

TITLE XI: BUSINESS REGULATIONS

Chapter

110. USED CAR SALES AND LOTS

111.

112. CABLE TELEVISION SERVICE

113. WASTE HAULERS

CHAPTER 110: USED CAR SALES AND LOTS

Section

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

- 110.99 Penalty

110.01 DEFINITIONS.

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

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

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

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

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

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

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

110.02 LICENSE REQUIREMENTS AND PROCEDURE FOR OBTAINING LICENSE.

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

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

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

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

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

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

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

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

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

110.03 REGULATIONS.

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

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

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

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

110.04 REVOCATION.

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

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

110.99 PENALTY.

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

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

CHAPTER 111: RESERVED FOR FUTURE USE

111.01 RESERVED FOR FUTURE USE

CHAPTER 112: CABLE TELEVISION SERVICE

Section

General Provisions

- 112.01 Short title
- 112.02 Purpose
- 112.03 Definitions
- 112.04 Undefined words or terms

Rules, Regulations and Hearings

- 112.15 Rate regulation; adoption of F.C.C. Rules and/or Regulations
- 112.16 Designation of the cable franchising authority
- 112.17 Regulated cable operators
- 112.18 Submission of existing rate schedule
- 112.19 Franchising authority existing rate review
- 112.20 Regulation of rate increases
- 112.21 Franchising authority rate increase review
- 112.22 Tolling order
- 112.23 Public hearing
- 112.24 Public hearing notice
- 112.25 Franchising authority decision on review of existing rates or proposed rate increase
- 112.26 Refund hearing
- 112.27 Refund hearing decision
- 112.28 Notice of franchising authority decisions
- 112.29 Proprietary information and production documents

GENERAL PROVISIONS

112.01 SHORT TITLE.

This chapter may be known and referred to as the Big Rapids Charter Township Cable Television Rate Regulation Chapter.

(Ord. 17, passed 11-2-1993)

112.02 PURPOSE.

The purpose of this chapter is to regulate rates of cable television basic service and associated equipment through adoption of regulations consistent with the provisions of the Federal Communications Act of 1934, as amended, being 47 U.S.C. 201 et seq., including the Cable TV Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, being 47 U.S.C. 521 et seq., and the Federal Communication Commission Rules and Regulations promulgated pursuant thereto; and to provide procedures applicable to rate regulation which offer a reasonable opportunity for comment by interested parties.

(Ord. 17, passed 11-2-1993)

112.03 DEFINITIONS.

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

ACT. The Federal Communications Act of 1934, being 47 U.S.C. 201 et seq., as amended, specifically including the amendments contained in the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, being 47 U.S.C. 521 et seq.

ASSOCIATED EQUIPMENT.

(1) Equipment used by a subscriber to receive basic service cable programming regardless of whether such equipment is also used to receive other tiers of regulated programming service and/or unregulated tiers of programming service(s).

(2) ***ASSOCIATED EQUIPMENT*** includes, but is not limited to:

- (a) Converter boxes;
- (b) Remote control units;
- (c) Connections for additional television receivers; and
- (d) Other cable home wiring.

BASIC SERVICE. The level or tier, of cable television programming which includes, at a minimum, all signals of domestic television broadcast stations provided to any subscriber (except a signal secondarily transmitted by satellite carrier beyond the local service area of such station, regardless of how such signal is ultimately received by the cable system), a public, educational and/or governmental programming required by the franchise authority to be carried as a basic service, and any additional video programming signals added to the basic service by the regulated cable operator.

EXISTING RATES. The rates for basic service and associated equipment charged by a regulated cable operator on the initial date of regulation by the franchising authority.

F.C.C. The United States Federal Communications Commission.

F.C.C. RULES AND/OR REGULATIONS. Any and all rules and/or regulations which the F.C.C. promulgates and/or adopts pursuant to the Act.

FRANCHISING AUTHORITY. The Township Board.

ORDINANCE. This cable television basic service regulation chapter.

RATE INCREASE. An increase in rates for basic service and/or associated equipment including among others increases in rates that are the result of reductions in programming provided under the basic service.

REGULATED CABLE OPERATOR. Any operator of a cable television system that is subject to regulation by a certified franchising authority.

TOWNSHIP. Big Rapids Charter Township.
(Ord. 17, passed 11-2-1993)

112.04 UNDEFINED WORDS OR TERMS.

Any word or term which is not specifically defined in 112.03 shall be given its normal, ordinary meaning. Provided that any word or term which is used in this chapter and which is not specifically defined in 112.03 but is defined in F.C.C. Rules or Regulations shall have the meaning given to such word or term in the F.C.C. Rules and/or Regulations.

(Ord. 17, passed 11-2-1993)

RULES, REGULATIONS AND HEARINGS

112.15 RATE REGULATION; ADOPTION OF F.C.C. RULES AND/OR REGULATIONS.

(A) The township, by this reference, hereby adopts all rules and regulations regarding basic service rates and associated equipment rates which the F.C.C. promulgates pursuant to the Act, and makes said rules and regulations part of this chapter.

(B) The township has submitted an application to the F.C.C. for certification as a cable franchising authority pursuant to the Act. Upon certification as a cable franchising authority, the township shall regulate the basic service rates and associated equipment rates in compliance with the Act, the F.C.C. Rules and/or Regulations and this chapter.

(C) Upon receiving its certification, the franchising authority shall send written notice of its certification and notice that it has adopted the required regulations, return receipt requested, to all regulated cable operators within the township. The date upon which the franchising authority gives this notice is the initial date of regulation.

(Ord. 17, passed 11-2-1993)

112.16 DESIGNATION OF THE CABLE FRANCHISING AUTHORITY.

Effective upon certification of the township as a cable franchising authority, the Township Board is hereby designated as the cable franchising authority for the township and shall execute the powers, duties and responsibilities given to the cable franchising authority in this chapter, the Act and the F.C.C. Rules and/or Regulations.

(Ord. 17, passed 11-2-1993)

112.17 REGULATED CABLE OPERATORS.

(A) A regulated cable operator shall comply with all duties and obligations imposed upon the regulated cable operator by the Act, F.C.C. Rule and/or Regulations and this chapter.

(B) A regulated cable operator has the burden of proving that it's submitted existing rates or a proposed rate increase comply with the Act and F.C.C. Rules and Regulations.

(Ord. 17, passed 11-2-1993)

112.18 SUBMISSION OF EXISTING RATE SCHEDULE.

(A) Within 30 days of receiving the notice identified in 112.15(C), a regulated cable operator shall submit an original and eight copies of a written schedule of the regulated cable operators existing rates to the franchising authority. Said schedules shall be addressed in care of the Township Clerk.

(B) The schedule(s) identified in division (A) above shall contain a detailed statement explaining whether the regulated cable operators existing rates comply with existing F.C.C. Rules and/or Regulations for basic service rates and associated equipment rates.

(C) Upon receipt of the existing basic service rate and associated equipment rate schedule(s), the Township Clerk shall provide the schedule(s) to the franchising authority within seven days.

(Ord. 17, passed 11-2-1993)

112.19 FRANCHISING AUTHORITY EXISTING RATE REVIEW.

(A) Unless the time for conducting the public hearing and entering a decision is extended by the issuance of a tolling order by the franchising authority pursuant to 112.22, the franchising authority shall hold a public hearing on the existing rate schedule(s) which the regulated cable operator submitted to the franchising authority, and enter a decision on said submitted schedule(s) within 30 days of the date the Township Clerk received the schedule(s). If the time for conducting the public hearing is extended pursuant to 112.22, a public hearing should be held and decision rendered, before the extended time period expires.

(B) The existing rates identified in the submitted schedule (s) of rates shall go into effect 30 days from the date of the Township Clerk's receipt of the schedule(s) unless the franchising authority disapproves the rate or extends the time period for conducting the review of existing rates pursuant to 112.22.

(C) If the franchising authority fails to act on the submitted existing rates by the end of the respective tolling period then the rates will remain in effect. If the franchising authority subsequently disapproves any portion of said rates, refunds may not be ordered unless a brief written order is issued by the franchising authority before the end of the respective tolling period directing the regulated cable operator to keep an accurate accounting of all its customers and the amounts paid by each as a result of said rates.

(Ord. 17, passed 11-2-1993)

112.20 REGULATION OF RATE INCREASES.

(A) A regulated cable operator cannot institute a rate increase charged to its subscribers unless the regulated cable operator complies with the Act, F.C.C. Rules and/or Regulations and this chapter.

(B) A regulated cable operator which proposes a rate increase must submit at least eight copies of the proposed rate increase(s) request to the franchising authority in care of the Township Clerk.

(Ord. 17, passed 11-2-1993)

112.21 FRANCHISING AUTHORITY RATE INCREASE REVIEW.

(A) Unless the time for conducting the public hearing and entering a decision is extended by the issuance of a tolling order by the franchising authority pursuant to 112.22, the franchising authority shall conduct a public hearing and render a decision upon the regulated cable operator's proposed rate increase request within 30 days of the Township Clerk's receipt of a proposed rate increase request. If the time for holding the public hearing is extended pursuant to 112.22, the public hearing should be held and decision rendered, before the extended time period expires.

(B) A proposed rate increase requested by a regulated cable operator will become effective after 30 days have elapsed from the date the Township Clerk received the proposed rate increase request unless the franchising authority disproves the proposed rate increase or extends the time period for conducting the review of the proposed rate increase pursuant to 112.22.

(C) If the franchising authority allows rate increases to go into effect at the end the respective tolling period through inaction and then subsequently disapproves any portion of such rates, than refunds may not be ordered unless a brief written order is issued by the franchising authority before the end of the respective tolling period, directing the regulated cable operator to keep an accurate accounting of all its customers and the amounts paid by each as a result of said rates.

(Ord. 17, passed 11-2-1993)

112.22 TOLLING ORDER.

(A) If the franchising authority is unable to determine, based upon the material submitted by the regulated cable operator that the existing rates or proposed rate increase(s) are reasonable or if the regulated cable operator has submitted a cost of service showing, then the franchise authority may toll the 30-day deadline for an additional 90 days in cases not involving cost of service showings or for an additional 150 days in cases involving cost of service showings.

(B) In order for the franchising authority to toll the 30-day period pursuant to this section, the franchising authority must issue an order explaining that additional time and/or information is necessary in order for the franchising authority to act upon the existing rates or the proposed rate increase. Said order must be in writing, by resolution adopted within said 30-day period.

(C) The franchising authority shall send a copy of the tolling order to the regulated cable operator by first class mail within seven days after the effective date of the decision.

(Ord. 17, passed 11-2-1993)

112.23 PUBLIC HEARING.

(A) During the public hearing on the review of a regulated cable operator's existing rates or on review of a proposed rate increase, the franchising authority shall provide the regulated cable operator and all other interested persons with the opportunity to comment on the rates either in person, in writing, or by agent.

(B) The franchising authority may conduct as many public hearings as necessary to carry out the provisions of the Act, F.C.C. Rules and Regulations and this chapter.

(C) If the franchising authority deems it necessary, either prior to or following a public hearing the franchising authority may direct the preparation of a written report for the franchising authority. This

report may contain a recommendation to the franchising authority for its decision on the review of the existing rate schedule(s) or proposed rate request submitted by a regulated cable operator. This recommendation should also summarize and be based upon the schedule or request submitted by the regulated cable operator; comments or objections to the schedule or request which the franchising authority received from the regulated cable operator; any additional information received from the regulated cable operator; information which the franchising authority received from a consultant, its staff or its attorney; and other information which it deems appropriate.

(D) The franchising authority shall send, by first class mail, a copy of any report to the regulated cable operator prior to the franchising authority's consideration of the report at a public hearing.
(Ord. 17, passed 11-2-1993)

112.24 PUBLIC HEARING NOTICE.

(A) The franchising authority shall send a written notice of the date, time and location of the public hearing to the regulated cable operator which submitted the existing rates or proposed rate increase for review no less than seven days before the date of the public hearing. Said notice is to be sent to the regulated cable operator by first class mail.

(B) (1) The franchising authority shall cause to be published, in a qualified newspaper of general circulation within the township, a notice of the public hearing on the existing rate schedule(s) or proposed rate increase request no less than seven days before the public hearing.

(2) Said notice shall:

(a) State that a regulated cable operator has submitted the existing rate schedule(s) or proposed rate increase request to the franchising authority for review pursuant to this chapter;

(b) State the location and times at which the public may examine the submitted schedule(s) of existing rates or proposed rate increase request;

(c) State the date, time and location at which the franchising authority will conduct the public hearing; and

(d) State that all interested persons shall have an opportunity to comment on the rates at the public hearing, and/or to submit written comments on or before the date of the public hearing to the franchising authority.

(Ord. 17, passed 11-2-1993)

112.25 FRANCHISING AUTHORITY DECISION ON REVIEW OF EXISTING RATES OR PROPOSED RATE INCREASE.

The franchising authority shall issue a written order supported by its reasons, by resolution which:

- (A) Approves the regulated cable operator's existing rate or proposed rate increase;
 - (B) Disapproves the regulated cable operator's existing rate or proposed rate increase;
 - (C) Approves, in part, and disapproves, in part, the regulated cable operator's existing rate or proposed rate increase;
 - (D) Orders a rate reduction;
 - (E) Prescribes a reasonable rate;
 - (F) Determines that a refund hearing should be held pursuant to 112.26; and/or
 - (G) Orders any further appropriate relief permitted by this ordinance, the Act or the F.C.C. Rules and/or Regulations.
- (Ord. 17, passed 11-2-1993)

112.26 REFUND HEARING.

(A) If the franchising authority determines that the subscribers to a regulated cable operator may be entitled to a refund pursuant to F.C.C. rules and regulations (specifically 47 C.F.R. Part 76.942), the franchising authority shall include a notice in its decision issued pursuant to 112.25, that the franchising authority will hold a public hearing to consider ordering the regulated cable operator to make a refund to subscribers.

(B) The franchising authority shall then conduct a public hearing to determine whether to order a refund to subscribers and the amount of the refund.

(C) The franchising authority shall send, by first class mail, to the regulated cable operator, written notice of the date, time and location of the public hearing. Said notice must be sent no less than seven days before the public hearing.

(Ord. 17, passed 11-2-1993)

112.27 REFUND HEARING DECISION.

(A) At any refund hearing the regulated cable operator may appear in person, by agent or in writing to comment upon whether the franchising authority should order a refund.

(B) Members of the public may also comment at the refund hearing in person, by agent or in writing.

(C) At the conclusion of the refund hearing, the franchising authority shall issue a written order, by resolution:

(1) Denying a refund; or

(2) Ordering the regulated cable operator to implement a refund.

(Ord. 17, passed 11-2-1993)

112.28 NOTICE OF FRANCHISING AUTHORITY DECISIONS.

(A) All decisions of the franchising authority issued pursuant to 112.25 and/or 112.27 shall be:

(1) In writing, by resolution, supported by its reasons; and

(2) Effective as of the date the franchising authority makes the decision.

(B) (1) Notice of all decisions of the franchising authority issued pursuant to 112.25 and/or 112.27 shall be published in a qualified newspaper of general circulation in the township no less than 15 days after the effective date of the decision.

(2) Said notice shall include:

(a) A summary of the franchising authority's written decision;

(b) A statement that copies of the franchising authority's decision are available for public inspection; and

(c) A statement as to the location at which, and times during which, the public may inspect copies of the franchising authority's decision.

(C) The franchising authority shall send, by first class mail, a copy of the franchising authority's decision to the regulated cable operator not more than seven days after the effective date of the franchising authority's decision.

(Ord. 17, passed 11-2-1993)

112.29 PROPRIETARY INFORMATION AND PRODUCTION DOCUMENTS.

(A) The franchising authority may require the regulated cable operator to produce documents needed to make rate decisions.

Big Rapids Charter Township - Business Regulations

(B) Requests, that proprietary information be held confidential shall be supported by the regulated cable operator and be handled in a manner analogous to the procedures and criteria set forth in 47 C.F.R. Part 0.459.

(Ord. 17, passed 11-2-1993)

CHAPTER 113: WASTE HAULERS

Section

- 113.01 Title
- 113.02 Definitions
- 113.03 Purpose
- 113.04 License requirements
- 113.05 Procurement procedure for license
- 113.06 Conditions of license

- 113.99 Penalty

113.01 TITLE.

This chapter shall be known as and cited as the Big Rapids Charter Township Waste Hauler Licensing Chapter.
(Ord. 15, passed 6-4-1991)

113.02 DEFINITIONS.

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

BOARD. The Big Rapids Charter Township Board or any member or members designated by the board as its agent.

PERSON. Any individual, partnership, association or corporation.

TOWNSHIP. The Big Rapids Charter Township.

WASTE HAULER. Any person or persons who haul trash, rubbish, garbage or recyclable materials for profit within the township.
(Ord. 15, passed 6-4-1991)

113.03 PURPOSE.

(A) The purpose of this chapter is to assure compliance with the current Department of Natural Resources Solid Waste Management Act, Public Act 451 of 1994, being M.C.L.A. 324.11501 et seq., which states:

A solid waste hauler transporting solid waste over a public road in this state shall deliver all waste to a disposal area or solid waste transfer facility licensed under this Act (641) and shall use only a vehicle or container that does not contribute to littering and that conforms to the rules promulgated by the Director (see M.C.L.A. 324.11527(1)).

(B) The second purpose of this chapter is to establish a registry of waste hauling's businesses that operate within the township for the general information of the public.
(Ord. 15, passed 6-4-1991)

113.04 LICENSE REQUIREMENTS.

No person may commence or continue a waste hauling business, as herein defined, within the township without having first obtained a township license as provided hereafter and without maintaining such license in current effect during any business operation or activity.
(Ord. 15, passed 6-4-1991) Penalty, see 113.99

113.05 PROCUREMENT PROCEDURE FOR LICENSE.

No license to commence or continue a waste hauling business shall be issued until the owner or operator thereof shall have first submitted an application to the Clerk of the township on a form provided by the township. A fee of an amount as set by the Township Board from time to time shall accompany the application. Upon the filing of the properly completed application and upon payment of the fee, the Clerk shall issue a license to the person to commence or continue the business designated in said application if the business complies with the terms of this chapter.
(Ord. 15, passed 6-4-1991) Penalty, see 113.99

113.06 CONDITIONS OF LICENSE.

The license issued under this chapter shall be effective until May 31 of the succeeding year with renewals of the same to be issued upon application and payment of the fee thereof in the same manner set forth herein for the original issuance of the license. No license shall be issued by the Clerk where the existing or proposed business would be illegal under any existing law or ordinance. No license may be transferred by the holder to any other person except upon prior approval of the Board. This Board shall have the right of inspection of the hauling vehicle to assure compliance with this chapter. In the event

of any noncompliance with the provisions of this chapter after a license has been issued, the same may be revoked by order of the board until the noncompliance has been corrected as determined by the Board.
(Ord. 15, passed 6-4-1991) Penalty, see 113.99

113.99 PENALTY.

Any violation of this chapter or any part thereof shall be punishable by a fine not to exceed an amount as set by the Township Board from time to time. In addition, the township specifically reserves the right to proceed in any court of competent jurisdiction, for the purpose of obtaining an injunction, restraining order or other appropriate remedy to compel compliance with this chapter.
(Ord. 15, passed 6-4-1991)

