feet, thence N 24 degrees, 23 minutes E to N line of the SW 1/4 of the NW 1/4 of the SW 1/4, thence E to the 1/16 quarter line, thence S to the point of beginning;

(b) Section 4: The N 1/2;

(c) Section 5: The part of the NE 1/4 east of U.S. 131 Expressway; and

(d) Section 12: The part of the SW 1/4 of the NW 1/4 not in the limits of the City of Big Rapids.

(5) *Highway Interchange District.*

(a) Section 16: The SW 1/4; the N 1/2 of the SE 1/4; and the W 1/2 of the W 1/2 of the SW 1/4 of the SE 1/4;

(b) Section 17: The E 1/2 of the SE 1/4;

(c) Section 20: The E 1/2 of the NE 1/4; and

(d) Section 21: The NW 1/4; and the W 1/2 of the W 1/2 of the NW 1/4.

(6) *Agricultural District.* All land in the unincorporated portion of Big Rapids Township not described in the other districts.

(Ord. 2, passed 8-12-1971; Ord. 2.01, passed 3-6-1973; Ord. 2.02, passed 3-6-1973; Ord. 2.03, passed 9-4-1973; Ord. 3, passed 8-8-1974; revised 9-9-2015)

153.016 A-RESIDENTIAL DISTRICT (USES AND DIMENSION REGULATIONS).

The following uses and dimension regulations shall apply in A-Residential District.

(A) *Permitted uses.*

- (1) One-family dwellings;
- (2) Two-family dwellings;
- (3) Gardening, farming and small household pets but not including the commercial raising of animals;
- (4) Office of a physician, lawyer, dentist, veterinarian or other professional person residing on the premises; and
- (5) Churches or schools subject to the provisions of 153.130.

(B) *Permitted accessory uses.*

- (1) Any other structure or use clearly accessory and incidental to a permitted use but not including an additional dwelling unit;
- (2) Parking for automobiles owned and used by a person(s) residing on the premises, but not including more than two commercial vehicles per lot; and
- (3) The keeping of not more than one person as a tenant in each dwelling unit.

(C) *Minimum lot size.*

- (1) Forty-three thousand five hundred and sixty square feet for any lot, provided that existing separately owned lots and platted lots may be accepted from this restriction, but such lots shall not be used for building purposes unless they contain at least:
 - (a) Fifteen thousand square feet; and
 - (b) Eighteen thousand square feet for two-family dwellings.
- (2) Any lots in subdivisions platted before the adoption of the Big Rapids Township Zoning Ordinance on August 16, 1974, shall be exempt from the 15,000 square feet minimum requirement.

(D) *Minimum street frontage.* One hundred sixty-five feet, provided that existing separately owned lots and platted lots may be excepted from this restriction.

(E) *Minimum yard depth for principal structures.*

(1) (a) *Front.* Fifty feet from the front of the house structure to the nearest road or street right-of-way line. The right-of-way line shall be the line 33 feet from the road or street centerline, or further, if so established by easement grant and surveyed.

(b) *Side.* Fifteen feet from the side of the structure to the side lot line. Small accessory buildings: eight feet from the side of the structure to the side lot line. A small accessory building is building 150 square feet or less no higher than 12 feet at the peak.

(c) *Rear.* Fifty feet from the rear of the house structure to the rear lot line. Accessory buildings 15 feet from the rear of the structure to the rear lot line.

(2) Existing separately owned lots and platted lots may be excepted from the above requirements, but in such cases the front of the house structure shall not be less than 60 feet from the centerline of the road or street, the side lot distance shall not be less than eight feet and the rear lot distance shall not be less than 25 feet, providing such modifications do not violate the intent of this chapter.

(F) *Floor area requirement.*

(1) Single-family dwellings shall contain not less than 960 square feet of floor area, two-thirds of which shall be on the main floor in multi-level dwellings.

(2) Two-family dwellings shall have not less than 800 square feet of floor area for each dwelling unit, two-thirds of which shall be on the main floor in multi-level dwellings.

(3) All areas referred to are exclusive of any attached garage, open porch or other open attached structure.

(G) *Mobile homes.* No mobile homes shall be permitted, placed or erected in A Residential District. Travel trailers and other mobile homes designed for travel and not designed for semi-permanent placement on the land may be temporarily stored on the owner's premises.

(H) *Other uses.* No other use of structures and no other dimensions shall be permitted in A Residential District, except as stated in this section.

(Ord. 3, passed 8-8-1974; Ord. 3.04, passed 11-23-1976; Ord. 3.16, passed 6-1-1982; Ord. 3.28, passed 10-3-2000)

153.017 B-RESIDENTIAL DISTRICT (USES AND DIMENSION REGULATIONS).

The following uses and dimension regulations shall apply in B-Residential District.

(A) *Permitted uses.*

- (1) Single-family dwellings;
- (2) Two-family dwellings;
- (3) Boarding houses or rooming houses subject to the provision of 153.130;
- (4) Multi-family dwellings;
- (5) Gardening, farming and small household pets, but not including the commercial raising of animals;
- (6) Nursing or convalescent homes or homes for the aged or infirm or indigent;
- (7) Office of a physician, lawyer, dentist, veterinarian, surveyor, architect or other professional person resident on the premises;
- (8) Manufacturing and sale of handicraft, or home-craft products, providing that such products are manufactured and sold by a person residing on the premises and not employing more than one employee;
- (9) Churches or schools subject to the provisions of 153.130;
- (10) Year-round mobile home parks licensed annually by the state shall be allowed in B Residential District by special permit from the Zoning Board, subject to the provisions of 153.130; and
- (11) Mobile homes not in mobile home parks, shall be subject to the provisions of 153.035.

(B) *Permitted accessory uses.*

- (1) Any other structure or use clearly accessory and incidental to a permitted use, but not including an additional dwelling unit; and
- (2) Parking for automobiles owned and used by a person(s) residing on the premises, but not including more than two commercial vehicles per family dwelling.

(C) *Minimum lot size.*

- (1) Fifteen thousand square feet for single-family dwellings, existing separately owned lots, and platted lots excepted;
- (2) Eighteen thousand square feet for two-family dwellings;

Big Rapids Charter Township - Land Usage

(3) Seven thousand five hundred square feet per family unit of multi-family dwellings; and

(4) For parcels where both public sanitary sewer and public water services are provided the minimum lot size shall be 7,000 square feet for single-family homes, 9,000 square feet for duplex and 6,500 square feet per apartment.

(D) *Minimum street frontage.*

(1) One hundred feet for single-family dwellings;

(2) One hundred feet for two-family dwellings;

(3) One hundred feet for boarding or rooming houses; and

(4) One hundred forty feet for multi-family dwellings.

(E) *Minimum yard depth for principle structures.*

(1) *Front.* Fifty feet from the front of the house structure to the nearest road or street right-of-way line. The right-of-way line shall be the line 33 feet from the centerline, or further, if so established by grant and surveyed.

(2) *Side.* Eight feet from side of structure to the side lot line.

(3) *Rear.* Twenty-five feet from the rear of structure to rear lot line. Accessory buildings: eight feet from the rear of the structure to the rear lot line.

(F) *Floor area requirements.*

(1) Single-family dwellings shall contain not less than 800 square feet of floor area, two-thirds of which shall be on the main floor in multi-level dwellings.

(2) Two-family dwellings shall contain not less than 750 square feet of floor area, two-thirds of which shall be on the main floor in multi-level dwellings.

(3) Boarding or rooming houses shall contain not less than 750 square feet for the dwelling unit plus 100 square feet for each renting tenant.

(4) (a) Multi-family dwellings shall be constructed to meet the following standards of square footage per dwelling unit, based on the usage of the dwelling unit by the number of bedrooms.

<i>Number of Bedrooms</i>	<i>Required Square Footage</i>
0	550
1	650
2	750
3	850
4	950

(b) Each dwelling unit with more than four bedrooms shall have a minimum of 100 square feet added to its total size for each bedroom over four.

(c) All areas referred to are exclusive of any area of attached garage, open porch or other open attached structure.

(G) *Mobile homes.* Mobile homes not in mobile home parks shall be subject to the provisions of 153.035.
(Ord. 3.33, passed - -; Ord. 3, passed 8-8-1974; Ord. 3.16, passed 6-1-1982; Ord. 3.19, passed 1-3-1995; Ord. 3.29, passed 11-14-2000)

153.018 AGRICULTURAL DISTRICT (USES AND DIMENSION REGULATIONS).

The following uses and regulations shall apply in the Agricultural District.

(A) *Permitted uses.*

- (1) Any use allowed in an AA Residential District;
- (2) Farming, including the raising of livestock, raising trees and harvesting wood;
- (3) Sale of products produced mainly on the premises; and
- (4) Mobile homes subject to the provisions of 153.035.

(B) *Uses by special permit as provided for by 153.130.*

(1) Housing as follows:

- (a) Boarding houses, rooming houses;
- (b) Multi-family dwellings;

(c) Nursing and convalescent homes, as well as an adult foster care facility, foster family home, and foster family group homes pursuant to Public Act 287 of 1972, being M.C.L.A. 331.681 - 331.694, Public Act 11 of 1973, being M.C.L.A. 470.2 or Public Act 218 of 1979, being M.C.L.A. 400.701 - 400.735;

- (d) Child care facilities;
- (e) Bed and breakfast;
- (f) Resorts; or
- (g) Condominiums.

(2) Cemeteries;

(3) Home occupations subject to 153.190(C);

(4) Commercial uses listed in the Commercial District in 153.019(A);

(5) Other commercial uses as follows:

- (a) Architect and surveyors' offices;

Big Rapids Charter Township - Land Usage

- (b) Chiropractic offices;
 - (c) Counseling centers;
 - (d) Furniture restoration businesses;
 - (e) Laboratories for the production of supplies for other professions;
 - (f) Indoor automobile, truck and equipment storage;
 - (g) Mini storage facilities;
 - (h) Greenhouses, nurseries and landscaping businesses;
 - (i) Truck repair facilities;
- (6) Transmission towers;
- (7) Sawmills together with such storage and accessory uses incidental thereto;
- (8) Recreational facilities as follows:
- (a) Golf courses;
 - (b) Campground, camps and day camps;
 - (c) Parks and playgrounds;
 - (d) Indoor shooting ranges;
 - (e) Riding stables; and
 - (f) Farm machinery demonstrations.
- (9) Other agricultural uses as follows:
- (a) Retail butcher shop;
 - (b) Produce stand, farm market (including crops and farm products not produced on the premises);
 - (c) Taxidermy and fur dressing (but not commercial slaughter houses);
 - (d) Veterinarian practice and veterinary hospitals;
 - (e) Living quarters on the farm; and
 - (f) Winery.

- (10) Mineral sand and gravel extraction and processing;
- (11) Outdoor display and advertising media as provided by 153.175 through 153.178; and
- (12) Recreational vehicles subject to the provisions of 153.101.

(C) *Minimum lot size.* One acre, except in platted areas where the State Subdivision Control Act, being M.C.L.A. 560.101 et seq. shall control. Parcels that are accessible to both public sanitary sewer and public water services; the minimum lot size shall be 7,000 square feet for single-family homes, 9,000 square feet for duplex and 6,500 square feet for apartments.

(D) *Minimum frontage.* One hundred sixty-five feet.

(E) *Minimum yard depths for principal structures.*

(1) (a) *Front.* Fifty feet from the front of the house structure to the nearest road or street right-of-way line. The right-of-way line shall be the line 33 feet from the centerline, or further, if so established by grant and surveyed;

(b) *Side.* Fifteen feet from the side of the structure to the side lot line; and

(c) *Rear.* Fifty feet from the rear of the house structure to the rear lot line. Accessory buildings 15 feet from the rear of the structure to the rear lot line.

(2) Existing separately owned lots and platted lots are excepted from the above requirements, but in such cases the front of the house structure shall not be less than 60 feet from the centerline of the road or street, the side lot distance shall not be less than eight feet, and the rear lot distance shall not be less than 25 feet provided such modifications do not violate the intent of this chapter.

(F) *Floor area requirements.*

(1) (a) Single-family dwellings shall contain not less than 800 square feet, two-thirds of which shall be on the main floor in multi-level dwellings.

(b) Two-family dwellings shall contain not less than 750 square feet for each dwelling unit, two-thirds of which shall be on the main floor of multi-level dwellings, plus 100 square feet for each renting tenant.

(c) Rooming houses or boarding houses shall contain not less than 750 square feet of floor area for the dwelling unit plus 100 square feet for each renting tenant.

(2) All area referred to are exclusive of any area of attached garage, open porch or other attached structure.

(Ord. 3.33, passed - -; Ord. 2, passed 8-12-1971; Ord. 3, passed 8-8-1974; Ord. 3.16, passed 6-1-1982; Ord. 3.19, passed 1-3-1995; Ord. 3.29, passed 11-14-2000)

153.019 COMMERCIAL DISTRICT (USES AND DIMENSION REGULATIONS).

The following uses and regulations shall apply in the Commercial District.

(A) *Permitted uses.* Any structure used for the sale of food or goods at retail or for the sale or provisions of services as follows:

- (1) Any use as permitted in B-Residential Districts;
- (2) Antique shop;
- (3) Automobile sales, repair and rental establishment;
- (4) Automobile washing establishment;
- (5) Bakery goods store;
- (6) Bank;
- (7) Bar or tavern;
- (8) Barber shop or beauty parlor;
- (9) Boat sales, repair or storage;
- (10) Bowling lanes;
- (11) Cabin colonies;
- (12) Candy or confectionery store;
- (13) Delicatessen and meat market;
- (14) Dressmaking, millinery or clothing store;
- (15) Drugstore;
- (16) Dry cleaning or laundry establishment;
- (17) Dry goods or notions store;
- (18) Farm products stand;
- (19) Farm machine sales, service and repair establishment;
- (20) Fish bait, tackle or sporting goods store;
- (21) Furniture and carpeting store;

Big Rapids Charter Township - Land Usage

- (22) Funeral home or undertaking establishment;
- (23) Gasoline filling station and garage;
- (24) Gift shop;
- (25) Golf course and similar recreational facilities;
- (26) Grocery, fruit or vegetable store;
- (27) Hardware and paint store;
- (28) Hotel or motel;
- (29) Insurance agency;
- (30) Jewelry or clock and watch store;
- (31) Leather goods or luggage store;
- (32) Lock and gunsmith shop;
- (33) Parking area;
- (34) Photographic supply store and studio;
- (35) Radio and TV sales and service or musical instrument store;
- (36) Real estate agency;
- (37) Restaurant (including drive-in);
- (38) Shoe store or shoe repair shop;
- (39) Theater (excluding drive-in);
- (40) Upholstery shop; and
- (41) Other unlisted commercial non-industrial type establishments consistent with the character of the above by permit from the Zoning Administrator.

(B) *Permitted accessory uses by special permit as provided under 153.130.* Any accessory use, which is clearly incidental to the permitted uses including the manufacture, compounding, processing or treatment of products and clearly incidental to any service offered, and provided there is not therewith the operation of any activity or display of goods in such a manner as to be obnoxious by reason of odors, dust, smoke, light, noise or vibration, as determined by present standards or by the Board of Appeals upon complaint of the Zoning Administrator.

(C) *Minimum lot size.*

- (1) The land area shall be three times the area of the structure to be built thereon; and
- (2) In platted areas lot size to be established by the Board of Appeals.

(D) *Minimum street frontage.* Sixty-five feet.

(E) *Minimum yard depths.*

- (1) Unplatted areas.
 - (a) *Front.* Fifty feet from the right-of-way line;
 - (b) *Side.* Ten feet from side lot line; and
 - (c) *Rear.* Ten feet from rear lot line.
- (2) In platted areas yard depths to be established by the Board of Appeals.

(F) *Dimensions for residential use.* Residential uses in Commercial District shall conform to the dimension regulations for B-Residential Districts as provided in 153.017(C) through (G).

(G) *Adult businesses.*

- (1) *Definition. ADULT BUSINESS* as used in this chapter, shall mean any of the following:
 - (a) Adult book store or adult video store;
 - (b) Adult cabaret;
 - (c) Adult mini motion picture theater;
 - (d) Adult motel;
 - (e) Adult motion picture theater;
 - (f) Adult smoking or paraphernalia store;
 - (g) Billiard/pool hall;
 - (h) Escort agency;
 - (i) Massage parlor;
 - (j) Pawnshop; or
 - (k) Tattoo parlor.

Big Rapids Charter Township - Land Usage

(2) *Establishment of an adult business.* Means and includes any of the following:

- (a) The opening or commencement of any adult business as a new business;
- (b) The conversion of an existing business to any adult business;
- (c) The addition of any adult business to any other existing business; or
- (d) The relocation of any adult business.

(3) *Purpose.* Some uses, including adult businesses, are recognized as having a deleterious effect upon adjacent areas, causing blight, a negative effect upon other businesses, occupants and property values, and a disruption in neighborhood development, especially when these uses are concentrated in a confined area. Therefore, it is considered necessary and in the best interest of the orderly and better development of the community, to prohibit the overcrowding of such uses into a particular location, to buffer residential neighborhoods from these uses, and to prohibit any offensive signs or advertising.

(4) *Standards.*

- (a) Adult businesses shall only locate in Commercial Districts (C-1).
- (b) No two adult businesses shall be permitted within 500 feet of each other.
- (c) No adult business shall be permitted within 500 feet of any (township or neighboring jurisdiction) residentially zoned district, developed school property, government facility, church, or place of worship.
- (d) No adult businesses may have any sign outdoors, or visible from the outdoors, that depicts any Aspecified anatomical areas or Aspecified sexual activities by the use of photographs, silhouettes, drawings or other forms of pictorial representations.
- (e) No product for sale or gift, nor any picture or other representation of any product for sale or gift, shall be displayed at any adult business so that it is visible by a person with normal visual acuity from the nearest adjoining roadway or adjoining property.
(Ord. 2, passed 8-12-1971; Ord. 2.04, passed 1-8-1974; Ord. 3, passed 8-8-1974; Ord. 3.25, passed 9-1-1999)

153.020 INDUSTRIAL DISTRICT.

(A) *Intent.* A district designed for manufacturing, assembling and fabricating businesses, resource extraction, storage and other commercial activities which may require larger sites and isolation from any other kinds of land uses; and to make provisions for commercial uses which are necessary to service the immediate needs of an industrial area.

(B) The following uses and regulations shall apply in the Industrial District.

(1) *Permitted uses.*

- (a) Lumber yards;
- (b) Sand and gravel extraction and processing; and outside storage;
- (c) Concrete and asphalt plants, research, experimental or testing laboratories;
- (d) Gasoline sales, used and new car sales;
- (e) Agricultural operations; and

(f) Any of the following types of uses when carried out within an enclosed building; however, incidental outside storage is permitted:

- 1. Manufacturing, compounding, processing, packaging, assembling and fabrication operations;
- 2. Tool and die operations;
- 3. Warehousing;
- 4. Auto body and paint shops; and
- 5. Auto service stations.

(2) *Special uses.* The following uses may be permitted as a special use permit upon specific approval by the Zoning Board, provided they are found to be in accordance with the provisions of the zoning regulations:

- (a) Storage for all controlled toxic or hazardous materials including gasoline and petroleum storage, chemical storage and disposal, and similar uses;
- (b) Any other use, which emits or creates noise, smoke, odors, dust, dirt, gases, glare, heat or vibration beyond the boundary of the premises;
- (c) An industrial park (a complex or development of a multiple number permitted or designed special uses) which may not comply with all conditions and limitations pertinent thereto, but still complies with the spirit of this chapter, as reviewed by the Zoning Commission;
- (d) Aircraft landing fields and associated uses;

Big Rapids Charter Township - Land Usage

- (e) Eating and drinking establishments and similar commercial uses which primarily serve the district;
- (f) Junkyards;
- (g) Sand, gravel extraction and other mineral extraction and processing; and
- (h) Rendering and slaughtering houses.

(3) *District regulations.*

(a) There shall be no minimum parcel size, however all structures shall be provided with or otherwise guaranteed, access to their rear yard, with a minimum of 30 feet clear and unobstructed accessway or easement. The ratio of length to width may be increased by the Zoning Board of Appeals provided there is a finding that topographic characteristics, unique natural features, or other similar physical limitation exist on the parcel that will physically limit reasonable use of the site. Setbacks from any existing residential parcels shall be: 50 feet for all buildings; 25 feet for driveways, entrances or exits; and ten feet for parking areas. All parcels shall have a minimum lot width of 100 feet with maximum ground coverage of 70% and a five to one length to width ratio. There shall be a 75-foot setback from any dedicated road right-of-way and a 25-foot rear setback for all structures. A 30-foot setback shall be required for all structures from the right-of-way line of any limited access expressway.

(b) Where outdoor storage is permitted, an enclosed barrier or fence of at least eight feet in height may be required; if the Zoning Board following site plan review finds that the exposed material poses a hazard or threat to the public health, safety, general welfare or character of the zoning district. Enclosed materials shall not be stacked or stored so as to exceed a reasonable height as compared to other area district uses.

(c) Residential uses shall not be permitted, except where they are consistent with the existing general character of adjoining land uses.

(d) All activities in this District shall comply with the requirements for screening, lighting, plantings and drainage as reviewed by the Zoning Board.

(4) *Zoning district boundary setbacks (green belt).* When parcels in the Commercial and Industrial Districts abut an A- or B-Residential District, the following setback requirements shall be met with regards to the commercial or industrial uses.

(a) No structure shall be erected or maintained within 50 feet of the affected property line.

(b) Parking areas shall be no closer to the lot line than the minimum yard depth (setback) requirements for said zoning districts.

(c) A non-penetrable plant screen of sufficient length, height and opacity to interfere with the view of the adjoining district boundary line, except where the view is interrupted by change in grade or other natural human-made features. Plant screen shall be located within the first five feet of the affected property line; however, screening shall not inhibit entrances or exits. Where, because of intense shade or soil conditions, the planting screen cannot be expected to thrive, a wooden fence, masonry wall or vegetative controlled earthen berm may be substituted.

(d) Where the zoning districts are separated by a state trunk line of paved county primary road, the screening requirement shall not be required. When the zoning districts are separated by any other road, the Planning Commission shall determine what type of screening shall be used. In making this determination, the Planning Commission shall consider existing screening, compatibility of adjoining uses, the level of traffic and noise to be generated from the proposed use, and other similar characteristics.

(5) *Parking.*

(a) Off-street parking shall be provided for motor vehicles as follows.

(b) Industrial uses:

General industrial activities	.7 of a space per person regularly employed on the largest shift, plus 5 additional spaces
Wholesale, warehousing/storage, showroom areas	1 space per person regularly employed on the largest shift, plus 5 additional spaces

(Ord. 2, passed 8-12-1971; Ord. 3, passed 8-8-1974; Ord. 3.22, passed 3-4-1997; Ord. 3.27, passed 9-12-2000)

153.021 HIGHWAY INTERCHANGE DISTRICT (HI).

(A) *Intent.* To establish and maintain areas, adjacent to limited access highway interchanges, which service the functional purpose of the highway and the needs of the traveling public using the limited access highway; to ensure smooth, safe traffic flow along major access routes and at the interchanges; and to provide for individual sites designs which will be appropriately planned to ensure mutual compatibility between adjacent land uses.

(B) *Permitted uses.*

- (1) Gasoline and automotive service stations;
- (2) Restaurants;
- (3) Hotels and motels;
- (4) Retail stores; and

(5) Gift, souvenir and similar road-user oriented retail uses will be permitted only when associated with and accessory to permitted uses.

(C) *Uses by special permit.* The following uses may be permitted upon specific approval by the Zoning Board, provided they are found to be in accordance with other general and/or specific special use standards of this chapter:

- (1) Truck-stop service centers;
- (2) Transportation oriented industrial uses;
- (3) Other non-listed commercial uses;
- (4) Residential uses;
- (5) Campground and similar open recreational uses;

(6) Dwellings as permitted in 153.017, churches, nursing homes, schools, municipal facilities, and other similar institutional or semi-institutional uses; and

(7) Any planned complex, including two or more permitted uses or uses by special permit, to be located on one parcel.

(D) *District regulations.* All uses shall be subject to Class B site plan review by the Planning Commission, and shall meet any specific site/design standards as outlined in this chapter in addition to the general district requirements listed below:

- (1) The following minimum lot size and road frontage standards apply:

(a) When the use of parcel fronts on the main access road (meaning a major arterial public road, which intersects the limited access highway) two-acre lot size and 300 feet road frontage; or

Big Rapids Charter Township - Land Usage

(b) When the use or parcel fronts on a service access road (meaning a public or approved private service road or other local road which may parallel or intersect the main access road, but does not intersect the highway) one-acre lot size, and 150 feet road frontage.

(2) The following minimum setback and ground coverage requirements shall be maintained for all structures:

Freeway	50 feet
Front	
Main access road	75 feet
Service drive or other local road	50 feet
Ground coverage (maximum)	50% (may be extended to 80% where public sewer and drainage facilities exist)
Side: None	Except a 50 feet minimum setback shall be maintained between any adjoining noncommercial uses; all structures shall be provided with or otherwise guaranteed, access to their rear yards with a minimum of 20 feet clear and unobstructed accessway or easement (a minimum turning radius of 50 feet shall be maintained for this accessway)
Parking lots	25 feet maintained as a landscaped open area between any public right-of-way and the parking lot
Rear	50 feet

(3) One principal use per lot, unless otherwise authorized by the Planning Commission.

(4) Curb cut, driveway and similar access controls (called access points) along the main access road, or other roads, as indicated, shall be maintained as follows:

(a) Nearest access point to any road intersection:

1. County primary roads or main access road: 150 feet; and
2. County local roads: 100 feet.

(b) Maximum number of access points permitted per parcel: two.

(c) Minimum distance between any two access points:

1. On the same side of the road:
 - a. Main access roads: 300 feet; and
 - b. Services access roads: 75 feet.
2. On the opposite side of the road - either directly across or 200 feet apart.

(d) Driveway widths:

1. Minimum: 18 feet; and
2. Maximum: 50 feet.

(e) Minimum distance between those roadways which provide access between the main access road and service access road: 1,000 feet.

(5) All service access roads shall be physically separated by a permanent barrier, landscaped open area, or similar buffer from all parking or non-vehicular areas.
(Ord. 3.15, passed 6-3-1980; Ord. 3.26, passed 2-1-2000)

BUILDING STANDARDS AND FACILITIES

153.035 BUILDING STANDARDS AND FACILITIES.

Every residential building hereafter erected or moved upon the premises must conform to the following conditions.

(A) It complies with the minimum square footage requirements of this chapter for the zone in which it is located.

(B) It has a minimum width across any front, side or rear elevation of 24 feet over 70% of its length in A-Residential District, and 14 feet in B-Residential District, and 14 feet in Agricultural District, which widths shall prevail for the full length of the buildings excluding attached garages, porches and lean-tos. All buildings must comply in all respects with (the State Construction Code as promulgated by the State Construction Code Commission under the provisions of Public Act 230 of 1972, being M.C.L.A. 125.1501 through 125.1531) including minimum heights for habitable rooms.

(C) It is firmly attached to a permanent foundation constructed on the site in accordance with (the State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of Public Act 230 of 1972, being M.C.L.A. 125.1501 through 125.1531) and shall have a wall of the same perimeter dimensions of the dwelling and construction of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the State Mobile Home Commission and shall have perimeter wall as required above.

(D) In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.

(E) The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.

(F) The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in separate structure of standard construction similar to or of better quality than

the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be more.

(G) The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has not less than two exterior doors with the second one being in either the rear or side of the dwelling; and contains steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same. The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved applicant to the Zoning Board of Appeals within a period of 15 days from the receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth in this section as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks within 2,000 feet of the subject dwelling where such area is developed with dwellings to the extent of not less than 20% of the lots situated within said area; or, where said area is not so developed, by the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard design home.

(H) The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.

(I) The dwelling complies with all pertinent building and fire codes. In case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the Mobile Home Construction and Safety Standards as promulgated by the United States Department of Housing and Urban Development, being 24 C.F.R. Part 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

(J) The foregoing standards shall not apply to the mobile home located in a licensed mobile park except to the extent required by state or federal law or otherwise specifically required in the ordinance of the township pertaining to such parks.

(K) All construction required herein shall be commenced only after a building permit has been obtained in accordance with (the State Construction Code as promulgated by the State Construction Code Commission under the provisions of Public Act 230 of 1972, being M.C.L.A. 125.1501 through 125.1531), provisions and requirements.

(Ord. 3.16, passed 6-1-1982; Ord. 3.19, passed 1-3-1995)

NONCONFORMING USES**153.050 NONCONFORMING USE; GENERALLY.**

The lawful use of any building or land at the time of the enactment of this chapter may be continued although such use does not conform to the provisions of this chapter.

(Ord. 2, passed 8-12-1971; Ord. 3, passed 8-8-1974)

153.051 ALTERATIONS OF A NONCONFORMING USE BUILDING.

A nonconforming building may not be reconstructed or structurally altered during its life to an extent in aggregate cost 50% of the value as determined by a qualified appraiser unless said building is changed to a conforming use.

(Ord. 2, passed 8-12-1971; Ord. 3, passed 8-8-1974)

153.052 BUILDING DAMAGE OF A NONCONFORMING USE BUILDING.

(A) Any nonconforming building damaged by fire or other causes to the extent of more than 50% of the value shall be repaired or rebuilt within six months of the date such damages occurs.

(B) Any expansion or significant structural alteration made in repairing or rebuilding such nonconforming building must be approved by the Board of Appeals as not adversely affecting the adjoining conforming land use.

(C) No nonconforming building damaged by fire or other causes shall be repaired or rebuilt except as provided in this subchapter unless in conformity with the provisions of this chapter.

(Ord. 2, passed 8-12-1971; Ord. 3, passed 8-8-1974)

153.053 DISCONTINUANCE OF NONCONFORMING USE.

Whenever a nonconforming use has been discontinued for a period of one year, such use shall not thereby be re-established and any future use shall be in conformity with the provisions of the chapter.

(Ord. 2, passed 8-12-1971; Ord. 3, passed 8-8-1974)

153.054 COMPLETION OF NONCONFORMING BUILDINGS AND STRUCTURES.

Nothing in this chapter shall require any change in the construction or intended use of any existing building, nor shall it require a change in plat, the layout of the platting of which shall have been diligently prosecuted within 30 days after the passage of this chapter and the acceptance of which shall have been complete within 12 months after said date.

(Ord. 2, passed 8-12-1971; Ord. 3, passed 8-8-1974)

153.055 SUBSTITUTION OR EXPANSION OF NONCONFORMING USES.

(A) No nonconforming use may be substituted, changed or altered, except when such substitution, change or alteration makes the nonconforming use more compatible to the uses permitted in the district in which it is located according to the criteria set forth in 153.130, as determined by the Township Zoning Board of Appeals.

Big Rapids Charter Township - Land Usage

(B) Any extension or expansion of a nonconforming use in regard to size of operation, copy of activity, area involved in use, hours of operation and the like must be approved by the Township Zoning Board of Appeals subject to standards set forth in 153.130.

(Ord. 3.16, passed 6-1-1982)

WATER AND SEWAGE**153.070 WATER SUPPLY AND SEWAGE DISPOSAL FACILITIES.**

Every building, structure or trailer coach hereafter erected or moved upon the premises must conform to the existing County Health Department rules and regulations for water and sewage disposal. (Ord. 2, passed 8-12-1971; Ord. 3, passed 8-8-1974)

SHORELAND REGULATIONS**153.085 SHORELAND REGULATIONS.**

(A) All lots abutting any body of water as defined shall maintain a minimum setback of 50 feet as measured from the edge of the ordinary high-water mark (meaning the line between the uplands and bottom lands which is apparent by the configuration of the slopes, surface, soil and vegetation; or a level established by law).

(B) This minimum setback requirement may be reduced one foot for every foot of vertical elevation of a stream or river bank, until a minimum setback of 30 feet is reached, as measured from the edge of the stream or river bank.

(1) That part of a setback which lies within 30 feet of the water's edge shall be maintained in its natural condition. Natural conditions may be modified if the Zoning Administrator finds that such modification will not increase run-off, and will provide the shoreline with adequate protection without altering the inherent characteristics of the water body. Trees and shrubs in a space not more than 30% but not to exceed 50 feet wide may be trimmed or pruned for a view of the fronting waters and for access thereto. A lot shall be regarded in its natural condition when there is at least one tree or shrub having a height of at least 15 feet for each 100 square feet of area thereof in wooded areas or sufficient natural cover in open areas.

(2) All permitted uses shall be subject to setback requirements except pump houses and recreational docks within the cleared area, erosion control devices, and associated facilities when located and designed so as not to unreasonably interfere with, degrade or decrease the enjoyment of the existing uses and water resources.

(3) Regulations imposed in areas identified as erosion control districts or flood hazard districts, this chapter shall govern if such restrictions or regulations impose higher standards or requirements.

(4) Where these provisions apply to a nonconforming lot-of-record, the minimum setback may be reduced by the Zoning Administrator to 25 feet provided the said lot cannot normally accommodate any structure within the imposed original setback requirements. (Ord. 3.14, passed 4-1-1980)

SUPPLEMENTAL REGULATIONS**153.100 RESTRICTIONS OF RECORD.**

Every use of property shall conform to existing restrictions of record.
(Ord. 3, passed 8-8-1974)

153.101 AUTOMOBILE OR TRAVEL TRAILERS.

No person shall use or permit the use of any automobile trailer or travel trailer as a residence on any site, lot field or tract of land not specifically licensed as a trailer park for more than 21 days except as hereinafter provided:

(A) On permit issued by the Zoning Administrator;

(B) The location of the travel trailer shall conform to all lot and yard regulations governing dwellings in the district in which it is to be located; and

(C) Subject to the provisions of 153.070. (Also see 153.160(F)).
(Ord. 2, passed 8-12-1971; Ord. 3, passed 8-8-1974) Penalty, see 153.999

153.102 OUTDOOR LIGHTING REGULATIONS.

(A) In all districts, lighting fixtures used to illuminate off-street parking, yards, and for security purposes shall be directed downward, shielded, or so arranged as to:

(1) Direct light only to the ground area of the property where the fixtures are located; and

(2) Not illuminate any adjoining properties, streets or highways.

(B) All lighting used to illuminate commercial, industrial or multi-family housing buildings, shall be arranged to direct light only to said building and away from any adjoining properties, streets or highways.

(C) The external illumination of signs shall be directed downward, and internally illuminated signs shall be of a low enough intensity, so as to not interfere with the vision of persons on adjacent properties, streets or highways.

(D) All illumination of signs and any other outdoor feature shall not be of a flashing, moving or intermittent type except for time and temperature displays, and low intensity LED type, change of copy signs.

(E) All off-road parking, except that required for a single- or two-family residential dwelling, shall be provided with adequate artificial lighting between the time extending one hour after sunset to one hour before sunrise when the use of such space for each vehicle is open to the public.
(Ord. 3.23, passed 5-4-1999) Penalty, see 153.999

PARKING

153.115 VEHICULAR PARKING SPACE, ACCESS AND LIGHTING.

(A) For each dwelling, commercial, industrial, manufacturing or other similar business or service establishment hereafter erected or altered and located on a public highway, road or street in the unincorporated portions of the township and including buildings or structures used principally as a place of public assembly, there shall be provided and maintained suitable space off the public right-of-way which is, in general, adequate for the parking or loading of vehicles in proportions shown in Table 1 below, and such space shall be provided with safe exit to and safe entrance from the public highway or thoroughfare, but not to exceed one such exit and one such entrance. Said exit and entrance may be combined or provided separately. Approval for the location of such exit and entrance shall be obtained from the State Highway Department for all trunk-line highways and from the County Road Commission for all other roads and highways in the township, which approval shall also include the design and construction thereof in the interest of safety, adequate drainage and other public requirements. Parking space and maneuvering aisle dimensions shall be as stated below in Table 2. All parking space required in this section, except that required for a dwelling, shall be provided with adequate artificial lighting between the time extending from one-hour after sunset to one-half hour before sunrise when the use of such space for each vehicle is open to the public.

<i>Table 1: Parking Space Required</i>	
Dwellings	1 parking space for each vehicle used by the occupants of the premises
Hospitals and institutions of similar nature	1 parking space for every 4 beds and 1 space for each doctor
Motels and similar establishments offering lodging	1 parking space for every 1 guest room
Offices and professional buildings	1 parking space for every 200 square feet of floor area; provided that doctor's offices and clinics shall be provided with 3 spaces for each doctor
Personal service shops (such as barber and beauty shops)	1 parking space for every 200 square feet of floor area
Restaurants and other public food serving establishments	1 space for every 3 seats
Retail stores and shops	1 parking space for every 200 square feet of floor area
Taverns	1 parking space for every 66 square feet of floor area; in addition to the above requirements, parking space in the proportion of 1 space for every 2 persons employed shall be provided
Theaters, churches, auditoriums, public and private halls, amusement and recreation establishments and all places of public assembly	1 parking space for each 4 seats of legal capacity

Big Rapids Charter Township - Land Usage

(B) Where no specific requirement is designated in the case of any business, parking space as herein specified shall be provided for employees, including a reasonable number of parking spaces for the accommodation of patrons.

<i>Table 2: Parking Space and Maneuvering Aisle Dimensions</i>				
<i>Parking Angle (Degrees)</i>	<i>One-Way Maneuvering Aisle Width</i>	<i>Two-Way Maneuvering Aisle Width</i>	<i>Parking Stall Width</i>	<i>Parking Stall Length</i>
0 parallel	12 feet	22 feet	8.5 feet	22 feet
up to 53	13 feet	22 feet	9.0 feet	18 feet
54 to 74	16 feet	22 feet	9.0 feet	18 feet
75 to 90	24 feet	24 feet	9.0 feet	18 feet

(Ord. 2, passed 8-12-1971; Ord. 3, passed 8-8-1974; Ord. 3.16, passed 6-1-1982; Ord. 3.26, passed 2-1-2000)

*SPECIAL USE PERMITS***153.130 USES BY SPECIAL PERMIT.**

(A) Uses requiring special permits are those uses of land which are not essentially incompatible with the uses permitted in a zoning district, but possess characteristics or locational qualities which require individual review and restriction in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. Proposed uses will be evaluated according to their compatibility with the nature, extent and density of the surrounding area.

(B) Special permit uses may be permitted only in those zoning districts where they are designated by this chapter, and only when specifically approved by the Township Planning Commission in accordance with the provisions of this chapter.

(C) Prior to approval of a special use permit, the Planning Commission shall ensure that the standards specified in this section, as well as standards established elsewhere in this chapter shall be satisfied. All uses by special permit shall comply with each of the following standards and requirements as listed in this division (C).

(1) The nature, location and size of the special use shall not change the essential character of the surroundings area, nor disrupt the orderly and proper development of the district as a whole. The use shall not be in conflict with, or discourage the adjacent or neighboring use of lands or buildings.

(2) The special use shall not diminish the value of the land, buildings or structures in the neighborhood.

(3) The special use shall not increase traffic hazards or cause congestion on the public highways or streets of the area. Adequate access to the parcel shall be furnished.

(4) The water supply and sewage disposal system shall be adequate for the proposed special use by conforming to State and County Health Department requirements, and the special use shall not overburden any existing services or facilities.

(5) Uses by special permit shall not be significantly more objectionable to nearby properties by reason of traffic, noise, vibrations, dust, fumes, odor, smoke, glare, lights or disposal of waste than the operation of any principal permitted use, nor shall the special use increase hazards from fire or other dangers to either the property or adjacent property.

(6) The Planning Commission may require that the premises be permanently screened from adjoining or contiguous properties by a wall, fence, plant screen and/or other approved enclosure when deemed necessary to buffer the surrounding uses from objectionable noise, light and the like created by the special use.

(7) The special use shall be consistent with the intent and purpose of this chapter and with the intent of the land use plan for the township. The special use shall be compatible with the natural environment and shall not inimical to the public health, safety and general welfare.

Big Rapids Charter Township - Land Usage

(D) Application for a special use permit shall be made to the Township Planning Commission.

(E) The Planning Commission shall hold a public hearing on each request for a special use permit following proper notice of said public hearing in the same manner as provided for 153.278.

(F) (1) Where the Planning Commission determines that a special use is consistent with the standards outlined in this section and all other ordinances and regulations of the township, it shall issue a special use permit modified as the Zoning Board may require and containing any conditions or restrictions which the Zoning Board may consider necessary to carry out the purpose of this chapter.

(2) Where the conditions set forth under the permit anticipate a future compliance, the failure of which would impart jeopardy, injury or aggravation to adjoining permitted land uses, the Planning Commission shall have the authority to require such guarantees (in form of performance bonds or escrow funds) as may be deemed necessary to remove, alleviate or remedy the conflicting use.

(3) A denial of the special use permit shall be in writing, setting forth the reason for denial.

(4) The applicant may appeal a denial to the Planning Commission.

(Ord. 2, passed 8-12-1971; Ord. 3, passed 8-8-1974; Ord. 3.08, passed 3-7-1978; Ord. 3.13, passed 8-7-1979)

PLANNED UNIT DEVELOPMENT

153.145 INTENT.

To permit through the special use permit procedure, planned unit development, which includes flexibility in the use and design of structures and land in situations where modifications of specific provisions of the township zoning regulations will not be contrary to its intent and purpose or significantly inconsistent with the planning on which it is based, and which will not be harmful to the neighborhood in which they occur.

(Ord. 3.09, passed 6-6-1978; Ord. 3.31, passed 12-3-2002)

153.146 MODIFICATION POWERS.

In acting upon the PUD application, the Planning Commission may alter setback requirements, height, lot and building size limits, off-street parking regulations, landscaping rules, and the intensity of the permitted density limits of the district where the lot is located, providing such uses are desirable or convenient for the users of the PUD as developed, or for the immediate neighborhood, and provided that such uses are planned so as to assure that they will not material alter the existing character of the neighborhood, as provided in 153.130. Further, no PUD shall create demands on other existing public services in excess of current capacity, not provide for uses that will be detrimental to the health, safety or welfare of persons or property through excessive production of traffic, noise, smoke, odor, fumes or glare. However, uses not otherwise permitted in the district where the lot is located shall not be permitted to occupy more than 15% of the lot area nor more than 15% of the total floor area of all structures erected thereon.

(Ord. 3.09, passed 6-6-1978; Ord. 3.31, passed 12-3-2002)

153.147 APPLICATION PROCEDURE.

(A) The provisions of this section shall be applied to the existing zoning district, as defined on the zoning map where the PUD is to be located.

(B) Applications may be made for any lot exceeding two acres in size, the application procedure is as follows.

(1) *Preliminary conference.* Prior to preparing formal application, the applicant shall meet with the Zoning Administrator to discuss the proposed development.

(2) *Preliminary applications.* The applicant shall prepare and submit seven copies of preliminary development plan which shall include a description of the PUD and its intended uses; a detailed site plan, drawn to a scale not smaller than 40 feet to the inch, certified by a licensed architect, a registered land surveyor or professional engineer; location of and restriction on open space within the PUD including all maintenance agreements; a development schedule; a list of covenants or deed restrictions for the development; and the type of financial guarantees to be utilized to assure development of the site in accordance with plan. In addition, the applicant shall furnish such other information as the Zoning Board may reasonably require. The Zoning Board, after a hearing, shall approve or deny said application.

(3) *Final application.*

(a) The applicant shall prepare and submit eight copies of the final development plan which shall include a detailed site plan, drawn to a scale not smaller than 40 feet to the inch, certified by a licensed architect, a registered land surveyor or professional engineer. Final development plan shall also include detailed plans for all buildings and structure certified by an architect; detailed evaluations or perspective drawings of all buildings and improvements, sufficient to show the developers intent; a development schedule; deed restrictions and covenant; any other plans, documentation or specification, which the Zoning Board may require, that may be necessary for final engineering review and approval of drainage, street design and other facilities, by township and county officials; and a sufficient financial guarantee or letter of credit to insure completion of any required public facilities or improvements in conformance with the stated development schedule.

(b) Upon receipt of the final development plan, the Planning Commission shall hold a second hearing and shall determine whether or not the final plans substantially conform to the approved preliminary plan and to the other provisions of this section.

(Ord. 3.09, passed 6-6-1978; Ord. 3.31, passed 12-3-2002)

153.148 REVIEW PROCEDURE.

In making its review of any portion of the PUD application, the Planning Commission shall first determine that the PUD is consistent with the standards outlined in 153.130 and this subchapter, and all other ordinances and regulations of the township. Where the Zoning Boards determines that this application is consistent with this section and with the other requirements hereof, it shall issue a special planned unit permit authorizing development and use in accordance with the final development plan contained in this application, modified as the Planning Commission may require to carry out the intent and purpose of this section and containing any conditions or restrictions which the Zoning Board may consider necessary to carry out the purposes of this chapter and to protect the public health, safety and welfare. A denial of the PUD, at any stage, shall be in writing, setting forth in detail the reasons for denial. The applicant may appeal any denial to the Zoning Board of Appeals.

(Ord. 3.09, passed 6-6-1978; Ord. 3.31, passed 12-3-2002)

153.149 OPEN SPACE PRESERVATION.

(A) Residential uses in land zoned for residential development may be developed, at the option of the applicant, with the same number of dwelling units on a portion of the land specified in this chapter, but not more than 50%, that, was determined by the Board could otherwise be developed, under this chapter if all of the following apply.

(1) The land is zoned at a density equivalent to two or fewer single- or two-family dwelling units per acre, or, if the land is served by a public sewer system, three or fewer single- or two-family dwelling units per acre.

(2) A percentage of the land specified in this chapter, but not less than 50%, will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant or other legal means, as approved by the Board, that runs with the land.

(3) The development does not depend on the extension of a public sewer or public water supply system, unless development of the land without the exercise of the option provided by this division (A) would also depend upon such an extension.

(4) The option provided pursuant to this division (A) has not previously been exercised with respect to that land.

(B) This section shall not apply for permitted uses other than single-family dwellings and/or two-family dwellings as set forth together with such permitted accessory uses as permitted in this chapter. (Ord. 3.09, passed 6-6-1978; Ord. 3.31, passed 12-3-2002)

TEMPORARY DWELLING STRUCTURES**153.160 TEMPORARY DWELLING STRUCTURES.**

A garage home, basement home or trailer coach may be utilized as a dwelling by the owner of a premises during the period when a dwelling conforming to the provisions of this chapter, is in the process of erection and completion on the same lot, subject to the following provisions.

(A) Compliance with 153.070 shall precede occupancy of any such temporary dwelling.

(B) The location of the temporary dwelling shall conform to all yard and setback limitations of the zoning district.

(C) The use of the dwelling and premises shall not be inimical to health, safety or the public welfare.

(D) The use of such temporary dwelling structure shall be limited to 12 months, beginning with the date of issuance of the permit therefore. Permit may be renewed yearly for one more year.

(E) Application for the erection, use or movement of such temporary dwelling structure shall be made in writing to the Zoning Administrator.

(F) Trailers, tents and converted buses will be permitted for camping purposes on a 21-day basis. Permits may be renewed by the Zoning Administrator.

(Ord. 2, passed 8-12-1971; Ord. 3, passed 8-8-1974) Penalty, see 153.999

153.161 REGULATIONS GOVERNING THE LOCATION OF JUNK YARDS.

Use of premises for the operation of a junk yard shall be permitted in Industrial District only and shall be subject to the following special requirements and standards of the zoning district wherein located, in order to prevent conflict with, or impairment of, the principal permitted uses of the zoning district.

(A) Written application for a special permit therefore, shall be presented to the Zoning Administrator who shall refer the application to the Board of Appeals.

(B) The Zoning Administrator shall make an investigation as to the suitability of the proposed site.

(C) A suitable site shall provide a front yard of not less than 100 feet in depth; and such front yard shall not be used for parking, storage, burning, wrecking or dismantling of any junk or refuse material.

(D) The Board of Appeals shall require that a yard be completely screened by a solid, uniformly finished wall or fence or an adequately maintained evergreen hedge or other screening material, the height of which screening shall be no less than eight feet and in no case less than that of the enclosed material.

(E) Application shall be accompanied by the written consent of all owners of property, any part of which comes within 1,500 feet of the proposed site; however, such consent shall not be the final determining factor in granting the permit. The Board of Appeals shall hold a public hearing. Approval or rejection of the application shall rest with the Board of Appeals.

(F) Issuance of a permit shall in no way exempt the applicant from additional laws, ordinance or regulations of the state.

(Ord. 2, passed 8-12-1971; Ord. 3, passed 8-8-1974)

ADVERTISING SIGNS**153.175 ADVERTISING SIGNS.**

Advertising signs, billboards, advertising displays, outdoor displays or other advertising media, except as exempted by 153.177, may be permitted by special use permit; provided that they comply with the following conditions, and with standards set forth in 153.130.

(Ord. 2, passed 8-12-1971; Ord. 3, passed 8-8-1974; Ord. 3.18, passed 10-4-1994)

153.176 USES AND CONDITIONS.

(A) Advertising signs, billboards or advertising displays, outdoor displays or other advertising media shall not be permitted within 50 feet of the right-of-way line of any road or MDOT approved access drive, nor within 250 feet of the center of any road intersection.

(B) Such advertising sign or display must comply with the statutes of the state. All such signs shall be properly maintained or removed.

(C) Such advertising sign or display may not be erected within 500 feet of any commercial building, public building or dwelling (except dwelling owned by sign owner) existing at the time said sign or display is erected or moved to such location. It is further provided should a commercial building, public building or dwelling be erected at any time within the 500 feet limitation, the permit shall be revoked and the owner of the sign (or his or her authorized agent) shall be notified of the revocation, and such sign or display shall be removed within 90 days of notification.

(D) Such advertising sign or display may not be erected within 500 feet of any existing sign or display, excepting for small directional signs at permitted distance from intersections.

(Ord. 2, passed 8-12-1971; Ord. 3, passed 8-8-1974; Ord. 3.18, passed 10-4-1994) Penalty, see 153.999

153.177 EXEMPTIONS.

(A) Temporary sale, lease or rent signs, providing:

- (1) Not more than two signs are displayed;
- (2) Such signs are located on the lot or structure for sale, lease or rent;
- (3) Such sign does not contain an area of more than ten square feet; and
- (4) Such sign is removed following the sale, renting or leasing the property within seven days.

(B) Bulletin boards of churches, schools, libraries and public buildings provided:

- (1) Such bulletin board is located on the premises thereof; and
- (2) Such board is not located as to obstruct the view of traffic from sidewalks, driveways, roadways and adjoining property.

Big Rapids Charter Township - Land Usage

(C) Agricultural displays and sales stands providing:

- (1) Such display is located on a farm and limited to the products thereof;
- (2) Such display or stand is temporary and will not be located for more than 30 consecutive days nor more than 60 days in one year;
- (3) Such display or stand is located at least ten feet from the highway right-of-way line; and
- (4) Parking area is available for prospective customers off the highway right-of-way.

(D) Advertising signs and displays of a commercial enterprise, business, industry or professional person providing:

- (1) Such sign is located on the premises of a commercial enterprise;
- (2) Such sign or display is limited to the products or services of the enterprise;
- (3) Such sign does not obstruct the view of traffic from the sidewalks, roadways, driveways or exits and adjoining property; and
- (4) Their operation does not constitute a nuisance to an adjacent residential district or residential neighborhood, by reason of glare, intermittent action or other action.
(Ord. 2, passed 8-12-1971; Ord. 3, passed 8-8-1974; Ord. 3.18, passed 10-4-1994) Penalty, see 153.999

153.178 SIGN PERMITS.

Permits shall be required for any advertising sign, including those signs or displays exempted under 153.177. Such permits, or any renewal thereof, shall be issued by the Zoning Administrator upon a determination that such sign or display complies with the provisions of this chapter.
(Ord. 2, passed 8-12-1971; Ord. 3, passed 8-8-1974; Ord. 3.18, passed 10-4-1994)

SITE USE DESIGN STANDARDS**153.190 SITE USE STANDARDS.****(A) *Airports (licensed).***

(1) Licensed airports shall follow all rules as established by the Federal Aviation Administration and Michigan Department of Aeronautics.

(2) Airport locations should avoid existing residential areas and adjacent land at which large numbers of people are assembled or are expected to assemble; uses which may create electrical interference, expose glaring lights, emit dust, smoke, fumes or vapors which will limit visibility; attract birds; or be adjacent to noise sensitive areas.

(B) *Hazardous or toxic material or explosive storage.* A letter from the County Health Department or Department of Public Health, State Fire Marshal, Department of Natural Resources or similar governing body indicating evidence of compliance with appropriate state law.

(C) *Home occupation.*

(1) No article is offered for sale, or rent, at the residence except as such as may be produced by and sold by the residents of the home. Sale of goods off the premises by means such as in-home demonstrations, mail or the internet may be permitted. Display of items for sale on the property outside of the home is prohibited.

(2) Home occupations shall not be carried on to an extent so as to require parking on or off the premises in excess of that allowed for the residential structure in which it is located.

(3) Home occupations shall not utilize more than 40% of the floor living area of one story of the dwelling, or 100% of an accessory building and 10% of the living area of one story. No mechanical or electrical equipment and/or process or practice that will create a nuisance or health hazard to the adjacent landowners and neighborhood is permitted.

(4) Applicants shall provide a plan to the township indicating the following:

(a) The nature of the operation and any materials required;

(b) Hours of operation for a permitted home occupation shall be subject to Planning Commission review and shall be set in accordance with the provisions of this chapter and based upon the type of use proposed;

(c) Parking provisions;

(d) Storage requirements if any;

(e) A site sketch of the interior of the home (floor plan); and

(f) A site sketch of the property showing buildings and proximity of neighboring structures.

Big Rapids Charter Township - Land Usage

- (5) No provisions of this section shall allow nonconformity of the regulations.
- (6) This permit is not transferable to a different location.
- (7) Expansion or change in the home occupation shall require a new review and permit.

(D) *Junk yards.*

- (1) Minimum lot size shall be two acres.
- (2) Setbacks for all structures fencing and junk materials shall be as follows.

(a) All structures used for offices or enclosed retail sales areas shall be at least 50 feet from all property lines.

(b) All junk material shall be stored in an enclosed/fenced area at least 100 feet from all road rights-of-way and 50 feet from all other property lines.

(3) Junk materials shall be screened from all roadways, and adjoining residential or commercial uses by an eight-foot-high obscuring fence or masonry wall which is landscaped in accordance with setback and screening requirements as determined by the Zoning Commission. All plant screens shall be within five feet of the fence wall.

(4) Dust and dirt from all roads, driveways, parking lots and loading and unloading areas within any junkyard shall be controlled to limit public nuisance.

(E) *Transportation and warehousing for industrial use.*

- (1) (a) Minimum lot size: two acres; and
- (b) Minimum road frontage: 200 feet (300 feet on main access roads).

(2) Minimum setback and isolation requirements:

- (a) 1. Front: 150 feet;
2. Rear: 100 feet; and
3. Side: 100 feet.

(b) HI District boundary: 200 feet, plus screening with a six feet earthen berm or plant materials. Plantings shall be located within five feet of the property lines, to limit noise and vibration which is in excess of what is normal in the districts of the site in question.

(c) Minimum landscaped open space buffer from any public road right-of-way shall be isolated from property lines, to limit noise and vibration which is in excess of what is normal in the districts in the site in question.

(3) Maximum ground coverage: 75%.

(4) Gradient standards:

(a) Maximum grade change to the property 3%; and

(b) Maximum grade changes between the terminal site and the highway entrance ramps:

1. Average: 5%; and

2. Maximum: 7%.

(F) *Truck stop (service centers)*.

(1) (a) Minimum lot size: two acres; and

(b) Minimum lot width 200 feet on service roads (300 feet on main access roads).

(2) Minimum setback and isolation requirements:

(a) For all structures:

1. Front: 150 feet; and

2. Rear: 100 feet.

(b) Fuel pumping stations:

1. Right-of-way: 25 feet; and

2. All other property lines: 35 feet.

(c) 1. From any existing residential and/or motel uses located off the lot: 200 feet, plus screening with either a six foot earthen berm or plant materials.

2. Planting shall be within five feet of the property lines: 35 feet.

(d) Trucking service areas shall be separate from passenger service areas.

(3) Three access points may be permitted; minimum distance between access points shall be 200 feet.

(4) All vehicular areas shall be physically separated by a barrier or landscaped area from any non-vehicular areas; one-way traffic patterns shall be encouraged.

(Ord. 3.22, passed 3-4-1997) Penalty, see 153.999

MINERAL MINING CONTROL**153.205 TITLE.**

This subchapter shall be known as the Big Rapids Charter Township Mineral Mining Control Subchapter and may elsewhere be referred to as this subchapter.

(Ord. 25, passed 9-1-1999)

153.206 INTERPRETATION, EXISTING OPERATION AND RESTRICTIONS.

It is not the intention of this subchapter to repeal, annul or in any way repeal any existing law or ordinance unless expressly so stated in the subchapter. Further, it is not the intention of this subchapter to interfere with operations already existing except that this subchapter sets forth minimum standards which shall apply to such operations. To the extent that any restrictions or standards imposed by this subchapter are more stringent and restrictive than existing restrictions or standards, this subchapter shall control.

(Ord. 25, passed 9-1-1999)

153.207 DEFINITIONS.

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

ADMINISTRATOR. Zoning Administrator.

COMMISSION. The Big Rapids Charter Township Planning Commission.

MINERAL MINING or MINING. The excavation, or removal or processing of peat, gravel, sand, clay or other soils, including overburden, or the storage or transporting of such items on a mining site, or the reclamation of the site after removal or excavation of such items. The following excavation activities are not included within the definition of **MINERAL MINING** or **MINING** and are exempt from the requirements of this subchapter:

(1) Excavation approved by a governmental body of competent jurisdiction in conjunction with the installation or maintenance of publicly owned or operated utilities, drainage facilities, roads or other publicly owned or operated improvements, where the excavation is limited to the site of the public utility or improvement;

(2) Excavation which by its nature is of limited scope and duration and which is undertaken primarily for the immediate use and development of the land excavated, such as for purposes of building construction, septic tanks, swimming pools, graves and the like;

(3) Excavation in conjunction with farming operations conducted in accordance with generally accepted agricultural practices, including agricultural drainage work incidental to farming operations and irrigation or stock watering ponds, if no material is removed from the property; and

(4) Other excavations where the Commission determines, in its sole discretion, that the proposed excavation is unlikely to unreasonably interfere with the enjoyment of life or property and will not expose any person or property to the types of dangers inherent in mineral mining sought to be prevented by this subchapter. The Commission's determination may be based on a review of the purpose, location, extent or duration of the proposed excavation and other factors which may bear on the potential of any excavation activity to adversely affect the public health, safety or general welfare of the community.

SITE. Designated parcel(s) or unit(s) of land.

TOWNSHIP. Big Rapids Charter Township.

TOWNSHIP BOARD. Big Rapids Charter Township Board.
(Ord. 25, passed 9-1-1999; Amended 6-3-2014)

153.208 LICENSE REQUIRED.

From and after the effective date of this subchapter, no person shall operate a new mineral mining site in the township except in accordance with a license issued under this subchapter. A license issued pursuant to this subchapter shall be nontransferable. All existing mineral mining operations as defined by this subchapter shall obtain a license and comply with the requirements herein no later than 90 days after the effective date of this subchapter.

(Ord. 25, passed 9-1-1999)

153.209 LICENSING PROCEDURE.

Compliance with the following application procedure shall occur prior to the commencement or continuation of any mining which exists or is proposed as of or after the effective date of this subchapter.

(A) Application for a mining permit shall be allowed only in those zones where mining is allowed as a special use. All applicants shall use forms provided by the Planning Commission, accompanied by the documents enumerated on that form. Special use permits shall have a term of two years computed from the date the permit is issued. The special use permit may be renewed with a renewal application, up to four times for a total of ten years before another new special use permit is required. To be considered for renewal, a renewal application with required attachments must be submitted to the Administrator 90 days before the special use permit expires. Upon receipt of the ten copies of the fully and properly completed application form with the required documents attached, the Administrator shall retain a copy and shall distribute the remaining copies as follows: one copy to the Township Engineer, one copy to the Township Attorney and seven copies to the Commission.

(B) Upon receipt of an application, the Township Engineer shall review the application and attachments, physically inspect the premises to determine compliance with the prior reclamation plans and operational plans, and report to the Administrator on such compliance. The Township Engineer shall also estimate of the cost of reclamation upon abandonment for bond amount purposes, and make such additional comments regarding general safety, drainage, equipment removal and other engineering considerations pertaining to the special use permit application as appropriate. The report by the Township Engineer to the Administrator shall be rendered no later than 30 days after receipt of a complete application.

(C) The Administrator shall make a final recommendation on the approval or disapproval of the submitted reclamation plan and operational plan within 30 days of receipt of the Township Engineer's report and shall report forthwith their recommendation concerning the reclamation plan and/or operation plan to the Commission. The Commission shall make a final determination within 30 days of receipt of the recommendation of the Administrator. Failure of the Commission to act within such time frames shall not result in an automatic special use permit issuance or renewal, but such failure merely results in an extension of any existing license for an additional period up to the time of final determination by the Commission.
(Ord. 25, passed 9-1-1999)

153.210 APPLICATION CONTENTS.

All special use permit applications, whether new or renewal, shall contain the following elements which shall be compliant with these standards:

- (A) Name of the owner, or owners, of land from which removal is to be made or upon which operation will take place;
 - (B) Name and address of applicant making a request for the license;
 - (C) Name and address of the person, firm or corporation who will be conducting the actual removal;
 - (D) Location, size and legal description of the parcel(s) from which the removal is to be made;
 - (E) Type of materials or resources to be mined, stockpiled or hauled away;
 - (F) Proposed method of removal, plan of operation and general haul route;
 - (G) General description of types of equipment to be used;
 - (H) General description of the plan to manage dirt, debris, dust and noise generated by operations;
 - (I) Planned hours of operations;
 - (J) The estimated number of years to complete operations and number of phases where appropriate;
 - (K) A plan of reclamation; and
 - (L) All applications shall be signed by the proposed operator and property owner.
- (Ord. 25, passed 9-1-1999)

153.211 FEES.

All applications, whether new or renewal, shall be accompanied by a processing fee to be paid by the applicant in an amount as set by the Township Board from time to time, which fee may be modified by the Commission at its discretion, based on unique circumstances or actual costs involved.

(Ord. 25, passed 9-1-1999)

153.212 ISSUANCE OF LICENSE.

Upon finding the applicant has complied with the terms and conditions of this subchapter and with the terms and conditions of prior licenses and prior submitted plans, if any, a license shall be issued.

(Ord. 25, passed 9-1-1999)

153.213 CONDITIONS IN LICENSE.

Upon the issuance or renewal of a special use permit, the Commission may impose as conditions of the special use permit reasonable restrictions or requirements related to the location, design or operation of a mining site, as required to secure the public health, safety and general welfare of the community or to ensure that the mining operations will not create a nuisance or unreasonably interfere with the enjoyment of property.

(Ord. 25, passed 9-1-1999)

153.214 FENCING AND SCREENING.

(A) The Commission, based upon the application, the Township Engineer's report and taking into account the unique topography of the site, and adjoining residential or commercial uses, may require fencing and/or a berm.

(B) Any such required fencing and/or screening shall be as follows.

(1) *Operations of one year or less.* Temporary fencing of a vinyl/plastic snow-fence type may be used, or any other more permanent fencing at the option of the operator.

(2) *Operation of more than one year.* Woven wire fencing or other permanent fencing as approved by the Commission.

(3) *At the end of operations.* The Commission may require a permanent security fence to be installed, if the site as reclaimed poses any significant risk or danger that would be reduced by a fence.

(4) *Active mining excavations.*

(a) Active mining excavations may be visually screened from the view of residentially used parcels to a person standing on the lot line of adjacent parcels.

(b) The following methods are acceptable for screening of mining areas:

1. Construction of a raised earth berm area on the mining site along boundary lines thereof where such lines abut privately owned property which is improved and occupied for residential or commercial purposes. This provision with regard to lands improved and occupied for residential purposes shall also be applicable to any land upon which dwellings are built and occupied currently or subsequent to the date of this subchapter. The berm shall be sufficient in length and height to screen the mining area. During the next planting season following the placement of the berm, and as often as may be necessary to assure the existence of a vegetative ground cover, the applicant shall seed or plant the berm in a manner suitable for the area and soil conditions so as to provide vegetation to check erosion and to provide a visible ground cover substantially similar to the vegetation cover growing nearby. Where the topography of the area acts as a screen, the Commission may waive the berm requirement. The berm shall have slopes not in excess of one-foot vertical to two feet horizontal;

2. Planting of coniferous trees along the boundaries of the property with sufficient rows and depth to permit effective screening of the mining areal;

3. To the extent that the foregoing is not practical, the proposed applicant may submit alternate proposals for screening; and

4. The amount and extent of required screening shall be reasonable and practical for the particular mining site and adjoining land uses as determined by the Commission.

(Ord. 25, passed 9-1-1999) Penalty, see 153.999

153.215 HOURS OF OPERATION.

Maximum hours of operation of the mining operation shall be 7:00 a.m. to 7:00 p.m. Monday through Friday, and from 7:00 a.m. to noon on Saturday. No hours of operation shall be permitted on Sundays and legal holidays. In emergency situations, this time period may be modified by the Township Supervisor provided such emergency order shall not be effective for more than 72 hours.
(Ord. 25, passed 9-1-1999) Penalty, see 153.999

153.216 ROAD ACCESS.

All sites licensed under the provisions of this subchapter shall have access to a county road having a minimum right-of-way width of 66 feet and improved to the specifications of the County Road Commission. Entrances and exits shall be gated and securely locked after working hours, weekends and holidays.
(Ord. 25, passed 9-1-1999)

153.217 ROAD MAINTENANCE.

Access roads within the site shall be maintained by the operator so as to minimize the dust arising from the use of said roads. Such maintenance shall be as required by the special use permit. Application of oil shall be prohibited. In order to minimize the deposit of dirt and gravel from trucks onto the public highway, a paved access road not less than 300 feet in length may be required when the mine exits onto a paved county road. When the operation of a licensed area results in the mined material, overburden and/or similar material being deposited or spilled upon the public roadway, it shall be the responsibility of the operator to remove such material immediately.
(Ord. 25, passed 9-1-1999)

153.218 OPERATION OF USE.

All equipment and facilities used in the mining of sand, gravel and stone shall be conducted, maintained and operated in such manner as to eliminate insofar as practicable, noises, vibrations or dust which interfere with the reasonable use and enjoyment of surrounding property.
(Ord. 25, passed 9-1-1999)

153.219 NOISE STANDARDS.

(A) Mining sites shall be operated such that the noise of operation or equipment vibration cannot reasonably be considered disturbing to neighboring uses of land. Objectionable noises due to intermittence, beat, frequency or shrillness shall be muffled so as not to become a nuisance to adjacent uses. Equipment on licensed sites at any time or under any condition shall not be operated so as to result in noise exceeding the following levels for specified adjacent land uses when measured at the common property line nearest the active work area.

<i>Adjacent Use</i>	<i>Maximum Sound Level</i>
Commercial	85 dBA
Industrial and other	90 dBA
Residential	75 dBA

Big Rapids Charter Township - Land Usage

(B) Monitoring shall be accomplished by using weighted decibel measurements (referenced to 20 micro Pascals) with a type of audio output meter approved by the United States Bureau of Standards.

(C) As a condition of any such special use permit, the operator shall be responsible to obtain and pay for a noise level test at the demand of the Administrator. Any such test shall be conducted within 14 days of demand. The time and circumstances of the testing will be determined by the Administrator. The number of operator paid tests shall be limited to one per month.

(Ord. 25, passed 9-1-1999)

153.220 PERFORMANCE BOND.

The applicant shall post a surety performance bond naming the township as the beneficiary thereof in an amount determined by the Township Engineer in his or her review of the application. In no case will the sum of the surety bond in an amount as set by the Township Board from time to time for each acre or fraction thereof of land to be mined as specified in the application. The condition of such bond being that if upon completion of applicant's activities on the parcel(s) described in the application, the land has been reclaimed to the satisfaction of the Administrator, the bond shall be void; otherwise, the township shall have the right to use the bond proceeds to the extent necessary to reclaim the parcel(s). This bond shall be kept in effect by the applicant until the parcel(s) have been restored as required by this subchapter. Until such time the township and its agents and contractors are hereby granted a license to go on the applicant's parcel(s) to fulfill the bond requirements. In fixing the amount of the surety performance bond, the Township Engineer shall take into account the size and scope of the proposed operation, current prevailing cost of reclaiming the premises upon default of the operator, and other such conditions and factors as might be relevant in determining the sum to be reasonable in light of all facts and circumstances surrounding each application. The applicant shall notify the bonding company and provide proof thereof that the township shall be notified in the event of any lapse in the effectiveness of the bond. For each acre restored and reclaimed in accordance herewith, said bond may be reduced pro-rata as determined by the Township Engineer. The amount of the bond will apply to all lands occupied by mining areas, roadways, storage areas, equipment, stockpiles and all elements of the mining operation.

(Ord. 25, passed 9-1-1999)

153.221 PLAN OF OPERATIONS.

(A) As a part of the application, the applicant shall submit a plan of operation and will be expected to comply with such a plan during the period of time the special use permit is issued for. The plan of operation shall include a topographic survey of the existing parcel(s) drawn to a scale of one-inch equals 100 feet and prepared by a registered civil engineer or registered land surveyor with contour intervals not to exceed ten feet based upon U.S.G.S. datum. The drawing shall clearly show the area to be mined, including existing areas and roads within 500 feet of all property lines, setbacks, areas for stockpiling, maintenance areas, berms, fencing, drainage structures, retention or detention basins, location of existing and proposed structures, location of utilities, location of equipment and similar use areas.

(B) The plan of operation shall be accompanied by a projected schedule of mining operation, including the following specific dates:

(1) Commencement and completion of mining operations as provided by the plan of operation;

(2) Commencement and completion of erosion and drainage control measures to be instituted during mining operations; and

(3) Commencement and completion of fencing, roads, utilities or any other structures or improvements to be located on the site as provided by the plan of operation.

(Ord. 25, passed 9-1-1999)

153.222 TRANSPORTATION VEHICLE STANDARDS.

All vehicles used to transport excavated material shall be required to be loaded so that the material may not unintentionally be discharged from the vehicle. Vehicles shall be cleaned of all material not in the load-beds prior to entering the public streets.

(Ord. 25, passed 9-1-1999) Penalty, see 153.999

153.223 LIGHTING.

All lighting used to illuminate the mining area, access roads, stockpile area and similar use areas shall be directed away from all surrounding property. Shielding of lighting may be required by the Commission where such lighting shines directly toward a residential use and/or a county road.

(Ord. 25, passed 9-1-1999) Penalty, see 153.999

153.224 DRAINAGE.

Property drainage shall be provided at all times to prevent the collection and stagnation of water, and surface water shall at all times be directed in such a manner so as not to interfere with the adjoining property owners; provided, however, that the maintenance of the natural flow of surface water shall not be deemed an interference. There shall be no interference with the water table in the area. Any water areas, retention ponds, settling ponds or similar water areas shall be fenced in accordance with 153.214. Erosion control measures shall be instituted to comply with Public Act 451 of 1994, being M.C.L.A. 324.11501 et seq., as amended.

(Ord. 25, passed 9-1-1999)

153.225 SETBACKS.

All mining operations shall comply with the setback requirements for all structural and mining activities as follows, unless specifically increased or reduced by no more than 10% by the Planning Commission based on the circumstances of a particular mining site and adjoining uses.

(A) All structures, excluding office space and vehicle garages, shall be no less than 75 feet from all road rights-of-way and 50 feet from all other property lines.

(B) Open pit extraction may be no less than 150 feet from residential zones, and other areas of residential use, no less than 75 feet from public roadway rights-of-way and no less than 50 feet from all other property lines.

(Ord. 25, passed 9-1-1999)

153.226 RECLAMATION PLAN.

(A) The applicant shall also prepare a plan of reclamation.

(B) The plan of reclamation shall be submitted in three parts:

(1) A recent aerial photograph with a general plan of reclamation as an overlay or as a separate drawing;

(2) A reclamation contour plat, with slopes not to be steeper than one to four; and

(3) A description of reclamation methods and materials proposed for renewal of topsoil and replanting.

(C) The general plan of reclamation shall be presented at the same scale as the aerial photograph and shall provide the following information:

(1) The general area of reclaimed land and area of reclamation underway;

(2) The location and acreage used and proposed for topsoil and overburden storage;

(3) A description of the methods and materials proposed for restoration including planting as a part of the reclamation plan; and

(4) The projected schedule of reclamation operations, including the following specific dates:

(a) Commencement and completion of reclamation operations, including final grading, topsoil replacement and replanting or landscaping as provided by the reclamation plan; and

(b) Commencement and completion of erosion and drainage control measures to be instituted under the reclamation plan.
(Ord. 25, passed 9-1-1999)

153.227 GENERAL REQUIREMENTS.

Mining operational and reclamation plans shall be prepared to clearly depict and describe the sequence of mining operations including existing conditions, mining underway, mining completed, reclamation underway, reclamation completed, mining proposed, reclamation proposed, stock piles, roadways and similar land use elements.
(Ord. 25, passed 9-1-1999)

153.228 TERMINATION AND RECLAMATION.

Upon termination of mining operations, the owner of the premises and the operator of the mining operations shall be responsible at his or her cost to reclaim the site in accordance with reclamation plans submitted.
(Ord. 25, passed 9-1-1999)

153.229 EXCAVATION/FILLING.

(A) All excavation of mining areas shall be made either to a water-producing depth of at least ten feet below the low water mark for at least 80% of the water area, or shall be graded or backfilled with noxious-free, non-flammable, non-radioactive, non-hazardous and noncombustible materials, to assure:

(1) That the excavated area shall not collect and permit to remain therein stagnant water; and

(2) That the surface of any area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof and so as to produce a gently roiling surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.

(B) In the event filling of the mined area is necessary during reclamation, said fill material shall be inert material only, as defined by the Michigan Natural Resources and Environmental Protection Act, Public Act 451 of 1994, being M.C.L.A. 324.11501 et seq., as amended.

(Ord. 25, passed 9-1-1999)

153.230 BANK SLOPES.

The banks of all excavations shall be sloped to the water line in a water-producing excavation, and to the pit floor in a dry operation at a slope of not more than one to four, and said banks shall be reclaimed with vegetation in a manner specified hereunder.

(Ord. 25, passed 9-1-1999)

153.231 VEGETATION.

Vegetation shall be reclaimed by the use of sufficient soil and overburden and by appropriate seeding of grasses or planting of shrubs or trees in all parts of the reclaimed area where such area is not to be submerged under water or within 25 feet of the shoreline.

(Ord. 25, passed 9-1-1999)

153.232 CESSATION OF MINING.

Upon cessation of all mining operations and within a reasonable period of time not exceeding 12 months thereafter, all tanks, buildings, stockpiles and equipment shall be removed unless such building or structures can be lawfully used in the zoning district in which the same are located. Storage and stockpiling of mined products after cessation of mining activities may be permitted by the Commission by annual permit for that purpose only. In no event shall any additional materials be allowed to be added to these stockpiles and such a permit shall not interfere with or excuse reclamation as provided by this subchapter.

(Ord. 25, passed 9-1-1999)

153.233 REMEDIES.

In addition to any other remedy available at law, the township may bring an action for an injunction or other process against a person, or an agency of a person, to restrain or prevent any violation of the provisions of this subchapter.

(Ord. 25, passed 9-1-1999)

COMMUNICATION TOWERS**153.245 COMMUNICATION TOWERS.**

In order to accommodate the communication needs of residents and business while protecting the public health, safety and general welfare of the community, the Township Board finds that these regulations are necessary in order to:

(A) Facilitate the provision of wireless telecommunication services to the residents and businesses of the township;

(B) Minimize adverse visual effects of towers through careful design and siting standards;

(C) Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and

(D) Maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community. (Ord. 3.24, passed 6-1-1999)

153.246 QUALIFYING CONDITIONS.

(A) The following site and developmental requirements shall apply.

(1) All tower sites requiring a Special Use Permit shall be on at least ten acres in size and shall have a minimum area sufficient to contain the tower and its accessory uses. The site shall have permanent deeded access to a public road.

(2) The use of guy wires is prohibited within residential districts.

(3) The base of the tower and wire cable supports shall be fenced with a minimum five-foot high fence.

(4) All towers over 30 feet in height shall require a special use permit (153.130).

(B) Special performance standards.

(1) The tower must be set back from all property lines a distance equal to its height, unless engineering plans and specifications have been verified by the Township Engineer that the structural integrity of the tower will withstand high winds and icing impacts and the likelihood of a tower failure is minimal. The applicant shall incur all cost associated with township engineering review.

(2) All tower, wire cable supports, equipment and accessory structures associated with the operation of the tower shall not be located any closer than 30 feet to any property line or within the zoning district setback. Nothing shall prevent an applicant from applying to the Board of Appeals for a setback variance.

(3) Accessory structures shall not exceed 600 square feet of gross building area.

(4) No new tower shall be approved unless the applicant can document that the co-utilization of an existing tower or utilization of an existing structure is not available.

Big Rapids Charter Township - Land Usage

- (5) All towers shall have all ladder or climbing rungs removed within 20 feet of the ground to prevent unauthorized access.
- (6) The tower construction plans shall be prepared by a professional engineer qualified in structural engineering practices.
- (7) The applicant shall provide verification that the antenna mounts and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.
- (8) All towers and antennas must meet the standards of the Federal Aviation Administration and Federal Communications Commission.
- (9) All steel towers must meet the requirements of the current revision of the Telecommunications Industries Association/Electronic Industries Association (T.I.A./E.I.A.) 222 titled *Structural Standards for Steel Antenna Towers and Antenna Supporting Structures*.
- (10) All signals and remote-control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight feet above the ground at all points, unless buried underground.
- (11) Towers shall be located and operated so that they do not interfere with radio, television, audio, video, electronic, microwave or other reception in nearby areas.
- (12) Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and/or leased by the applicant.
- (13) Minimum spacing between tower locations shall be one mile in order to prevent a concentration of towers in one area, except when permitted by special use permit (153.130).
- (14) Towers shall not be artificially lighted unless required by the Federal Aviation Administration.
- (15) There shall not be displayed on the tower advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.
- (16) The antenna shall be painted to match the exterior treatment of the tower. The chosen paint scheme should be designed to minimize off-site visibility of the antenna.
- (17) Structures shall be subject to any state and federal regulations concerning non-ionizing electromagnetic radiation. If more restrictive state or federal standards are adopted in the future, the antenna shall be made to conform to the extent required by such standard or the special use approval will

be subject to revocation by the Township Board. Cost for testing and verification of compliance shall be borne by the operator of the antenna.

(18) There shall be no employees located on the site on a permanent basis to service or maintain the antenna.

(19) Where the property adjoins any residentially zoned property or land use, the tower owner shall provide and maintain appropriate screening harmonious to the area.

(20) The tower shall be removed by the property owner or lessee within six months of being abandoned by all users. A performance bond sufficient to cover the cost of removal of the tower may be required as a condition of the special use permit.

(21) All steel towers and structures must be inspected at least every three years in compliance with the T.I.A./E.I.A. standards and such inspection compliance certified to the township.

(22) (a) All wireless communications service providers shall cooperate with other wireless communications service providers in co-locating additional antennas on antenna support structure and/or existing buildings or other alternative antenna support structures.

(b) A wireless communications service provider shall exercise good faith in co-locating with other service providers and sharing antenna sites, provided that such shared uses does not give rise to substantial technical level impairment of the ability to provide that such shared use does not give rise to a substantial technical level impairment of the ability to provide wireless communications service.

(c) Such good faith shall include sharing of technical information to evaluate the feasibility of co-location. In the event that a dispute arises as to whether a provider has exercised good faith in accommodating other providers, the township may require a third party technical study at the expense of either or both of such providers.

(Ord. 3.24, passed 6-1-1999) Penalty, see 153.999

153.250 PURPOSE AND FINDINGS.

The township hereby makes its stated findings and legislative record related to the adverse secondary effects of sexually oriented businesses, based on the judicial opinions and reports related to such secondary effects, as detailed below.

(A) In the development and execution of this chapter it is recognized that there are some uses which because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or when one or more of them are located in near proximity to a residential zone, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects shall not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this chapter.

These controls are for the purpose of preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential neighborhood. These controls do not legitimize activities, which are prohibited in other township ordinances.

(B) In regulating sexually oriented businesses, it is the purpose of this chapter to promote the health, safety and general welfare of the citizens of the township, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the township. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this chapter to condone or legitimize the distribution of obscene material.

(C) Based on evidence, of the adverse secondary effects of adult uses presented in hearings and in reports made available to the Township Board, and on findings incorporated in the cases of: *Peek-A-Boo Lounge of Bradenton, Inc. v. Manatee County*, 2009 WL 4349319 (M.D. Fla. 2009); *Sensations, Inc. et al. v. City of Grand Rapids*, 526 F.3d 291 (6th Cir, 2008); *Paps AM. v. City of Erie*, 529 U.S. 277 (2000); *Thomas v. Chicago Park District*, 122 S. Ct. 775 (2002); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *DLS, Inc. v. City of Chattanooga*, 107 F. 3d 403 (6th Cir. 1997); *East Brooks Books, Inc. v. City of Memphis*, 48 F. 3d 220 (6th Cir 1995); *Broadway Books v. Roberts*, 642 F. Supp. 486 (E.D. Tenn. 1986); *Bright Lights, Inc. v. City of Newport*, 830 F. Supp. 378 (E.D. Ky. 1993); *Richland Bookmart v. Nichols*, 137 F. 3d 435 (6th Cir. 1998); *Dejavu v. Metro Government*, 1999 U.S. App. LEXIS 535 (6th Cir. 1999); *Bamon Corp. v. City of Dayton*, 7923 F. 2d 470 (6th Cir. 1991); *Threesome Entertainment v. Strittmather*, 4 F. Supp. 2d 710 (N.D. Ohio 1998); *J.L. Spoons, Inc. v. City of Brunswick*, 49 F. Supp. 2d 1032 (N.D. Ohio 1999); *Triplett Grille, Inc. v. City of Akron*, 40 F. 3d 129 (6th Cir. 1994); *Nightclubs, Inc. v. City of Paducah*, 202 F. 3d 884, 894 (6th Cir. 2000); *O'Connor v. City and County of Denver*, 894 F. 2d 1210 (10th Cir. 1990); *Dejavu of Nashville, Inc., et al. v. Metropolitan Government of Nashville and Davidson County*, 2001 U.S. App. LEXIS 26007 (6th Cir. Dec. 6, 2001); *Z. J. Gifts D-2, L.L.C v. City of Aurora*, 136 F. 3d (10th Cir. 1998), *Connection Distrib. Co. v. Reno*, 154 F. 3d

281 (6th Cir. 1998); *Sundance Assocs. v. Reno*, 139 F. 3d 804 (10th Cir. 1998); *American Library Association v. Reno*, 33 F. 3d 78 (D.C. Cir. 1994); *American Target Advertising, Inc. v. Giani*, 199 F 3d 1241(10th Cir. 2000); *Z.J. Gifts D-2, L.L.C v. City of Aurora*, 136 F. 3d 683(10th Cir. 1998); *ILQ Investments, Inc. v. City of Rochester*, 25 F. 3d 1413, 1416, (8th Cir. 1994); *Bigg Wolf Discount Video Movie Sales, Inc. v. Montgomery County*, 2002 U.S. Dist. LEXIS 1896 (D. Md, Feb. 6, 2002); *Currence v. Cincinnati*, 2002 U.S. App. LEXIS 1258 (6th Cir., Jan. 24, 2002); and other cases; and on testimony to Congress in 136 Cong. Rec. S. 8987; 135 Cong. Rec. S. 14519; 135 Cong. Rec. S. 5636; 134 Cong. Rec. E. 3750; and reports of secondary effects occurring in an around sexually oriented businesses, including, but not limited to, Phoenix, Arizona - 1979; Minneapolis, Minnesota - 1980; Houston, Texas - 1997; Amarillo, Texas; Garden Grove, California - 1991; Los Angeles, California - 1977; Whittier, California - 1978; Austin, Texas - 1986; Seattle, Washington - 1989; Oklahoma - 1986; Cleveland, Ohio and Dallas, Texas - 1997; St. Croix County, Wisconsin - 1993; Bellevue, Washington, - 1998; Newport News, Virginia - 1996; New York Times Square study - 1994; Phoenix, Arizona - 1995 through 98; and also on findings from the paper entitled *Stripclubs According to Strippers; Exposing Workplace Sexual Violence*, by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota, and from *Sexually Oriented Businesses: An Insider's View*, by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000, and the Report of the Attorney Generals Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the Township Board finds that sexually oriented businesses as a category of establishments are correlated with harmful secondary effects, and that the foregoing reports are reasonably believed to be relevant to the problems that the township is seeking to abate and prevent in the future.

(D) The township also relies upon findings concerning secondary effects contained in additional reports as well as in cases in accord with those cited above including those upholding regulations of nudity and the time, place and manner of operation of sexually oriented businesses: *Deja Vu of Cincinnati, L.L.C. v. Union Township*, 411 F. 3d 777 (6th Cir. 2005); *Broncos Entertainment, Ltd. v. Charter Township of Van Buren*, 2005 U.S. App. LEXIS 18496 (6th Cir. 2005); *Charter Township of Van Buren v. Garter Belt, Inc.*, 258 Mich. App. 594 (2003) (following *City of Erie v. Paps A.M.*, 529 U.S. 277 (2000), *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991), and *California v. LaRue*, 409 U.S. 109 (1972); *Gammoh v. City of La Habra*, 395 F. 3d 1114 (9th Cir. 2005); *SOB, Inc. v. County of Benton*, 317 F. 3d 856 (8th Cir. 2003); *G. M. Enterprises, Inc. v. Town of St. Joseph*, 350 F. 3d 631 (7th Cir. 2003); *Heideman v. South Salt Lake City*, 348 F. 3d 1182 (10th Cir. 2003); *In re Tennessee Public Indecency Statute*, 1999 U.S. App. LEXIS 535 (6th Cir. 1999); *Currence v. City of Cincinnati*, 2002 U.S. App. LEXIS 1258); *Jott, Inc. v. Clinton Township*, 224 Mich. App. 513 (1997); *Michigan ex rel. Wayne County Prosecutor v. Dizzy Duck*, 449 Mich. 353 (1995); *Kev, Inc. v. Kitsap County*, 793 F. 2d 1053 (9th Cir. 1986); *Hang On, Inc. v. City of Arlington*, 65 F. 3d 1248 (5th Cir. 1995); *Tily B. Inc. v. City of Newport Beach*, 69 Cal. App. 4th (Cal. App. 1997); *Lady J. Lingerie, Inc. v. City of Jacksonville*, 973 F. Supp. 1428 (M.D. Fla. 1997); *City of Elko v. Abed*, 2004 Minn. App. LEXIS 360 (Minn. App. 2004); *Center for Fair Public Policy v. Maricopa County Arizona*, 336 F. 3d 1153 (9th Cir. 2003); *Richland Bookmart, Inc. v. Nichols*, 137 F. 3d 435 (6th Cir. 1998); *Richland Bookmart, Inc. v. Nichols*, 278 F. 3d 570 (6th Cir. 2002); *DiMa Corp. v. Town of Hallie*, 185 F. 3d 823 (7th Cir. 1999); *Lady J. Lingerie, Inc. v. City of Jacksonville*, 176 F. 3d 1358 (11th Cir. 1998); *Natl. Amusements Inc. v. Town of Dedham*, 43 F. 3d 731 (1st Cir. 1995); *Mitchell v. Common Adult Enter. Est. of the State of Delaware*, 10 F. 3d 123 (3d Cir. 1993); *Star Satellite, Inc. v. City of Biloxi*, 779 F. 2d 1074 (5th Cir. 1986); *Heideman v. South Salt Lake City*, 2006 U.S. App. LEXIS 2745 (10th Cir. 2006); *Fantasyland Video, Inc. v. San Diego County*, 373 F. Supp. 2d 1094 (S.D. Cal. 2005); *State ex rel. Nasal v. BJS No. 2, Inc.*, 127 Ohio Misc. 2d 101 (Ohio Ct. Comm. Pleas 2003); *Baby Dolls Topless Saloons, Inc. v. City of Dallas*, 295 F. 3d 471 2002 (5th

Cir. 2002); *Z.J. Gifts D-2, L.L.C v. City of Aurora*, 136 F. 3d 683 (10th Cir. 1998); *World Wide Video of Washington, Inc. v. City of Spokane*, 368 F. 3d 1186 (9th Cir. 2004); *Andys Restaurant & Lounge, Inc. v. City of Gary*, Case No. 2:01-CV-327 (N.D. Ind. 2005); *Summaries of Key Reports Concerning the Negative Secondary Effects of Sexually Oriented Businesses*; Rome, Georgia - 1996; San Diego, California - 2003; Greensboro, North Carolina - 2003; Dallas, Texas - 1997; and numerous media reports, in finding that:

(1) Sexually oriented businesses, as a category of commercial uses, are often associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter and sexual assault and exploitation;

(2) Illegal and unsanitary acts involving nudity, including lewd conduct, masturbation, oral and anal sex, occur at unregulated sexually oriented businesses, including those businesses which provide private or semi-private rooms, booths or cubicles for viewing films, videos or live performances; and

(3) Each of the foregoing negative secondary effects constitutes a harm which the township has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the townships rationale for this chapter, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the townships interest in regulating sexually oriented businesses extends to preventing future secondary effects of either current or future sexually oriented businesses that may locate in the township. The township finds that the cases and documentation relied on in this chapter are reasonably believed to be relevant to said secondary effects.

(Ord. 21.01, passed 4-5-2011)

153.251 USES SUBJECT TO CONTROL.

Uses subject to these controls are adult businesses as listed in 153.019 of the township zoning regulations as follows:

(A) Adult book store or adult video store;

(B) Adult cabaret;

(C) Adult mini motion picture theatre;

(D) Adult motion picture theatre;

(E) Escort agency; and

(F) Massage parlor.

(Ord. 21.01, passed 4-5-2011)

153.252 DEFINITIONS.

(A) The terms in this section shall have the meanings ascribed to them in 153.290 of the township zoning regulations, unless otherwise indicated herein.

(B) In addition, the following terms shall have the meanings ascribed to them unless the context clearly indicates or requires a different meaning.

EMPLOYEE. A person who performs any service for any consideration on the premises of an sexually oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise, and whether or not said person is paid a salary, wage or other compensation by the operator of said sexually oriented business. **EMPLOYEE** does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises or for the delivery of goods to the premises.

NUDITY, NUDE or STATE OF NUDITY. The knowing or intentional live display of a human genital organ or anus with less than a fully opaque covering or a female's breast with less than a fully opaque covering of the nipple and areola.

NUDITY, as used in this chapter, does not include a woman's breast feeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.

OPERATE or CAUSE TO OPERATE. To cause to function or to put or keep in a state of doing business.

OPERATOR means any person on the premises of a sexually oriented business who exercises overall operational control of the business or a part of the business, who can open or close the business to the public, or who causes to function or who puts or keeps the business open or in operation. A person may be found to be operating or causing to be operated a sexually oriented business regardless of whether that person is an **OWNER** or **PART OWNER** of the business.

PATRON. A customer of the sexually oriented business or a person from the general public, not an employee of the business, who is on the premises to obtain, receive or view the products, services or performances offered by the business.

REGULARLY. Recurring, attending or functioning at fixed or uniform intervals.

SEMI-NUDITY, SEMI-NUDE or IN A SEMI-NUDE CONDITION. The showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard or similar wearing apparel provided the areola is not exposed in whole or in part.

SEXUALLY ORIENTED BUSINESS. Any adult motion picture theater, adult mini motion picture theatre, adult bookstore, adult video store or adult cabaret as defined in 153.290 of the township zoning regulations.

(Ord. 21.01, passed 4-5-2011)

153.253 UNLAWFUL ACTIVITIES.

(A) Nothing contained in this chapter is intended, or shall be construed, to permit or authorize activities which are unlawful under state law or township ordinance. It is unlawful and a violation of this chapter for an operator to knowingly or intentionally violate the provisions of this chapter or to allow, either knowingly or intentionally, an employee or a patron to violate the provisions of this chapter. It shall be a defense to prosecution that the person prosecuted was powerless to prevent the violation.

(B) No person shall knowingly or intentionally, in a sexually oriented business, appear before a patron or patrons in a state of nudity, regardless of whether such public nudity is expressive in nature.

(C) No employee shall knowingly or intentionally, in a sexually oriented business, appear within view of any patron in a semi-nude condition unless the employee, while semi-nude, shall be and remain at least six feet from all patrons and on a fixed stage at least 18 inches from the floor in a room of at least 600 square feet.

(D) A sexually oriented business which exhibits on the premises, through any mechanical or electronic image-producing device, a film, video cassette, digital video disk or other video reproduction characterized by an emphasis on the display of specified sexual activities or specified anatomical areas shall comply with the following requirements. The interior of the premises shall be configured in such a manner that there is an unobstructed view from an operators station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose. An operator's station shall not exceed 32 square feet of floor area. If the premises has two or more operators stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the operators stations. The view required in this division (D) must be direct line of sight from the operator's station. It is the duty of the operator to ensure that a least one employee is on duty and situated in an operator's station at all times that any patron is on the portion of the premises monitored by that operator station. It shall be the duty of the operator, and it shall also be the duty of any employees present on the premises, to ensure that the view area specified in this division (D) remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises.

(E) Sexually oriented businesses that do not have stages or interior configurations which meet at least the minimum requirements of this section shall be given 180 days from the effective date of this chapter to comply with the stage and building requirements of this section. During said 180 days, an employee who appears within view of any patron in a semi-nude condition shall nevertheless remain, while semi-nude, at least six feet from all patrons.

(F) No employee who regularly appears within view of patrons in a semi-nude condition in a sexually oriented business shall knowingly or intentionally touch a patron or the clothing of a patron in a sexually oriented business.

(G) No operator shall allow or permit a sexually oriented business to be or remain open between the hours of 2:00 a.m. and 7:00 a.m. on any day.

(Ord. 21.01, passed 4-5-2011) Penalty, see 111.99

153.254 SCIENTER REQUIRED TO PROVE VIOLATION OR BUSINESS LIABILITY.

This chapter does not impose strict liability. Unless a culpable mental state is otherwise specified herein,

a showing of a knowing or reckless mental state is necessary to establish a violation of a provision of this chapter. Notwithstanding anything to the contrary, for the purposes of this chapter, an act by an employee shall be imputed to the sexually oriented business for purposes of finding a violation of this chapter only if an officer, director or general partner, or a person who managed, supervised or controlled the operation of the business premises, knowingly or recklessly allowed such act to occur on the premises. It shall be a defense to liability that the person to whom liability is imputed was powerless to prevent the act.

(Ord. 21.01, passed 4-5-2011)

153.259 PENALTY.

(A) Any person, business or entity violating or refusing to comply with any provisions of this chapter shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished by imposition of a fine not to exceed \$500 or by imprisonment for a period not to exceed 90 days, or both. Each day that a violation is permitted to exist or occur, and each separate occurrence, shall constitute a separate offense. Further, any premises, building, dwelling or other structure in which a sexually oriented business, as defined in 153.290 of the township zoning regulations, is repeatedly operated or maintained in violation of the provisions of this chapter shall constitute a public nuisance and shall be subject to civil abatement proceedings initiated by the township in a court of competent jurisdiction. Each day that a violation is permitted to exist or occur shall constitute a separate operation or maintenance of the violation.

(B) Notwithstanding division (A) above, the township may employ any remedy available at law or in equity to prevent or remedy a violation of any provision of this section.

(Ord. 21.01, passed 4-5-2011)

ADMINISTRATION AND ENFORCEMENT**153.260 ZONING ADMINISTRATOR.**

The provisions of this chapter shall be administered and enforced by a Township Zoning Administrator, appointed by the Township Board for such term and subject to such conditions and at a rate of compensation as said Board shall determine as reasonable.

(Ord. 2, passed 8-12-1971; Ord. 3, passed 8-8-1974)

153.261 PERMITS.

No building, sign or other structure shall hereafter be erected, altered or relocated until a permit authorizing the same shall have been issued by the Zoning Administrator. Permits shall be issued only when such structure or use conforms to this chapter.

(Ord. 2, passed 8-12-1971; Ord. 3, passed 8-8-1974)

153.262 SITE PLAN REVIEW.

(A) An approved site plan, which includes those documents and drawings specified in this section are necessary to ensure that the proposed land use or activity is in compliance with this chapter.

(B) The site plan shall be required prior to receiving zoning review and other authority to use, erect or enlarge any structure or facility. Further, no use shall be undertaken or carried on and no structure or facility shall be constructed, enlarged or improved except as shown upon an approved site plan.

(1) *Class A site plan requirements.*

(a) A Class A site plan shall be required for all single-family, two-family, mobile home, agricultural building and any customary accessory use; and other similar structures, which are similar in the intensity of use when considering floor area, solid waste loads, water use, traffic congestion, noise, smoke, odor and construction costs.

(b) This site plan shall include a sketch plan with accurate dimensions showing:

1. The lot, with a legal description;
2. Existing or proposed buildings and structures;
3. Existing or proposed public or private roads and rights-of-way, parking areas and walkways;
4. Location of existing or proposed public utility systems and/or private sewage systems and wells or water supply source;
5. Existing natural or human-made features such as wood-lots, streams, lakes and ponds;
6. A description of any changes in grade or drainage systems, except those changes to accommodate basement and driveway grading. When development occurs within 500 feet of a watercourse, all grade changes shall be in conformance with County Drain Commission requirements;
7. A description of adjacent uses; and
8. Any other information necessary to establish compliance with township and county ordinances.

Big Rapids Charter Township - Land Usage*(2) Class B site plan requirement.*

(a) A Class B site plan shall be required for all other uses, structures or facilities, including all industrial and commercial uses, planned unit developments, and all multi-family uses.

(b) This site plan shall be drawn to a scale not smaller than 40 feet to the inch, certified by a licensed architect, a registered land surveyor or professional engineer.

(c) Class B site plan shall show the following:

1. The boundary lines of the area included in the site plan including angles, dimensions and references to a section corner, quarter corner, or point on a recorded plat, an arrow pointing north, and the lot area of the land included in the site plan;

2. Existing and proposed grades and drainage systems and structures with topographic contours at intervals not exceeding five feet;

3. The shape, size, location, height and floor area for the finished ground and basement floor grades;

4. Natural features such as wood-lots, streams and lakes or ponds and human-made features such as existing roads and structures, with indications as to which are to be retained and which are to be removed or altered. Future landscaping designs should also be indicated;

5. Proposed streets, driveways, parking spaces, loading spaces and sidewalks and the total number of parking spaces shall be shown;

6. The size and location of all existing and proposed public and private utilities, including private sewage systems, wells or water sources;

7. A vicinity sketch showing the location of the site in relation to the surrounding street system;

8. A legal description of the lot; the name, address and telephone number of the owner, developer and designer; and

9. Any other information necessary to establish compliance with this and other ordinances or the utility of the site.

(d) Alterations or structural changes to existing Class B structures which do not exceed 25% of total existing ground floor area or 50% of aggregate cost or original structure may be permitted a Class A site plan, but shall comply with Class B site plan review procedures.

(C) Review procedure:

(1) Upon receipt of a Class A site plan, the Zoning Administrator shall review it to determine whether it is in proper form, contains all of the required information, and shows compliance with this and all other governing ordinances. Upon demand of the proprietor of the site plan, the Zoning Administrator shall, within ten days, approve the plan or deny approval in writing; and

(2) Upon receipt of a Class B site plan, the Zoning Administrator shall review the plan for proper form, required information, compliance with this and all other governing ordinances, and shall forward the plan with his or her comments to the Township Planning Commission for final review and approval. The Planning Commission shall take action on each application within 30 days of the filing of the application. (Time extensions for approval must be mutual agreement of proprietor and Planning Commission.) All actions of the Planning Commission shall be in writing. A denial of any site plan shall set forth in detail the reasons, which shall be limited to any defect in form or required information, any violation of any provision of this or any other governing ordinance or authority, or the inadequacy an any utility, facility or structure. The denial shall include any changes which would make the site plan acceptable. The proprietor may appeal any denial to the Zoning Board of Appeals.
(Ord. 3.11, passed 12-5-1978)

BOARD OF APPEALS**153.275 ORGANIZATION.**

A Zoning Board of Appeals is hereby created in accordance with applicable state law. The Board shall consist of five members. The first member of the Board of Appeals shall be the Chairperson of the Township Planning Commission. The second member shall be a member of the Township Board appointed by the Township Board. The remaining three members shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the township. None of these three members shall be an elected officer of the township or an employee of the Township Board. The terms of each of these three members shall be for two years, except that of the members first appointed, one shall serve for one year, one for two years and one for three years. A successor shall be appointed not more than one month after the term of the preceding Board member has expired, and each member shall serve until his or her successor is appointed and has qualified. All vacancies for unexpired terms shall be filled in the same manner as is provided for the appointment in the first instance for the remainder of the unexpired term. (Ord. 2, passed 8-12-1971; Ord. 3, passed 8-8-1974)

153.276 MEETINGS; POWERS AND DUTIES OF CHAIRPERSON; RECORDS.

The Board of Appeals shall hold a minimum of one regular meeting annually, at which it shall elect from its members a Chairperson. The member of the Board of Appeals who is a member of the Township Board shall not serve as Chairperson of the Board of Appeals. Other meetings of the Board of Appeals shall be held at the call of the Chairperson at such other times as the Board of Appeals may determine necessary to fulfill its duties. The Chairperson, or in his or her absence, the Acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Appeals shall maintain a record of its proceedings which shall be immediately filed in the office of the Township Clerk and shall be a public record. (Ord. 3, passed 8-8-1974)

153.277 DUTIES.

The Board of Appeals act upon all questions as they may arise in the administration of the zoning regulations, including the interpretation of the zoning maps and provisions of this chapter. The Board of Appeals may fix rules and regulations to govern its procedures sitting as such a Board of Appeals. It shall hear and decide appeals from and review any order, requirements, decision or determination made by the Zoning Administrator pursuant to the provisions of this chapter. It shall also hear and decide all matters referred to it or upon which it is required to pass under the provisions of this chapter. The concurring vote of the majority of the members of the Board of Appeals shall be necessary to reverse any order, or to decide in favor of the applicant any matter upon which they are required to pass under this chapter or to affect any variation from the provisions of the chapter. (Ord. 2, passed 8-12-1971; Ord. 3, passed 8-8-1974; Ord. 3.13, passed 8-7-1979)

153.278 HEARINGS AND NOTICES.

Applications and appeals to the Board of Appeals shall be filed with the Zoning Administrator who shall transmit the same, together with all the plans, specifications and other papers pertaining to the application or appeal, to the Board of Appeals. The Board of Appeals shall fix a reasonable time for the hearing of an application or appeal and shall give at least ten days' notice of the time and place of such hearing by insertion in a daily newspaper of general circulation in this township. The Board of Appeals also shall give notice delivered personally or by mail at least five days before the time fixed for such a hearing to the applicant or appellant and to the owners of record of property within 300 feet of the premises. The Board of Appeals shall make a decision in the case of any application or appeal, and documented reasons for the decision of the Board of Appeals shall be made part of the decision. The Board of Appeals shall promptly notify the applicant or appellant and the Zoning Administrator of its decision. (Ord. 3, passed 8-8-1974)

DEFINITIONS**153.290 DEFINITIONS.**

For the purpose of this chapter, certain terms are herewith defined. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural number and words in the plural number include the singular number. The word shall is always mandatory and not merely directory. The term person shall mean an individual, partnership, corporation or other association or their agents. Terms not herein defined shall have the meanings customarily assigned to them.

ACCESSORY BUILDING. Any subordinate building, such as a private garage, located on the same lot with the main building, or any portions of the main building if said portion is occupied or devoted exclusively to an accessory use. When an **ACCESSORY BUILDING** is attached to a main building by a wall or roof, such **ACCESSORY BUILDING** shall be considered part of a main building for the purpose of determining the required dimensions of yards.

ACCESSORY USE. Any use customarily incidental to the main use of the premises.

ADULT BOOK STORE or ADULT VIDEO STORE. A commercial establishment which, as one of its principal business purposes (meaning either 10% of the usable floor area or 20% of the stock in trade of the establishment) offers for sale or rental, or for any other form of consideration, any one or more of the following: books, computer diskettes, tapes, other electronic file retrieval media, magazines, periodicals, other printed matter, photographs, films, motion pictures, video cassettes, other video reproduction media, slides or other visual representations which depict or describe specified sexual activities or Aspecified anatomical areas. A commercial establishment may have other principal business purposes which do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an **ADULT BOOK STORE** or **ADULT VIDEO STORE**. Such other business purposes shall not serve to exempt such commercial establishment from being so categorized as long as one of its principal business purposes is the offering for sale or rental, or for any other form of consideration, materials depicting or describing specified sexual activities or Aspecified anatomical areas. Video cassettes, other video reproduction media or films which are X-rated or of substantially equivalent content as X-rated films shall be considered to depict or describe specified sexual activities or Aspecified anatomical areas notwithstanding any more restrictive definition set forth herein.

ADULT BUSINESS. As used in this chapter, shall mean any of the following:

- (1) Adult book store or adult video store;
- (2) Adult cabaret;
- (3) Adult mini motion picture theater;
- (4) Adult motel;
- (5) Adult motion picture theater;
- (6) Adult smoking or paraphernalia store;
- (7) Billiard/pool hall;
- (8) Escort agency;
- (9) Massage parlor;
- (10) Pawnshop; or
- (11) Tattoo parlor.

ADULT CABARET. A nightclub, bar, restaurant or similar commercial establishment which regularly features any of the following:

- (1) Live performances characterized by the exposure of specified anatomical areas or by specified sexual activities; or
- (2) Films, motion pictures, video cassettes, slides, computer presentations or other moving-image reproductions characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT MINI MOTION PICTURE THEATER. An establishment with a capacity of less than 50 persons, wherein material distinguished or characterized by an emphasis on matters depicting, describing or related to specified sexual activities or Aspecified anatomical areas, as defined in this section, is available for observation by patrons therein.

ADULT MOTEL. A hotel, motel or similar establishment which:

- (1) Offers accommodations to the public for any form of consideration and provides patrons with closed circuit television transmissions of X-rated motion pictures or motion pictures equivalent to

X-rated motion pictures and has a sign visible from the public right-of-way advertising the availability of these types of photographic reproductions; or

- (2) Offers a sleeping room for rent for a period that is less than eight hours.

ADULT MOTION PICTURE THEATER. A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes or similar photographic reproductions are regularly shown which are X-rated or the equivalent of X-rated.

ADULT SMOKING OR SEXUAL PARAPHERNALIA STORE. An establishment which as one of its principle building purposes (meaning either 10% of the usable floor area or 20% of the stock in trade of the establishment) offers for sale either: paraphernalia designed or usable for sexual stimulation or arousal; or paraphernalia designed for smoking, ingesting or inhaling marijuana, narcotics or other stimulating or hallucinogenic drug-related substances.

AGRICULTURE. The art or science of cultivating the ground including the production of crops and livestock on a farm.

ALTERATION. Any change, addition or modification in use or type of occupancy; any change in the structural members of a building, such as wall, partitions, columns, beams, girders or any change which may be referred to herein as **ALTERED** or **RECONSTRUCTED**.

AUTOMOBILE OR TRAVEL TRAILER. Any house car, house trailer home, trailer coach or similar vehicle used, or so constructed as to permit its uses as a conveyance upon the public streets or highways, and duly licensable as such, including any self-propelled vehicle so designed, constructed or added to by means of accessories in such manner as will permit the occupancy thereof as a dwelling or sleeping place for one or more persons.

BILLIARD/POOL HALL. An establishment having a substantial or significant portion of its space devoted to the game of pool, billiards, bumper pool, ping pong, darts, dice, cards or similar activities.

BILLBOARD. Any structure or portion thereof upon which a sign or advertisement is used as an outdoor display for the purpose of making anything known to the general public, but not including bulletin boards used to display official court, church or public office notices.

BOARDING HOUSE or **ROOMING HOUSE.** A building containing at least one dwelling unit and used for the purpose of providing meals or lodging or both meals and lodging for pay or compensation of any kind, to more than one person other than members of the family occupying the dwelling unit.

BODY OF WATER. For purposes of this chapter a **BODY OF WATER** is any lake, pond, flowage, stream or river exceeding ten acres in water area or having a drainage area of over two square miles as calculated from the United States Geological Quadrangle Map.

BUILDING. A structure erected on-site, a mobile home or mobile structure, a pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

BUILDING PERMIT. The written authority issue by the Zoning Administrator or his or her agent permitting the construction, removal, moving, alterations or use of a building in conformity with the provisions of this chapter.

BUILDING, PRINCIPAL. A building in which is conducted the principal use of the premises on which it is situated.

COMMUNICATIONS TOWERS. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone and wireless communications towers, and alternative tower structures. Tower types include, but are not limited to guyed towers, wooden poles, lattice towers and monopoles.

CONSERVATION EASEMENT. That term as defined in 2140 of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, being M.C.L.A. 324.2140.

DWELLING. Any building which contains one or more dwelling units used, intended, leased, let or hired out to be occupied for living purposes. In case of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this chapter and shall comply with the provisions thereof relative to dwellings.

DWELLING, MULTIPLE-FAMILY. A building containing three or more dwelling units designed for residential use, subject to the provisions of 153.035.

DWELLING, SINGLE-FAMILY. A building containing not more than one dwelling unit designed for residential use, subject to the provisions of 153.035.

DWELLING, TWO-FAMILY. A building containing not more than two separate dwelling units designed for residential use, subject to the provisions of 153.035.

DWELLING UNIT. A single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

ESCORT. A person who, for monetary or other consideration, agrees or offers to act as a companion, guide or date for another person or who agrees to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY. A person or business association who or which furnishes, offers to furnish or advertises to furnish escorts as one of his, her or its primary business purposes for a fee, tip or other consideration.

ESTABLISHMENT OF AN ADULT BUSINESS. Means and includes any of the following:

- (1) The opening or commencement of any adult business as a new business;
- (2) The conversion of an existing business to any adult business;
- (3) The addition of any adult business to any other existing business; or
- (4) The relocation of any adult business.

EXISTING BUILDING. An existing building is a building existing in whole or whose foundations are complete and whose construction is being diligently prosecuted on the date of this chapter.

FAMILY.

(1) (a) An individual or group of two or more persons related by blood, marriage or adoption, together with foster children and servants of principal occupants, with not more than one additional unrelated person, who are domicile together as a single, domestic, housekeeping unit in a dwelling unit; or

(b) A collective number of individuals domiciled together in one dwelling whose relationship is of a permanent and distinct domestic character, with a demonstrable and recognizable bond characteristic of a cohesive unit, and who are in fact cooking and living as a single nonprofit housekeeping unit.

(2) This definition shall not include any society association, lodge, combine, federation, group, coterie or other organization, which is not a recognized religious order, and shall also not include any group of individuals whose domestic relationship is transitory, temporary or resort/seasonal in nature or character.

FLOOR AREA, USABLE. Any floor area within outside walls of a building exclusive of area in cellars, basements, unfinished attics, garages, open porches and accessory buildings.

JUNKYARD. Any establishment or premises where worn-out or discarded material or equipment is brought, kept, sold and/or stored; also any premises upon which two or more unlicensed used motor vehicles which cannot be operated under their own power are kept or stored for a period of 15 days or more.

LOT. Any portion, piece or divisions of land.

LOT OF RECORD. A parcel of land recorded in the office of the Mecosta County Register of Deeds.

LOT AREA. The total horizontal area within the lot lines, as defined, of a lot. For lots fronting or lying adjacent to public or private streets, **LOT AREA** shall be interpreted to mean that area within lot line separating the lot from the private street, and not the centerline of said private street.

LOT LINES. The property lines bounding the lot.

(1) **FRONT LOT LINE.** In the case of a lot abutting upon a public road or street means the line separating such lot from such road or street right-of-way. In the case of any other lot, the owner shall, for the purpose of this chapter, have the privilege of electing any street lot line, the **FRONT LOT LINE**, providing that such choice, in the opinion of the Zoning Administrator or his or her agent will not be injurious to the existing or the desirable future development of adjacent properties. In the case of platted waterfront property, the **FRONT LOT LINE** shall be as designated on the plat.

(2) **REAR LOT LINE.** Ordinarily that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular, triangular or gore-shaped lot for the purpose of determining depth or rear yard, a **REAR LOT LINE** shall be considered to be a line ten-feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot. In cases where none of these definitions are applicable, the Zoning Administrator or his or her agent shall designate the **REAR LOT LINE**.

(3) **SIDE LOT LINES.** Any lot line not a front lot line or a rear lot line. A **SIDE LOT LINE** separating a lot from a street is a **SIDE LOT LINE**. A **SIDE LOT LINE** separating a lot from another lot or lots is an **INTERIOR SIDE LOT LINE**.

MASSAGE PARLOR. An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, beauty salon or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

MOBILE HOME. A single-family dwelling designated for after fabrication transportation on street and highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connection to utilities and the like; provided that this definition is not intended to apply to conventional modular homes.

MODULAR HOME. A prefabricated dwelling constructed in sections for final assembly on a permanent foundation and which is structurally independent of the trailer frame or other systems by which it is transported to the site and from which it is generally removed prior to assembly. Such structures shall meet the standards of the Building Officials Conference of America (BOCA) or its equal.

NONCONFORMING BUILDING OR STRUCTURE. A use which lawfully occupied a building or land at the effective date of this chapter or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.

NONCONFORMING USE. A use which lawfully occupied a building or land at the effective date of this chapter or amendments thereto, and that does not conform to the use regulations of the Zoning District in which it is located.

PARCEL. A part or portion of land; in this chapter, it is to be considered synonymous with the term **LOT**.

PAWNSHOP. An establishment where merchandise is left as security for a loan of money and abandoned if repayment of the loan has not been made within a specified period of time.

ROAD or STREET. Any state trunk-line or road under the jurisdiction of the Mecosta County Road Commission.

ROADSIDE STAND. A temporary or permanent building operated for the purpose of selling only produce raised or produced on the same premises by the proprietor of the stand or his or her family; its use shall not make into a commercial district land which would otherwise be an agricultural or residential district, nor shall its use be deemed a commercial activity.

SETBACK. The minimum horizontal distance between the front of the building, excluding steps and unenclosed porches and the front street or right-of-way line.

SETBACK LINES. Lines established adjacent to highways for the purpose of defining limits within which no building or structure or any part thereof shall be erected or permanently maintained. **WITHIN A SETBACK LINE** means between the setback lines and the nearest boundary of the highway right-of-way.

SIGN, OUTDOOR, ADVERTISING. Any card, cloth, paper, metal, painted, glass, wooden, plaster, stone or other sign of any kind or character whatsoever, place for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure or thing whatsoever. The term **PLACED** as used in the definition of **OUTDOOR ADVERTISING SIGN** and **OUTDOOR ADVERTISING STRUCTURE** shall include erecting, constructing, posting, painting, tacking, nailing, gluing, sticking, carving or other fastening, affixing or making visible in any manner whatsoever. See also **BILLBOARD**.

SPECIFIED ANATOMICAL AREAS. The less than completely and opaquely-covered human genitals, pubic region, buttock, female breast below the point immediately above the top of the areola and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES. Means and includes any of the following:

- (1) The fondling or other erotic touching of the human genitals, public region, buttocks, anus or female breasts;
- (2) Sex acts, actual or simulated, including intercourse or oral copulation, masturbation or sodomy; and
- (3) Excretory functions as part of or in connection with any of the activities set forth in divisions (1) or (2) above.

TATTOO PARLOR. A business engaged in the practice of providing an indelible mark or figure fixed upon the human body by insertion of pigment on or under the skin or by the production of scars.

TEMPORARY BUILDING AND USE. A structure or use permitted by the Zoning Administrator or his or her agent to exist during period of construction of the main use or for special events.

TRAILER, TRAVEL. A travel trailer is a vehicular, portable structure built on a chassis, designed as a temporary dwelling for travel, recreation and vacation.

UNDEVELOPED STATE. A natural state preserving natural resources, natural features or scenic or wooded conditions; agricultural use; open space; or similar use or condition. Land in an ***UNDEVELOPED STATE*** does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway or linear park. Land in an ***UNDEVELOPED STATE*** does not include indoor or outdoor swimming pools, athletic fields, parking lots or sporting arenas. Land in an ***UNDEVELOPED STATE*** may be, but is not required to be, dedicated to the use of the public.

USE. The purpose for which land or premises or a building thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased.

YARD, FRONT. The area between the street line and line parallel thereto drawn through the nearest point of a building or structure, extending between side lot lines.

YARD, REAR. The area between a rear lot line and a line parallel thereto drawn through the nearest point of a main building or structure, extending between side lot lines.

YARD, SIDE. The area between a side lot line and a line parallel thereto drawn through the nearest point of building or structure, extending from the front yard to the rear yard, or if there is no rear yard, extending from the front yard to another front yard or to another part of the same front yard.

(Ord. 2, passed 8-12-1971; Ord. 3, passed 8-8-1974; Ord. 3.01, passed 1-13-1976; Ord. 3.02, passed 5-25-1976; Ord. 3.03, passed 5-25-1976; Ord. 3.16, passed 6-1-1982; Ord. 3.19, passed 1-3-1995; Ord. 3.24, passed 6-1-1999; Ord. 3.25, passed 9-1-1999; Ord. 3.28, passed 10-3-2000; Ord. 3.30, passed 4-3-2001; Ord. 3.31, passed 12-3-2002)

LEGAL STATUS

153.305 VALIDITY.

If any section, clause, provision or portion of this chapter shall be held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section, clause, provision or portion of this chapter.

(Ord. 3, passed 8-8-1974)

153.306 EFFECTIVE DATE.

This chapter shall take effect August 16, 1974, and shall take precedence over any other ordinance or any parts of prior ordinances inconsistent herewith.

(Ord. 3, passed 8-8-1974)

153.999 PENALTY.

Any person, group of persons, or corporation that violates any of the provisions of this chapter or any requirement attached to the granting of a special exception or variance may be fined upon conviction an amount as set by the Township Board from time to time for each offense. Each day of the existence of the violation shall be deemed as a separate offense.

(Ord. 2, passed 8-12-1971; Ord. 3, passed 8-8-1974; Ord. 25, passed 9-1-1999)

**CHAPTER 154
JUNK ACCUMULATION**

GENERAL PROVISIONS

154.001 - Short Title

This chapter shall be known and may be cited as the Big Rapids Charter Township Junk Accumulation Ordinance and shall be known in the short form as the "Junk Ordinance".

154.002 - Purposes

The purpose of this chapter is to regulate and control the storage and disposal of junk within Big Rapids Township, in order to promote the public health, safety and welfare; to protect land values; provide for safety for residents in the area from dangerous junk; and to protect aesthetics. This chapter is specifically designed to:

- A. Define certain terms used in this chapter.
- B. Regulate the volume and conditions under which a person may store junk on property in Big Rapids Township.
- C. Provide for enforcement and a system of due process for removal of junk from property in Big Rapids Township.
- D. Provide for other miscellaneous provisions.

154.003 - Legal Basis

This chapter is enacted pursuant to Michigan Public Act 246 of 1945, as amended, being Michigan Compiled Law 41.181 *et seq.*

DEFINITIONS

154.015 - Purpose

For purposes of this chapter certain terms are defined. When not inconsistent with the context, the present tense includes the future; words used in the singular number include the plural number. The word "shall" is always mandatory and not merely permissive.

154.016 - Undefined Words

Any word not defined in this chapter shall be interpreted within its common and approved usage.

154.017 - Definitions

FARM means a business enterprise engaged in agricultural production (and otherwise known as farms, ranches, dairies, nurseries, orchards) of crops, livestock and trees and:

- a. Includes forty (40) or more acres of land in one ownership which is primarily devoted to agricultural use, or
- b. Has five (5) or more acres of land in one ownership, but less than forty (40) acres, devoted primarily to agricultural use, or
- c. Has been designated by the Michigan Department of Agriculture as a specialty farm, in one ownership, which has produced a gross annual income from an agricultural use of two thousand dollars (\$2,000.00) or more.

JUNK means:

- a. Old scrap ferrous or nonferrous materials, rubber, cloth, paper, rubbish, refuse, litter;
- b. Materials from demolition, waste and scrap building materials;
- c. And junked, abandoned, scrap, dismantled or wrecked (including parts of, or items held for salvaging parts) automobiles, farm equipment, boats, trailers, mobile homes, appliances and all other machines.

But shall not include:

- a. Items being held for a customer while parts are being sought for its repair,
- b. Items that are classic or antique and in good repair or well maintained, kept and collected for their antique or collectable value, and
- c. Items and junk kept at a licensed Type I, II or III landfill for purposes of disposal of solid waste, incineration, recycling and resource recovery.

JUNKYARD means a business enterprise, or a part of a business enterprise, engaged wholly, or in part, in the purchasing, handling, storage, resale, recycling, conversion or recovery of junk, and is a business which is included in the *North American Industrial Classification System* titles Recyclable Material Wholesalers [42193], Motor Vehicle Parts (Used) Wholesalers [421140] and Materials Recovery Facilities [562920] (formerly the *Standard Industrial Classification Manual*, classification 5093 and some enterprises in classification 5931), whether a part of a licensed landfill operation or not; but shall not include any part of a landfill as defined in the Solid Waste Management Act.

PARCEL means any tract or contiguous tracts of land in the same ownership, a condominium unit on the surface of land and associated limited commons, whether one or more platted lots or parts of lots, as owned by the same person.

PERSON means a firm, association, organization, partnership, trust, company or corporation, as well as an individual.

ROAD means a public or private road, highway, street, or right-of-way, which affords the means of ingress or egress to abutting property and the means of travel past a parcel of land.

SOLID WASTE MANAGEMENT ACT means Article II, Chapter 3, Part 115 of P.A. 451 of 1994, as amended (the Solid Waste Management part of the Natural Resources and Environmental Protection Act, M.C.L. 324.11501 *et seq.*) [Annotation: M.C.L. 324.11501 *et seq.* is formerly P.A. 641 of 1978, as amended (the Solid Waste Management Act, M.C.L. 299.401 *et seq.*)]

JUNK ACCUMULATION

154.030 - On property within Big Rapids Township

It shall be unlawful for a person to store or accumulate junk on land other than that occupied by a licensed, permitted junkyard, except in the following manner:

- A. There shall be no more than two (2) items of junk, -- abandoned, scrap, dismantled, inoperable or wrecked (including parts of) automobiles, farm equipment, trailers, and all other machines that are consolidated on one part of the parcel;
- B. The junk shall not be visible from a road or from adjacent parcels; or the junk shall be inside an enclosed building;
- C. The junk shall not be a nuisance to adjoining property owners.

154.031 - Farms

Section 154.030 of this chapter shall not apply to farms, provided the storage of junk on a farm meets the following standards:

- A. The junk is not visible from a road or from adjacent parcels; or the junk shall be inside an enclosed building;
- B. All junk from the operation of the farm is kept on the premises for future use of the farm;
- C. The depositing of the junk is not a violation of the Solid Waste Management Act or constitutes fill in violation of any other state or local law; and
- D. The junk shall not be a nuisance to adjoining property owners.

154.032 – Uninhabitable Mobile Homes

Abandoned, scrap, dismantled, or uninhabitable mobile homes are not allowed except in junkyards.

JUNKYARDS

154.045 - Junkyards

Junkyards must conform to Zoning Ordinance Section 153.020(B)(2)(f) and site design standard Section 153.190 (D) – Junkyards. Section 154.030 of this chapter shall not apply to junkyards.

ENFORCEMENT, PENALTIES, SAVINGS CLAUSE

154.060 - Enforcement Procedure

- A. Nuisance *Per Se*: Any violation of this ordinance is hereby declared to be a nuisance *per se*.
- B. Authorized Local Official: The Zoning Administrator, Supervisor or Code Enforcement Officials are hereby designated as the authorized local officials to issue municipal civil infraction citations for violations of this Chapter.
- C. Violations; Civil Infractions: Any person, including, but not limited to, an individual, partnership, corporation, limited liability company, or other incorporated or unincorporated, voluntary association, who violates any provision of this Chapter shall be responsible for a municipal civil infraction. Violation

Big Rapids Charter Township - Land Usage

of this Chapter and its penalties shall be judicially enforced through the 77th Judicial District Court. Enforcement for violations of this Chapter shall be as follows:

1. First Violation Notice: Unless immediate action is necessary upon the determination by the Authorized Local Official that there is an immediate danger to the public health, safety or welfare, the person violating this Chapter shall be served personally or through first class mail with a notice of violation. That notice shall require that the violation be corrected within thirty (30) days of the notice;
 2. Citation: Upon failure to correct the violation or in cases when immediate action is necessary, a person violating this Chapter shall be issued a citation requiring his or her appearance in the 77th Judicial District Court.
 - a. A person who violates this Chapter shall be responsible for a civil infraction and shall be fined not less than \$100.00 per day for each infraction.
 - b. A person who violates this Chapter and has been previously found responsible or admitted responsibility for a violation of this Ordinance in a civil infraction proceeding within one (1) year immediately preceding the issuance of the second citation, shall be fined not less than \$300.00 nor more than \$500.00 plus costs.
 - c. A person who violates this Ordinance and has been found responsible or admitted responsibility for violation of this Ordinance in a civil infraction proceeding on at least two prior occasions within two (2) years immediately preceding the issuance of the third or later citation, shall be fined \$500.00 plus costs.
- D. Violations; Civil Action: The legislative body, the Zoning Administrator, the Board of Appeals, the Attorney for the municipality, or any owner or owners of real estate adjoining the parcel of land on which a violation of this Chapter exists for 60 days or more may institute a nuisance, injunction, mandamus, abatement or any other appropriate action or proceeding, to prevent, enjoin, abate or remove any accumulation of junk which has been created or maintained in violation of this Chapter.
- G. Cumulative Remedies: The rights and remedies provided in this Chapter are cumulative and in addition to all other remedies provided by law. The issuance of a municipal civil infraction citation and a finding or admission of responsibility for violation of this Ordinance in a civil infraction proceeding shall not bar a civil action seeking equitable relief beyond the jurisdiction of the 77th Judicial District Court, arising from the same violation.

154.061- Saving Clause

The provisions of this Chapter are hereby declared to be severable, and if any clause, sentence, word, section or provision is declared void or unenforceable, for any reason by a court of competent jurisdiction, the remaining portions shall remain in force.

154.062 - Effective Date

This Chapter shall take effect sixty (60) days after adoption by the Big Rapids Township Board of Trustees.

This Chapter was adopted March 7, 2017, Effective date: May 6, 2017.

32.30 TOWNSHIP CONTRIBUTION FOR THOSE EMPLOYED AFTER APRIL 30, 2012.

Effective January 1, 2021, newly elected/appointed officers/hourly employees shall be responsible for 20% of the premium costs for themselves and their dependents. This charge shall be deducted from their pay by the Township Clerk. Current elected officials that are reelected shall be accepted.

SOLAR ENERGY SYSTEMS

153.240 SOLAR ENERGY SYSTEMS

- A. PURPOSE:** In order to accommodate the use of Photovoltaic solar energy as a means of an alternative energy source, and still protect the public health, safety and welfare of Township residences, the following regulations are necessary.
- B. DEFINITIONS:** For the purpose of this chapter, certain terms are herewith defined. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural number and words in the plural number include the singular number. The word is always mandatory and not merely directory. Terms not herein defined shall have the meanings customarily assigned to them.

AC Power (Alternating Current): An electrical current whose magnitude and direction stay constant. The photovoltaic cells on solar panels capture energy from sunlight in the form of DC and must be converted to AC by an inverter.

Ancillary Solar Equipment: Any accessory part or device of a solar energy system that does not require direct access to sunlight, such as batteries, electric meters, converters, or water heater tanks.

Attached Systems: A solar system that is attached directly to a building.

Detached Systems: Also known as Ground Mounted Systems or Freestanding, a solar system that is not attached directly to a building, but is supported by a structure that is built on the ground.

Distributed Generation: As opposed to centralized generation, distributed generation refers to a number of small power-generating modules located at or near the point of energy consumption.

Gigawatt: A unit of power equal to one billion watts.

Grid: The infrastructure of power lines, transformers and substations that delivers electric power to buildings. The utility grid is owned and managed by electric utility companies.

Installer: A contractor that installs solar systems.

Interconnection: A link between utility company power distribution and local power generation that enables power to move in either direction.

Inverter: A device that converts DC power captured by photovoltaic cells on solar panels into AC power.

Kilowatt: A unit of power equal to one thousand watts.

Megawatt: A unit of power equal to one million watts.

Net Metering: A policy whereby utility companies with small-scale renewable power sources, including solar, receive credit from their utility provider for electricity generated in excess of their needs (also known as “net excess generation.”)

On/Off Grid System: A solar energy system that is interconnected with the utility grid is an on-grid or grid-tied system, while a system not interconnected is an off-grid system.

Permitting: The process by which a local unit of government allows for certain development, changes, and activities in their jurisdiction.

Photovoltaic (PV): A method of generating electrical power by converting solar radiation (sunlight) into direct current electricity using semiconductors.

Solar Collection Devices – General: Solar collection devices are designed to capture and utilize the energy of the sun to generate electrical power. A solar collection device is the actual material(s) used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected. These devices may be either freestanding or attached to a structure and are sized to meet the various user needs and/or utility requirements.

Solar Collection Devices – Small Freestanding Systems: An array of freestanding (not attached to a principal or accessory structure) solar collection materials that have a manufacturer’s rating of 500W to 10kW.

Solar Collection Devices – Medium Freestanding Systems: An array of freestanding (not attached to a principal or accessory structure) solar collection materials that have a manufacturer’s rating of greater than 10kW.

Solar Collection Devices – Large Freestanding Systems (Solar Farms): A utility scale commercial facility that converts sunlight into electricity, whether by photovoltaics, or any other various solar technologies for the primary purpose of wholesale or retail sales of generated electricity off-site. Solar farms do not include small scale solar panels or technologies installed at individual residential or commercial locations (e.g., roof or ground mounted panels) that are used exclusively for the sale of surplus electrical energy back to the electrical grid. These installations are permitted as Accessory Structures or Uses.

Solar Photovoltaic System: The total components and subsystems that, in combination, convert solar energy suitable for connection to utilization load.

Time -of-Use (TOU) Rates: A utility billing system in which the price of electricity depends upon the hour of day at which it is used. Rates are higher during the afternoon when electric demand is at its peak. Rates are lower during the night when electric demand is off peak.

C. ATTACHED SOLAR SYSTEMS: 500W or more

- a. Attached solar systems must have a building application with site plan. This plan may be approved by the zoning administrator, or, at his/her option taken to the Planning Commission for future review.
- b. Building permit application must show the method by which the solar collection devices are attached to the building.
- c. An Electrical permit will be required for all attached systems.

D. SMALL FREESTANDING SOLAR SYSTEMS: 500W to 10KW

- a. Small freestanding solar systems will require an electrical permit and a building permit with a site plan. This plan may be approved by the zoning administrator, or, at his/her option taken to the Planning Commission for future review.
- b. Freestanding solar systems must not block the view from neighboring homes or drives.
- c. Small freestanding solar systems must meet the same setbacks as an accessory building in that zone.
- d. All supports must extend below frost level and set on concrete pads capable of supporting the weight of the system.
- e. An inspection of the pads before covering will be required as well as a final inspection.
- f. Energy collected by small freestanding systems will be for use only by buildings on the same parcel.

E. MEDIUM FREESTANDING SYSTEMS: 10KW or more, but not for resale.

- a. Medium freestanding solar systems will require an electrical permit and a building permit with a site plan. The site plan must be approved by the Planning Commission before any work commences.
- b. Medium freestanding solar systems will be allowed only on parcels of two acres or more. Setbacks will be the same as structures in that zone.
- c. Energy collected by medium freestanding solar systems will be used only by the buildings on the property with the option of additional energy generated being sold back to the utility company.
- d. In-ground supports must extend below frost level and be supported by concrete pads.
- e. Inspections by the Township building official will be required before covering pads and after construction is final.
- f. Bottom of solar panels will have a maximum of 8' and top of panels a maximum of 14' above ground level.
- g. The Planning Commission may require fences or barriers as they deem necessary to provide screening for adjacent properties.

F. LARGE FREESTANDING SYSTEMS: Solar Farms to be used for resale.

- a. Large freestanding solar farms are allowed in the industrial zone as a permitted use and would require approval by the Planning Commission for special use in commercial or agricultural zones.
- b. Large freestanding solar farms will require an electrical permit and a building permit with a site plan prepared and stamped by an engineer. The site plan will require approval by the Planning Commission.
- c. A minimum of 20 acres will be required for a large freestanding solar farm system.
- d. The Planning Commission may require fences or barriers as they deem necessary to provide screening for adjacent properties.

- e. Height Restrictions: All photovoltaic panels located in a solar farm shall be restricted to a height of fourteen (14) feet above ground level.
- f. Setbacks: All photovoltaic solar panels and support structures associated with such facilities (excluding perimeter security fencing) shall be a minimum of fifteen (15) feet from a side or rear property line and a minimum of thirty (30) feet from any road or highway right-of-way.
- g. Maximum Lot Coverage: Maximum lot coverage restrictions shall not apply to photovoltaic solar panels. Any other regulated structures on the panel are subject to maximum lot coverage restrictions.
- h. Safety/Access: A security fence (height and material to be established through the special land use permit process) shall be placed around the perimeter of the solar power plant and electrical equipment shall be locked. Knox boxes and keys shall be provided at locked entrances for emergency personnel access. Electric fencing is not permitted.
- i. Sound Pressure Level: No large photovoltaic solar farm facilities shall exceed sixty-five (65) dBA as measured at the property line.
- j. Local, State and Federal Permits: Large photovoltaic solar farm facilities shall be required to obtain all necessary permits from the U.S. Government, State of Michigan, and Big Rapids Charter Township, and comply with standards of the State of Michigan adopted codes.
- k. Electrical Interconnections: All electrical interconnection or distribution lines shall comply with all applicable codes and standard commercial large-scale utility requirements.
- l. Signage: No advertising or non-project related graphics shall be on any part of the solar arrays or other components of the large photovoltaic solar farm facilities. This exclusion does not apply to entrance gate signage or notifications containing points of contact or any and all other information that may be required by authorities having jurisdiction for electrical operations and the safety and welfare of the public.
- m. Abandonment and Decommissioning: Following the operational life of the project, the applicant shall perform decommissioning and removal of the large photovoltaic solar farm facilities and all its components. The applicant shall prepare a decommissioning plan and submit it to the Planning Commission for review and approval prior to issuance of the Special Land Use Permit.
- n. Inspection: The Township shall have the right at any reasonable time, to provide notice to the applicant to inspect the premises on which any large photovoltaic solar farm facilities is located. The Township may hire one or more consultants, with approval from the applicant (which shall not be unreasonably withheld), to assist with inspections at the applicant's or project owner's expense. Inspections must be coordinated with, and escorted by, the applicant's operations staff at the large photovoltaic solar farm facilities to ensure compliance with the Occupational Safety and Health Administration (OSHA), NESC and all other applicable safety guidelines.
- o. Maintenance and Repair: Each large photovoltaic solar farm facility must be kept and maintained in good repair and condition at all times. If the Township Building Official determines that a large photovoltaic solar farm facility fails to meet the requirements of this ordinance and the Special Land Use Permit, or that it poses a safety hazard, the Building Official, or his or her designee, shall provide notice to the applicant of the safety hazard. If, after a reasonable cure period (not to exceed seven (7) days), the safety hazards are not corrected, the applicant shall immediately shut down the large photovoltaic solar facility and not operate, start or restart the large photovoltaic solar facility until the issues have been resolved. Applicant shall keep a maintenance log on the solar array(s), which shall be available for the Township's review within 48 hours of such request. Applicant shall keep all sites within the large photovoltaic solar farm facility neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.
- p. Road Repair: Any material damages to a public road located within the Township resulting from the construction, maintenance or operation of a large photovoltaic solar farm facility shall be repaired at the applicant's expense. In addition, the applicant shall submit to the appropriate

State or County agency a description of the routes used by construction and delivery vehicles; and road improvements that shall be necessary to accommodate construction vehicles, equipment or other deliveries. The applicant shall abide by all State or County requirements regarding the use and/or repair of the roads.

- q. Landscape Screening: Upon approval of the Planning Commission, the applicant may be required to install landscaping to screen surrounding properties. The amount and extent of required screening shall be reasonable and practical for the site and adjoining land uses as determined by the Planning Commission
- r. Equipment Location: All Ancillary Solar Equipment will be located in a separate permitted building, existing or new.
- s. Wiring Placement: All wiring used in a photovoltaic solar system is required to be placed underground to the extent possible.

G. SEVERABILITY:

The provisions of this Ordinance are hereby declared to be severable and if any provision, section or part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall only affect the particular provisions, section or part involved in such decision and shall not affect or invalidate the remainder of such Ordinance, which shall continue in full force and effect.

H. EFFECTIVE DATE:

This Ordinance shall become effective fifteen (15) days after its publication following final adoption or as required by law.

I. REPEAL:

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.