FERRYSBURG CITY COUNCIL
SPECIAL MEETING

AGENDA

MONDAY, JUNE 26, 2023
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.
City Council Agenda  
June 26, 2023  
Page Two

6. New Business:

a. Discussion, and to take action if appropriate, to adopt Ordinance No. 330, an ordinance to amend the City Code by amending Chapter 154, Zoning, to amend Article 3 General Provisions, to include a new Section 3.370 Outdoor Service and Dining.

b. Discussion, and to take action if appropriate, to adopt Ordinance No. 331, an ordinance to amend the City Code by amending Chapter 91, adding Section 91.07, an ordinance to regulate Begging and Soliciting in the City.

7. Public Comments:

8. Reports: City Manager

    City Council Members

    Mayor

9. Adjournment
Ordinance No. ___ DRAFT

City of Ferrysburg

An Ordinance to amend the City Code by amending Chapter 154, Zoning, to amend Article 3 General Provisions, to include a new Section 3.370 Outdoor Service and Dining.

THE CITY OF FERRYSBURG ORDAINS:

Section 1. Chapter 154 Zoning, Article 3 General Provisions, is hereby amended to include a new Section 3.370 Outdoor Service and Dining to read in their entirety as follows:

3.370 Outdoor Service and Dining

A. Zoning Districts. Outdoor service and dining may be authorized as an accessory function of any restaurant, bar, lounge, and pub use within zoning districts that allow the use.

B. Review and Approval.
   1. The Planning Commission shall review all requests for outdoor service and dining that is accessory to a bar, lounge, and pub as special land uses. The Planning Commission shall ensure that all other applicable City department and outside agency approvals are secured prior to the establishment of the use.

   2. Unless a special land use review is necessary in accordance with this section, outdoor service and dining areas shall be reviewed and approved by the Zoning Administrator if applications comply with this section. The Zoning Administrator shall ensure that all other applicable City department and outside agency approvals are secured prior to the establishment of the use.

C. Plan Requirements.
   1. A scaled diagram showing the measurements of the area proposed for outdoor service and dining areas shall be provided. The diagram shall clearly show:
      a. Current restaurant, bar, lounge, or pub footprint;
      b. Area and dimensions of the proposed outdoor service and dining area;
      c. Setbacks from right-of-way and property lines;
      d. Clear walkways and ingress/egress to the service and dining area;
      e. Number of tables and chairs and their arrangement; and
      f. Location of any other items, equipment, bar areas, tents, canopies, stages, portable heaters, countertops, planters, barriers, and other accessories that are planned to be placed within the service and dining area.
2. Other required information:
   a. Use description;
   b. Total proposed capacity;
   c. Lighting plan and fixture specifications; and
   d. Description of proposed alcohol beverage service area barriers, if applicable.

D. Location. Outdoor service and dining areas shall be located immediately adjacent to the establishment with which it is associated or may be on a rooftop or balcony.

E. Setbacks. Areas dedicated to outdoor service and dining, such as patios, decks, paved areas, or other surfaces, shall be subject to principal building setbacks for the applicable zoning district. Notwithstanding this requirement and the setback encroachment provisions of Section 3.60, outdoor dining areas within the Core Commercial zoning district area may encroach into the required front setback area but shall not encroach into the public right-of-way.

F. Clear Walkways. Clear and accessible walkways that allow circulation through the outdoor dining area shall be at least five (5) feet wide.

G. Screening. If located in a yard that abuts residential property or residential-zoned property, the outdoor service and dining area shall be screened by a six (6) foot privacy fence or a comparable screening method.

H. Tables and Chairs. All tables and chairs provided in the outdoor service and dining area shall be constructed primarily of metal, wood, or material of comparable quality.

I. Umbrellas. Umbrellas shall be secured to prevent wind-caused hazards and closed outside of hours of operation.

J. Lighting. Lighting is required for outdoor service and dining when open past dusk. The light fixtures must be decorative and complement the architectural character of the building and area. Light fixtures shall not cause direct glare or other visual obstruction to pedestrians or vehicle drivers along the street and public walkway. Light fixtures shall only illuminate the service and dining area.

K. Capacity. Outdoor service and dining areas shall not exceed 50 percent of the total indoor service and dining area square footage unless a greater area is approved through the special land use process.

L. Noise. Amplified music shall be regulated to ensure it does not impact nearby residential property or residential-zoned property. Amplified music is prohibited between 10:00 PM and 9:00 AM.

M. Outdoor Cooking. Outdoor cooking is prohibited.

N. Refuse. Refuse containers shall be located within the outdoor service and dining area, and the site shall be maintained free of debris and litter.
O. Alcoholic Beverage Service.
   1. If alcoholic beverages are to be served, outdoor service and dining areas must be
      enclosed by a barrier. The barrier shall be of sufficient height and design to reasonably
      limit access to the designated ingress/egress areas.
   2. Prior to commencing the use, the applicant shall secure all appropriate approvals from the
      Michigan Department of Licensing and Regulatory Affairs Liquor Control Commission
      (MLCC).

P. Furniture Storage. Tables, chairs, and umbrellas shall not be stored outside during the off-
season.

Q. Fire Department Approval. All outdoor service and dining areas are subject to Fire Code
compliance and approval by the Fire Department.

Section 2. This Ordinance was approved and adopted by the City Council on the___day of
____________, 2023 and shall take effect upon publication in the Grand Haven Tribune, a
newspaper of general circulation in the City of Ferrysburg.

__________________________
Scott Blease, Mayor

__________________________
Amber Schaner, 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________________________, 2023.

Dated:_________________, 2023
Caution! This email is from an external address and may contain links. Use caution when following links as they could open malicious web sites.

I don’t think it should be changed because under Solicitation it would have to be on behalf of a charitable organization or civic organization.

Brook J. Bisonet

128 Columbus Avenue
Grand Haven, Michigan 49417
Direct: 616.350.6232
Main: 616.847.1234
Fax 616.847.1223

On Tue, Jun 20, 2023 at 12:57 PM Craig Bessinger <cbeischer@ferrysburg.org> wrote:

Brook,

The draft ordinance was introduced on first reading last night. It was asked if the last line on the first page could be changed to:

Solicitor means a person who solicits for themselves or on behalf of a charitable or civic organization.

Craig Bessinger
City of Ferrysburg
17520 Ridge Avenue, P.O. Box 38
CITY OF FERRYSBURG

Ordinance No. 331

An Ordinance to amend the City Code by amending Chapter 91, Nuisances, adding Section 91.07, an ordinance to regulate Begging and Soliciting in the City.

THE CITY OF FERRYSBURG ORDAINS:

Section 1. Chapter 91, Nuisances, is hereby amended by adding Section 91.07 Begging and Soliciting, to read:

Begging and soliciting.

(a) The following words, terms and phrases, when used in this section, shall have the meanings provided in this subsection, except where the context clearly indicates a different meaning:

Accosting means approaching or speaking to a person in such a manner as would cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon his person, or upon property in his immediate possession.

Ask, beg or solicit mean and include, without limitation, approaching a person(s) the purpose of obtaining donations whether verbally or in writing.

Charitable or civic organization means a nonprofit organization that is qualified under section 501 (c)(3) or 501 of the internal revenue code, 26 USC 501, or a veterans' organization that has tax-exempt status under the internal revenue code, which is located in or has a local chapter in the County of Ottawa.

Daylight hours means the time period beginning one (1) hour after sunrise and ending one (1) hour before sunset.

Forcing oneself upon the company of another means continuing to ask, beg or solicit from a person after that person has made a negative response, blocking the passage of the individual addressed, or otherwise engaging in conduct which could reasonably be construed as intended to compel or force a person to accede to demands.

Solicitor means a person who solicits on behalf of a charitable or civic organization.
(b) Unless otherwise authorized by Chapter, or by subsection (d) of this section, it shall be unlawful for any person to solicit money or other things of value:

(1) On private property if the owner, tenant or lawful occupant has asked the person not to solicit on the property or has posted a sign clearly indicating that solicitations are not welcome on the property;

(2) Within 15 feet of the entrance to or exit from any public toilet facility;

(3) Within 15 feet of an automated teller machine, provided that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility;

(4) Within 15 feet of any pay telephone, provided that when a pay telephone is located within a telephone booth or other facility, such distance shall be measured from the entrance or exit of the telephone booth or facility;

(5) Within any public transportation vehicle, or within 15 feet of any bus stop, taxi stand or rapid transit stop;

(6) From any occupant of a motor vehicle that is in traffic on a public street; provided, however, that this subsection shall not apply to services rendered in connection with emergency repairs requested by the owner or passengers of such vehicle;

(7) From any person who is waiting in line for entry to any building, public or private, including, but not limited to, any residence, business or athletic facility; or

(8) Within 15 feet of the entrance or exit from a building, public or private, including, but not limited to, any residence, business or athletic facility.

(c) It shall be unlawful for any person to solicit money or other things of value by:

(1) Accosting another; or

(2) Forcing oneself upon the company of another.
(d) The prohibition in subsection (b)(6) does not apply to a person who is soliciting contributions on behalf of a charitable or civic organization during daylight hours, if all of the following are satisfied:

(1) The charitable or civic organization complies with applicable local government regulations set forth at subsections (e) through (g) of this section.

(2) The person is 18 years of age or older.

(3) The person is wearing high-visibility safety apparel that meets current American standards promulgated by the International Safety Equipment Association.

(4) The portion of the roadway upon which the solicitation occurs is not a work zone and is within an intersection where traffic control devices are present.

(e) The organization must obtain an intersection solicitation permit from the city. Applicants shall file a written, sworn statement, in duplicate, with the city clerk, at least one month, but not more than 12 months, prior to the date(s) of solicitation, giving the following information:

(1) The name, address and telephone number of the person requesting the permit on behalf of the organization;

(2) The name and address of the organization requesting the permit;

(3) The name, address and telephone number of the person who will act as chairperson or will be responsible for conducting intersection solicitation;

(4) The date(s), time(s), and location(s) for which the right to conduct intersection solicitation is desired;

(5) A brief description of the nature of any solicitation materials to be utilized;

(6) Evidence of insurance, with the city as one of the named insureds, in an amount sufficient to protect the city from claims for damages from personal injury in a minimum of $1,000,000.00, property damage or any other injury proximately caused by the event, said amount to be reasonable considering the nature, purpose, and location of the event and the risk of injury or damage; and,

(7) Such other information as the city council shall deem pertinent in evaluating the effect such event may have on the health, safety and welfare of the residents of the city.

(f) Applications submitted will be reviewed by the city clerk to ensure that all required information has been provided. Completed applications will be considered by the city council for approval during a regular meeting.
(g) The following conditions apply to all intersection solicitation permits:

(1) An organization may only conduct one intersection solicitation campaign per year. The campaign may consist of a maximum of two consecutive days.

(2) Intersection solicitation campaigns will be permitted only during the period from March 15 through December 15 and only during daylight hours.

(3) Only one organization may conduct an intersection solicitation campaign in a given calendar month.

(4) Solicitors may not impede the normal flow of traffic. Solicitation may only occur when vehicles are stopped for the traffic signal. Solicitations conducted in violation of this subsection may be terminated by the police department.

(5) Solicitations may be conducted only within or near the following designated intersections:

(a) VanWagoner Road at 174th Avenue.

(b) North Shore Road at 174th Avenue.

(h) Any person violating the provisions of this division shall be responsible for a municipal civil infraction. Penalty, see § 91.99

Section 2 EFFECTIVE DATE

This Ordinance was approved and adopted by the City Council on the day of , 2023, and shall take effect upon publication in the Grand Haven Tribune, a newspaper of general circulation in the City of Ferrysburg.

CITY OF FERRYSBURG

________________________
Scott Blease, Mayor

________________________
Amber Schaner, City Clerk