

**BIG RAPIDS CHARTER TOWNSHIP BOARD  
REGULAR MEETING TUESDAY, MARCH 7, 2017  
APPROVED**

**CALL TO ORDER:** 7:00 p.m.

**ROLL CALL:** Stanek, Fountain, Currie, Bean, Everett, Geib, Williams present.  
All lead in the pledge of Allegiance.

**PUBLIC COMMENT:** Greg Vodry - Roads, Bob Maguire – Clay Cliffs, Road Millage, County Match.

**ADDITIONS TO AGENDA:** Capital Improvement Plan under New Business.

**CORRESPONDENCE:** City Resolutions

**APPROVAL OF FEBRUARY 7th MEETING MINUTES:** A motion to approve the February 7, 2017 minutes with correction was made by Williams. Seconded by Bean. Motion carried unanimously.

**FINANCIAL:**

**TREASURER'S REPORT:** Accepted as printed.

**FINANCIAL REPORT:** Accepted as printed.

**APPROVAL OF BILLS:**

**Accounts Payable:** A motion to approve the payment of bills presented in the amount of \$94,723.22 was made by Currie. Seconded by Everett. Motion carried unanimously on a roll call vote.

**Payroll:** A motion to approve Payroll in the amount of \$20,938.70 was made by Currie. Seconded by Williams. Motion carried unanimously on a roll call vote.

**MONTHLY REPORTS:**

1. **Building Department:**
2. **Cemetery and Grounds:**
3. **Fire Department:**
4. **Sewer Department:**
5. **Water Department:**
6. **Zoning Administrator:**
7. **Cemetery Committee:** Currie informed the board the cemetery is still owned by the city and to receive grants for restoration the township must prove ownership and ask that the cemetery committee be advised.
8. **Fire Committee:**
9. **Planning Commission:**
10. **Policy Committee:** Sections 1 and 2 will be presented to the board after completion.
11. **Roads Committee:** Stanek will email rating system to board members.
12. **Supervisor:**  
Approved as printed.

**UNFINISHED BUSINESS:**

1. **Software for Cemetery:** A motion to purchase BS&A software for the cemetery was made by Everett. Seconded by Geib. Motion carried on a roll call vote with Bean voting no.
2. **Resolution 2017-2 to add a Junk Ordinance to our zoning Ordinance:** A motion to approve Resolution 2017-2 to add a Junk Ordinance to the Zoning Ordinance omitting the language under definitions 154.017 b. which has produced a gross annual income from agriculture of two hundred (\$200.00) per year or more per acre of cleared and tillable land

was made by Currie. Seconded by Williams. Motion carried on a roll call vote with Stanek, Bean and Geib voting no.

**RESOLUTION NUMBER 2017-02**  
**A RESOLUTION TO ADOPT ORDINANCE NO. 154**  
**JUNK ACCUMULATION ORDINANCE**

**WHEREAS**, the Township Planning Commission held a public hearing on January 10, 2017, and recommended approval of a Junk Accumulation Ordinance, and

**WHEREAS**, the Township Board held a First Reading of the Junk Accumulation Ordinance on February 7, 2017

**THEREFORE, BE IT RESOLVED**, that Ordinance No. 154 Entitled Junk Accumulation Ordinance is hereby adopted:

**GENERAL PROVISIONS**

**154.001 - Short Title**

This Ordinance shall be known and may be cited as the Big Rapids Charter Township Junk Accumulation Ordinance and shall be known in the short form as the "Junk Ordinance".

**154.002 - Purposes**

The purpose of this Ordinance is to regulate and control the storage and disposal of junk within Big Rapids Township, in order to promote the public health, safety and welfare; to protect land values; provide for safety for residents in the area from dangerous junk; and to protect aesthetics. This Ordinance is specifically designed to:

- A. Define certain terms used in this Ordinance.
- B. Regulate the volume and conditions under which a person may store junk on property in Big Rapids Township.
- C. Provide for enforcement and a system of due process for removal of junk from property in Big Rapids Township.
- D. Provide for other miscellaneous provisions.

**154.003 - Legal Basis**

This Ordinance is enacted pursuant to Michigan Public Act 246 of 1945, as amended, being Michigan Compiled Law 41.181 *et seq.*

**DEFINITIONS**

**154.015 - Purpose**

For purposes of this Ordinance certain terms are defined. When not inconsistent with the context, the present tense includes the future; words used in the singular number include the plural number. The word "shall" is always mandatory and not merely permissive.

**154.016 - Undefined Words**

Any word not defined in this Ordinance shall be interpreted within its common and approved usage.

**154.017 -Definitions**

FARM means a business enterprise engaged in agricultural production (and otherwise known as farms, ranches, dairies, nurseries, orchards) of crops, livestock and trees and:

- a. Includes forty (40) or more acres of land in one ownership which is primarily devoted to agricultural use, or

b. Has five (5) or more acres of land in one ownership, but less than forty (40) acres, devoted primarily to agricultural use, or

c. Has been designated by the Michigan Department of Agriculture as a specialty farm, in one ownership, which has produced a gross annual income from an agricultural use of two thousand dollars (\$2,000.00) or more.

JUNK means:

a. Old scrap ferrous or nonferrous materials, rubber, cloth, paper, rubbish, refuse, litter;

b. Materials from demolition, waste and scrap building materials;

c. Any junked, abandoned, scrap, dismantled or wrecked (including parts of, or items held for salvaging parts) automobiles, farm equipment, boats, trailers, mobile homes, appliances and all other machines.

But shall not include:

a. Items being held for a customer while parts are being sought for its repair,

b. Items that are classic or antique and in good repair or well maintained, kept and collected for their antique or collectable value, and

c. Items and junk kept at a licensed Type I, II or III landfill for purposes of disposal of solid waste, incineration, recycling and resource recovery.

JUNKYARD means a business enterprise, or a part of a business enterprise, engaged wholly, or in part, in the purchasing, handling, storage, resale, recycling, conversion or recovery of junk, and is a business which is included in the *North American Industrial Classification System* titles Recyclable Material Wholesalers [42193], Motor Vehicle Parts (Used) Wholesalers [421140] and Materials Recovery Facilities [562920] (formerly the *Standard Industrial Classification Manual*, classification 5093 and some enterprises in classification 5931), whether a part of a licensed landfill operation or not; but shall not include any part of a landfill as defined in the Solid Waste Management Act.

PARCEL means any tract or contiguous tracts of land in the same ownership, a condominium unit on the surface of land and associated limited commons, whether one or more platted lots or parts of lots owned by the same person.

PERSON means a firm, association, organization, partnership, trust, company or corporation, as well as an individual.

ROAD means a public or private road, highway, street, or right-of-way, which affords the means of ingress or egress to abutting property and the means of travel past a parcel of land.

SOLID WASTE MANAGEMENT ACT means Article II, Chapter 3, Part 115 of P.A. 451 of 1994, as amended (the Solid Waste Management part of the Natural Resources and Environmental Protection Act, M.C.L. 324.11501 *et seq.*).

#### JUNK ACCUMULATION

154.030 - On property within Big Rapids Township it shall be unlawful for a person to store or accumulate junk on land other than that occupied by a licensed, permitted junkyard, except in the following manner:

- A. There shall be no more than two (2) items of junk, -- abandoned, scrap, dismantled, inoperable or wrecked (including parts of) automobiles, farm equipment, trailers, and all other machines that are consolidated on one part of the parcel;
- B. The junk shall not be visible from a road or from adjacent parcels; or the junk shall be inside an enclosed building; and
- C. The junk shall not be a nuisance to adjoining property owners.

#### 154.031 - Farms

Section 154.030 of this ordinance shall not apply to farms, provided the storage of junk on a farm meets the following standards:

- A. The junk is not visible from a road or from adjacent parcels; or the junk shall be inside an enclosed building;
- B. All junk from the operation of the farm is kept on the premises for future use of the farm;
- C. The depositing of the junk is not a violation of the Solid Waste Management Act or constitutes fill in violation of any other state or local law; and
- D. The junk shall not be a nuisance to adjoining property owners.

#### 154.032 - Uninhabitable Mobile Homes

Abandoned, scrap, dismantled, or uninhabitable mobile homes are not allowed except in junkyards.

#### JUNKYARDS

154.045 - Junkyards must conform to Zoning Ordinance Section 153.020(B)(2)(f) and site design standard Section 153.190 (D) – Junkyards. Section 154.030 of this ordinance shall not apply to junkyards.

#### ENFORCEMENT, PENALTIES, SAVINGS CLAUSE

##### 154.060 - Enforcement Procedure

A. *Nuisance Per Se*: Any violation of this Ordinance is declared to be a *nuisance per se*.

B. Authorized Local Official: The Zoning Administrator, Supervisor or Code Enforcement Officials are hereby designated as the authorized local officials to issue municipal civil infraction citations for violations of this Ordinance.

C. Violations; Civil Infractions: Any person, including, but not limited to, an individual, partnership, corporation, limited liability company, or other incorporated or unincorporated, voluntary association, who violates any provision of this Ordinance shall be responsible for a municipal civil infraction. Violation of this Ordinance and its penalties shall be judicially enforced through the 77th Judicial District Court. Enforcement for violations of this Ordinance shall be as follows:

D. First Violation Notice: Unless immediate action is necessary upon the determination by the Authorized Local Official that there is an immediate danger to the public health, safety or welfare, the person violating this Ordinance shall be served personally or through first class mail with a notice of violation. That notice shall require that the violation be corrected within thirty (30) days of the notice;

E. Citation: Upon failure to correct the violation or in cases when immediate action is necessary, a person violating this Ordinance shall be issued a citation requiring his or her appearance in the 77th Judicial District Court.

1. A person who violates this Ordinance shall be responsible for a civil infraction and shall be fined not less than \$100.00 per day for each infraction.
2. A person who violates this Ordinance and has been previously found responsible or admitted





of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for the meeting.

IN WITNESS WHEREOF, I have hereto affixed by official signature on this 7th day of March 2017.

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Rene Fountain, Clerk  
Charter Township of Big Rapids

2. **Motion to raise Waste Hauler license fee from \$30.00 per year to \$50.00.** No action. Fountain will provide board members with a copy of the ordinance.
3. **Motion to purchase a mower for cemetery:** A motion to purchase a mower for the cemetery in the amount of \$6,899.20 was made by Everett. Seconded by Fountain. Motion failed on a roll call vote all members voting no.
4. **Motion for budget adjustment of \$42,000 from General fund-fund Balance to general funds-roads:** No action.
5. **Motion to pave 190<sup>th</sup> Ave and 14 Mile Road per recommendation:** A motion to discuss recommendations from the Road Committee was made by Currie. Seconded by Bean. Motion carried. A motion to Pulverize and Pave 14 Mile Road from the Oakwood Apartments to 190th Avenue and 190<sup>th</sup> Avenue from 14 Mile Road to 12 Mile Road in the amount of \$428,000.00 was made by Everett. Seconded by Bean. Motion carried on a roll call vote with Currie voting no.
6. **Motion to pave Campus View Drive per recommendation:** No action.
7. **Motion to have Road Commission brine a second time:** A motion to have Road Commission Brine a second time in the amount of \$1,900.00 was made by Fountain. Seconded by Geib. Motion carried unanimously on a roll call vote.
8. **Motion to pay off Industrial Park Land note with Isabella Bank from account 594 (\$32,073.34 plus interest):** A motion to pay off the Industrial Park Land Note with Isabella Bank in the amount of \$32,073.34 plus interest was made by Currie. Seconded by Bean. Motion carried unanimously on a roll call vote.
9. **Water Plant Changes and Motion to send in fees:** No action.
10. **Website Renewal:** No action.
11. **Capital Improvement Plan:** No action.

**PUBLIC COMMENT:** Chris Vodry – Cost of cemetery software, Department Heads. Bob Maguire – Roads. John Lodes – Paving of 190<sup>th</sup>. Tom O’Neil – Brining of roads. John Zimmerman – Roads.  
**ADJOURNMENT:** 8:47 p.m.