FERRYSBURG CITY COUNCIL MEETING

AGENDA

MONDAY, MARCH 21, 2022
7:00 P.M

FERRYSBURG CITY HALL
17520 RIDGE AVENUE, FERRYSBURG, MI 49409

1. Call to Order: Mayor Blease

2. Roll Call:  Blease, O’Donnell, Carlson, Montgomery, Sias, Murdoch, Cate

3. Invocation by Council Member Cate

4. Pledge of Allegiance

5. Public Comments:

This time on the agenda is for any citizen to direct brief comments or questions to the City Council. Time for public comments will be given when an agenda item is discussed. If you have a comment or question, please raise your hand to be recognized by the Mayor, and after being recognized by the Mayor, please give your name, and address for the record, and proceed with your comment or question. Please limit your comments to three (3) minutes.
6. Consideration for Approval of Consent Agenda:
   a. Approve the March 7, 2022, City Council meeting minutes as printed.

7. New Business:
   b. Discussion, and to take action if appropriate, approve a resolution approving the submittal of a Michigan Natural Resources Trust Fund (MNRTF) grant application for the Development of a new Universal Accessible pathway through the park and connecting to the play area, new asphalt parking lot with ADA parking spaces, and renovation of the ballfield into an open lawn play space.
   c. Discussion, and to take action if appropriate, to approve a proposal from Fleis & Vandenbrink Engineering, Inc., for $4,400 for 2022 City Bridge Inspection Services.
   d. Introduction of Ordinance. No. 320, Ordinance to amend the City Code by amending Chapter 154, Zoning, to amend Section 2.20 and 3.270 b)1) to measure waterfront setbacks from the ordinary high-water mark and to define the term.
   e. Discussion, and to take action if appropriate to approve/not approve a $7,319.70 surcharge to purchase the 2023 Peterbuilt 348 Chassis.
   f. Discussion, and to take action if appropriate, to approve a five-year street sweeping contract with Sani Sweep, Inc., for street sweeping, payment for 2022: $14,400.
   g. Work Session: Burning Ordinance.
   h. Work Session: 2022-2023 City Budget

8. Public Comments:

9. Reports: City Manager
   City Council Members
   Mayor

10. Adjournment
CITY OF FERRYSBURG
CITY COUNCIL MINUTES
MARCH 7, 2022

The meeting was called to order by Mayor Blease at 7:00 PM. Council Member Cate gave the invocation. Mayor Blease led those present in the pledge of allegiance.


Also present: City Manager Bessinger, Cara Decker, Grand Valley Metro Council, and 1 citizen.

22-030 Moved by Council Member Carlson, seconded by Council Member O’Donnell, to approve the February 21, 2022, City Council meeting minutes as printed. The motion passed unanimously.

22-031 Moved by Council Member Carlson, seconded by Council Member O’Donnell, to adopt a resolution regarding leasing a portion of the premises at 17520 Ridge Avenue to The Gateway Church. The motion passed unanimously.

22-032 Moved by Council Member Carlson, seconded by Council Member O’Donnell, to adopt a resolution regarding leasing a portion of the premises at 17520 Ridge Avenue to Harbor Transit Multi Modal Transportation System. The motion passed unanimously.

22-033 Moved by Council Member Carlson, seconded by Council Member O’Donnell, to approve an agreement with Republic Services to provide a one-day residential trash pickup on Saturday, May 14. The motion passed unanimously.

22-034 Cara Decker Stormwater Program Coordinator at Grand Valley Metro Council gave a presentation regarding the proposed stormwater ordinance. Ms. Decker answered questions from City Council Members.

22-035 Moved by Council Member O’Donnell, seconded by Council Member Carlson, to not adopt Ordinance No. 319, an ordinance to provide for the regulation and control of stormwater runoff and to establish stormwater standards. Roll call vote: 2 yeas (O’Donnell, Carlson), 5 nays, motion failed.

22-036 Moved by Council Member Montgomery, seconded by Carlson, to adopt Ordinance No. 319, an ordinance to provide for the regulation and control of stormwater runoff and to establish stormwater standards. Roll call vote: 6 yeas, 1 nay (O’Donnell), motion passed.

22-037 Moved by Council Member O’Donnell, seconded by Council Member Carlson, to approve a proposal from Moore & Bruggink for $76,000 for design and construction engineering for Virginia Avenue, Fourth Street, and Roosevelt Road. The motion passed unanimously.
CITY OF FERRYSBURG
CITY COUNCIL MINUTES
MARCH 7, 2022

22-038 Moved by Council Member O’Donnell, seconded by Council Member Cate, to not approve a proposal from HydroCorp for $30,300 per year over a two-year period, (total cost $60,600) to conduct the City’s cross-connection inspections and inspect for backflow preventers, and to authorize the Mayor and City Clerk to sign all necessary documents. Roll call vote: 4 yeas (Blease, O’Donnell, Carlson, Cate) 3 nays (Montgomery, Sias, Murdoch), motion passed.

22-039 Moved by Council Member O’Donnell, seconded by Council Member Sias, to approve Economic Development Services Contract with the Chamber of Commerce for the period of October 1, 2022, through September 30, 2025, and to authorize the Mayor and City Clerk to sign the contract. (Payment: 2022-2023: $7,469.33).

Elizabeth Butler, Director of Economic Development Strategic Directions, The Chamber of Commerce, Grand Haven, Spring Lake, Ferrysburg, answered questions from City Council Members.

The motion passed unanimously.

22-040 Moved by Council Member Montgomery, seconded by Council Member Sias, to schedule a work session as a regular agenda item on March 21. The motion passed unanimously.

The City Manager, the City Council Members, and the Mayor reported on several current items.

The meeting was adjourned at 8:22 PM.

Respectfully submitted,

Scott Blease
Mayor

Craig Bessinger
Acting City Clerk
CITY OF FERRYSBURG
NOTICE OF PUBLIC HEARING
FERRYSBURG DEVELOPMENT
PROJECT AND RECREATION
GRANT APPLICATION

A public hearing will be held by the Ferrysburg City Council on Monday, March 17, 2022, at or after 7:00 p.m., at Ferrysburg City Hall, 17520 Ridge Avenue. Purpose of the hearing is to review with Ferrysburg residents and other interested persons a proposed development project at Fire Barn Park, 17411 North Shore Road. All interested persons will be given the opportunity to be heard. Written comments can be mailed or submitted to Ferrysburg City Hall, 17520 Ridge Avenue, P.O. Box 38, Ferrysburg, MI 49409-0038, and will be presented to City Council if received by noon on Monday, March 21, 2022. After the public hearing, City Council will consider as an agenda item for approval of submitting a Michigan Natural Resources Trust Fund (MNRTF) grant application for the development of a new Universal Accessible pathway through the park and connecting to the play area, new asphalt parking lot with ADA Parking Spaces, and renovation of the ballfield into an open lawn play space. Information about the proposed project and a copy of the proposed grant application are available for inspection at Ferrysburg City Hall, 17520 Ridge Avenue, during regular business hours.

Jessie Wagenmaker
City Clerk
March 16, 2022
## Fire Barn Park Improvements
**City of Ferrysburg, MI**

**Conceptual Cost Estimate (Based on Master Plan Dated 02-11-2022)**

2/14/2022

### PHASE ONE DEVELOPMENT

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<thead>
<tr>
<th>Project Element</th>
<th>Quantity</th>
<th>Units</th>
<th>Unit Cost</th>
<th>Item Cost</th>
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<td>Asphalt Parking Areas including Base Materials</td>
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<td>13' Asphalt Bike/Pedestrian Trail (includes Asphalt and Aggregate Base)</td>
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| Grant App | $160,000.00 |

### Maximum Grant from MDNR $500,000

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Based on this chart City should either go in at 25% and see how the rest of the project scores
Or go in at least 40%.
March 21, 2022

RESOLUTION
AUTHORIZING THE SUBMITTAL OF A
MNRTF GRANT

WHEREAS, the City has been considering for several years ways to further develop Fire Barn Park for the benefit of both residents and visitors, and,

WHEREAS, the City has prepared a Master Plan for improvements of Fire Barn Park, which Plan will require time and resources to be accomplished, and

WHEREAS, the plan for improvements at Fire Barn Park will make the park more accessible and bring people to the area, and,

WHEREAS, the proposed application is supported by the Community’s 5-Year Approved Parks and Recreation Plan, and

WHEREAS, the project appears to qualify for consideration for grant funding through the Michigan Natural Resources Trust Fund Grant Program (MNRTF), and

WHEREAS, the City has noticed and held a public hearing on a proposed Grant Application for the Development of a new Universal Accessible pathway through the park and connecting to the play area, new asphalt parking lot with ADA parking spaces, and renovation of the ballfield into an open lawn play space.

NOW, THEREFORE, BE IT RESOLVED, THAT the Ferrysburg City Council does hereby authorize the submittal of a Michigan Natural Resources Trust Fund Grant Program Application for the project, and

BE IT FURTHER RESOLVED, THAT the Ferrysburg City Council does hereby authorize the City Manager to sign the Michigan Natural Resources Trust Fund Grant Program Application on behalf of the City, and

BE IT FURTHER RESOLVED, THAT the City Council does hereby acknowledge that a 50% match will be available for funding 50% of the total project cost, and
BE IT FURTHER RESOLVED, THAT the Ferrysburg City Council will precede with the proposed project if the grant applied for is awarded by the MNRTF.

Offered by Council Member ____________________________.

Seconded by Council Member ____________________________.

Yea:

Nays:

Absent:

Resolution:

I, Jessie Wagenmaker, City Clerk for the City of Ferrysburg, do hereby certify that the foregoing resolution was adopted at a regular meeting of the City Council of the City of Ferrysburg, on March 21, 2022.

Jessie Wagenmaker, City Clerk
March 8, 2022

Via Email: cbessinger@ferrysburg.org

Mr. Craig Bessinger, City Manager
City of Ferrysburg
17290 Roosevelt Road
PO Box 38
Ferrysburg, MI 49409-0038

RE: 2022 Bridge Inspection Services

Dear Craig:

As you are aware, the Michigan Department of Transportation and Federal Highway Administration require that all bridge structures eligible for federal funds be inspected at least biennially in accordance with the National Bridge Inspection Standards. The City has two applicable structures. The Ridge Street Bridge over CSX Railroad (SN 8940) is on a 24-month inspection frequency, and we last inspected it in April 2020. The W. Spring Lake Road over Smith Bayou (SN 8941, aka “Smith’s Bridge”) is on a 6-month inspection frequency, and we last inspected it in October 2021. Thus, both structures are due for inspection in April and Smith’s Bridge again in October. We have prepared the following Work Plan and Engineering Fees to assist you:

WORK PLAN

Routine Bridge Inspections

- Review prior inspection reports and other relevant items from the bridge inspection files, as available.
- Conduct a field inspection of the structure using a boat for access at Smith’s Bridge. During the inspection we will assess the physical condition of the various components of the structure and make maintenance recommendations. Underwater inspection for Smith’s Bridge is performed separately on an independent schedule.
- Provide condition ratings for bridge components in accordance with National Bridge Inspection Standards (NBIS), the AASHTO Manual for Condition Evaluation of Bridges and the Michigan Bridge Analysis Guide.
- Identify and provide recommendations for additional inspection or analysis (load rating, underwater inspection, scour analysis, etc.), as appropriate
- Review the inspection frequency with the Bridge Inspection Frequency Guidelines and notify the City of recommended revisions.
- Prepare and submit the required inspection forms. These forms will be submitted electronically in accordance with current procedures.
- Prepare a bridge inspection report. The report will consist of a letter with report forms, photographs and recommendations for further inspection and/or maintenance, and quality control plan.

**Loose Concrete Removal**

In 2020 and 2021, loose concrete was removed from the concrete box beams at Smith’s Bridge following the winter freeze/thaw cycles. We propose the following:

- In conjunction with inspection of the bottom of the beams, utilize hand tools to remove loose portions of delaminated concrete that may pose a hazard to boat traffic.
- Estimate and report the amount of concrete removed for future tracking purposes.

**ENGINEERING FEES**

We propose to complete the scope of work identified above for the following fees:

<table>
<thead>
<tr>
<th>Task</th>
<th>Fee</th>
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</thead>
<tbody>
<tr>
<td>April 2022 Routine Inspection (SN 8940 and SN 8941)</td>
<td>$2,000</td>
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<tr>
<td>Loose Concrete Removal (SN 8941)</td>
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<tr>
<td>October 2022 Routine Inspection (SN 8941)</td>
<td>$1,400</td>
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<tr>
<td><strong>Total Fee</strong></td>
<td><strong>$4,400</strong></td>
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</table>

Approval to proceed with the work under our existing Professional Services Agreement dated July 23, 2019 can be given by returning a copy of this proposal signed where indicated. Please feel free to contact me with any questions.

Sincerely,

FLEIS & VANDENBRINK

[Signature]
Jonathan W. Moxey, P.E.
Project Manager/Lead Bridge Inspector

**AUTHORIZATION TO PROCEED WITH 2022 BRIDGE INSPECTION SERVICES**

By: ____________________________

Title: __________________________

Date: ____________________________
March 15, 2022

TO: Mayor and City Council Members

FROM: Craig Bessinger, City Manager

RE: Proposed Ordinance No. 320

Attached is the current language for determining the rear yard setback for waterfront properties. Setbacks for rear yards is typically 40'. On a waterfront property the rear yard setback is determined by taking an average of the rear yard setback from adjacent properties.

There are some properties within the City whereas the rear property line is submerged underwater. The proposed ordinance would require the waterfront setback to be measured from the ordinary high-water mark.

The Planning Commission reviewed the proposed ordinance at their November and December meetings and held a public hearing on the proposed ordinance at the February meeting and at their March meeting made a recommendation to City Council to adopt the proposed ordinance.

<=: Jessie Wagenmaker, City Clerk
Ordinance No. ___
City of Ferrysburg

An Ordinance to amend the City Code by amending Chapter 154, Zoning, to amend Section 2.20 and 3.270 b)1) to measure waterfront setbacks from the ordinary high-water mark and to define the term.

THE CITY OF FERRYSBURG ORDAINS:

Section 1. Chapter 154 Zoning, Section 2.20, is hereby amended to include the following definition inserted in alphabetical order:

ORDINARY HIGH-WATER MARK is the line between upland and bottomland that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. On an inland lake that has a level established by law, it means the high established level. On Lake Michigan, it means the elevation set by Section 32502 of the Natural Resources and Environmental Protection Act, PA 451 of 1994, or as revised by the State of Michigan.

Section 2. Chapter 154 Zoning, Section 3.270 b) 1)-3), is hereby amended to read in its entirety as follows:

1) The required waterfront setback shall be measured from the ordinary high-water mark on a waterfront lot to an imaginary line across the width of the lot, which represents the minimum required waterfront setback distance for the applicable zoning district established by Section 9.150. However, where an average setback line greater than required by Section 9.150 has been established by existing principal buildings on the same side of the street, and within two hundred (200) feet of the proposed building, the average established setback shall apply.

2) In no case shall the required waterfront setback be less than the rear setback required by the applicable zoning district measured from the rear property line, regardless of if the rear property line is above or below the current water level.
Section 3. This Ordinance was approved and adopted by the City Council on the ___ day of ____________, 2022 and shall take effect upon publication in the Grand Haven Tribune, a newspaper of general circulation in the City of Ferrysburg.

________________________
Scott Blease, Mayor

________________________
Jessie Wagenmaker, City Clerk

CERTIFICATION

I, the undersigned City Clerk of the City of Ferrysburg, Ottawa County, Michigan, do hereby certify that the above Ordinance, or a summary thereof, was published in the Grand Haven Tribune, a newspaper of general circulation in the City on ______________________, 2022.

Dated: ___________, 2022

________________________
Grand River, or any other body of water.

1) The required waterfront setback shall be measured from the rear waterfront lot line on a waterfront lot to an imaginary line across the width of the lot, which represents the minimum required waterfront setback distance for the applicable zoning district established by Section 9150. However, where an average setback line greater than required by Section 9150 has been established by existing principal buildings on the same side of the street, and within two hundred (200) feet of the proposed building, the average established setback shall apply.

2) In no case shall the required waterfront setback be less than the rear setback required by the applicable zoning district.

3) If the rear lot line abuts a commonly owned beach area parcel, the setback and average established setback shall be measured from the rear lot lines.

![Diagram of waterfront setbacks]

*Figure 3-12: Waterfront Setbacks*

[Ordinance No. 310, 1/6/20]

**Section 3.280 Sales on Residentially Zoned Properties**

a) In any residential zoning district established by this Ordinance, outdoor display of items for sale on any portion of a lot or parcel shall be subject to the standards of this section. For purposes of this section, a residential lot or parcel shall consist of one (1) or more lots or parcels of record or one (1) or more metes and bounds descriptions, so long as the lots, parcels, or descriptions are contiguous and in common ownership. As used herein, the term "common ownership" shall refer to the ownership of two or more contiguous lots or parcels by the same person or persons, by spouses, whether jointly or severally; by parents and children; or by different corporations or partnership where a controlling interest in both entities is owned by the persons described above.
March 15, 2022

TO: Mayor and City Council Members

FROM: Craig Bessinger, City Manager

RE: Dump Truck

In November 2020, City Council approved the purchase of a 2022 Peterbuilt Single Axle Cab and Chassis Straight Truck for $91,999.00 and equipment to outfit the vehicle for snowplowing for $73,783.00. Delivery of the truck was to be in August of 2021, then in November 2021.

In December 2021, the City received notice the truck order was being cancelled and if the City wished to purchase a 2023 model, the cost would be an additional $9,920. City Council approved the purchase at their meeting on December 20.

On Friday, March 11, 2022, we received notice due to cost increases for materials, a surcharge of $7,319.70 was being added to the truck and the City had until Monday, March 14 to approve the surcharge or the order would be cancelled. I signed to approve the surcharge.

This item on the agenda is to approve paying the surcharge or have the order cancelled. If approved, production of the truck is scheduled to begin early May.

c: Matt Schindlbeck, Public Services Supervisor
Jessie Wagenmaker, City Clerk
Craig Bessinger

From: Matt Schindlbeck
Sent: Friday, March 11, 2022 11:15 AM
To: Craig Bessinger
Subject: FW: 348 Price update:
Attachments: FERRYSBURG - 348 - DE-02040.pdf

Craig,

Please attached. More than anticipated.

The Transportation industry continues to be challenged by unprecedented and escalating economic conditions. This prolonged environment has resulted in cost increases that have far exceeded original expectations. These raw material and component cost increases are driven by, but not limited to, excessive price increases for microchip processors, steel, aluminum, oil, resins, and rubber. Factors further contributing to cost increases include the impact of industry wide labor shortages, inbound freight surcharges, the expediting of components to keep the factory running, and the highest production inflation in nearly 40 years.

Recognizing the impact to our dealers and customers, Peterbilt and PACCAR have worked to mitigate these increases while continuing to maintain factory production and customer deliveries to meet unprecedented levels of demand. However, because of this continued volatile and inflationary environment, it is necessary for Peterbilt to implement a pricing surcharge on 2023 MY trucks.

Darren Simon | Vocational Account Manager
JX Enterprises, Inc.
925 Walnut Ridge Dr. Suite 150 | Hartland, WI 53029
Cell: 815.375.1490
www.JXE.com | Your Partner for the Long Haul!

Confidentiality Notice: This email message and any files transmitted with it may contain confidential information intended only for the person(s) to whom this email is addressed. If you have received this email in error, please notify the sender immediately by phone or email and destroy the original message without making a copy. Thank you.
**PURCHASE CONTRACT**

**Peterbilt of Michigan, Inc. dba JX Truck Center**
4800 Clyde Park Avenue SW
Wyoming MI 49509
(616) 532-3654

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**Bill To:**
14367
City of Ferrysburg
17290 ROOSEVELT RD
FERRYSBURG MI 49409
P: ( ) -

**Ship To:**
City of Ferrysburg
17290 ROOSEVELT RD
FERRYSBURG, MI 49409

Customer PO: 583

<table>
<thead>
<tr>
<th>Stock#:</th>
<th>VIN:866719</th>
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<tbody>
<tr>
<td>2023 PETERBILT 348</td>
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**Price:**
- COMMODITY SURCHARGE - SOURCED GOODS $500.00
- FDI & DELIVERY - SOURCED GOODS $500.00

**Per Unit:** $108,969.70

**Total Price:** $108,969.70
- Documentation Fee $230.00
- Title Fee $15.00
- MI CVR Fee $24.00
**Total** $109,238.70

***** Peterbilt Motors Company Sourcewell Contract #060920-PMC. *****

**Order Requirements:**
- Signed specs w/ each page initialed
- Signed Purchase Contract
- Customer PO

No Flooring is included, payment is expected upon delivery/inspection.

Price is not protected.
Delivery timeframe is not guaranteed.
IMPORTANT BUYER INFORMATION

1. AS IS SALE. Any warranties from a Manufacturer or other supplier, including warranties on any Dealer-installed Non-Manufacturer accessories, are direct from such Manufacturer or supplier, not Dealers, and only such Manufacturer or other supplier will be liable for performance under those warranties. All goods, services and Vehicles sold by Dealer are sold "AS IS." SEE TERMS AND CONDITIONS SECTION 10 ON REVERSE SIDE.

2. TERMS AND CONDITIONS. The terms and conditions for this purchase and sale are attached.

3. NO ORAL AGREEMENTS. There are no oral agreements regarding the Vehicle(s). Employees, salespersons and managers are not authorized to make any oral representations, agreements or promises about the Vehicle that are not in writing. Any oral representation, agreement or promise not in writing is not a part of this Order and is not binding on Dealer.

4. NON-CANCELLABLE. This transaction is non-cancellable after the Dealer and Buyer sign this Order except as otherwise provided herein. I have read all terms printed on the front and back of this Order, and I understand and agree to them as part of this Order. I understand that the front and back of this Order, including the Terms and Conditions, comprise the entire agreement for this purchase, and no other agreement or understanding of any nature concerning the same has been made or entered into, or will be recognized. I also certify that there are no unwritten agreements or understandings and that no credit has been extended by Dealer nor arranged by Dealer for the cash down payment unless it appears in writing on the face of this Order. There are no blanks on this Order. I certify that I am at least 18 years old and acknowledge receipt of a copy of this Order. By signing below, I authorize outside parties to release financial information to the Dealer that includes, but is not limited to, information regarding lien amounts and details regarding the financing of the equipment listed on the face of this Order.

THIS ORDER SHALL NOT BECOME BINDING UNTIL ACCEPTED BY THE MANAGER.

[Signature]
Purchaser's Signature

[Date]
Date

Sales Representative

Manager

Page 2 of 5
March 15, 2022

TO: Mayor and City Council Members

FROM: Craig Bessinger, City Manager

RE: Street Sweeping

Attached are two quotes for street sweeping. The Sani Sweep quote is a five-years proposal. The DPW does provide water and dump site. The material is tested, and if inert, the material is taken by the DPW to the landfill.

Sani Sweep has done work in the City for several years and staff has been satisfied with their work.

c: Jessie Wagenmaker, City Clerk
## QUOTE

**NAME / ADDRESS**

FERRYSBURG, CITY OF  
PO BOX 38  
FERRYSBURG, MI 49409-0038

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
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<tr>
<td>SWEEPING</td>
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<td>SWEEPING</td>
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<td>2,520.00</td>
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<td>SWEEPING</td>
<td>2ND SWEEP: 16 MILES TOTAL STREETS</td>
<td>2,520.00</td>
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<td>SWEEPING</td>
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<td>4TH SWEEP: 16 MILES TOTAL STREETS</td>
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<td>SWEEPING</td>
<td>5TH SWEEP: 16 MILES TOTAL STREETS</td>
<td>0.00</td>
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<td>SWEEPING</td>
<td>2022 CALL OUT SWEEPING AT A RATE OF $160/HR (FUTURE HOURLY RATES WILL BE DEPENDANT UPON MARKET/INFLATION)</td>
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**Total** $14,400.00

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<tr>
<th>Phone #</th>
<th>Fax #</th>
<th>E-mail</th>
</tr>
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<tbody>
<tr>
<td>616-677-3028</td>
<td>616-677-1957</td>
<td><a href="mailto:SANISWEEP2@AOL.COM">SANISWEEP2@AOL.COM</a></td>
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</tbody>
</table>
SWEEPING PROPOSAL

March 3, 2022

PROPOSAL SUBMITTED TO: City of Ferrysburg
Public Services
17520 Ridge Ave, PO Box 38
Ferrysburg, MI 49409

CONTACT: Matt Schindlebeck
PHONE: (616) 842-5803 / (616) 638-6630 CELL
EMAIL: mschindlbeck@ferrysburg.org

SERVICE LOCATION: CITY OF FERRYSBURG STREETS

DESCRIPTION OF SERVICES:

* SWEEPING CITY OF FERRYSBURG STREETS
  • 1ST SWEEPING TO INCLUDE ALL CITY STREETS
  • 2ND - 5TH SWEEPING PER PUBLIC SERVICES
    SUPERVISOR INSTRUCTIONS

$21,875

PAYMENT TERMS: 5 PAYMENTS @ $4,375 EACH
INVOICED JUNE 1, JULY 1, AUG 1, SEPT 1 & DEC 1 - PAYABLE NET 15 DAYS

NOTE: CITY TO PROVIDE WATER & DUMP SITE. CITY RESPONSIBLE FOR DISPOSAL OF DEBRIS.

TO ACCEPT THIS PROPOSAL, PLEASE SIGN AND RETURN.
March 15, 2022

TO: Mayor and City Council Members

FROM: Craig Bessinger, City Manager

RE: Burning Ordinance

Attached is the City’s Burning Ordinance and the Burning Ordinance from Spring Lake Village, Spring Lake Township, and the City of Grand Haven. Also is attached is an email from Fire Chief Olthof.

In speaking with Fire Chief Olthof, he stated pallets is the item that causes most confusion and he receive many comments that the City burns pallets at the Carol Sing.

c: Jessie Wagenmaker, City Clerk
Craig Bessinger

From: Michael Olthof
Sent: Wednesday, March 9, 2022 11:51 PM
To: Craig Bessinger
Subject: RE: Burning Ordinance

Craig,

The biggest problem we have had while enforcing the current ordinance is what exactly can they burn and what they cannot burn. It seems everyone we encounter has a different opinion of what is legal and what is not. To me the ordinance is pretty clear about what can and cannot be burned but unfortunately for some reason there are folks out there that seem to interpret this differently. I believe there is one grey area when it comes to pallets and brush. The way I have tried to enforce this over the years is as follows: I consider brush to be limbs less than 1” in diameter. To me I consider pallets to be construction material. A lot of people do not agree with me on this. The problem with pallets are lots of times pallets are contaminated with oil and grease which creates more smoke creating a bigger problem. (It may help to clarify this in an updated ordinance)
I would also like to see something stating no burning if wind speeds exceed 15 MPH. (This may eliminate some neighbor complaints of smoke??)
Also I would like to see a statement in the ordinance advising not to use flammable liquids to start these fires. (We have put out what would be considered legal fires due to the fact that they were using gasoline or lighter fluid to start these fires. This is plain out a safety issue.)
There is really no way we can win while enforcing this ordinance. Most times it is a neighbor dispute over open burning. If the resident is within the ordinance rules we let them burn, but sometimes these folks are burning all the time and neighbors get upset with that, I get it. People get upset with us because they are allowed to continue burning. It is very frustrating for our staff because we do not want to upset the public that we serve, but we try to do the best that we can.

Its like anything else, there are a few that push the limit and that ultimately ruins it for everyone. I enjoy a campfire in my backyard on occasion but with the use of common sense. Calm, clear weather etc. When homes get close together like in the lakeview Ave or Beech St & Fifth St areas of the city even that creates issues. I’m not sure what the answer is other than burn it all or burn nothing.

If you would like I can attend the meeting for this discussion to answer any questions that arise.

Michael L. Olthof Sr. Fire Chief
City of Ferrysburg Fire Department
17411 North Shore Road
P.O. Box 38
Ferrysburg, Michigan. 40409
Cell 616-638-7477
Email: molthof@ferrysburg.org

From: Craig Bessinger <cbessinger@ferrysburg.org>
Sent: Wednesday, March 9, 2022 8:28 AM
To: Michael Olthof <molthof@ferrysburg.org>
Subject: Burning Ordinance

Mike,
CHAPTER 92: BURNING

Section

92.01 Burning prohibited
92.02 Requirements for permitted burning
92.03 Administration and enforcement
92.04 Administrative liability
92.05 Violations; civil fines

Cross-reference:

Parks and recreation; fires; cooking, see § 94.11

§ 92.01 BURNING PROHIBITED.

No person shall ignite or otherwise cause to burn any garbage, trash, leaves, yard wastes, grass clippings, grass, weeds, brush, trees, tree branches, tree limbs, tree stumps, debris or refuse, whether animal, vegetable, mineral, wood or synthetic materials, in any open fire or in a receptacle upon any lands within the municipal boundaries of the city. The provisions of this section shall not prohibit the burning of wood in a fireplace or stove for the purpose of cooking or providing heat and shall not prohibit the burning of firewood in a bonfire or campfire in accordance with § 92.02.

(Ord. 110, passed 10-25-89; Am. Ord. 118, passed 11-28-90; Am. Ord. 170, passed 5-18-98) Penalty, see § 10.99

§ 92.02 REQUIREMENTS FOR PERMITTED BURNING.

An owner of property, or a person authorized by the owner of property, may burn firewood in a bonfire or campfire on his or her property, provided that such shall meet the following requirements:

(1) A person 18 years of age or older shall remain in constant attendance during the time the fire is burning or smoldering.

(2) The person or persons tending the fire shall remain in complete control over the fire at all times and shall ensure that the fire does not threaten surrounding properties or create a nuisance.

(3) The amount of firewood to be burned shall not exceed an amount which can reasonably be anticipated to be controlled.

(4) Before abandoning the site of the fire or disposing of its remains, the person or persons tending the fire shall take all steps necessary to extinguish any materials still burning, smoking or smoldering.
(5) At no time shall any bonfire or campfire occur on or within ten feet of the surface of any public street, public sidewalk, or public bike path in the city.

(6) At no time shall any bonfire or campfire occur within 20 feet of a building.

(Ord. 110, passed 10-25-89; Am. Ord. 118, passed 11-28-90; Am. Ord. 170, passed 5-18-98) Penalty, see § 10.99

Statutory reference:

Air pollution control standards generally, see M.C.L.A. §§ 324.5501 et seq.

§ 92.03 ADMINISTRATION AND ENFORCEMENT.

It shall be the duty of the Fire Chief of the city or his designee to investigate fires which are in violation of the terms of this subchapter, and to cause them to be extinguished, and to actively endeavor with the cooperation of the Spring Lake-Ferrysburg Police Department to secure the conviction of all persons violating this subchapter.

(Ord. 110, passed 10-25-89; Am. Ord. 118, passed 11-28-90; Am. Ord. 170, passed 5-18-98)

§ 92.04 ADMINISTRATIVE LIABILITY.

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

(Ord. 110, passed 10-25-89; Am. Ord. 118, passed 11-28-90; Am. Ord. 170, passed 5-18-98)

§ 92.05 VIOLATIONS; CIVIL FINES.

A violation of this chapter is a civil infraction subject to a fine. Increased civil fines will be imposed for repeated violations that occur within a six month period. The civil fine for a first offense is $50. The civil fine for the first repeat offense is $250. The civil fine for a second repeat offense is $500.

(Ord. 170, passed 5-18-98)
ORDINANCE NO. 350

VILLAGE OF SPRING LAKE BURNING REGULATIONS ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES ADOPTED BY THE VILLAGE OF SPRING LAKE, COUNTY OF OTTAWA, STATE OF MICHIGAN, AMENDING CHAPTER 135 CONCERNING BURNING REGULATIONS AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

THE VILLAGE OF SPRING LAKE, COUNTY OF OTTAWA AND STATE OF MICHIGAN ORDAINS:

Section 1. Amendment of Chapter 135. Chapter 135 of the Code of Ordinances adopted by the Village of Spring Lake, Ottawa County, State of Michigan, is hereby amended to state in its entirety as follows:

§ 135-1. Purpose and findings.

The purpose of this chapter is to control unregulated burning in the Village. The Village has found that unregulated burning increases the risk of property damage caused by fires, and threatens the safety and well-being of the Village’s residents and other persons. The Village further finds that greater regulation of burning is necessary because the residential density of the Village has increased dramatically, and because smoke from open burning, particularly burning leaves, exacerbates breathing difficulties for many individuals. Further, other local units of government bordering the Village and in the general area have enacted leaf-burning bans. The Village has approved this chapter to regulate open burning throughout the Village.

§ 135-2. Definitions.

The following words, terms, and phrases when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Bonfire* means a type of recreational fire, which may be allowed in accordance with the provisions below.

*Fire Chief* means the chief of Spring Lake Fire Department or other person designated by the fire chief.

*Roadway, Sidewalk, Street, Vehicle and Motor Vehicle* shall have the definitions given to them in the Michigan Vehicle Code, being Public Act No. 300 of 1949 (MCLA § 257.1 et seq.).
Supervising adult means a person who is an adult (i.e., at least 18 years of age) and who is the person responsible to supervise a fire.

§ 135-3. Unlawful Burning.

(A) No person shall ignite or otherwise cause to burn any garbage, trash, grass clippings, brush, debris or refuse, whether animal, vegetable, mineral, wood or synthetic in any open fire, in a bonfire, in a receptacle or in any other manner within the lands of the Village, except as may be permitted by subsection (B) or (C) of this section.

(B) A bonfire may be set for recreational purposes only when expressly permitted by the Village Council. Requests for recreational bonfires shall be considered for a permit by the Village Council if:

(1) The recreational bonfire is sponsored by governmental agency or nonprofit corporation;

(2) The proposed site of the bonfire and safety plans have been evaluated by the Fire Chief, or designee, and have been found to be reasonable;

(3) A supervising adult must constantly attend the fire. The person shall have readily available for use such fire extinguishing equipment as may be necessary for total control of the fire (i.e. fire extinguisher, garden hose, dirt, sand.) The fire must be totally extinguished before the supervising adult leaves the scene;

(4) The Fire Chief has determined that the proposed location is safely removed from any building, structure or other material which could ignite or which could create a public health or safety problem due to smoke or heat;

(5) If any recreational fire or bonfire gets out of control and the fire department is called, the supervising adult shall be liable for costs incurred by the fire department pursuant to the cost recovery provisions pursuant to Chapter 152.

(6) The fuel for such fire shall consist of dry wood.

Requests for recreational bonfires shall be submitted to the Village Manager in time to be reviewed in advance of submission to the Village Council for their consideration.

(C) A recreational fire may be set on private property by the owner of the property or in specifically designated areas of public campgrounds. The fire must be contained to an enclosed pit, fire-retaining ring or portable outdoor fireplace and have a total fuel area of 3 feet or less in diameter and 2 feet or less in height.
The fire shall not be conducted within 25 feet of a structure or combustible material and a supervising adult must be present at all times. A recreational fire must be totally extinguished before the supervising adult leaves the scene. Recreational fires are limited to clean wood which is not rotted or rotting, or construction wood which is not treated.

(D) No person within the municipal boundaries of the Village shall ignite or otherwise cause to burn any leaves and yard waste, and no leaves and yard waste shall be permitted to be placed in any receptacle, or otherwise picked up by a disposal service, for delivery to a type II sanitary landfill. All leaves and yard waste shall be disposed of by utilization on the premises from which the leaves and yard waste were gathered or otherwise in conformity with this section. Such leaves and yard waste may at all times be placed, in accordance with a resolution of the Village Council, directing the manner, time, place and fees for use, in an alternative solid waste composting disposal area licensed and maintained on behalf of the Village, in conformity with part 113 of Public Act No. 451 of 1994 (MCL 324.19501 et seq., MSA 13A.19501 et seq.) and the solid waste alternative program administrative rules promulgated under that act.


Subject to the provisions of § 135-3B, no person shall:

A. Set on fire or cause to be set on fire any flammable material located on a roadway, sidewalk, bicycle path, or any improved portion of a street;

B. Dispose of a lighted match, cigarette, cigar, ashes or other flaming or glowing substance, or any other substance or thing that is likely to ignite a forest, brush, or grass fire, or throw or drop from a moving vehicle any such objects or substances;

C. Set on fire or cause to be set on fire any flammable material without taking reasonable precautions, both before and at all times after lighting the fire, to prevent the fire from spreading;

D. Leave a fire before it is extinguished, if the person is the supervising adult;

E. Set a backfire or cause a backfire to be set, except under the direct supervision of the Fire Chief;

F. Use or operate a welding torch, tar pot, or any other device which may cause a fire outside of a building, without clearing flammable material surrounding the operation and without taking such other reasonable precautions necessary to ensure against the starting and spreading of fire;
G. Operate or cause to be operated any engine, machinery or motor vehicle not equipped with spark arresters or other suitable devices to prevent the escape of fire or sparks;

H. Discharge or cause to be discharged a gun firing flares, incendiary or tracer bullets or tracer charge onto or across any forest or grassland;

I. Engage in open burning except in compliance with this chapter, and even with a supervising adult present, who shall be liable for costs incurred by the Village;

J. As a supervising adult, allow an open fire to smolder;

K. As a supervising adult, allow an open fire to remain burning when wind velocity is below three miles per hour or exceeds seven miles per hour; or

L. Engage in any other activity which is prohibited by the terms of this chapter.

§ 135-5. Violations and penalties; enforcement.

In addition to any other charges, fines or penalties for which a person may be liable under applicable law or local ordinance, any violation of this chapter shall constitute a municipal civil infraction, subject to § 1-2, plus costs and other sanctions, for each infraction. Each day during which any violation of this chapter continues shall be deemed a separate and distinct offense. Increased civil fines may be imposed for “repeated violations,” which means a second or subsequent municipal civil infraction violation committed by a person within any twelve-month period and for which a person admits responsibility or is determined to be responsible. The increased civil fine for repeat violations is set forth in § 1-2.

Section 2. Administrative Liability. No officer, agent, or employee of the Village shall be personally liable for any damages the Village may accrue to any person as a result of any act required or permitted in the discharge of duties under and in the enforcement of this Ordinance.

Section 3. Severability and Captions. This Ordinance and its various sections, subsections, sentences, phrases, and clauses are declared to be severable. If any section, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid, the remainder of this Ordinance shall not be affected. Pronouns shall be read as masculine, feminine, or neuter as may be appropriate. Captions appearing at the beginning of any section shall not be deemed as part of this Ordinance and shall have no independent significance.

Section 4. Repeal of Conflicting Ordinances. All ordinances or parts of ordinances which are in conflict in whole or in part with any of the provisions of this Ordinance as of its effective date are repealed to the extent of such conflict.
ARTICLE II. - OPEN BURNING

Footnotes:
--- (2) ---
State Law reference—Open burning of leaves and grass clippings, MCL 324.11522.

Sec. 16-19. - Purpose.

The purpose of this article is to control open burning in the township. The township has found that unregulated open burning increases the risk of property damage caused by fires and threatens the safety and well-being of the township's residents and other persons. The township further finds that greater regulation of open burning is necessary because the residential density of the township has increased dramatically and because smoke from open burning, particularly burning leaves, exacerbates breathing difficulties for many individuals. Further, other local units of government bordering the township and in the general area have enacted leaf-burning bans.

(Ord. No. 196, § 1, 7-24-2006; Ord. No. 261, § 1, 7-10-2017.)

Sec. 16-20. - Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bonfire means a type of recreational fire, which may be allowed in accordance with the provisions below.

Clean wood means natural wood which has not been painted, varnished, or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.

Construction or demolition waste means building waste materials, including but not limited to waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging, and rubble that results from construction, remodeling, repair, and demolition operations on a house, commercial or industrial building, or other structure.

Cost recovery provisions means the township's cost recovery ordinance, set forth in article V, division 2 of chapter 2.

Fire Chief means the chief of the Spring Lake Township Fire Department or other person designated by the fire chief.

Open burning means any type of fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney.

Recreational fire means an outdoor fire; burning materials other than rubbish; containing the fuel being burned in an enclosed pit, fire-retaining ring, or portable outdoor fireplace that is no more than three feet in diameter with a total fuel area of three feet or less in diameter and two feet or less in height; intended for pleasure, religious, ceremonial, cooking, warmth, or similar purposes.

Roadway, sidewalk, street, vehicle and motor vehicle shall have the definitions given to them in the Michigan Vehicle Code, being Public Act No. 300 of 1949 (MCL 257.1 et seq.).
Supervising adult means a person who is an adult (i.e., at least 18 years of age) and who is the person responsible to supervise a fire.

(Ord. No. 196, § 2, 7-24-2006; Ord. No. 261, § 1, 7-10-2017.)

Sec. 16-21. - Regulation of burning.

(a) No person shall cause or allow any open burning within the township except as otherwise specifically provided in this article.

(b) The prohibitions contained in this section shall not apply to certain types of open burning. However, nothing in this article shall allow burning in violation of any state, county, or township regulation.

(c) Open burning shall be conducted only between the hours of 7:00 a.m. and 8:00 p.m.

(d) Open burning shall only be conducted at least 1,400 feet from an incorporated city or village boundary (i.e., Spring Lake Village, the City of Ferrysburg, or the City of Norton Shores).

(e) A supervising adult must constantly attend any fire. The supervising adult must have fire extinguishing equipment readily available as may be necessary for total control of the fire (i.e., fire extinguisher, garden hose, dirt, or sand). The fire must be totally extinguished before the supervising adult leaves the scene.

(f) No open burning may be conducted on days when the Department of Environmental Quality has declared an air quality or ozone action day or when the Department of Natural Resources issues a burning ban due to dangerous fire conditions.

(g) If any open burning gets out of control and the township fire department is called, the supervising adult shall be liable for costs incurred by the township pursuant to the cost recovery provisions pursuant to article V, division 2 of chapter 2.

(Ord. No. 196, § 3, 7-24-2006; Ord. No. 261, § 1, 7-10-2017.)

Sec. 16-22. - Burning permits.

(a) A permit is required for all open burning unless the activity is exempt. The following activities are exempt from the permit requirement:

(1) Recreational, provided that:
   a. The fire shall not be conducted within 25 feet of a structure or combustible material; and
   b. Only clean wood that is not rotted or rotting may be burned.

(2) Bonfires associated with school, church, or community activities not otherwise exempt in section 16-22(a) (1) may also be exempt from the permit requirement by specific written approval of the fire chief. Such bonfires shall not be conducted within 50 feet of a structure or combustible material.

(3) Salamanders or other recognized trade devices used for heating by construction workers.

(4) The burning of trees and brush accumulated when land is cleared for a residential, commercial, industrial, educational, governmental, ecclesiastical, agricultural, or similar development, provided that the burning is performed in compliance with all state and other applicable regulations and the township fire department is notified prior to any burning.

(5) Barbecue, gas, or charcoal grills or wood fires used for cooking of food.
(6) Fires set for the instruction of public firefighters or to combat fires, if the purpose is for firefighting training, extinguish a fire, and if it is authorized by the fire chief.

(b) The issuance of burning permits shall be subject to the following regulations:

(1) Application for a burning permit shall be on a form provided by the township. The form may be obtained at the township offices during normal office hours or the township website.

(2) The permit application forms shall contain such information as the township determines necessary for the township to evaluate the permit application, including, but not limited to, the name, address, and telephone number of the applicant, the type of material to be burned, and the approximate quantity of material to be burned.

(3) To initiate processing of the application, the applicant must pay the permit application fee, as designated by resolution of the township board, and the applicant must also sign a statement agreeing to comply with the requirements of this article and all other applicable rules.

(4) The burning permit shall only be valid that calendar year.

(5) All permitted burning must take place on specific burn days designated by the fire chief, which include the third Saturday of the months of March, May, July, September, and November or any alternative dates established by the fire chief. Because the permit is only valid for one calendar year, the fire must take place only on those specific burn days which remain in the calendar year.

(6) In the event that a permit is approved, the applicant must check the township fire department's website on the day of the proposed burn to ascertain whether the burn day has been cancelled for any reason. All fires that occur on a cancelled burn day will be in violation of this article, regardless of the existence of a valid permit.

(7) In deciding whether open burning may actually be permitted on a designated burn day, the fire chief shall consider various factors, including, but not limited to, the following:

   a. Amount of rainfall in recent weeks;
   b. Weather conditions and wind velocity;
   c. Any burning standards or burning index promulgated by the state department of natural resources or any other state agency; and
   d. Any other factors likely to increase the possibility of a dangerous or uncontrollable fire.

(8) Burning permits may be issued under this article only for wood that is not rotted, rotting, or treated, tree branches and stumps that are out of the ground. Burning permits will not be issued under this article for leaves.

(9) Any open burning which violates the terms of the permit constitutes a violation of this article.

(Ord. No. 196, § 4, 7-24-2006; Ord. No. 261, § 1, 7-10-2017.)

Sec. 16-23. - Prohibited acts.

Subject to the provisions of 16-21, no person shall:

(1) Burn at any time:

   a. Household waste, including but not limited to trash, garbage, plastic, and paper;
b. Leaves, including pine cones and yard waste such as grass clippings and weeds;

c. Construction or demolition waste, including but not limited to treated wood, wiring, carpet, plastic, roofing materials, drywall, paint or solvents, or siding;

d. Structures for the purpose of demolition;

e. Commercial or industrial waste;

(2) Set aflame any flammable material located on a roadway, sidewalk, bicycle path, or any improved portion of a street;

(3) Dispose of a lighted match, cigarette, cigar, ashes, or other flaming or glowing substance, or any other substance or thing that is likely to ignite a forest, brush, or grass fire, or throw or drop from a moving vehicle any such objects or substances;

(4) Set aflame any flammable material without taking reasonable precautions, both before and at all times after lighting the fire, to prevent the fire from spreading;

(5) Set a backfire or cause a backfire to be set, except under the direct supervision of the fire chief;

(6) Use or operate a welding torch, tar pot, or any other device which may cause a fire outside of a building, without clearing flammable material surrounding the operation and without taking such other reasonable precautions necessary to ensure against the starting and spreading of fire;

(7) Operate any engine, machinery, or motor vehicle not equipped with spark arresters or other suitable devices to prevent the escape of fire or sparks;

(8) Discharge a gun firing flares, incendiary or tracer bullets, or tracer charge onto or across any forest or grassland;

(9) Engage in activity that is prohibited by this article or in any open burning except in compliance with this article.

(Ord. No. 196, § 5, 7-24-2006; Ord. No. 261, § 1, 7-10-2017.)

Sec. 16-24. - Penalty.

(a) In addition to any other charges, fines, or penalties for which a person may be liable under applicable law or local ordinance, including without limitation the assessment of costs under the cost recovery provisions as set forth in article V, division 2 of chapter 2, any violation of this article shall constitute a municipal civil infraction. Any person violating any provision of this article shall be responsible for a municipal civil infraction and subject to a fine of not less than $50.00 and loss of burning privileges under this article for one year for a first offense, and not less than $200.00 and permanent loss of burning privileges under this article for a subsequent offense, plus costs, damages, expenses, and other sanctions as authorized under chapter 87 of the Revised Judicature Act of 1961 (MCL 600.8701 et seq.) and other applicable laws, including, without limitation, equitable relief. Each day a violation occurs or continues shall be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this article.

(b) For purposes of this section, the term "subsequent offense" means a violation of the provisions of this article
committed by the same person within 24 months of a previous violation of this article for which the person admitted responsibility or was adjudicated to be responsible.

(c) The township supervisor, the ordinance enforcement officer, the county sheriff, any county deputy sheriff, or any township fire department officer (e.g., fire chief, deputy fire chief, captain, or lieutenant) is authorized to inspect any property for the purpose of ascertaining compliance with this ordinance and issue municipal civil infraction citations to any person alleged to be violating any provision of this article.

(d) Any person who aids or abets a person in a violation of this article shall be subject to the sanctions provided in this section.

(Ord. No. 196, § 6, 7-24-2006; Ord. No. 261, § 1, 7-10-2017)

Secs. 16-25—16-29. - Reserved.
• **Sec. 17-19. - Certain waste prohibited.**

SHARE LINK TO SECTION PRINT SECTION DOWN LOAD (DOCX) OF SECTION EMAIL SECTION

It shall be unlawful for the holder of a permit, as provided for in this article, to permit or suffer to be deposited upon the real estate described in such permit, any garbage, including vegetable and animal offal, carcasses of dead animals, and all other waste capable of becoming putrescent; or any inflammable waste, including paper, rags, excelsior, wood, grass, leaves and other waste substance capable of ready incineration, unless proper provision is made for prompt disposition of same by the burning of such materials, or by burying with earth all other combustible substances.

(Code 1962, § 4-1007)

• **Sec. 17-20. - Dumping of inflammable waste and refuse.**

SHARE LINK TO SECTION PRINT SECTION DOWN Load (DOCX) OF SECTION EMAIL SECTION

(a)

It shall be unlawful for any person to dump or cause to be dumped any inflammable waste or refuse whatsoever upon any property located within the corporate limits of this city; provided, however, that nothing herein contained shall be construed as prohibiting the burning of inflammable waste or refuse in an incinerator located upon any property within the corporate limits.

(b)

The words "inflammable waste," as used in this section, shall be construed to mean anything inflammable or combustible, such as: paper cartons and boxes, oil, waste, excelsior, automobiles or parts thereof, rubber, or rubber tires, oil paper, scrap paper, tar paper, garbage, or any other inflammable, combustible, or refuse, materials or products.
Sec. 38-10. - Prohibitions on harmful substances, painting, burning, etc.

No person shall cause, authorize or permit any salt, brine water, oil, liquid dye or other substances deleterious to tree and shrub life to lie, leak, flow, or drip into the soil at the base of any tree or shrub or on to any sidewalk, road, pavement or gutter in such position that the runoff of same may enter the soil area at the base of any tree or shrub; nor shall any person deface with paint, whitewash or other materials, trees or shrubs, in any public highway or place; nor shall any person set fire or permit any fire to burn where such fire or heat thereof will injure any portion of any tree or shrub in any highway, park or public place.

07.2 Permit required. A permit shall be obtained from the code official in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pets, or a bonfire. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled. No permit shall be issued for the open burning of building demolition or excess construction materials, the open burning of refuse from a multiple dwelling, or the open burning of refuse at commercial, governmental or industrial sites.

Exceptions: Open burning may be done without a permit as follows:

1. Salamanders or other recognized trade devices may be used for heating by construction workers, provided no smoke violation or other nuisance is created;

2. Fires may be set for the instruction of public fire fighters if the sole purpose of the fire is for fire-fighting training.