

- 605-04-09 Ordinance amending title 15, chapter 151, providing for the definition of code Official and amending provisions providing for the regulation of smoke alarms.
- 609-06-09 Ordinance adopting the International Fire Code (IFC).
- 610-07-09 Ordinance amending the Taxes in Lieu of payment (PILOT) Ordinance.
- 613-11-09 Ordinance Repealing Title V, Section 54.12 (F) that Imposed a Charge of \$0.30-\$0.60-\$0.90 per 1000 Gallons for the Purpose of Paying Structural and Capital Costs of the Upgrade of the Wastewater Treatment Plant.
- 614-11-09 An Ordinance Repealing Chapters 113, 115, 116, 117, 118 and 121 of Title XI, Business Regulations, of the Big Rapids Code of Ordinances.
- 615-11-09 An Ordinance Repealing and Replacing Chapter 119 of Title XI, Business Regulations of the Big Rapids Code of Ordinances
- 616-11-09 An Ordinance Repealing and Replacing Chapter 111 of Title XI, Business Regulations of the Big Rapids Code of Ordinances
- 617-11-09 An Ordinance Repealing and Replacing Chapter 114 of Title XI, Business Regulations of the Big Rapids Code of Ordinances
- 618-11-09 An Ordinance Adopting Chapter 113 of Title XI, Business Regulations of the Big Rapids Code of Ordinances
- 619-11-09 An Ordinance Repealing and Replacing Chapter 110 of Title XI, Business Regulations of the Big Rapids Code of Ordinances

ORDINANCE NO. 605-04-09

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

AN ORDINANCE AMENDING TITLE 15, CHAPTER 151, PROVIDING FOR THE DEFINITION OF CODE OFFICIAL AND AMENDING PROVISIONS PROVIDING FOR THE REGULATION OF SMOKE ALARMS.

WHEREAS, Chapter 151 of Title 15 of the Big Rapids City Code must be updated and amended to be consistent with the 2006 International Property Maintenance Code as adopted by the City Commission,

THE CITY OF BIG RAPIDS ORDAINS:

1. Title 15, Chapter 151 is amended to read in the form that follows.

CHAPTER 151: HOUSING REGULATIONS

Section

General Provisions

- 151.01 International Property Maintenance Code 2006 (IPMC)
- 151.02 Property address numbers
- 151.03 Fire extinguishers

Housing Maintenance Certificates

- 151.15 Maintenance certificate required
- 151.16 Building Inspector to issue certificate
- 151.17 Dwellings to conform
- 151.18 Temporary certificates
- 151.19 Record to be kept; copies
- 151.20 Application for certificate; renewal
- 151.21 Local contact person to be designated
- 151.22 Tenant to allow entry of Inspector
- 151.23 Certificate to be displayed; not transferable to another dwelling or owner; notice required
- 151.24 Record of repair and complaint to be maintained by certificate holder
- 151.25 Notice of violation
- 151.26 Reinspection; suspension of operating license
- 151.27 Appeal

Smoke Detectors

- 151.35 Requirement
- 151.36 Definitions
- 151.37 Installation
- 151.38 Alternative
- 151.39 Conformance
- 151.40 Change of occupancy
- 151.41 Power source
- 151.42 Tampering
- 151.99 Penalty

GENERAL PROVISIONS

§151.01 International Property Maintenance Code. The City adopted the 2006 International Property Maintenance Code (IPMC) on August 20, 2007, a copy of which can be reviewed and obtained through the City Clerk.

§ 151.02 PROPERTY ADDRESS NUMBERS.

(A) *Posting of building address numbers.* The owners of all buildings within the City shall cause the correct building address numbers to be placed on such buildings in the manner specified herein.

(B) *Applicability to existing displays.* Existing building address displays, whether displayed as text or numbers, shall be permitted if the display illustrates the correct property address number and is visible from the street.

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

(D) *Numbering method.*

(1) New building address numbers shall fall into the range of block numbers as established and indicated on the City zoning map.

(2) The point of origin for numbering shall be the intersection of State and Maple Streets.

(3) Along any street, numbering shall proceed by increments of four.

(4) Odd numbers shall be used on one side of a street while even numbers shall be used on the opposite side of the same street, and the odd/even pattern shall be consistent with the established pattern of the area.

(5) Fractional building address numbers, such as 232½, are prohibited.

(E) *Numbering multiple family dwelling.*

(1) A building containing two, three, or four residential units shall display numbers with alphabetical suffixes for each unit as specified by this section, for example, 342A, 342B, 342C, and 342D.

(2) A building containing more than four residential units shall display one number for the building. A placard indicating the addresses and/or apartment numbers of individual occupants of such a structure shall be posted in a common or public area of the structure.

(F) *Number place.*

(1) *Size and color.* Building address numbers shall not be less than three inches in height and shall be block letters of a color which contrasts with the immediate background on which they are mounted.

(2) *Placement.*

(a) Building address numbers on all structures shall be placed at, on, or as near as practical to the front door or directly over the garage door and shall be facing the street in such a position as to be readily visible from the street on which the building fronts.

(b) Numbers shall not be less than three feet from ground level.

(3) *Maintenance.* Building address numbers shall be maintained in a neat, attractive manner.

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

(Ord. 383-5-95, passed 5-1-95)

§ 151.03 FIRE EXTINGUISHERS.

(A) It shall be the responsibility of the owner of each new and existing rental unit within the City to install an ABC rated dry chemical fire extinguisher in the kitchen of each such rental unit. The extinguisher shall contain no less than 35 ounces of dry chemical and be maintained in working order. The landlord, within 72 hours of being notified, shall be responsible to refill or replace an extinguisher that has been emptied or is not functional for any reason.

(B) Extinguishers shall be installed a minimum of 42 inches and a maximum of 60 inches off the floor.

(C) No person shall tamper with or discharge an extinguisher placed in a rental unit under this section for any reason other than to extinguish a fire or for self protection.

(D) A person found in violation of this section shall be guilty of a municipal civil infraction.

(Ord. 561-01-06, passed 1-3-06; Am. Ord. 564-02-06, passed 2-20-06) Penalty, see § 151.99

HOUSING MAINTENANCE CERTIFICATES

§ 151.15 MAINTENANCE CERTIFICATE REQUIRED.

(A) No person shall occupy a multiple family dwelling, rooming dwelling, boarding dwelling, lodging dwelling, tourist dwelling, hotel, motel or other rented dwelling for human habitation unless a current, unrevoked Housing Maintenance certificate has been issued by the ~~Building Inspector~~ **Code Official**, or his designee, for the specific named dwelling.

(B) No person shall operate or permit occupancy of a multiple family dwelling, rooming dwelling, boarding dwelling, lodging dwelling, tourist dwelling, hotel, motel or other rented dwelling for human habitation unless he holds a current, unrevoked Housing Maintenance Certificate issued by the ~~Building Inspector~~ **Code Official**, or his designee, in the person's name for the specific dwelling. ('88 Code, Title VIII, Ch. 99, § 8.31(1)) (Ord. 181-6-83, passed 6-6-83) Penalty, see § 151.99

§ 151.16 BUILDING INSPECTOR CODE

OFFICIAL TO ISSUE CERTIFICATE.

The ~~Building Inspector~~ **Code Official** or his designee is the duly appointed officer for the issuance of Housing Maintenance Certificates under this subchapter.

('88 Code, Title VIII, Ch. 99, § 8.31(1)) (Ord. 181-6-83, passed 6-6-83)

§ 151.17 DWELLINGS TO CONFORM.

Housing Maintenance Certificates shall be issued only for dwellings which are in conformity to all the provisions which apply to the particular type of building sought to be licensed.

('88 Code, Title VIII, Ch. 99, § 8.31(2)) (Ord. 181-6-83, passed 6-6-83)

§ 151.18 TEMPORARY CERTIFICATES.

Nothing in this subchapter shall prevent the ~~Building Inspector~~ **Code Official** from issuing a Temporary Housing Maintenance Certificate for a portion of a building or structure in process of erection or alteration, provided that such temporary certificate shall not be effective for a period of time in excess of six months nor more than five days after the completion of the building or alteration, and provided further that such portion of the building, structure, or premises is in conformity with the provisions of this chapter.

('88 Code, Title VIII, Ch. 99, § 8.31(3)) (Ord. 181-6-83, passed 6-6-83)

§ 151.19 RECORD TO BE KEPT; COPIES.

A record of all Housing Maintenance Certificates issued shall be kept on file in the office of the ~~Building Inspector~~ **Code Official**, and copies shall be furnished upon request, upon payment of any fee required, to any persons having a proprietary or tenancy interest in the property involved. Copies shall also be furnished upon payment of any fee required, to any person who is contemplating purchasing the property who presents a purchase agreement or option to purchase signed by him and the person having a proprietary interest in the property.

('88 Code, Title VIII, Ch. 99, § 8.31(4)) (Ord. 181-6-83, passed 6-6-83)

§ 151.20 APPLICATION FOR CERTIFICATE; RENEWAL.

(A) Application for Housing Maintenance Certificates shall be made by the owner, and Certificates shall be issued in the name of the applicant. ('88 Code, Title VIII, Ch. 99, § 8.31(6))

(B) Application for Housing Maintenance Certificates and for renewals of Housing Maintenance Certificates shall be made in writing to the ~~Building Inspector~~ **Code Official** on forms furnished by the ~~Building Inspector~~ **Code Official** and shall be accompanied by a fee as set forth in division (F) of this section paid as set forth in the rules and regulations made pursuant to this subchapter.

(C) Housing Maintenance Certificates and renewals of Housing Maintenance Certificates shall be issued if, after inspection, it is found that the dwelling is in accordance with all the provisions of this chapter. If the certificate is refused, the applicant for the certificate shall be notified in writing of the refusal and the cause thereof.

(D) Housing Maintenance Certificates shall be issued for a period of one year from its date of issuance unless sooner revoked, and may be renewed for successive periods of not to exceed one year, except the ~~Building Inspector~~ **Code Official** is authorized, on the first such certificate issued for a dwelling, to issue the certificate for a period longer than one year, but not longer than one year and nine months for the purpose of adjusting the time when such certificates expire and thus, adjusting the time when renewal of such certificates is likely to be requested.

('88 Code, Title VIII, Ch. 99, § 8.31(5)) 2006 S-7

(E) No Housing Maintenance Certificate shall be renewed unless an application therefor has been made within 30 days prior to the expiration of the present Housing Maintenance Certificate. If timely application is not made, a late fee will be paid as set forth in division (F) of this section.

('88 Code, Title VIII, Ch. 99, § 8.31(9))

(F) *Application fee.*

(1) The certificate fee which must accompany application for a Housing Maintenance Certificate is as follows:

	*Beginning 08-01-05	Beginning 08-01-07
Initial inspection		
First unit per building	\$30.00	\$40.00
Each additional unit per building	20.00	30.00
Reinspection of a unit	30.00	40.00

There will be no charge for the first reinspection if violations identified at the initial inspection have been corrected.

If however, violations have not been corrected, the property owner will be charged the reinspection fee listed above for the first reinspection visit.

If the remediation required at the first inspection remains uncorrected at the next reinspection, the reinspection fee will be charged at the onset of each subsequent reinspection visit to be required until the work is completed.

Cabins, hotels, and motels	\$60.00	\$70.00
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*Increase will begin with invoices/inspections due after August 1, which corresponds to the group 2 billing cycle.

(2) Late fees: applicants failing to file timely under the provisions of this section shall pay double the above fees after the due date.

('88 Code, Title VIII, Ch. 99, § 8.31(17))

(Ord. 181-6-83, passed 6-6-83; Am. Ord. 355-6-94, passed 6-6-94; Am. Ord. 546-05-05, passed 5-16-05)

§ 151.21 LOCAL CONTACT PERSON TO BE DESIGNATED.

(A) Applicants shall designate a local contact person upon whom service of notice under this subchapter and service of process for violation of this code may be made in the absence of the owner. The owner must designate a local contact person with an office or residence in the City or within 10 miles of the corporate limits of the City. Such a designation shall be made in writing and shall accompany each application or renewal application for a Housing Maintenance Certificate. The violation of this subsection shall be a civil infraction, and shall be cause for revocation of a housing maintenance certificate.

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

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

('88 Code, Title VIII, Ch. 99, § 8.31(7)) (Ord. 181-6-83, passed 6-6-83; Am. Ord. 511-04-03, passed 4-7-03)

§ 151.22 TENANT TO ALLOW ENTRY OF INSPECTOR.

Every person holding a Housing and Maintenance Certificate shall provide in his lease with tenants or roomers, whether said lease is written or oral, a provision that the tenant or roomer will allow the ~~Building Inspector~~ **Code Official**, or his designee, access to the leased premises for the purpose of the inspection required as a prerequisite to the granting or renewal of a Housing Maintenance Certificate.

('88 Code, Title VIII, Ch. 99, § 8.31(8)) (Ord. 181-6-83, passed 6-6-83)

§ 151.23 CERTIFICATE TO BE DISPLAYED; NOT TRANSFERABLE TO ANOTHER DWELLING OR OWNER; NOTICE REQUIRED.

(A) Each certificate shall be displayed in a conspicuous place within the common ways, if any, of the dwelling licensed.

(B) No certificate shall be transferable to another person, or to another dwelling. Each person holding a Housing Maintenance Certificate shall give notice in writing to the ~~Building Inspector~~ **Code Official** within 24 hours after having transferred or otherwise disposed of the legal control of any licensed dwelling. Such notice shall include the name and address of the person or persons succeeding to the ownership or control of such dwelling.

('88 Code, Title VIII, Ch. 99, § 8.31(10)) (Ord. 181-6-83, passed 6-6-83)

§ 151.24 RECORD OF REPAIR AND COMPLAINT TO BE MAINTAINED BY CERTIFICATE HOLDER.

Every person holding a Housing Maintenance Certificate shall keep, or cause to be kept, records of all requests for repair and complaints by tenants, which are related to the provisions of this chapter and to any applicable rules and regulations, and of all corrections made in response to such requests and complaints. Such records shall be made available by the certificate holder to the ~~Building Inspector~~ **Code Official** for inspection and copying upon request.

('88 Code, Title VIII, Ch. 99, § 8.31(11)) (Ord. 181-6-83, passed 6-6-83)

§ 151.25 NOTICE OF VIOLATION.

Whenever, upon inspection of the licensed dwelling, or upon inspection of the records required to be kept under § 151.24, the ~~Building Official~~ **Code Official** finds that conditions or practices exist which are in violation of the provisions of this chapter or of any applicable rules and regulations pursuant thereto, he shall serve the owner with notice of such violation in the manner provided for notice in this subchapter. Such notice shall state that unless the violation cited is corrected within a reasonable time set by the ~~Building Official~~ **Code Official** not to exceed 30 days, the operating license may be suspended.

('88 Code, Title VIII, Ch. 99, § 8.31(12)) (Ord. 181-6-83, passed 6-6-83; Am. Ord. 511-04-03, passed 4-7-03)

§ 151.26 REINSPECTION; SUSPENSION OF OPERATING LICENSE.

At the end of the time the ~~Building Inspector~~ **Code Official** has allowed for the correction of any violation notices as provided in § 151.25, the ~~Building Inspector~~ **Code Official** shall reinspect the licensed dwelling and if he determines that the conditions requiring corrections set forth in the notice sent have not been corrected, he may issue an order suspending the operating license [i.e., Housing

Maintenance Certificate] which shall be set in the manner provided for notices in this subchapter. ('88 Code, Title VIII, Ch. 99, § 8.31(13)) (Ord. 181-6-83, passed 6-6-83)

§ 151.27 APPEAL.

(A) Any person whose certificate under this subchapter has been suspended by the order of the ~~Building Inspector~~ **Code Official** shall be entitled to an appeal to the Housing Board of Appeals as provided in this subchapter. If no appeal is properly presented within 21 days following this issuance of the order of suspension, the certificate shall be revoked except that if prior to revocation of the certificate any person whose certificate has been ordered suspended may request reinspection, upon a showing that the violation or violations cited in the notice have been corrected.

(B) *Reinstatement.* If, upon reinspection pursuant to the request of the person whose certificate has been ordered suspended but not revoked, the ~~Building Inspector~~ **Code Official** finds the dwelling in connection with which the notice was issued is now in compliance with this code and with applicable rules and regulations issued pursuant thereto, he shall reinstate the certificate. A request for reinspection shall not extend the suspension period.

(C) If an appeal to the Housing Board of Appeals is taken under division (A) of this section, and if the Housing Board of Appeals does not reverse the decision of the ~~Building Inspector~~ **Code Official**, the certificate shall be revoked within ten days following the denial of the appeal by the Housing Board of Appeals. ('88 Code, Title VIII, Ch. 99, § 8.31(14) - (16)) (Ord. 181-6-83, passed 6-6-83)

SMOKE DETECTORS

§ 151.35 REQUIREMENT.

It shall be the responsibility of the owner of each new and existing rental unit within the City to install smoke detectors in each such rental unit as is hereinafter provided. Smoke detectors shall be capable of sensing visible particles of combustion and providing a suitable audible alarm thereof; further, they shall be installed by the first day of adoption, in the manner hereinafter provided and thereafter maintained in working order in compliance with this subchapter. Failure to install smoke detectors as is required under this subchapter will subject the owner of any such rental unit to the penalties set forth. ('88 Code, Title VIII, Ch. 100, § 8.71) (Ord. 173-6-82, passed 6-7-82) Penalty, see § 151.99

Cross-reference:

Fire prevention regulations, see Ch. 96

§ 151.36 DEFINITIONS.

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

CODE OFFICIAL. The Fire Marshal of the City of Big Rapids, or in his absence an interim Fire Marshal designated by the City Manager to administer and enforce the International Property Maintenance Code, the Housing Law of Michigan, or the Housing Maintenance Certificates in Chapter 151.

OWNER. The person who holds legal title to the premises. However, should a land contract be in existence and recorded with the County Register of Deeds, or should an affidavit or memorandum as to the existence of land contract be recorded with the County Register of Deeds, then the land contract purchaser shall be considered the "owner" for purposes of this subchapter. ('88 Code, Title VIII, Ch. 100, § 8.73(3))

RENTAL UNIT. Any residence, apartment, flat, motel room, hotel room, boarding room, or boarding house and the like, for which consideration is paid by one person to another for use or occupancy thereof.

SLEEPING AREA. The area or areas of the family living unit in which the bedrooms or sleeping rooms are separated by other use areas, such as kitchens or living rooms, but not bathrooms or closets, they shall be considered as separate sleeping areas for the purposes as this subchapter. ('88 Code, Title VIII, Ch. 100, § 8.73(1)) ('88 Code, Title VIII, Ch. 100, § 8.72) (Ord. 173-6-82, passed 6-7-82)

§ 151.37 INSTALLATION.

~~(A) At least one smoke detector shall be installed to protect each sleeping area.~~

~~(B) At least one smoke detector shall be installed at the head (top) of each stairway leading up to an occupied area in such a manner as to assure the rising smoke is not obstructed in reaching the detector and that the detector intercepts rising smoke before it reaches the sleeping area.~~

~~(C) At least one smoke detector shall be installed outside each sleeping area.~~

~~('88 Code, Title VIII, Ch. 100, § 8.73) (Ord. 173-6-82, passed 6-7-82) Penalty, see § 151.99~~

(A) **General.** All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the *International Fire Code*.

(B) Smoke Alarms. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single or multiple-station smoke alarms shall be installed in other groups in accordance with the *International Fire Code*.

§ 151.38 ALTERNATIVE.

As an alternative to self-contained smoke detectors, an approved fire detection system may be installed and maintained. Each fire detection system must be individually approved. ('88 Code, Title VIII, Ch. 100, § 8.74) (Ord. 173-6-82, passed 6-7-82)

§ 151.39 CONFORMANCE.

All devices, combinations of devices, and equipment required herein must be installed in conformance with this subchapter. ('88 Code, Title VIII, Ch. 100, § 8.75) (Ord. 173-6-82, passed 6-7-82) Penalty, see § 151.99

§ 151.40 CHANGE OF OCCUPANCY.

After a change of occupancy of every dwelling unit in the City, occasioned by or incidental to a sale, lease or sublease of a rental unit, it shall be the duty of the grantor thereof (i.e., the seller, lessor or sublessor, as the case may be) to certify in writing before occupancy, to the now occupant that all smoke detectors as required by this subchapter are installed and in proper working condition. Failure to comply with this section shall be punishable as a misdemeanor as is provided in § 151.99(A) and shall be evidence of the negligence of or inattention of the grantor. This section shall not, however, render any lease or contract or sublease void for failure to have certification required hereby. ('88 Code, Title VIII, Ch. 100, § 8.76) (Ord. 173-6-82, passed 6-7-82) Penalty, see § 151.99

§ 151.41 POWER SOURCE.

(A) Battery type smoke detectors may be used provided that the batteries mount to assure that the following conditions are met

- :
- (1) All power requirements are met for at least one year's life, including weekly testing.
 - (2) A distinctive audible trouble signal is given before the battery is incapable of operating (from aging, terminal corrosion and the like) the device(s) for alarm purposes.
 - (3) For a unit employing a lock-in alarm feature, automatic transfer is provided from alarm to a trouble condition.
 - (4) The unit is capable of producing an alarm signal for at least four minutes at the battery voltage at which a trouble signal is normally obtained followed by seven days of trouble signal operation.
 - (5) The audible trouble signal is produced at least once every minute for seven consecutive days.
 - (6) The monitored batteries meeting these specifications are clearly identified on the unit near the battery compartment.

(B) Electric plug-in smoke detectors may be used and operated from a wall plug provided that the plug is fitted with a plug restraining device and provided that the wall outlet power supply is not controlled by a switch other than the main power supply. ('88 Code, Title VIII, Ch. 100, § 8.77) (Ord. 173-6-82, passed 6-7-82) Penalty, see § 151.99

§ 151.42 TAMPERING.

Anyone tampering or interfering with the effectiveness of a smoke detector shall be in violation of this subchapter. ('88 Code, Title VIII, Ch. 100, § 8.78) (Ord. 173-6-82, passed 6-7-82) Penalty, see § 151.99

§ 151.99 PENALTY.

Any person, firm, or corporation who violates any housing regulation in Title XV, Chapter 151, shall be responsible for a municipal civil infraction and shall be penalized as provided in § 10.97. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions of the adopted ~~BOCA Code~~ **IPMC 2006**, shall be deemed a separate offense. ('88 Code, Title V III, Ch. 99, § 8.22) (Ord. 205-6-85, passed 6-3-85; Am. Ord. 399-11-95, passed 11-20-95; Am. Ord. 427-10-97, passed 10-6-97)

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GENERAL PROVISIONS

§151.01 International Property Maintenance Code.

The City adopted the 2006 International Property Maintenance Code (IPMC) on August 20, 2007, a copy of which can be reviewed and obtained through the City Clerk.

§ 151.02 PROPERTY ADDRESS NUMBERS.

(A) *Posting of building address numbers.* The owners of all buildings within the City shall cause the correct building address numbers to be placed on such buildings in the manner specified herein.

(B) *Applicability to existing displays.* Existing building address displays, whether displayed as text or numbers, shall be permitted if the display illustrates the correct property address number and is visible from the street.

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

(D) *Numbering method.*

(1) New building address numbers shall fall into the range of block numbers as established and indicated on the City zoning map.

(2) The point of origin for numbering shall be the intersection of State and Maple Streets.

(3) Along any street, numbering shall proceed by increments of four.

(4) Odd numbers shall be used on one side of a street while even numbers shall be used on the opposite side of the same street, and the odd/even pattern shall be consistent with the established pattern of the area.

(5) Fractional building address numbers, such as 232½, are prohibited.

(E) *Numbering multiple family dwelling.*

(1) A building containing two, three, or four residential units shall display numbers with alphabetical suffixes for each unit as specified by this section, for example, 342A, 342B, 342C, and 342D.

(2) A building containing more than four residential units shall display one number for the building. A placard indicating the addresses and/or apartment numbers of individual occupants of such a structure shall be posted in a common or public area of the structure.

(F) *Number place.*

(1) *Size and color.* Building address numbers shall not be less than three inches in height and shall be block letters of a color which contrasts with the immediate background on which they are mounted.

(2) *Placement.*

(a) Building address numbers on all structures shall be placed at, on, or as near as practical to the front door or directly over the garage door and shall be facing the street in such a position as to be readily visible from the street on which the building fronts.

(b) Numbers shall not be less than three feet from ground level.

(3) *Maintenance.* Building address numbers shall be maintained in a neat, attractive manner.

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

(Ord. 383-5-95, passed 5-1-95)

§ 151.03 FIRE EXTINGUISHERS.

(A) It shall be the responsibility of the owner of each new and existing rental unit within the City to install an ABC rated dry chemical fire extinguisher in the kitchen of each such rental unit. The extinguisher shall contain no less than 35 ounces of dry chemical and be maintained in working order. The landlord, within 72 hours of being notified, shall be responsible to refill or replace an extinguisher that has been emptied or is not functional for any reason.

(B) Extinguishers shall be installed a minimum of 42 inches and a maximum of 60 inches off the floor.

(C) No person shall tamper with or discharge an extinguisher placed in a rental unit under this section for any reason other than to extinguish a fire or for self protection.

(D) A person found in violation of this section shall be guilty of a municipal civil infraction.

(Ord. 561-01-06, passed 1-3-06; Am. Ord. 564-02-06, passed 2-20-06) Penalty, see § 151.99

HOUSING MAINTENANCE CERTIFICATES

§ 151.15 MAINTENANCE CERTIFICATE REQUIRED.

(A) No person shall occupy a multiple family dwelling, rooming dwelling, boarding dwelling, lodging dwelling, lodging dwelling, tourist dwelling, hotel, motel or other rented dwelling for human habitation unless a current, unrevoked Housing Maintenance certificate has been issued by the Code Official, or his designee, for the specific named dwelling.

(B) No person shall operate or permit occupancy of a multiple family dwelling, rooming dwelling, boarding

dwelling, lodging dwelling, tourist dwelling, hotel, motel or other rented dwelling for human habitation unless he holds a current, unrevoked Housing Maintenance Certificate issued by the Code Official, or his designee, in the person's name for the specific dwelling.

('88 Code, Title VIII, Ch. 99, § 8.31(1)) (Ord. 181-6-83, passed 6-6-83) Penalty, see § 151.99

§ 151.16 CODE OFFICIAL TO ISSUE

CERTIFICATE.

The Code Official or his designee is the duly appointed officer for the issuance of Housing Maintenance Certificates under this subchapter.

('88 Code, Title VIII, Ch. 99, § 8.31(1)) (Ord. 181-6-83, passed 6-6-83)

§ 151.17 DWELLINGS TO CONFORM.

Housing Maintenance Certificates shall be issued only for dwellings which are in conformity to all the provisions which apply to the particular type of building sought to be licensed.

('88 Code, Title VIII, Ch. 99, § 8.31(2)) (Ord. 181-6-83, passed 6-6-83)

§ 151.18 TEMPORARY CERTIFICATES.

Nothing in this subchapter shall prevent the Code Official from issuing a Temporary Housing Maintenance Certificate for a portion of a building or structure in process of erection or alteration, provided that such temporary certificate shall not be effective for a period of time in excess of six months nor more than five days after the completion of the building or alteration, and provided further that such portion of the building, structure, or premises is in conformity with the provisions of this chapter.

('88 Code, Title VIII, Ch. 99, § 8.31(3)) (Ord. 181-6-83, passed 6-6-83)

§ 151.19 RECORD TO BE KEPT; COPIES.

A record of all Housing Maintenance Certificates issued shall be kept on file in the office of the Code Official, and copies shall be furnished upon request, upon payment of any fee required, to any persons having a proprietary or tenancy interest in the property involved. Copies shall also be furnished upon payment of any fee required, to any person who is contemplating purchasing the property who presents a purchase agreement or option to purchase signed by him and the person having a proprietary interest in the property.

('88 Code, Title VIII, Ch. 99, § 8.31(4)) (Ord. 181-6-83, passed 6-6-83)

§ 151.20 APPLICATION FOR CERTIFICATE; RENEWAL.

(A) Application for Housing Maintenance Certificates shall be made by the owner, and Certificates shall be issued in the name of the applicant. ('88 Code, Title VIII, Ch. 99, § 8.31(6))

(B) Application for Housing Maintenance Certificates and for renewals of Housing Maintenance Certificates shall be made in writing to the Code Official on forms furnished by the Code Official and shall be accompanied by a fee as set forth in division (F) of this section paid as set forth in the rules and regulations made pursuant to this subchapter.

(C) Housing Maintenance Certificates and renewals of Housing Maintenance Certificates shall be issued if, after inspection, it is found that the dwelling is in accordance with all the provisions of this chapter. If the certificate is refused, the applicant for the certificate shall be notified in writing of the refusal and the cause thereof.

(D) Housing Maintenance Certificates shall be issued for a period of one year from its date of issuance unless sooner revoked, and may be renewed for successive periods of not to exceed one year, except the Code Official is authorized, on the first such certificate issued for a dwelling, to issue the certificate for a period longer than one year, but not longer than one year and nine months for the purpose of adjusting the time when such certificates expire and thus, adjusting the time when renewal of such certificates is likely to be requested.

('88 Code, Title VIII, Ch. 99, § 8.31(5)) 2006 S-7

(E) No Housing Maintenance Certificate shall be renewed unless an application therefor has been made within 30 days prior to the expiration of the present Housing Maintenance Certificate. If timely application is not made, a late fee will be paid as set forth in division (F) of this section.

('88 Code, Title VIII, Ch. 99, § 8.31(9))

(F) *Application fee.*

(1) The certificate fee which must accompany application for a Housing Maintenance Certificate is as follows:

	*Beginning 08-01-05	Beginning 08-01-07
Initial inspection		
First unit per building	\$30.00	\$40.00
Each additional unit per building	20.00	30.00
Reinspection of a unit	30.00	40.00

There will be no charge for the first reinspection if violations identified at the initial inspection have been corrected.

If however, violations have not been corrected, the property owner will be charged the reinspection fee listed above for the first reinspection visit.

If the remediation required at the first inspection remains uncorrected at the next reinspection, the reinspection fee will be charged at the onset of each subsequent reinspection visit to be required until the work is completed.

Cabins, hotels, and motels	\$60.00	\$70.00
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*Increase will begin with invoices/inspections due after August 1, which corresponds to the group 2 billing cycle.

(2) Late fees: applicants failing to file timely under the provisions of this section shall pay double the above fees after the due date.

('88 Code, Title VIII, Ch. 99, § 8.31(17))

(Ord. 181-6-83, passed 6-6-83; Am. Ord. 355-6-94, passed 6-6-94; Am. Ord. 546-05-05, passed 5-16-05)

§ 151.21 LOCAL CONTACT PERSON TO BE DESIGNATED.

(A) Applicants shall designate a local contact person upon whom service of notice under this subchapter and service of process for violation of this code may be made in the absence of the owner. The owner must designate a local contact person with an office or residence in the City or within 10 miles of the corporate limits of the City. Such a designation shall be made in writing and shall accompany each application or renewal application for a Housing Maintenance Certificate. The violation of this subsection shall be a civil infraction, and shall be cause for revocation of a housing maintenance certificate.

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

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

('88 Code, Title VIII, Ch. 99, § 8.31(7)) (Ord. 181-6-83, passed 6-6-83; Am. Ord. 511-04-03, passed 4-7-03)

§ 151.22 TENANT TO ALLOW ENTRY OF INSPECTOR.

Every person holding a Housing and Maintenance Certificate shall provide in his lease with tenants or roomers, whether said lease is written or oral, a provision that the tenant or roomer will allow the Code Official, or his designee, access to the leased premises for the purpose of the inspection required as a prerequisite to the granting or renewal of a Housing Maintenance Certificate.

('88 Code, Title VIII, Ch. 99, § 8.31(8)) (Ord. 181-6-83, passed 6-6-83)

§ 151.23 CERTIFICATE TO BE DISPLAYED; NOT TRANSFERABLE TO ANOTHER DWELLING OR OWNER; NOTICE REQUIRED.

(A) Each certificate shall be displayed in a conspicuous place within the common ways, if any, of the dwelling licensed.

(B) No certificate shall be transferable to another person, or to another dwelling. Each person holding a Housing Maintenance Certificate shall give notice in writing to the Code Official within 24 hours after having transferred or otherwise disposed of the legal control of any licensed dwelling. Such notice shall include the name and address of the person or persons succeeding to the ownership or control of such dwelling.

('88 Code, Title VIII, Ch. 99, § 8.31(10)) (Ord. 181-6-83, passed 6-6-83)

§ 151.24 RECORD OF REPAIR AND COMPLAINT TO BE MAINTAINED BY CERTIFICATE HOLDER.

Every person holding a Housing Maintenance Certificate shall keep, or cause to be kept, records of all requests for repair and complaints by tenants, which are related to the provisions of this chapter and to any applicable rules and regulations, and of all corrections made in response to such requests and complaints. Such records shall be made available by the certificate holder to the Code Official for inspection and copying upon request.

('88 Code, Title VIII, Ch. 99, § 8.31(11)) (Ord. 181-6-83, passed 6-6-83)

§ 151.25 NOTICE OF VIOLATION.

Whenever, upon inspection of the licensed dwelling, or upon inspection of the records required to be kept under § 151.24, the Code Official finds that conditions or practices exist which are in violation of the provisions of this chapter or of any applicable rules and regulations pursuant thereto, he shall serve the owner with notice of such violation in the manner provided for notice in this subchapter. Such notice shall state that unless the violation cited is corrected within a reasonable time set by the Code Official not

to exceed 30 days, the operating license may be suspended.

('88 Code, Title VIII, Ch. 99, § 8.31(12)) (Ord. 181-6-83, passed 6-6-83; Am. Ord. 511-04-03, passed 4-7-03)

§ 151.26 REINSPECTION; SUSPENSION OF OPERATING LICENSE.

At the end of the time the Code Official has allowed for the correction of any violation notices as provided in § 151.25, the Code Official shall reinspect the licensed dwelling and if he determines that the conditions requiring corrections set forth in the notice sent have not been corrected, he may issue an order suspending the operating license [i.e., Housing Maintenance Certificate] which shall be set in the manner provided for notices in this subchapter.

('88 Code, Title VIII, Ch. 99, § 8.31(13)) (Ord. 181-6-83, passed 6-6-83)

§ 151.27 APPEAL.

(A) Any person whose certificate under this subchapter has been suspended by the order of the Code Official shall be entitled to an appeal to the Housing Board of Appeals as provided in this subchapter. If no appeal is properly presented within 21 days following this issuance of the order of suspension, the certificate shall be revoked except that if prior to revocation of the certificate any person whose certificate has been ordered suspended may request reinspection, upon a showing that the violation or violations cited in the notice have been corrected.

(B) *Reinstatement.* If, upon reinspection pursuant to the request of the person whose certificate has been ordered suspended but not revoked, the Code Official finds the dwelling in connection with which the notice was issued is now in compliance with this code and with applicable rules and regulations issued pursuant thereto, he shall reinstate the certificate. A request for reinspection shall not extend the suspension period.

(C) If an appeal to the Housing Board of Appeals is taken under division (A) of this section, and if the Housing Board of Appeals does not reverse the decision of the Code Official, the certificate shall be revoked within ten days following the denial of the appeal by the Housing Board of Appeals.

('88 Code, Title VIII, Ch. 99, § 8.31(14) - (16)) (Ord. 181-6-83, passed 6-6-83)

SMOKE DETECTORS

§ 151.35 REQUIREMENT.

It shall be the responsibility of the owner of each new and existing rental unit within the City to install smoke detectors in each such rental unit as is hereinafter

provided. Smoke detectors shall be capable of sensing visible particles of combustion and providing a suitable audible alarm thereof; further, they shall be installed by the first day of adoption, in the manner hereinafter provided and thereafter maintained in working order in compliance with this subchapter. Failure to install smoke detectors as is required under this subchapter will subject the owner of any such rental unit to the penalties set forth. ('88 Code, Title VIII, Ch. 100, § 8.71) (Ord. 173-6-82, passed 6-7-82) Penalty, see § 151.99

Cross-reference:

Fire prevention regulations, see Ch. 96

§ 151.36 DEFINITIONS.

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

CODE OFFICIAL. The Fire Marshal of the City of Big Rapids, or in his absence an interim Fire Marshal designated by the City Manager to administer and enforce the International Property Maintenance Code, the Housing Law of Michigan, or the Housing Maintenance Certificates in Chapter 151.

OWNER. The person who holds legal title to the premises. However, should a land contract be in existence and recorded with the County Register of Deeds, or should an affidavit or memorandum as to the existence of land contract be recorded with the County Register of Deeds, then the land contract purchaser shall be considered the "owner" for purposes of this subchapter. ('88 Code, Title VIII, Ch. 100, § 8.73(3))

RENTAL UNIT. Any residence, apartment, flat, motel room, hotel room, boarding room, or boarding house and the like, for which consideration is paid by one person to another for use or occupancy thereof.

SLEEPING AREA. The area or areas of the family living unit in which the bedrooms or sleeping rooms are separated by other use areas, such as kitchens or living rooms, but not bathrooms or closets, they shall be considered as separate sleeping areas for the purposes as this subchapter. ('88 Code, Title VIII, Ch. 100, § 8.73(1)) ('88 Code, Title VIII, Ch. 100, § 8.72) (Ord. 173-6-82, passed 6-7-82)

§ 151.37 INSTALLATION.

(A) General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the *International Fire Code*.

(B) Smoke Alarms. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-

2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single or multiple-station smoke alarms shall be installed in other groups in accordance with the *International Fire Code*.

§ 151.38 ALTERNATIVE.

As an alternative to self-contained smoke detectors, an approved fire detection system may be installed and maintained. Each fire detection system must be individually approved. ('88 Code, Title VIII, Ch. 100, § 8.74) (Ord. 173-6-82, passed 6-7-82)

§ 151.39 CONFORMANCE.

All devices, combinations of devices, and equipment required herein must be installed in conformance with this subchapter. ('88 Code, Title VIII, Ch. 100, § 8.75) (Ord. 173-6-82, passed 6-7-82) Penalty, see § 151.99

§ 151.40 CHANGE OF OCCUPANCY.

After a change of occupancy of every dwelling unit in the City, occasioned by or incidental to a sale, lease or sublease of a rental unit, it shall be the duty of the grantor thereof (i.e., the seller, lessor or sublessor, as the case may be) to certify in writing before occupancy, to the now occupant that all smoke detectors as required by this subchapter are installed and in proper working condition. Failure to comply with this section shall be punishable as a misdemeanor as is provided in § 151.99(A) and shall be evidence of the negligence of or inattention of the grantor. This section shall not, however, render any lease or contract or sublease void for failure to have certification required hereby.

('88 Code, Title VIII, Ch. 100, § 8.76) (Ord. 173-6-82, passed 6-7-82) Penalty, see § 151.99

§ 151.41 POWER SOURCE.

(A) Battery type smoke detectors may be used provided that the batteries mount to assure that the following conditions are met

:

(1) All power requirements are met for at least one year's life, including weekly testing.

(2) A distinctive audible trouble signal is given before the battery is incapable of operating (from aging, terminal corrosion and the like) the device(s) for alarm purposes.

(3) For a unit employing a lock-in alarm feature, automatic transfer is provided from alarm to a trouble condition.

(4) The unit is capable of producing an alarm signal for at least four minutes at the battery voltage at which a trouble signal is normally obtained followed by seven days of trouble signal operation.

(5) The audible trouble signal is produced at least once every minute for seven consecutive days.

(6) The monitored batteries meeting these specifications are clearly identified on the unit near the battery compartment.

(B) Electric plug-in smoke detectors may be used and operated from a wall plug provided that the plug is fitted with a plug restraining device and provided that the wall outlet power supply is not controlled by a switch other than the main power supply.

('88 Code, Title VIII, Ch. 100, § 8.77) (Ord. 173-6-82, passed 6-7-82) Penalty, see § 151.99

§ 151.42 TAMPERING.

Anyone tampering or interfering with the effectiveness of a smoke detector shall be in violation of this subchapter.

('88 Code, Title VIII, Ch. 100, § 8.78) (Ord. 173-6-82, passed 6-7-82) Penalty, see § 151.99

§ 151.99 PENALTY.

Any person, firm, or corporation who violates any housing regulation in Title XV, Chapter 151, shall be responsible for a municipal civil infraction and shall be penalized as provided in § 10.97. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions of the adopted IPMC 2006, shall be deemed a separate offense.

('88 Code, Title V III, Ch. 99, § 8.22) (Ord. 205-6-85, passed 6-3-85; Am. Ord. 399-11-95, passed 11-20-95; Am. Ord. 427-10-97, passed 10-6-97)

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

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the ordinance adopted.

Date: April 20, 2009

Published: April 27, 2009

ORDINANCE NO. 609-06-09

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

**ORDINANCE FOR ADOPTION OF
THE INTERNATIONAL FIRE CODE**

An ordinance of the City of Big Rapids adopting the 2006 edition of the International Fire Code, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Big Rapids; providing for the issuance of permits and collection of fees therefore.

The City Commission of the City of Big Rapids ordains:

Section 1. That a certain document, three (3) copies of which are on file in the office of the Big Rapids City Clerk of City of Big Rapids, being marked and designated as the International Fire Code, 2006 edition, including Appendix Chapters as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of Big Rapids in the State of Michigan regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the City of Big Rapids are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance. A true copy of the 2006 International Fire Code, as modified and adopted by the City of Big Rapids, can be inspected or obtained in the office of the City Clerk at Big Rapids City Hall, 226 N. Michigan Avenue, Big Rapids, MI 49307, Monday through Friday, 8:00 am – 5:00 pm. A complete copy of the International Fire Code, as modified and adopted by the City of Big Rapids, is available to the public at the office of the City Clerk in compliance with state law requiring that records of public bodies be made available to the general public.

Section 2. That the following sections are hereby revised:

Section 101.1 Insert: City of Big Rapids

Section 109.3. Insert: OFFENSE, Civil Infraction DOLLAR AMOUNT \$500, NUMBER OF DAYS 0.

Section 111.4. Insert: \$25 \$500

Section 3. That the geographic limits referred to in certain sections of the 2006

International Fire Code are hereby established as follows:

Section 3204.3.1.1 The geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited are depicted in the map marked EXHIBIT 3204.3.1.1 A.

Section 3404.2.9.5.1 The geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited are depicted in the map marked EXHIBIT 3404.2.9.5.1 B.

Section 3406.2.4.4 The geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited are depicted in the map marked EXHIBIT 3406.2.4.4 C.

Section 3804.2 The geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas are depicted in the map marked EXHIBIT 3804.2 D.

Section 4. That Ordinance No. 30-9-64 and Ordinance No. 84-9-70 of the City of Big Rapids are hereby repealed.

Section 5. That the Big Rapids City Clerk is hereby ordered and directed to cause this ordinance to be published.

Section 6. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect 20 days from and after the date of its final passage and publication in the Pioneer.

Yeas: Anderson, Brennan, Hogenson, Warba

Nays: Harper

The Ordinance was declared adopted.

Dated: June 15, 2009

Published: June 18, 2009

ORDINANCE NO. 610-07-09

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

AN ORDINANCE AMENDING TITLE 15, CHAPTER 155, SECTION 155.02 OF THE BIG RAPIDS CITY CODE BY AMENDING THE DEFINITIONS OF MORTGAGE LOAN AND SPONSOR AND BY ADDING SECTION 155.11 ON THE CONTRACTUAL EFFECT OF A RESOLUTION GRANTING TAX EXEMPT STATUS.

WHEREAS, the Michigan State Housing Development Authority (MSHDA) requested that the City amend its ordinance on tax exemptions and payments in lieu of taxes to conform with MSHDA standards,

NOW, THEREFORE, THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Title 15, Chapter 155, Section 155.02 of the Big Rapids City Code is amended to read as follows, and Section 155.11 is added to Chapter 155.

§ 155.02 DEFINITIONS.

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

ACT. The State Housing Development Authority Act, being Public Act 346 of 1966, of the State of Michigan, as amended.

ANNUAL SHELTER RENT. The total collections during an agreed annual period from all occupants of a housing development representing rent or occupancy charges, exclusive of charges for gas, electricity, heat, or other utilities furnished to the occupants.

AUTHORITY. The Michigan State Housing Development Authority.

CONTRACT RENTS. As defined by the U.S. Department of Housing and Urban Development in regulations promulgated pursuant to the U.S. Housing Act of 1937, as amended.

ELDERLY. A single person who is 55 years of age or older or a household in which at least one member is 55 years of age or older.

HOUSING DEVELOPMENT. A development which contains a significant element of housing for persons of low income and such elements of other housing, commercial, recreational, industrial, communal, and educational facilities as the Authority determines

improve the quality of the development as it relates to housing for persons of low income.

MORTGAGE LOAN. A loan that is federally aided (as defined in the Act) or made or to be made by the Authority for the construction, rehabilitation, acquisition and/or permanent financing of a housing project, secured by a mortgage on the housing project.

QUALIFIED HOUSING DEVELOPMENT. A housing development with characteristics specified in this chapter which the City Commission may find exist and qualify the Housing Development for tax exempt status.

SPONSOR. Any person(s) or entities that receive or assume a Mortgage Loan.

UTILITIES. Fuel, water, sanitary sewer service and/or electrical service which are paid by the Housing Development.

§155.11. RESOLUTION; CONTRACTUAL EFFECT. A Resolution of the City Commission granting tax exempt status, as provided in this Ordinance, shall be adopted for each Housing Development qualified under the terms and provisions of this Ordinance. Notwithstanding the provisions of section 15(a)(5) of the Act to the contrary, a contract between the City and the Sponsor with the Authority as third party beneficiary under the Contract, to provide tax exemption and accept payments in lieu of taxes as previously described will be effectuated by enactment of such a Resolution by the City Commission.

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

Section 3. This ordinance shall be effective upon publication.

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the Ordinance adopted.

Dated: July 6, 2009

Published: July 8, 2009

ORDINANCE NO. 613-11-09

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

**ORDINANCE REPEALING TITLE V, SECTION 54.12(F) THAT IMPOSED
A CHARGE OF \$0.30-\$0.60-\$0.90 PER 1000 GALLONS FOR
THE PURPOSE OF PAYING STRUCTURAL AND CAPITAL
COSTS OF THE UPGRADE OF THE
WASTEWATER TREATMENT PLANT**

WHEREAS, the sewer rates were amended in January, 2005, to raise funds with which to pay down the capital costs of the upgrade of the wastewater treatment plant, and

WHEREAS, the rate structure provided for charges of \$0.30- \$0.60- \$0.90 per 1000 gallons, and

WHEREAS, the \$0.30- \$0.60- \$0.90 rates were intended to continue until the month of the bonding for the plant debt, and were to terminate the month after the bonding, with new rates to be adopted to raise the funds needed to pay the principle and interest on the new bonds, and

WHEREAS, the amount of the bond funds necessary to pay for the wastewater treatment plant upgrade are not yet known with certainty, but are estimated to be \$6,500,000 and

WHEREAS, the new rates necessary to raise the funds needed to pay the principle and interest on the new bonds cannot be calculated and imposed with certainty at this time, NOW, THEREFORE

THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Title V, Section 54.12(F) which set the sewer charges of \$0.30- \$0.60- \$0.90 is repealed as of November 2, 2009.

Section 2. This Ordinance shall be effective November 2, 2009.

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

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the ordinance adopted.

Date: November 2, 2009

Published:

goods remaining on hand at the time the application for renewal is made, which new inventory shall be prepared and furnished in the same manner and form as the original inventory. No renewal shall be granted if any goods have been added to the stock listed in the inventory since the date of the issuance of the license. A fee of \$50.00 shall accompany an application for the license and for the renewal of a license.

- (b) The license shall authorize only the one type of sale described in the application at the location named therein.
- (c) The license shall authorize only the sale of goods and merchandise described in the inventory attached to the application; no person shall order any goods for the purpose of selling and disposing of the same under any sale authorized by this chapter. Any unusual purchase or additions to the stock within 60 days prior to the filing of the application hereunder shall be presumptive evidence that the purchases and additions were in contemplation of the sale authorized by this chapter.
- (d) Any license herein provided for shall not be assignable or transferable.

(2) No license under this chapter shall be issued to any person:

- (a) To conduct a sale in the trade name or style of a person in whose goods the applicant for the license has acquired a right or title thereto within 6 months prior to the time of making application for such a license.
 - (b) To conduct a sale, other than sale of goods damaged by fire, smoke, or otherwise on the same premises within one year from the conclusion of a prior sale of the nature covered by this act.
- (3) Subdivisions 2(a) and (b) above shall not apply to any person who acquired right or title in goods as an heir, devisee or legatee or pursuant to a court order of a court of competent jurisdiction.
- (4) No license under this chapter shall be issued unless all personal property taxes due or which will become due by the time of the sale from the business seeking the license have been paid or until arrangements satisfactory to the city treasurer have been made for payment of said taxes from the proceeds of the sale.

§113.06 LICENSE FEE.

Any applicant for a license under this chapter shall submit to the City Clerk with his application a license fee, as prescribed in Chapter 110, Section 110.18.

§113.07 DISPLAY OF LICENSE.

A copy of the application for a license to conduct a sale under this chapter, including the inventory filed herewith, shall be posted in a conspicuous place in the sales room or place where the inventoried goods are to be sold, so that the public may be informed of the facts relating to the goods before purchasing same, but the copy need not show the purchase price of the goods. The duplicate copy of a license shall be attached to the front door of the premises where the sale is conducted in such a manner that it be clearly visible from the street.

§113.08 ADVERTISEMENT

Any advertisement or announcement published in connection with any sale outlined under this chapter shall conspicuously show on its face the number of license issued by the City Clerk and the date of its expiration.

Section 2. The Ordinance shall be effective upon publication.

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

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the ordinance adopted.

Dated: November 2, 2009

Published:

ORDINANCE NO. 614-11-09

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

AN ORDINANCE REPEALING CHAPTERS 113, 115, 116, 117, 119 AND 121 OF TITLE XI, BUSINESS REGULATIONS, OF THE BIG RAPIDS CODE OF ORDINANCES

WHEREAS, the City Commission reviewed its Code of Ordinances pertaining to the Chapters dealing with Business Licenses and fees, and

WHEREAS, the City Commission believes it is practical to revise Title XI, Business Regulations, eliminating Chapters that no longer make sense to regulate.

THE CITY OF BIG RAPIDS ORDAINS

Section 1. The following Chapters of Title XI, Business Regulations, are repealed:

Chapter 113	Junk Dealers
Chapter 115	Auctioneers
Chapter 116	Mechanical Amusement Devices
Chapter 117	Pool Rooms and Bowling Lanes
Chapter 119	Public Dances, Theaters and Skating Rinks
Chapter 121	Myotherapy Establishments

Section 2. The repeal of these chapters shall be effective upon publication.

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

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the ordinance adopted.

Dated: November 2, 2009

Published:

ORDINANCE NO. 615-11-09

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

**AN ORDINANCE REPEALING AND REPLACING CHAPTER 119 OF
TITLE XI, BUSINESS REGULATIONS, OF THE BIG RAPIDS
CODE OF ORDINANCES**

THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Chapter 119 of the Big Rapids Code of Ordinances is repealed.

Section 2. Chapter 119, Circuses, Carnivals, Shows and Exhibitions, of the Big Rapids Code of Ordinances is reenacted to read as follows:

CHAPTER 119: CIRCUSES, CARNIVALS, SHOWS, AND EXHIBITIONS

§ 119.01 SHOW LICENSE.

No person shall advertise, sponsor, organize, conduct, or operate a circus, carnival, menagerie, exhibition, or show without first obtaining a license from the City Clerk's Office and paying the required fee.

§ 119.02 CIRCUS, CARNIVAL, EXHIBITION DEFINED

As used in this chapter, "circus, carnival, menagerie or exhibition" means any amusement enterprise which is operated other than in a permanent building or structure, wherein, as part of the amusement attractions, Ferris wheels, merry-go-rounds, or other similar or like mechanically operated devices are used, or where sideshows, concessions, games of skill or chance, animal exhibits or other similar or like amusements or entertainment features are provided.

§ 119.03 ANIMAL SHOWS AND EXHIBITIONS.

(a) No person shall conduct any dog or pony show or menagerie, without first obtaining a license therefore. Such license shall be known as an "Animal Show License." No person shall conduct any panorama, exhibition of statuary or painting, or any other exhibition, not otherwise licensed

under this chapter, and for which an admission fee is charged, without first obtaining a license, therefore to be known as an "Exhibition License."

(b) The provisions of this section shall not be applicable to any fair held under the direct management and supervision of any recognized agricultural association or society, nonprofit association or corporation, at which are exhibited agricultural or industrial products, principally.

§119.04 INVESTIGATION

(a) The City Clerk shall forward a copy of the application to the Director of Public Safety.

(b) The Director of Public Safety shall investigate the qualifications and background of the applicant and furnish a written report to the City Clerk accompanied by a recommendation as to whether the license should be granted or refused. As part of the investigation, the Director of Public Safety shall determine whether or not the applicant has been convicted of any crime involving moral turpitude, gambling, narcotics, sexual offense or has previously violated any of the provisions of this section.

(c) The Fire Marshall shall inspect the location to determine whether the proposed location is free from fire hazards and either approve or disapprove the application.

§119.05 RIGHT OF ENTRY

The operator or person in charge of any circuses, carnivals, shows, and exhibitions shall, at all times, open each and every portion of their operations for inspection by the Police Division, Fire Division or any other City department engaged in the enforcement of this chapter or in the carrying on of any inspection for such purpose.

§119.06 ORDER TO CEASE OPERATIONS

The Director of Public Safety shall close down the operation of any circus, carnival, menagerie, exhibition, or show upon the revocation of the license to operate or in the event of a serious mishap pending inspection by the appropriate agency.

§119.07 INSURANCE OR BOND

A person shall not operate a circus or carnival unless the owner or operator shall have obtained security against the owner's or operator's liability for injuries suffered by persons attending the carnival or riding amusement rides by one of the following methods:

(a) By obtaining a policy of insurance in an amount not less than \$1,000,000 insuring the owner or operator against liability for injuries suffered by persons attending the carnival or an amusement ride;

(b) By obtaining a bond in an amount not less than \$1,000,000 with the aggregate amount of the surety and the bond not exceeding the face amount of the bond;

(c) The liability limits of subsections (a) and (b) of this section may be reduced to \$50,000 if there is only one amusement ride, which is designed primarily for use by small children.

§119.08 HOURS OF OPERATIONS

No person shall hold or operate circuses, carnivals, shows, menagerie, or exhibitions between the hours of 11:00 p.m. and 8:00 a.m.

§119.09 BOND REQUIRED AND FORFEITURE OF BOND

No license shall be issued until a cash bond is posted in an amount established in Section 110.18, to ensure that the licensee will comply with all of the laws of the state and the ordinances of the City in connection with the operation of the activity, and that the licensee shall cease operation on or before the expiration of the license and shall remove all equipment, paraphernalia, debris, advertisements and litter which are attributable to the activity or its concessionaries. The bond posted by an applicant under this article shall be forfeited if the applicant has not restored to its prior condition the area as affected by the activity for which the bond was posted, including the site, roads and road rights-of-way and surrounding areas, both public and private, three days from the conclusion of the licensed activity or from expiration of the license, whichever comes first.

§119.10 FEES

When an application is made for a license required under the terms of this chapter, a fee shall be paid in an amount established under Chapter 110, Section 110.18 of the Code of Ordinances.

Section 3. This ordinance shall be effective upon publication.

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

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the ordinance adopted.

Dated: November 2, 2009

Published:

ORDINANCE NO. 616-11-09

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

**AN ORDINANCE REPEALING AND REPLACING CHAPTER 111 OF
TITLE XI, BUSINESS REGULATIONS, OF THE BIG RAPIDS
CODE OF ORDINANCES**

THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Chapter 111 of the Big Rapids Code of Ordinances is repealed.

Section 2. Chapter 111, Peddlers and Transient Merchants, of the Big Rapids Code of Ordinances is reenacted to read as follows:

CHAPTER 111: PEDDLERS AND TRANSIENT MERCHANTS

§ 111.01 DEFINITIONS.

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

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

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

Such term shall include: “itinerant merchants,” “itinerant vendors” and persons engaged in selling goods, wares or merchandise at retail in this City and who are not on the tax rolls of this City; and any person who commences a business of selling goods, wares and merchandise at retail within the City after the first day of January in any year and who is not assessed on the tax roll for that year and who occupies or uses the

licensed premises for a period of less than 180 days shall be deemed a “transient merchant” within the meaning of this chapter.

§ 111.02 LICENSE REQUIRED.

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

§ 111.03 FEES REQUIRED.

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

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

§ 111.04 VETERAN'S EXEMPTION.

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

§ 111.05 CLOSING OUT SALES.

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

§ 111.06 LICENSE REQUIREMENTS FOR EMPLOYEES, AGENTS, CONSIGNEES OR UNINCORPORATED FIRMS OR ASSOCIATIONS.

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

§ 111.07 HOURS IN RESIDENTIAL AREAS.

No person shall engage in selling door-to-door in residential areas prior to 9:00 a.m. or after 8:30 p.m., or sunset, whichever is earlier, on any weekday or Saturday, or at any time on Sunday, New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day or Christmas.

§ 111.08 EXEMPT ACTIVITIES.

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

- (a) The sale of goods, wares or merchandise, or solicitations on behalf and solely for the benefit of any recognized charitable or religious purpose.
- (b) Commercial travelers employed by wholesale houses, who take or seek to take the orders from merchants for goods,

wares or merchandise and other personal property for the purpose of resale by the merchant.

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

Section 3. This ordinance shall be effective upon publication.

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

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the ordinance adopted.

Dated: November 2, 2009

Published:

ORDINANCE NO. 617-11-09

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

**AN ORDINANCE REPEALING AND REPLACING CHAPTER 114 OF
TITLE XI, BUSINESS REGULATIONS, OF THE BIG RAPIDS
CODE OF ORDINANCES**

THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Chapter 114 of the Big Rapids Code of Ordinances is repealed.

Section 2. Chapter 114, Taxicabs, of the Big Rapids Code of Ordinances is reenacted to read as follows:

CHAPTER 114: TAXICABS

§ 114.01 BUSINESS LICENSE REQUIRED.

No person, persons, or company shall engage in the business of operating or causing to be operated, directly or indirectly, any taxicab upon streets, alleys, or public ways in the City of Big Rapids without first procuring a taxicab business license. No license shall be issued unless the Director of Public Safety shall indicate approval in writing upon the face of the application.

§ 114.02 APPLICATION FOR LICENSE.

Application for a license shall be made to the City Clerk in the form and manner required by the Clerk and in accordance with the provisions of this Code. The license term shall be as specified in § 110.04, and the fees therefore shall be as provided in § 110.18.

A person, persons, or company applying for a taxicab business license shall complete an Authorization to Obtain a Criminal History Report form, and submit it along with the current fee for obtaining such report, to the City Clerk for processing.

§ 114.03 TAXICAB REGISTRATION.

- (a) No taxicab shall be operated within the City without the issuance of a registration certificate through the City Clerk's office.
- (b) Prior to issuing the registration certificate, the following information shall be obtained on a taxicab registration application:
 - (1) The vehicle description owned or leased by the licensed the taxicab company.
 - (2) Proof of insurance for the vehicle as specified in § 114.04 of this chapter.
 - (3) Proof of inspection of the vehicles by a licensed motor mechanic approved by the City's Department of Public Safety as provided in § 114.19 of this chapter.
 - (4) Authorization to issue a registration certificate from the City's Department of Public Safety.

§ 114.04 MAINTENANCE AND INSPECTION OF VEHICLES.

- (a) Prior to registration being issued for the use and operation of any vehicle as a taxicab, the vehicle shall be thoroughly examined and inspected, at the expense of the taxicab company, by a licensed mechanic who is approved by the City Department of Public Safety. The mechanic shall certify that the vehicle can be safely operated, that it is equipped with all required safety devices, and that it is in a clean and sanitary condition. Approval shall be certified to the City Clerk on a form provided by the Clerk for that purpose.
- (b) Each vehicle licensed under this chapter shall be reinspected by a licensed mechanic, at the expense of the taxicab company, each year prior to reissuance of its registration. However, the Director of Public Safety may require that it be inspected semiannually due to a vehicle's age and/or condition.
- (c) In the event that the City receives a complaint regarding the condition of a taxicab, the licensee shall be notified of the nature of the complaint and may be required to present the taxicab at the Department of Public Safety for re-inspection or have the taxicab re-inspected and recertified by

a licensed mechanic approved by the Department of Public Safety. Failure to comply within 24 hours of the notice shall result in suspension of the taxicab's registration.

§ 114.05 INSURANCE.

(a) Before any taxicab is registered and a license issued, the applicant shall furnish to the City Clerk one or more policies of insurance, insuring the vehicle for taxicab use, prepaid for at least the period of the license, issued by a responsible insurance company providing indemnity for the insured in the amounts specified in § 110.18 and agreeing to pay, within the limits of said amounts on behalf of the insured, all sums which the insured shall become obligated to pay by reason of liability imposed upon the insured by law, for damages because of bodily injury, including death, at any time resulting there from or for damages to property, or both, sustained by any person other than the employees of the insured and caused by accident and arising out of the ownership, maintenance, or use of said licensed taxicab.

(b) The minimum amount of said insurance coverage as to any one licensed taxicab shall be:

(1) Personal injury protection; bodily injury: \$100,000 per person and \$300,000 per occurrence.

(2) Property damage of \$100,000 per occurrence.

§ 114.06 CANCELLATION OF INSURANCE.

Every such insurance policy or bond shall contain a clause obligating the insurer to give the City Clerk at least ten (10) days written notice before the cancellation, expiration, lapse, or other termination of the insurance.

§ 114.07 LICENSE AND REGISTRATION TRANSFERS.

A taxicab company license may not be transferred. When the ownership of any taxicab shall change, by operation of law or otherwise, the taxicab registration pertaining to such taxicab shall become void. A taxicab company that ceases using a registered taxicab shall notify the City Clerk, and its registration shall be withdrawn. Any transfer, or attempt to transfer, a taxicab company license or taxicab registration to any person shall automatically revoke the license or registration.

§ 114.08 REVOCATION OF REGISTRATION.

Upon receiving information that any of the requirements for registrations of a taxicab are no longer met, the City Clerk shall notify the taxi company by registered mail, and the registration shall be revoked. Operation of taxicab after the registration has been revoked shall be a violation of this chapter.

§ 114.09 RATE SCHEDULE.

A schedule of rates and charges shall be on file in the office of the City Clerk, open to public inspection. The schedule of rates shall be conspicuously posted in each taxicab and illuminated at night so as to be readily visible to any passenger.

§ 114.10 COMPLIANCE WITH LAWS, ORDINANCES.

Each taxicab licensed under this article shall be operated in accordance with the laws of this state and this Code, and with due regard for the safety, comfort and convenience of passengers and for the safety of the general public. No taxicab shall be operated at a rate of speed greater than that established by state law or City law. A violation of this section may result in the suspension or revocation of the taxicab license.

§ 114.11 REPORT OF ACCIDENTS.

All accidents arising from or in connection with the operation of taxicabs, which result in death of or injury to any person or in damage to any property, shall be reported within 20 hours from the time of occurrence to the Director of Public Safety.

§ 114.12 TAXICAB DRIVER'S PERMIT.

No person shall drive a taxicab unless a taxicab driver's permit is first procured. No permit shall be granted except upon approval of the Director of Public Safety. The application for a driver's permit shall be accompanied by two photographs of the applicant in the form and manner prescribed by the Director of Public Safety. The Director of Public Safety shall cause the applicant's fingerprints to be taken, unless the same are on file, and the fingerprints shall be placed in the non-criminal identification files of the Department of Public Safety. Any person applying for a taxicab driver's license shall complete an Authorization to Obtain a Criminal History Report form, and submit it along with the current fee for

obtaining such report, to the City Clerk for processing. The fees for the driver's permit shall be as specified in § 110.18.

§ 114.13 DRIVER PERMITS; DISPLAY.

The permit issued to a taxicab driver shall be conspicuously displayed on the inside of the taxicab and illuminated at night so as to be readily visible to any passenger.

§ 114.14 DRIVER PERMIT TRANSFER.

No person having a taxicab driver permit shall allow any other person to use or attempt to use such permit for any purpose. No person shall use or have in his/her possession while operating a taxicab in the City any taxicab driver permit which has been issued to any other person.

§ 114.15 LOST ARTICLES.

Every driver of a taxicab shall search the interior of such taxicab at the termination of each trip for any article, which may have been left in the taxicab by a passenger. Any article found therein shall immediately be returned to the passenger owning it, if the owner be known; otherwise, it shall be deposited with the owner of the taxicab at the conclusion of the driver's tour of duty. The owner of the taxicab shall make a report of the finding of such article within twenty-four (24) hours thereafter to the Director of Public Safety.

§ 114.16 CRUISING PROHIBITED.

No driver shall cruise in search of passengers at any time, and whenever a taxicab is not engaged by a customer, the driver shall proceed at once by the most direct route to the garage where the taxicab is housed or the taxicab stand customarily occupied by the taxicab.

§ 114.17 CONSUMPTION OF ALCOHOL OR USE OF IMPAIRING SUBSTANCES OR DRUGS WHILE ON DUTY

A taxicab driver shall not drink any intoxicating beverage or use any illegal substances or drugs while on duty, nor shall he/she operate a taxicab with a blood alcohol content of 0.01% or more by weight of alcohol or while impaired by use of legal or illegal substances or drugs.

§ 114 .18 PASSENGERS; CONVEYANCE REQUIRED, EXCEPTION.

A driver or owner of a taxicab shall not refuse or neglect to convey any orderly person or persons upon request by signal or telephone call, unless the taxicab is previously engaged. When a taxicab has been engaged by a passenger, no additional passengers shall be received therein except with the express consent of the first passenger. No person other than passengers for hire, except employees or members of the immediate family of any person licensed hereunder to engage in business of operating a taxicab, shall be transported therein.

§ 114.19 RULES AND REGULATIONS.

(a) The Director of Public Safety is hereby empowered, subject to approval by the City Commission, to make such rules and regulations regarding the dress and conduct of drivers, the maintenance and marking of taxicabs, the location and maintenance of taxicab stands, as may be necessary in the interest of providing safe and orderly service to passengers, and no person shall fail to comply with any such rule or regulation. The Director of Public Safety may require periodic reports to be submitted by drivers in order to assist in the enforcement of such rules and regulations or the provisions of this chapter.

(b) The Director of Public Safety shall from time to time designate portions of the streets of the City to be used as taxicab stands.

§ 114.120 NUMBER OF LICENSES.

The City Commission may limit the number of taxicab licenses that may be issued in accordance with the population and need of the City.

Section 3. This ordinance shall be effective upon publication.

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

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the ordinance adopted.

Dated: November 2, 2009

Published:

ORDINANCE NO. 618-11-09

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

**AN ORDINANCE ADOPTING CHAPTER 113 OF
TITLE XI, BUSINESS REGULATIONS, OF THE BIG RAPIDS
CODE OF ORDINANCES**

THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Chapter 113, Going-Out-Of-Business Sales, of the Big Rapids Code of Ordinances is adopted to read as follows:

CHAPTER 113 GOING-OUT-OF-BUSINESS SALES

§ 113.01 DEFINITIONS.

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them:

Going-out-of business sale means any sale, whether described by such name or by any other name such as, but not limited to, "closing out sale", "liquidation sale", "lost-our-lease sale", "forced to vacate sale", held in such a manner as to indicate a belief that upon disposal of the stock of goods on hand, the business will cease and discontinue at the premises where the sale is conducted.

Goods means all goods, wares, merchandise and other personal property, excepting, choses in action and money.

Person includes a person, firm, corporation, partnership, association or two or more persons having a joint or common interest.

Removal sale means any sale held in such a manner as to induce a belief that upon disposal of the stock of goods on hand, the business will cease and discontinue at the premises where the sale is conducted, and thereafter will be moved to and occupy another location.

§ 113.02 EXEMPTIONS FROM CHAPTER PROVISIONS.

(a) This chapter shall not apply to any sales by a person regularly engaged in insurance or salvage sale of goods, or the sale of goods which have been damaged by fire, smoke, water or otherwise, who acquired the goods for the account of others as a result of fire or other casualty.

(b) The provisions of this article shall not apply to sheriffs, constables, or other public or court officers, or to any other person acting under the license, direction or authority of any court, state or federal, selling goods, wares or merchandise in the course of their official duties.

§ 113.03 LICENSE REQUIRED

Pursuant to the provisions of Act No. 39 of the Public Acts of Michigan of 1961 (MCL 442.211 et seq.), as amended, a license issued by the City Clerk shall be obtained by any person before selling or offering to sell any goods at a sale to be advertised or held out by any means to be one of the following kinds:

- (1) Going-out-of-business sale.
- (2) Removal-of-business sale.
- (3) Sale of goods damaged by fire, smoke or otherwise.

§ 113.04 APPLICATION REQUIREMENTS.

A person desiring to conduct a sale regulated by this chapter shall make a written application to the City Clerk setting forth and containing the following information:

- (a) Any applicant for a license under this chapter shall file an application in writing and under oath with the City Clerk setting out the following facts and information regarding such a proposed sale:
 - (1) The name and address of the applicant for the license, who must be the owner of the goods to be sold, and in addition, if the applicant is a partnership, corporation, firm or association, the name and the position of the individual filing such application;
 - (2) The name and style in which such sale is to be conducted, and the address where the sale is to be conducted;

(3) The dates and period of time during which the sale is to be conducted;

(4) The name and address of the person who will be in charge and responsible for the conduct of the sale;

(5) A full explanation with regard to the condition or necessity, which is the occasion for the sale, including a statement of the descriptive name of the sale and the reasons why the name is truthfully descriptive of the sale. Going-out-of-business applications shall also contain a statement that the business will be discontinued at the premises where the sale is to be conducted upon termination of the sale. If the application is for a license to conduct a removal sale, it shall also contain a statement that the business will be discontinued at the premises where the sale is to be conducted upon termination of the sale, in addition to the location of the premises to which the business is to be moved. If the application is for a license to conduct a sale of goods damaged by fire, smoke, water or otherwise, it shall also contain a statement as to the time, location and cause of the damage;

(6) A full, detailed, and complete inventory of the goods that are to be sold, which inventory shall:

a. Itemize the goods to be sold and contain sufficient information concerning each item, including make and brand name, if any, to clearly identify it;

b. List separately any goods, which were purchased during a sixty-day period immediately prior to the date of making application for the license;

c. Show the cost price of each item in the inventory together with the name and address of the seller of the items to the applicant, the date of the purchase, the date of the delivery of each item to the applicant and the total value of the inventory at cost;

d. In no case exceed two hundred (200) per cent of the total value of merchandise upon which personal property tax was paid by the applicant or his predecessor as evidence by a copy of the last personal property tax receipt issued;

- e. A statement that no goods will be added to the inventory after the application is made or during the sale and that the inventory contains no goods received on consignment.
- (b) Any person making a false statement in the application provided for in this section shall be in violation of this chapter.

§ 113.05 ISSUANCE OF LICENSE.

(1) A license shall be issued hereunder on the following terms:

- (a) A license to conduct a sale issued pursuant to this article shall not be issued or valid for a period of more than 30 days from the start of the sale, and the sale may be conducted only during the period set forth in the license.

The license may be renewed not more than twice for a period not to exceed 30 days for each renewal upon affidavit of the licensee that the goods listed in the inventory have not been disposed of and that no new goods have been or will be added to the inventory previously filed pursuant to this article, by purchase, acquisition or consignment or otherwise. The application for renewal of the license shall be made not more than 13 days prior to the time of the expiration of the license and shall contain a new inventory of goods remaining on hand at the time the application for renewal is made, which new inventory shall be prepared and furnished in the same manner and form as the original inventory. No renewal shall be granted if any goods have been added to the stock listed in the inventory since the date of the issuance of the license. A fee of \$50.00 shall accompany an application for the license and for the renewal of a license.

- (b) The license shall authorize only the one type of sale described in the application at the location named therein.
- (c) The license shall authorize only the sale of goods and merchandise described in the inventory attached to the application; no person shall order any goods for the purpose of selling and disposing of the same under any sale authorized by this chapter. Any unusual purchase or additions to the stock within 60 days prior to the filing of the

application hereunder shall be presumptive evidence that the purchases and additions were in contemplation of the sale authorized by this chapter.

- (d) Any license herein provided for shall not be assignable or transferable.
- (2) No license under this chapter shall be issued to any person:
- (a) To conduct a sale in the trade name or style of a person in whose goods the applicant for the license has acquired a right or title thereto within 6 months prior to the time of making application for such a license.
 - (b) To conduct a sale, other than sale of goods damaged by fire, smoke, or otherwise on the same premises within one year from the conclusion of a prior sale of the nature covered by this act.
- (3) Subdivisions 2(a) and (b) above shall not apply to any person who acquired right or title in goods as an heir, devisee or legatee or pursuant to a court order of a court of competent jurisdiction.
- (4) No license under this chapter shall be issued unless all personal property taxes due or which will become due by the time of the sale from the business seeking the license have been paid or until arrangements satisfactory to the city treasurer have been made for payment of said taxes from the proceeds of the sale.

§113.06 LICENSE FEE.

Any applicant for a license under this chapter shall submit to the City Clerk with his application a license fee, as prescribed in Chapter 110, Section 110.18.

§113.07 DISPLAY OF LICENSE.

A copy of the application for a license to conduct a sale under this chapter, including the inventory filed herewith, shall be posted in a conspicuous place in the sales room or place where the inventoried goods are to be sold, so that the public may be informed of the facts relating to the goods before purchasing same, but the copy need not show the purchase price of the goods. The duplicate copy of a license shall be

attached to the front door of the premises where the sale is conducted in such a manner that it be clearly visible from the street.

§113.08 ADVERTISEMENT

Any advertisement or announcement published in connection with any sale outlined under this chapter shall conspicuously show on its face the number of license issued by the City Clerk and the date of its expiration.

Section 2. The Ordinance shall be effective upon publication.

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

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the ordinance adopted.

Dated: November 2, 2009

Published:

ORDINANCE NO. 619-11-09

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

**AN ORDINANCE REPEALING AND REPLACING CHAPTER 110 OF
TITLE XI, BUSINESS REGULATIONS, OF THE BIG RAPIDS
CODE OF ORDINANCES**

THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Chapter 110 of the Big Rapids Code of Ordinances is repealed.

Section 2. Chapter 110, Business and Trade Licenses, of the Big Rapids Code of Ordinances is reenacted to read as follows:

CHAPTER 110: BUSINESS AND TRADE LICENSES

§ 110.01 BUSINESS LICENSES REQUIRED.

No person shall, directly or indirectly, operate, conduct, maintain or manage any business or premises for which any license or permit is required by any provision of this chapter or code without first procuring a license or permit from the City in the manner prescribed in this chapter.

§ 110.02 STATE LICENSE NOT EXEMPTION.

The fact that a license or permit has been granted to any person by the state to engage in the operation, conduct, maintenance or management of any business or premises shall not exempt such person from the necessity of procuring a license or permit from the City if such license is required by this code.

§ 110.03 APPLICATION FOR LICENSE.

Each person required to procure a license from the City shall make application for the license to the City Clerk in the form and manner

prescribed by the City Clerk and shall state under oath the facts required for, or applicable to, the granting of the license, including the following:

(a) The full names, business addresses and residence addresses of all owners, proprietors, officers, managers and local employees of applicant's business or the names and addresses of each officer if the applicant is a corporation.

(b) The place or places in the City where it is proposed to maintain applicant's business, and the length of time during which it is proposed the business will be conducted.

(c) The nature, character and quality of the goods, wares, merchandise or services to be sold or offered for sale by the applicant in the City.

(d) The nature and kind of business which the applicant proposes to conduct and the manner of operating it.

(e) A list of all assumed, trade or firm names under which the applicant intends to do business.

(f) The nature and character of advertising done or proposed to be done in order to attract customers.

(g) Whether or not the applicant or person conducting or managing applicant's business has been convicted of a crime, misdemeanor or the violation of any provision of this code or other ordinance of the City, and if so, full particulars of each conviction or violation.

§ 110.04 LICENSE YEAR.

The license year shall terminate on December 31 at 12:00 midnight next after the issuance of the license. In all cases where the provisions of this code permit the issuance of licenses for periods of less than one year, the expiration date shall be indicated on the face of the license.

§ 110.05 STATE LICENSE LAWS; COMPLIANCE PREREQUISITE.

No license or permit required by this chapter or code shall be issued to any person who is required to have a license or permit from the state until such person shall submit evidence of the state license or permit and proof that all fees for it have been paid.

§ 110.06 COMPLIANCE WITH CODE.

No license shall be granted to any applicant therefore until the applicant has complied with all of the provisions of this chapter and code pertaining to the business for which application is made, nor shall any license be granted where the approval of any officer of the City is required prior to the issuance thereof until such approval is made.

§ 110.07 PAYMENT OF FEES.

No license shall be issued until the fees set forth in § 110.18 shall be paid by the applicant to the City Clerk.

§ 110.08 EXEMPTION.

No license fee shall be required from any person exempt from payment of the fee by state or federal law. Such persons shall comply with all other provisions of this chapter. The City Clerk shall, in all such cases, issue to such persons licenses which are clearly marked as to said exemption and the reason therefore.

§ 110.09 REFUSAL TO ISSUE LICENSE; REVOCATION, CAUSES.

Licenses requested under this chapter may be refused by the City Clerk or City Manager and licenses issued may be suspended or revoked by the City Clerk or City Manager at any time, for any of the following causes:

- (a) Fraud, misrepresentation or false statement contained in the application for license.
- (b) Fraud, misrepresentation or false statement made in the operation of a business.
- (c) Any violation of this code.
- (d) Conducting a business in an unlawful manner or in such manner as to constitute a breach of the peace or to constitute a menace to the health, morals, safety or welfare of the public.
- (e) The failure or inability of an applicant to meet and satisfy the requirements and provisions of this code.

§ 110.10 NOTICE OF SUSPENSION OR REVOCATION.

Written notice of suspension or revocation stating the cause or causes therefore shall be delivered to the licensee personally or mailed to the address stated in the application for license.

§ 110.11 HEARING BY CITY COMMISSION.

(a) Any person whose license is revoked or suspended or any person whose request for a license is refused shall have the right to a hearing before the City Commission provided a written request therefore is filed with the City Clerk within ten days following the delivery or mailing of notice of revocation or suspension or within ten days following such refusal.

(b) The City Commission may reverse any refusal to issue a license or any suspension or revocation of a license, and the City Commission may grant or reinstate any license. No person shall operate any business when the license or permit has been suspended, revoked, or canceled.

§ 110.12 RENEWAL OF LICENSE.

Unless otherwise provided herein, an application for renewal of a license shall be considered in the same manner as an original application.

§ 110.13 CARRYING LICENSE; DISPLAY; REQUIREMENTS.

No licensee shall fail to carry any license issued in accordance with the provisions of this chapter or code upon his person at all times when engaged in the operation, conduct or maintenance of any business for which the license was granted; except that where such business is operated, conducted or maintained at a fixed place or establishment, said license shall be displayed at all times in some conspicuous place in his place of business; and he shall produce the same for examination when applying for a renewal thereof or when requested to do so by any City police officer or by any person representing the issuing authority.

§ 110.14 EXPIRED OR DUPLICATE LICENSE; DISPLAY.

No person shall display any expired, suspended, or revoked license or any license for which a duplicate has been issued.

§ 110.15 LICENSES NONTRANSFERABLE.

No license or permit issued under the provisions of this code shall be transferable, unless specifically so provided herein.

§ 110.16 PROVISIONS COMPLEMENTARY AND SUPPLEMENTAL.

The general provisions of this chapter, together with other relevant provisions of any other chapter of this code, or the general provisions hereafter authorized, or required by state law, and any and all thereof relative to licenses, permits, businesses, premises or anything connected therewith, shall each be construed to be complementary and supplemental to each other so far as relevant, and where not otherwise provided or inconsistent herewith, constitute a part of the regulations and conditions applicable generally to any particular license or permit in the same manner as though these provisions were fully written into each separate chapter.

§ 110.17 PENALTY FEE.

Any business requiring a yearly business license will be charged a penalty fee of 25% of the normal fee after 15 days from date of license expiration; 50% after 30 days and double the license fee after 60 days if such business was in business on December 31 preceding the license year.

§ 110.18 LICENSE FEE AND BOND SCHEDULE.

(A) *Schedule established.* The fee required to be paid and the amount of any bond required to be posted to obtain any license to engage in the operation, conduct, or carrying on of any trade, profession, business or privilege for which a license is required by the provisions of this code shall be as hereinafter provided in this chapter. No license shall be issued to any applicant unless he first pays to the City Clerk the fee and posts a bond in the amount required for the type of license desired.

(B) *Fees for licenses.* Fees for licenses shall be as prescribed in the following schedule under the business, trade, occupation, or privilege to be licensed. Bonds, where required, shall be in the amounts listed beneath the license fee prescribed for such business.

(C) *License fee and bond schedule.*

Type of Business Fee

Circus, Menagerie, Carnival, Exhibition, Side Show (Chapter 119)	
First day	\$100
Each subsequent day	\$50
Bond, conditioned to indemnify the City or others for any property damage and clearing premises	\$3,000
Pawnbrokers (Chapter 112)	
Annual fee	\$200
Bond	\$3,000
Peddlers (Chapter 111)	
Per day	\$20
Per week	\$50
Per month	\$75
Per year	\$100
Under 16 years of age	\$0
Subject to restriction of the use of such streets as may be designated by the Director of Public Safety.	
Taxicabs (Chapter 114)	
Annual fee	\$100
Whenever more than one taxicab license is issued to the same licensee, the licensee shall pay \$25 per annum for each taxicab excluding the first.	
Driver's permit	
Annual fee	\$25
Renewal fee	\$20
Background Check	Current cost of doing the check
Each licensee shall satisfy § 114.04 by depositing with the City Clerk one or more policies of insurance as required by said section, with the policy limits of \$100,000 per person and \$300,000 per occurrence for personal injury and \$100,000 per occurrence for property damage liability.	
Transient merchants (Chapter 111)	
Farm Products — Produce	
Per day	\$5

Per month	\$25
Per year	\$30
Christmas Tree Sales – for the sale season (approximately one month)	\$25
Dealers in Precious Metals and Gems (Chapter 115)	
Per day	\$50
Per week	\$75
Annual fee	\$100
Other Merchants	
Per day	\$35
Per week	\$50
Per month	\$75
Per six month	\$100
Per year	\$200
Going out of Business (Chapter 113) (Set by State Law)	
First 30 days of the sale	\$50
Renewal for 30 days	\$50

Section 3. This ordinance shall be effective upon publication.

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

Yeas: Anderson, Brennan, Harper, Hogenson, Warba

Nays: None

The Mayor declared the ordinance adopted.

Dated: November 2, 2009

Published:

ORDINANCE NO. 621-02-10

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

**AN ORDINANCE REPEALING TITLE 13, CHAPTER 130,
SECTION 131.13 OF THE BIG RAPIDS CITY CODE.**

WHEREAS, the City of Big Rapids as part of its ordinance regulations on minors possessing and consuming alcohol adopted §131.13 authorizing a peace officer who has reasonable cause to believe a minor has consumed alcoholic liquor or has any bodily alcohol content to require the person to submit to a preliminary chemical breath analysis, and

WHEREAS, on September 10, 2009, the Michigan Court of Appeals issued its opinion in *People of the City of Troy v Emran Chowdhury*, Docket No. 288696, holding the City of Troy's ordinance on PBT's unconstitutional, and

WHEREAS, the Court of Appeals has the power to issue a ruling on the constitutionality of the Troy ordinance, and the ruling is binding precedent on the City of Big Rapids,

NOW, THEREFORE, THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Title 13, Chapter 130, Section 131.13 of the Big Rapids City Code is repealed.

Section 2. This ordinance is effective upon publication.

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

Yeas: Anderson, James, Harper, Rothstein, Warba

Nays: None

The Mayor declared the ordinance adopted.

Date: February 1, 2010