

**WALKER CITY COMMISSION AGENDA  
COMMISSION CHAMBERS  
4243 REMEMBRANCE RD. NW  
MAY 10, 2010**

- 6:30 PM**            **COMMUNITY AWARDS BANQUET**
- 8:00 PM**            **REGULAR COMMISSION MEETING**
1.            **CALL TO ORDER**
  2.            **INVOCATION** – Commissioner Stek
  3.            **PLEDGE OF ALLEGIANCE** (Please Stand)
  4.            **ROLL CALL**
  5.            **MINUTES** - Approval of 4-26-10 Commission Meeting Minutes.
  6.            **PUBLIC COMMENT**  
This provision is made to encourage the expression of audience questions and concerns. Speakers are asked to identify themselves by name and address. A maximum of 5 minutes will be given. The Commission will assure that a response is made within a reasonable amount of time.
  7.            **MAYOR**
    1.            Communication -
    2.            Committee Reports – 4-13-10 Festival Committee Minutes, 4-26-10 Ordinance Committee Minutes.
  8.            **CITY MANAGER**
    1.            Expenditures in the amount of \$336,750.58
    2.            Demolition Order for 3167 Bristol Rd
    3.            Access Control Security Card reader System Bid Approval
  9.            **RESOLUTIONS**
    1.            10-142 to Approve Community Development Block Grant Funding Application for Home Repair Services Reallocation.
  10.            **ORDINANCES**
    1.            ORD 10-584 first reading to Add New Sections 50-51 and 50-52 to Chapter 50, Article I of the Code of Ordinances, City of Walker, Michigan.
    2.            ORD 10-585 first reading to Amend Chapter 62, Articles I and II, Sections 62-1 through 62-4, Sections 62-31 through 62-43, and Sections 62-59, and to add a new Section 62-44 to the Code of Ordinances, City of Walker, Michigan.
    3.            ORD 10-586 first reading to Amend Chapter 82, Article VI, Section 82-102 Entitled “Regulation of Public Parking Lots; Tow Away Zones” of the Code of Ordinances, City of Walker, Michigan.
    4.            ORD 10-587 to Amend Chapter 78, Article II, Section 78-42 of the Code of Ordinances, City of Walker Michigan Entitled ”Uniform City Income Tax Ordinance; Personal Exemptions, Limitations”
  11.            **PUBLIC COMMENT**
  12.            **COMMISSIONERS COMMENTS/ CITY MANAGER COMMENTS**
  13.            **ADJOURNMENT**

**WALKER CITY COMMISSION MEETING MINUTES  
CITY COMMISSION CHAMBERS  
4243 REMEMBRANCE RD.  
APRIL 26, 2010**

**COMMITTEE OF THE WHOLE**

Mayor VerHeulen called the Committee of the Whole Meeting to order at 7:00 p.m.

The City Commission continued reviewing the items on the agenda.

Commissioner Stek stated Standale Garden Club is working on planting trees at the Edison House.

**REGULAR COMMISSION MEETING:**

Mayor VerHeulen called the meeting to order at 8:00 p.m.

Commissioner Versluis gave the invocation and the City Clerk called the roll.

Present: Mayor Rob VerHeulen, Commissioners: Al Parent, Charles Deschaine, Barb Holt, Cyndy Stek, and Steve Versluis. Also present: City Manager Vander Meulen and Assistant City Manager Schmalzel. Absent: Commissioner Dan Kent.

Motion by Holt, seconded by Versluis, to approve Commission meeting minutes of 4-12-10. Motion carried unanimously.

Motion by Deschaine, seconded by Parent, to approve Commission meeting minutes of 4-19-10. Motion carried unanimously.

Public Comment: None

Motion by Versluis, seconded by Holt, to approve the expenditures in the amount of \$513,203.05. Motion carried unanimously.

Motion by Parent, seconded by Stek, to approve 2010 Fireworks Contract for the City of Walker Summer Festival on June 19, 2010. Motion carried unanimously.

Motion by Versluis, seconded by Parent, to approve the Hospitality Tent Agreement with Walker Ambucs and the City of Walker. Motion carried 5-1 (Stek).

Motion by Parent, seconded by Holt, to approve the other vendor contracts for the Summer Festival. Motion carried unanimously.

The City Commission acknowledged that the 3 on 3 tournaments and the hospitality tent will be run by volunteers of the City.

Motion by Parent, seconded by Holt, to approve Resolution 10-140 approving transfer of funds to the Bond Payment Fund for the 2006 DDA Bonds. Motion carried unanimously.

Motion by Holt, seconded by Parent, to approve Resolution 10-141 approving 2010 Park Fees. Motion carried unanimously.

Motion by Versluis, seconded by Stek, to approve second reading and adoption of ORD 10-580 to amend Chapter 22, Article I, Section 22-1, and repeal Chapter 22, Article I, Section 22-6, entitled "Business Licenses," of the Code of Ordinances. Motion carried unanimously.

Motion by Parent, seconded by Versluis, to remove ORD 10-583 from the table. Motion carried unanimously.

Motion by Stek, seconded by Parent, to approve second reading and adoption of ORD 10-583 to amend Chapter 38 entitled "Fire Prevention and Protection", Article II of the Code of Ordinances to add new sections 38-33, 38-34, and 38-35 to adopt by reference Chapter 32 of the NFPA 1, Fire Code, 2009 Edition, entitled "motion Picture and Television Production Studio Soundstages and approved Production Facilities." Motion carried unanimously.

Public Comment: None

Commission Parent reminded everyone of the Awards Banquet on May 10, 2010 at 6:30 p.m. Commissioner Deschaine asked to schedule a Buildings Committee meeting in the near future regarding Fire Station # 2.

Motion by Versluis, seconded by Parent, to adjourn the meeting. Motion carried unanimously.

Meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Sarah Bydalek  
City Clerk

## **City of Walker Festival Committee Meeting Minutes 04/13/2010**

In Attendance: Roxanne Deschaine, Sharon Zuyddyk , Reinhard Ludge, Commissioner Chuck Deschaine, Elaine Tainter, Jennifer Hayes, Samantha Bruin, Anna Rogers, Denise Raap.

Absent: City Clerk Sarah Bydalek, Mark Bydalek

### **Car Show**

Pre-registration will be \$10.00 and registration on the event day will be \$15.00

Flyer content is pending.

This event will be taking place in the Bus Garage parking lot.

### **Army Reserve**

The Army Reserve unit will be attending with a variety of open house style attractions; the details have not yet been finalized.

### **Blackhawk Helicopter**

Chuck discussed concerns about any special requirements for the Blackhawk with the City Manager;

Cathy indicated that she is confident that the unit bringing the Blackhawk will know what is required as they make these appearances regularly.

### **GR Press Program**

We are continuing to work on this, Greg Long will hopefully be able to provide the photo for the Char Burns Memorial page. Ad sales are almost complete; we will now focus on content.

### **Entertainment Contract**

We discussed the Kramer offering and determined this is the best combination of attractions for the price and they have the ability to fully staff the events which is critical.

Anna made a motion to award this contract, Samantha seconded and the motion was carried by the Aye votes.

### **Golf Carts**

Chuck will contact Gracewil Golf Course to see if we can use a couple carts again.

### **Wristbands**

Items that will require a wristband: Simulator, tattoos, keychains, NASCAR Simulator, and bumper cars

### **Volunteers**

Denise is continuing working on this item and will contact HB Fuller who had volunteers here last year. Chemical Bank West is going to have volunteers at our event.

### **Walker Walk/Bike Parade**

Samantha met with the Safe Kids Representative as well as with Greg Long from the PD and she is working out the options/details for the event. Sam will get in touch with Mike at the Fitness Center to

see how much space we can borrow for the Bike Rodeo which is a safety oriented event and includes helmet fitting. In the event of rain, they have a “Bike Bingo” event they can do instead.

We will need to start the event earlier this year, probably at 8 or 8:30 to give us enough time for the event so it can wrap up by 10:00 when the walk will begin.

The Rep from Safe Kids recommended we advertise on Momslikeme.com, we will also be advertised on the events portion of the Safe Kids website.

There will be a waiver for people to sign if they receive a helmet. The Safe Kids Rep also suggested we be cautious about advertising “free bike helmets” as their goal is to distribute helmets to families who are economically challenged and cannot afford a helmet.

We will have a bicycle giveaway as part of this event.

Juvenile Diabetes Research Foundation, the chosen charity for the Walk is advertising our walk on their website. They are going to have some volunteers as well.

Boy Scouts – Pursuant to the Mayor’s referral, Samantha and Anna met with the Boy Scout Regional Representative who was not very receptive to the Boys Scouts participating. Essentially, they want us to contact all the troop leaders and make a presentation to them about how we would like them to participate. This is more of the same frustration we have experienced every year with the Boy Scouts, we don’t have time to present them with a variety of options and then try to entice them to do something at the event.

#### **Electrician**

We need to get a volunteer electrician to be available to help the day of the event. Samantha knows someone and will follow-up on this.

#### **Fireworks**

Chuck will present this item to the City Commission next week.

#### **T-shirts**

Sharon is pricing t-shirts for the event from a variety of vendors

#### **Ambulance**

Roxanne will check on the times for the 3 on 3 and other events to determine when the Ambulance should be on site.

Next Meeting is the 27<sup>th</sup> of this month.

Meeting minutes from the last meeting were approved.

**Ordinance Committee Meeting**  
**Monday, April 26, 2010**  
**5:00 PM**

Commissioner Stek called the meeting to order at 5:00 p.m.

Committee members present: Commissioner: Cyndy Stek, Steve Versluis, Barb Holt.  
Also Present: City Manager Vander Meulen, Assistant City Manager Schmalzel, Police Chief Garcia-Lindstrom, Frank Wash, Travis Mabry and City Attorney Sluggett.

**Engineering Department:**

Travis explained the current Regulation of public parking lots; tow-away zones. The recommendation is to remove one sentence (The distance between such posted signs shall not be more than ten feet). This will relieve the City of the requirement to post signs every ten feet.

Motion by Holt, second by Versluis, to approve amendment and send to City Commission for final approval. Motion carried unanimously

**Community Development Department (CDD):**

The Zoning Board of Appeals has granted a use variance for a "Community Center" in a vacant industrial building on Walkent Court. With this approval, it will be considered a "Special Use" Variance. The CDD would like to correct the "Use Variance" regulations. This would include adding the term: "Community Center/ recreation Center/ Youth Center" to the definition section of the Walker Zoning Ordinance. The land use "Community Center/ Recreation Center / Youth Center" should also be added to the ML-Light Industrial Zoning District as a Special Exception Use.

The committee agreed to put revisions into written form and bring back to the Ordinance Committee for final approval.

The Hanger 42 project in Avastar Park building is currently not a permitted use in the MH-Heavy Industrial Zoning District as a Special Exception Use. It is recommended that is amendment be made.

The committee agreed to put revisions into written form and bring back to the Ordinance Committee for final approval.

**Medical Marihuana discussion:**

City Attorney Jeff Sluggett stated we currently have a Moratorium in place until September 2, 2010. The City Commission can extend this Moratorium for another six months with a City Commission vote. Many Municipalities are considering different versions of Ordinances. At this time, it is suggested that the City of Walker extend the Moratorium to have time to review the Medical Marihuana Act.

**City Manager:**

Waste Hauler Ordinance: This Ordinance was sent back to the Ordinance Committee for further review. After discussion, there were some sections and items deleted.

Motion by Versluis, second by Holt, to revise Ordinance and bring to the City Commission for approval. Motion carried unanimously.

**Police Department:**

Police Chief Garcia-Lindstrom presented the Minor in Possession Ordinance to the Committee. This Ordinance will hold parents more accountable for house parties that are held at their home in which minors are involved. This will apply to parents physically being on property while party is occurring, or when parents are fully aware of this situation occurring.

Motion by Versluis, seconded by Holt, to recommend approval of this ordinance and submit to City Commission for approval. Motion carried unanimously.

Meeting adjourned at 6:50 p.m.

Respectfully submitted,

Sarah Bydalek  
City Clerk

Check Date	Bank	Check #	Payee	Description	GL #	Amount
04/22/2010	POOL	116920	KENT COUNTY HEALTH DEPARTMENT	BLDG REPAIRS	101-265-988.000	140.00
04/22/2010	POOL	116921	TIMOTHY S PEARCE	HEALTH-DENTAL-LIFE & DISA	101-300-716.000	141.26
04/28/2010	POOL	116922	CITY OF WALKER	HEALTH-DENTAL-LIFE & DISA	101-141-716.000	20.00
		116922		HEALTH DENTAL LIFE DISA	101-172-716.000	10.00
		116922		HEALTH DENTAL LIFE DISA	101-209-716.000	10.00
		116922		HEALTH-DENTAL-LIFE & DISA	101-300-716.000	65.00
		116922		HEALTH-DENTAL-LIFE & DISA	101-900-716.000	90.00
		116922		HEALTH-DENTAL, LIFE & DISA	202-463-716.000	14.00
		116922		HEALTH-DENTAL LIFE & DISA	203-463-716.000	6.00
						215.00
04/28/2010	POOL	116923	ACTION CHEMICAL, INC.	OFFICE SUPPLIES	510-780-726.000	344.36
04/28/2010	POOL	116924	ADEMA ALTERNATOR & STARTER SVC, IN	VEHICLE MAINTENANCE FIRE	206-093-903.000	145.00
04/28/2010	POOL	116925	ALLIED SIGNS	BUILDING PERMITS	101-000-477.000	200.00
04/28/2010	POOL	116926	ALPINE COLLISION CENTER	VEHICLE MAINTENANCE POLICE	206-093-902.000	500.00
04/28/2010	POOL	116927	ALTA CONSTRUCTION EQUIPMENT LLC	VEHICLE MAINTENANCE HIGHWAY	206-093-901.000	107.36
04/28/2010	POOL	116928	AT&T	UTILITIES	101-300-920.000	16.33
04/28/2010	POOL	116929	JERRY MARVIN BEURKENS PC	PROSECUTORS FEES	101-172-827.000	2,692.31
04/28/2010	POOL	116930	BIO-CHEM LABORATORIES, INC.	MATERIALS SUPPLIES MAJ ST	202-463-726.000	350.00
04/28/2010	POOL	116931	BRASS MONKEY HYDRAULICS, INC. BMH	VEHICLE MAINTENANCE HIGHWAY	206-093-901.000	125.00
04/28/2010	POOL	116932	PETER BROWN	HEALTH-DENTAL-LIFE & DISA	101-900-716.000	129.19
04/28/2010	POOL	116933	VOID	** VOIDED **		** VOIDED **
04/28/2010	POOL	116934	GRAND KENT INVESTMENT CLUB		101-000-668.000	100.00
04/28/2010	POOL	116935	BS&A SOFTWARE INC	EQUIPMENT - ACCTG SOFTWARE	101-901-985.000	22,125.00
04/28/2010	POOL	116936	CITY OF GRAND RAPIDS	TRAVEL & MILEAGE	101-101-870.000	48.00
04/28/2010	POOL	116937	CLEAR IMAGE, INC.	VEHICLE MAINTENANCE HIGHWAY	206-093-901.000	162.00
04/28/2010	POOL	116938	CONSUMERS ENERGY	UTILITIES	101-265-920.000	364.12

CHECK DISBURSEMENT REPORT FOR CITY OF WALKER  
 CHECK DATE FROM 04/22/2010 - 04/29/2010

Check Date	Bank	Check #	Payee	Description	GL #	Amount
		116938		UTILITIES	101-335-920.000	364.11
		116938		UTILITIES	101-680-920.000	143.51
						871.74
04/28/2010	POOL	116939	CPR	MAINT CONTRACT/NETWORK ASST	101-172-965.000	260.00
04/28/2010	POOL	116940	RICHARD DENNEY	HEALTH-DENTAL-LIFE & DISA	101-900-716.000	84.75
04/28/2010	POOL	116941	DESIGN EDGE, INC.	FIRE DEPT. UNIFORMS	101-335-768.000	15.00
04/28/2010	POOL	116942	JACK DOHENY SUPPLIES, INC.	VEHICLE MAINTENANCE HIGHWAY	206-093-901.000	1,481.44
04/28/2010	POOL	116943	DTE ENERGY	UTILITIES	101-141-920.000	661.62
		116943		UTILITIES	101-300-920.000	681.68
		116943		UTILITIES	101-335-920.000	661.63
		116943		UTILITIES	101-680-920.000	333.69
						2,338.62
04/28/2010	POOL	116944	EAST JORDAN IRON WORKS, INC.	SIDEWALK REPAIR	810-000-806.000	305.12
04/28/2010	POOL	116945	EIKENHOUT, INC	BLDG MAINT SUPPLY	101-265-930.000	50.55
04/28/2010	POOL	116946	BERT ELLIOTT	HEALTH-DENTAL-LIFE & DISA	101-300-716.000	1,564.00
04/28/2010	POOL	116947	FASTENAL	EQUIP. MAINTENANCE	101-335-933.000	414.45
04/28/2010	POOL	116948	59TH DISTRICT COURT	COLLECTION EXPENSES	101-254-740.000	90.00
04/28/2010	POOL	116949	FUEL MANAGEMENT SYSTEMS, INC.	GAS & OIL	206-463-751.000	5,763.85
04/28/2010	POOL	116950	CITY OF GRANDVILLE	PROBATION SHARED COST/GRANDVIL	101-142-703.000	17,917.72
		116950		DIST CT SHARED COST	101-143-703.000	3,856.25
						21,773.97
04/28/2010	POOL	116951	GREATLAND COPORATION	RENTAL OF CITY PROPERTY	101-000-668.000	100.00
04/28/2010	POOL	116952	HAMMERSMITH EQUIPMENT, INC.	MATERIALS & SUPPLIES LOC ST	203-463-726.000	65.00
		116952		SIDEWALK REPAIR	810-000-806.000	25.00
						90.00
04/28/2010	POOL	116953	HANSEN COLLISION, INC.	VEHICLE MAINTENANCE POLICE	206-093-902.000	541.00
04/28/2010	POOL	116954	HASTINGS AIR-ENERGY CONTROL, INC.	BLDG MAINT SUPPLY	101-265-930.000	70.62

Check Date	Bank	Check #	Payee	Description	GL #	Amount
04/28/2010	POOL	116955	JASON HOWE	HEALTH-DENTAL-LIFE & DISA	101-300-716.000	15.00
04/28/2010	POOL	116956	HYATT REGENCY DEARBORN	POLICE DEPT OT TRAINING	101-300-717.000	230.00
04/28/2010	POOL	116957	IDENTIPHOTO CO LTD	SUPPLIES & EQUIPMENT	101-101-740.000	82.71
04/28/2010	POOL	116958	IMPACT ENTERPRISES, INC.	SOCCER PROGRAM	101-690-757.000	206.00
04/28/2010	POOL	116959	JACO CIVIL PROCESS	COLLECTION EXPENSES	101-254-740.000	209.75
04/28/2010	POOL	116960	ERIC JENKINSON	HEALTH-DENTAL-LIFE & DISA	101-300-716.000	642.65
04/28/2010	POOL	116961	JENSEN BRIDGE AND SUPPLY COMPANY	NEIGHBORHOOD STORM SEWER	101-446-931.000	4,812.39
04/28/2010	POOL	116962	JOHN DEERE LANDSCAPES/LESCO, INC.	STREETSCAPE MAINT	495-463-930.000	83.39
04/28/2010	POOL	116963	KENT COUNTY SHERIFF'S DEPARTMENT	LEIN-911-RADIO MAINT	101-300-851.000	77.07
04/28/2010	POOL	116964	KENT COUNTY TREASURER	TRAILER FEES	101-000-423.000	2,225.00
04/28/2010	POOL	116965	THOMAS KLEIN	HEALTH-DENTAL, LIFE & DISA	202-463-716.000	46.49
04/28/2010	POOL	116966	LABOR ARBITRATION INSTITUTE	CONFERENCE/SEMINAR	101-172-864.000	245.00
		116966		POLICE DEPT OT TRAINING	101-300-717.000	735.00
						980.00
04/28/2010	POOL	116967	LAKESIDE AGGREGATE LLC	POLICE DEPT OT TRAINING	101-300-717.000	1,800.00
04/28/2010	POOL	116968	LAW WEATHERS	LEGAL FEES	101-172-826.000	7,080.70
		116968		LEGAL FEES - ENGINEERING	101-445-826.000	208.00
						7,288.70
04/28/2010	POOL	116969	CHRIS LESKY	RENTAL OF CITY PROPERTY	101-000-668.000	150.00
04/28/2010	POOL	116970	MAXIMUM SOLUTIONS INC	COMPUTER/PRINTER/COPIER SERVIC	510-780-828.000	600.00
04/28/2010	POOL	116971	MICHIGAN MUNICIPAL LEAGUE, INC.	UTILITIES	101-265-920.000	2,191.00
04/28/2010	POOL	116972	MICHIGAN PAVEMENT MARKINGS LLC	MATERIALS SUPPLIES MAJ ST	202-463-726.000	9,794.10
04/28/2010	POOL	116973	RACHEL NICKS	HEALTH DENTAL LIFE DISA	101-209-716.000	122.19
04/28/2010	POOL	116974	NORTH AMERICAN SALT COMPANY, INC.	SUPPLIES DE-ICER/SALT	202-478-726.000	6,326.90
		116974		MATERIALS & SUPPLIES LOC ST	203-463-726.000	3,695.27

Check Date	Bank	Check #	Payee	Description	GL #	Amount
						10,022.17
04/28/2010	POOL	116975	OCCUPATIONAL HEALTH CENTERS, INC.	MML DRUG/ALCOHOL TESTING	206-463-987.000	40.00
04/28/2010	POOL	116976	P.S. MONOGRAMS, LLC	FIRE DEPT. UNIFORMS	101-335-768.000	143.00
04/28/2010	POOL	116977	AL PARENT	SUPPLIES & EQUIPMENT	101-101-740.000	47.95
04/28/2010	POOL	116978	PITNEY BOWES INC	SUPPLIES GENERAL USE	101-900-726.000	114.74
04/28/2010	POOL	116979	PRIORITY HEALTH	HEALTH DENTAL LIFE DISA	101-101-716.000	326.59
		116979		HEALTH-DENTAL-LIFE & DISA	101-141-716.000	2,742.49
		116979		HEALTH DENTAL LIFE DISA	101-172-716.000	1,358.10
		116979		HEALTH DENTAL LIFE DISA	101-201-716.000	326.59
		116979		HEALTH DENTAL LIFE DISA	101-209-716.000	1,472.94
		116979		HEALTH DENTAL LIFE DISA	101-215-716.000	1,063.06
		116979		HEALTH DENTAL LIFE DISA	101-253-716.000	736.47
		116979		HEALTH DENTAL LIFE DISA	101-254-716.000	736.47
		116979		HEALTH DENTAL LIFE DISA	101-265-716.000	1,472.94
		116979		HEALTH-DENTAL-LIFE & DISA	101-300-716.000	18,484.43
		116979		HEALTH, DENTAL, LIFE & DISABIL	101-335-716.000	1,421.20
		116979		HEALTH DENTAL LIFE DISA	101-370-716.000	1,421.20
		116979		HEALTH DENTAL LIFE DISA	101-445-716.000	1,472.94
		116979		HEALTH-DENTAL-LIFE & DISA	101-680-716.000	2,467.64
		116979		HEALTH-DENTAL-LIFE & DISA	101-900-716.000	13,542.45
		116979		HEALTH-DENTAL, LIFE & DISA	202-463-716.000	4,946.30
		116979		HEALTH-DENTAL LIFE & DISA	203-463-716.000	2,119.84
		116979		HEALTH DENTAL LIFE & DISA	206-463-716.000	1,747.79
		116979		ICE HEALTH DENTAL LIFE	510-760-716.000	684.73
		116979		FITNESS HEALTH-DENTAL-LIFE/DIS	510-765-716.000	736.47
		116979		HEALTH & LIFE INSURANCE	510-780-716.000	736.47
						<u>60,017.11</u>
04/28/2010	POOL	116980	VOID	** VOIDED **		** VOIDED **
04/28/2010	POOL	116981	REYNOLDS & SONS, INC	SOFTBALL SUPPLIES	101-690-742.000	341.87
04/28/2010	POOL	116982	RIETH-RILEY CONSTRUCTION CO., INC.	MATERIALS & SUPPLIES LOC ST	203-463-726.000	46.53
04/28/2010	POOL	116983	SPECTRUM HEALTH OCCUPATIONAL SVCS	PRE-EMPLOYMENT TESTING	101-172-987.000	204.00

Check Date	Bank	Check #	Payee	Description	GL #	Amount
04/28/2010	POOL	116984	STANDALE LUMBER	SIDEWALK REPAIR	810-000-806.000	51.28
04/28/2010	POOL	116985	STANDARD INSURANCE CO	HEALTH-DENTAL-LIFE & DISA	101-141-716.000	122.21
		116985		HEALTH DENTAL LIFE DISA	101-172-716.000	119.40
		116985		HEALTH DENTAL LIFE DISA	101-201-716.000	21.00
		116985		HEALTH DENTAL LIFE DISA	101-209-716.000	73.40
		116985		HEALTH DENTAL LIFE DISA	101-215-716.000	47.82
		116985		HEALTH DENTAL LIFE DISA	101-253-716.000	40.60
		116985		HEALTH DENTAL LIFE DISA	101-254-716.000	95.04
		116985		HEALTH DENTAL LIFE DISA	101-265-716.000	60.40
		116985		HEALTH-DENTAL-LIFE & DISA	101-300-716.000	1,204.69
		116985		HEALTH, DENTAL, LIFE & DISABIL	101-335-716.000	396.00
		116985		HEALTH DENTAL LIFE DISA	101-370-716.000	62.00
		116985		HEALTH DENTAL LIFE DISA	101-445-716.000	78.44
		116985		HEALTH-DENTAL-LIFE & DISA	101-680-716.000	72.02
		116985		HEALTH DENTAL LIFE DISA	101-690-716.000	56.71
		116985		HEALTH DENTAL LIFE DISA	101-801-716.000	45.68
		116985		HEALTH-DENTAL, LIFE & DISA	202-463-716.000	225.67
		116985		HEALTH-DENTAL LIFE & DISA	203-463-716.000	96.71
		116985		HEALTH DENTAL LIFE & DISA	206-463-716.000	70.78
		116985		ICE HEALTH DENTAL LIFE	510-760-716.000	25.15
		116985		FITNESS HEALTH-DENTAL-LIFE/DIS	510-765-716.000	29.92
		116985		HEALTH & LIFE INSURANCE	510-780-716.000	20.24
						2,963.88
04/28/2010	POOL	116986	VOID	** VOIDED **		** VOIDED **
04/28/2010	POOL	116987	BRIAN SULAK	HEALTH-DENTAL-LIFE & DISA	101-300-716.000	567.67
04/28/2010	POOL	116988	BECKY TROEGER	HEALTH DENTAL LIFE DISA	101-172-716.000	320.41
04/28/2010	POOL	116989	TWO BEARS LANDSCAPE MGMT LLC	DUE FROM ZONING ORDINANCE	101-000-022.000	17.50
04/28/2010	POOL	116990	VAN MANEN PETROLEUM GROUP, INC.	GAS & OIL	206-463-751.000	714.59
04/28/2010	POOL	116991	VERWOERT CONSTRUCTION	CERT. OF OCCUPANCY	701-000-400.000	200.00
04/28/2010	POOL	116992	WALKER CITY TREASURER	DEVELOPMENT PLAN INITIATIVE	494-463-984.000	160,000.00
04/28/2010	POOL	116993	MARILYN WELLS		101-900-716.000	10.00

Check Date	Bank	Check #	Payee	Description	GL #	Amount
04/28/2010	POOL	116994	WEST MI INTERNATIONAL TRUCKS LLC	VEHICLE MAINTENANCE FIRE	206-093-903.000	1,404.20
04/28/2010	POOL	116995	WEST SHORE FIRE INC	RADIO MAINTENANCE	101-335-851.000	2,500.00
		116995		EQUIP. MAINTENANCE	101-335-933.000	107.00
						2,607.00
04/28/2010	POOL	116996	YELLOW ROSE TRANSPORT INC.	GRAVEL PROGRAM	203-463-974.000	702.50
04/28/2010	POOL	116997	HELEN DEVOS	POLICE DEPT OT TRAINING	101-300-717.000	225.00
04/29/2010	POOL	116998	CAROLE'S CATERING CO	MISC EXPENSE	101-193-960.000	180.00
04/29/2010	POOL	116999	KEVIN DEGROOT	HEALTH, DENTAL, LIFE & DISABIL	101-335-716.000	61.82
04/29/2010	POOL	117000	CHARLES ELY JR	REFEREES/STATISTICIANS	510-760-820.100	70.00
04/29/2010	POOL	117001	THOMAS J. FLYNN	REFEREES/STATISTICIANS	510-760-820.100	105.00
04/29/2010	POOL	117002	AARON J. GOODELL	REFEREES/STATISTICIANS	510-760-820.100	105.00
04/29/2010	POOL	117003	STEVEN HEDKE	REFEREES/STATISTICIANS	510-760-820.100	105.00
04/29/2010	POOL	117004	JOHN R. OUENDAG	REFEREES/STATISTICIANS	510-760-820.100	105.00
04/29/2010	POOL	117005	PEPPINOS PIZZA	MISC EXPENSE	101-193-960.000	165.00
04/29/2010	POOL	117006	DANIEL SUNDBERG	REFEREES/STATISTICIANS	510-760-820.100	70.00
04/29/2010	POOL	117007	JOSIE SUNDBERG	REFEREES/STATISTICIANS	510-760-820.100	70.00
04/29/2010	POOL	117008	JARON ZUEGE	REFEREES/STATISTICIANS	510-760-820.100	40.00
TOTAL OF 89 CHECKS (3 voided)						336,750.58

--- GL TOTALS ---

101-000-022.000	DUE FROM ZONING ORDINANCE	17.50
101-000-423.000	TRAILER FEES	2,225.00
101-000-477.000	BUILDING PERMITS	200.00
101-000-668.000	RENTAL OF CITY PROPERTY	350.00
101-101-716.000	HEALTH DENTAL LIFE DISA	326.59
101-101-740.000	SUPPLIES & EQUIPMENT	130.66
101-101-870.000	TRAVEL & MILEAGE	48.00
101-141-716.000	HEALTH-DENTAL-LIFE & DISA	2,884.70
101-141-920.000	UTILITIES	661.62
101-142-703.000	PROBATION SHARED COST/GRANDVIL	17,917.72
101-143-703.000	DIST CT SHARED COST	3,856.25
101-172-716.000	HEALTH DENTAL LIFE DISA	1,807.91

Check Date	Bank	Check #	Payee	Description	GL #	Amount
101-172-826.000			LEGAL FEES			7,080.70
101-172-827.000			PROSECUTORS FEES			2,692.31
101-172-864.000			CONFERENCE/SEMINAR			245.00
101-172-965.000			MAINT CONTRACT/NETWORK ASST			260.00
101-172-987.000			PRE-EMPLOYMENT TESTING			204.00
101-193-960.000			MISC EXPENSE			345.00
101-201-716.000			HEALTH DENTAL LIFE DISA			347.59
101-209-716.000			HEALTH DENTAL LIFE DISA			1,678.53
101-215-716.000			HEALTH DENTAL LIFE DISA			1,110.88
101-253-716.000			HEALTH DENTAL LIFE DISA			777.07
101-254-716.000			HEALTH DENTAL LIFE DISA			831.51
101-254-740.000			COLLECTION EXPENSES			299.75
101-265-716.000			HEALTH DENTAL LIFE DISA			1,533.34
101-265-920.000			UTILITIES			2,555.12
101-265-930.000			BLDG MAINT SUPPLY			121.17
101-265-988.000			BLDG REPAIRS			140.00
101-300-716.000			HEALTH-DENTAL-LIFE & DISA			22,684.70
101-300-717.000			POLICE DEPT OT TRAINING			2,990.00
101-300-851.000			LEIN-911-RADIO MAINT			77.07
101-300-920.000			UTILITIES			698.01
101-335-716.000			HEALTH, DENTAL, LIFE & DISABIL			1,879.02
101-335-768.000			FIRE DEPT. UNIFORMS			158.00
101-335-851.000			RADIO MAINTENANCE			2,500.00
101-335-920.000			UTILITIES			1,025.74
101-335-933.000			EQUIP. MAINTENANCE			521.45
101-370-716.000			HEALTH DENTAL LIFE DISA			1,483.20
101-445-716.000			HEALTH DENTAL LIFE DISA			1,551.38
101-445-826.000			LEGAL FEES - ENGINEERING			208.00
101-446-931.000			NEIGHBORHOOD STORM SEWER			4,812.39
101-680-716.000			HEALTH-DENTAL-LIFE & DISA			2,539.66
101-680-920.000			UTILITIES			477.20
101-690-716.000			HEALTH DENTAL LIFE DISA			56.71
101-690-742.000			SOFTBALL SUPPLIES			341.87
101-690-757.000			SOCCER PROGRAM			206.00
101-801-716.000			HEALTH DENTAL LIFE DISA			45.68
101-900-716.000			HEALTH-DENTAL-LIFE & DISA			13,856.39
101-900-726.000			SUPPLIES GENERAL USE			114.74
101-901-985.000			EQUIPMENT - ACCTG SOFTWARE			22,125.00
202-463-716.000			HEALTH-DENTAL, LIFE & DISA			5,232.46
202-463-726.000			MATERIALS SUPPLIES MAJ ST			10,144.10
202-478-726.000			SUPPLIES DE-ICER/SALT			6,326.90
203-463-716.000			HEALTH-DENTAL LIFE & DISA			2,222.55
203-463-726.000			MATERIALS & SUPPLIES LOC ST			3,806.80
203-463-974.000			GRAVEL PROGRAM			702.50
206-093-901.000			VEHICLE MAINTENANCE HIGHWAY			1,875.80

Check Date	Bank	Check #	Payee	Description	GL #	Amount
206-093-902.000			VEHICLE MAINTENANCE POLICE			1,041.00
206-093-903.000			VEHICLE MAINTENANCE FIRE			1,549.20
206-463-716.000			HEALTH DENTAL LIFE & DISA			1,818.57
206-463-751.000			GAS & OIL			6,478.44
206-463-987.000			MML DRUG/ALCOHOL TESTING			40.00
494-463-984.000			DEVELOPMENT PLAN INITIATIVE			160,000.00
495-463-930.000			STREETSCAPE MAINT			83.39
510-760-716.000			ICE HEALTH DENTAL LIFE			709.88
510-760-820.100			REFEREES/STATISTICIANS			670.00
510-765-716.000			FITNESS HEALTH-DENTAL-LIFE/DIS			766.39
510-780-716.000			HEALTH & LIFE INSURANCE			756.71
510-780-726.000			OFFICE SUPPLIES			344.36
510-780-828.000			COMPUTER/PRINTER/COPIER SERVIC			600.00
701-000-400.000			CERT. OF OCCUPANCY			200.00
810-000-806.000			SIDEWALK REPAIR			381.40

## Demolition Order - 3167 Bristol

1. On February 4, 2010, an inspection was conducted at the above location and it was determined that the dwelling is unfit for human habitation and a demolition order is issued.
2. On February 8, 2010, a letter was sent to Walker Orchard Land Partnership regarding 3167 Bristol.
3. The owner was given until 4/9/2010 to bring the dwelling into code compliance or to complete the demolition and remove the debris.
4. The owner also had 20 days to appeal this order. An appeal was never requested.
5. Per Section 106.3 of the International Property Maintenance Code 2006 the code official may order the structure to be demolished and debris remove the cost charged against the real estate and shall be a lien upon such real estate.
6. On April 12, 2010 a bid request was sent to 4 demolition contractors.
7. The request asked the bid to include the following:
  - Demolish single family home
  - To remove all debris
  - To remove the foundation
  - To install clean fill in remaining excavated area
8. Received the following 2 bids:

Pitsch Companies - in the amount of \$7,500

Obtain demolition permit and provide the labor and equipment needed to demolish and dispose of the house its foundation and slab. Area will be backfilled to grade

JMB Demolition in the amount of \$5,200, which includes

Demolish house and removal of concrete walls and footing sand backfill with clean fill - \$4,500.00

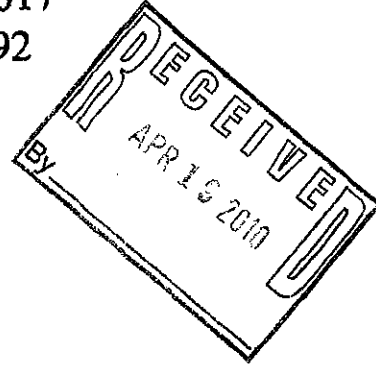
Topsoil and grass seed on house area - \$700.00

JMB Demolition also included on their bid the following:

Clean up of debris on property including all concrete and asphalt - \$1,000.00

Topsoil and grass seeded on concrete and asphalt removal areas - \$1,200.00

**JMB DEMOLITION LLC  
7357 BARRY  
ZEELAND MI 49464  
PHONE: 616-895-2017  
FAX : 616-892-2192**



**Sent to: City of Walker**

**Fax: 616-791-6881**

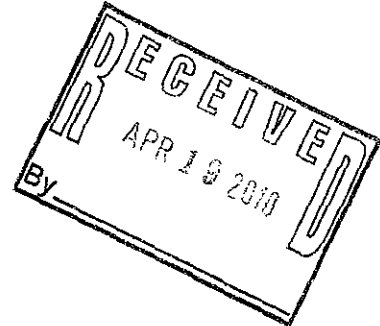
**From: John Bodbyl**

**Subject: Bid for demo at 3167 Bristol**

**No. of pages including cover: 2**

**If you have any questions please call me at 616-217-3112**

JMB DEMOLITION LLC  
7357 BARRY  
ZEELAND MI 49464  
PHONE:616- 895-2017  
FAX: 892-2192



Date: 4/19/2010

Proposed to: City of Walker  
4243 Remembrance Rd. NW  
Walker MI 49534

Job site: 3167 Bristol Ave. NW

Work proposed:

(1) Demolish and dispose of single family home including removal of Concrete walls and footings and backfill with clean fill	\$4,500.00
(2) Topsoil and grass seed on house area	\$ 700.00
(3) Clean up of debris on property including all concrete and Asphalt ( If completed with house demo)	\$1,000.00
Clean up without house demo Add	\$500.00
(4) topsoil and grass seed on concrete and asphalt removal Areas	\$1200.00

J M B Demolition will pull permit and hold liability insurance for job.

J M B Demolition will carry work comp.

J M B Demolition will supply all equipment and labor to complete job.

Total proposed :

John Bodbyl

Accepted by: \_\_\_\_\_

# Proposal

- Demolition Engineers
- Asbestos Abatement
- Salvaged Building Materials
- Excavating & Underground Services



- Landfill Operation
- Dumpster Service
- Portable Toilet Service
- Land Development
- Concrete Recycling

### HOME OFFICE

PHONE: (616) 363-4895 • FAX: (616) 363-5585

### SANITARY DIVISION

675 Richmond, NW, Grand Rapids, MI 49504

www.pitschco.com

7905 Johnson Rd., Belding, MI 48809

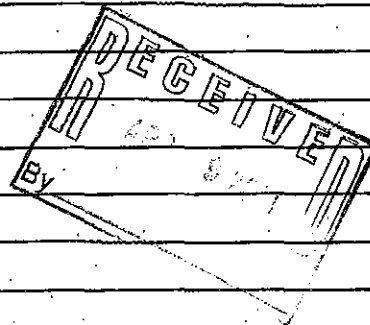
PROPOSAL SUBMITTED TO <b>City of Walker</b>		PHONE <b>791-6858</b>	DATE <b>April 17, 2010</b>
STREET <b>4243 Remembrance Rd, NW</b>		JOB NAME <b>Demolition of House - 3167 Bristol NW</b>	
CITY, STATE AND ZIP CODE <b>Walker, MI 49534</b>		JOB LOCATION <b>Walker, MI</b>	
CONTACT NAME <b>T. Freedma</b>	FAX <b>791-6881</b>	EMAIL	CELL

We hereby submit specifications and estimates for:

**Pitsch Companies will obtain the demolition permit and provide the labor and equipment needed to demolish and dispose of the house, its foundation and slab.**

**The area will be backfilled to grade.**

**Our cost will be as \$ 7,500.00**



**We Propose** to hereby furnish material and labor -- complete in accordance with above specifications, for the sum of:

**Seven Thousand Five Hundred and no/100** dollars (\$ **7,500.00**)

Payment to be made as follows:

**30 days. A 1 1/2% monthly finance charge (18% APR) will be applied to any unpaid balance thereafter.**

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workers Compensation Insurance.

Authorized Signature

**Gene Gutting, P.E.**

Note: This proposal may be withdrawn by us if not accepted within

**60** days.

## Acceptance of Proposal

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature

Signature

Date of Acceptance

# CITY OF WALKER

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## DEPARTMENT OF PUBLIC WORKS

### Memorandum

To: Cathy VanderMeulen /Darrel Schmalzel

From: Mark Koning

Date: 5/5/10

Re: Access Control Security Card Reader System

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Bids for the replacement of the Security Card Reader System at the Public Safety Building were received April 22, 2010. The following are the bid results:

ADT Security      \$21,650.00

SA Morman        \$82,500.00

Midstate Security \$22,766.00

This project is funded by the Police Department Forfeiture Funds (\$17,114), District Court Forfeiture Funds (\$2,016) and the City Capital Outlay Building and Site (\$ 2,520).

I am recommending ADT Security.

**CITY OF WALKER**

**RESOLUTION # 10 –142**

**TO APPROVE  
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING APPLICATION  
HOME REPAIR SERVICES REALLOCATION**

At a regular meeting of the City Commission of the City of Walker, Michigan, held in the City Commission Chambers in said City, 4243 Remembrance Road, N.W., on Monday, May 10, 2010, there were:

**PRESENT:**

**ABSENT:**

The following resolution was offered by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_ :

**WHEREAS**, the City Commission of the City of Walker recognizes the need for low income homeowner assistance programming throughout the City of Walker, and

**WHEREAS** the City Commission of the City of Walker understands these funds will be allocated to City of Walker residents who meet qualification requirements, and

**WHEREAS**, the City Commission of the City of Walker wishes to allocate the remaining \$4,391 of 2006-007 CDBG funds eligible for recapture to the Home Repair services program.

**BE IT RESOLVED**, that the City Commission of The City of Walker supports the 2006-07 Community Development Block Grant funds reallocation to Home Repair Services.

**Upon a vote for the adoption of said resolution, the vote was:**

AYES:

NAYES:

**CERTIFICATION:**

The undersigned, being duly qualified and acting Clerk of the City of Walker, Kent County, Michigan, does hereby certify that the foregoing is a true and complete copy of a resolution duly adopted by the City Commission of the City of Walker at a regular meeting of said City Commission held on **May 10, 2010**, at which meeting of quorum was present and remained throughout, and that the original of said resolution is on file in the records of said City. I hereby further certify that the meeting was conducted and public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, Act No. 267 of the Michigan Public Acts of 1976, including the case of a special or rescheduled meeting, notice by posting at least 18 hours prior to the time set for said meeting.

Date:

\_\_\_\_\_  
Sarah Bydalek, City Clerk

**CITY COMMISSION  
CITY OF WALKER  
KENT COUNTY, MICHIGAN**

**ORDINANCE NO. 10-584**

AN ORDINANCE TO ADD NEW SECTIONS 50-51 AND 50-52 TO CHAPTER 50,  
ARTICLE I OF THE CODE OF ORDINANCES, CITY OF WALKER, MICHIGAN

THE CITY OF WALKER ORDAINS:

Section 1. Addition of Section 50-51. That the Code of Ordinances, City of Walker, Michigan, is hereby amended by adding a section, to be numbered 50-51, which such section reads as follows:

**Section 50-51. Contributing to neglect or delinquency of children;**

Any parent, legal guardian or other person having the care or custody of a minor child under the age of 17 years who shall by any act, or by any word, or by the failure to act, or by lack of supervision and control over the minor child, encourage, contribute toward, cause or tend to cause the minor child to become neglected or delinquent so as to come or tend to come under the jurisdiction of the juvenile division of the probate court, as defined by Act No. 54 of the Public Acts of Michigan of 1944, First Extra Session (MCL 712A.1 et seq.), and any amendments thereto, whether or not such child shall in fact be adjudicated a ward of the probate court, shall be guilty of a civil infraction.

Section 2. Addition of Section 50-52. That the Code of Ordinances, City of Walker, Michigan, is hereby amended by adding a section, to be numbered 50-52, which such section reads as follows:

**Section 50-52. Drugs and/or alcohol at open house parties.**

(a) *Purpose and intent.* The city commission finds that the unregulated use of alcohol and drugs by minors creates social problems in many communities throughout the United States, including the City of Walker, and the use of alcohol and drugs by minors can have devastating effects on not only the minors, but on the public at large, including, but not limited to, injuries caused by vehicles operated by persons under the influence of alcoholic beverages or drugs. Further, the city commission finds that adults can significantly alleviate alcohol and drug problems by assuming responsibility for open house parties which occur at their residences and/or at locations in their control. Therefore, this section is adopted for the purpose and with the intent of regulating the use of alcoholic beverages and drugs at open house parties.

(b) *Definitions.* For the purposes of this section, the following terms should be defined as set forth below:

*Adult* means a person 18 years of age or older.

*Alcoholic beverage* means any beverage containing one-half of one percent of alcohol or more by volume as specified in the Michigan Liquor Control Act, MCLA 436.1 et seq., as amended.

*Control* means any form of regulation or dominion, including a possessory right.

*Drug* means a controlled substance as defined now or hereafter by the Public Acts of Michigan.

*Minor* means a person not legally permitted by reason of age to possess alcoholic beverages pursuant to MCLA 436.33b as the same may be amended from time to time.

*Open house party* means a social gathering of persons at a residence or premises, other than the owner of the residence or premises, or those with rights of possession to the residence or premises or their immediate family members.

*Residence or premises* means a motel room, hotel room, home, apartment, condominium or other dwelling unit, including the property and premises of the same, or hall, meeting room or other place of assembly, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for social functions and whether owned, leased, rented or used with or without compensation.

(c) *Adult responsibility.*

(1) No adult having control of any residence or premises shall allow an open house party to take place at the residence or premises if any alcoholic beverage or drugs are possessed or consumed at the residence or premises by any minor where the adult knew or reasonably should have known that any alcoholic beverage or drug was in the possession of or being consumed by a minor at such residence or premises, and where the adult failed to take reasonable steps to prevent the possession or consumption of the alcoholic beverage or drug at the residence or premises.

(2) No adult having control of any residence or premises shall allow an open house party to take place at the residence or premises that becomes so large or loud so as to disrupt the peace and dignity of the neighboring residences or premises, where the adult in control of the residence or premises knew or should have known that the house party was disturbing the neighboring residences or premises.

(d) *Exception.* The provisions of this section shall not apply to legally protected religious observances under the direct guidance of an ordained person.

(e) *Penalties.* Any person who shall be convicted of violating any of the provisions of this section shall be guilty of a civil infraction.

Section 3. Effective Date. That this Ordinance will become effective upon its publication in a newspaper in general circulation within the City of Walker as provided by law.

First reading: May 10, 2010

Second reading: May 24, 2010

Effective date: June 1, 2010

Commissioner \_\_\_\_\_, supported by Commissioner \_\_\_\_\_, moved the adoption of Ordinance No. 10-584.

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Robert VerHeulen, Mayor

\_\_\_\_\_  
Sarah Bydalek, Clerk

**CERTIFICATION**

I, Sarah Bydalek, the Clerk of the City of Walker, certify that the foregoing is a true and accurate copy of an ordinance adopted by the City Commission of the City of Walker at a regular meeting held on \_\_\_\_\_, 2010.

\_\_\_\_\_  
Sarah Bydalek, Clerk

**CITY COMMISSION  
CITY OF WALKER  
KENT COUNTY, MICHIGAN**

**ORDINANCE NO. 10-585**

AN ORDINANCE TO AMEND CHAPTER 62, ARTICLES I AND II, SECTIONS 62-1 THROUGH 62-4, SECTIONS 62-31 THROUGH 62-43, AND SECTIONS 62-56 THROUGH 62-59; AND TO ADD A NEW SECTION 62-44 TO THE CODE OF ORDINANCES, CITY OF WALKER, MICHIGAN

THE CITY OF WALKER ORDAINS:

Section 1. Amendment of Section 62-1. That Chapter 62, Article I, Section 62-1 of the Code of Ordinances, City of Walker, Michigan, is amended to read in its entirety as follows:

Sec. 62-1. Definitions.

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

*Approved incinerator* and *approved garbage grinder* mean incinerators and garbage grinders, respectively, which conform with all city ordinance requirements, are used exclusively to dispose of solid waste generated by the occupant of the site of generation on which they are located, and are consistent with the county solid waste management plan.

*Ashes* means the residue from the burning of wood, coal, coke, refuse, wastewater sludge, or other combustible materials.

*Board of public works* means the county board of public works established pursuant to the provisions of Act No. 185 of the Public Acts of Michigan of 1957 (MCL 123.731 et seq., MSA 5.570(1) et seq.), as amended.

*Combustible waste* means solid waste that is combustible in the MBI as shall be determined solely by the board of public works. "Combustible waste" shall include: (i) garbage; (ii) combustible rubbish, such as paper, cardboard, cartons, wood, boxes, rags, cloth, bedding, leather, grass, leaves and brush, yard trimmings, tree limbs, timber, logs, stumps six inches in diameter or less, carpeting, and combustible construction and demolition debris; and (iii) any other solid waste that is combustible in the MBI as shall be determined solely by the board of public works. "Combustible waste" shall exclude: (i) noncombustible solid waste, such as ashes, noncombustible rubbish, incinerator ash, incinerator residue, municipal and industrial sludges, animal waste, pathological and biological waste, asbestos and asbestos waste products, explosives, radioactive materials, appliances, concrete rubble, noncombustible construction and demolition debris, rock, gravel and earth materials, automobiles, trailers, equipment wire and cable; (ii) all waste other than solid waste, such as hazardous waste, site-separated materials, and source-separated materials; and (iii) any other type of waste that is noncombustible in the MBI, as shall be determined solely by the board of public works.

*Commercial operation date* means the date when the MBI has been completed and tested and is, in the sole opinion of the county, ready for full commercial operation.

*County* means the County of Kent, Michigan, acting by and through its board of commissioners or its department of public works.

*County solid waste management plan* means the county solid waste management plan approved by the city, the county board of commissioners, and by the director of the department of natural resources (or other state official as required by state law), pursuant to the provisions and requirements of the state Solid Waste Management Act, and any amendments to the plan adopted in accordance with that Act.

*Disposal site* means any of the following:

- (1) A solid waste transfer facility;
- (2) A single incinerator having an average daily design capacity exceeding 50 tons of solid waste per day or two or more incinerators located at one site under the control of one person and having an aggregate average daily design capacity exceeding 150 tons of solid waste per day;
- (3) A sanitary landfill;
- (4) A solid waste processing plant; or
- (5) Any other solid waste handling or disposal facility utilized in the disposal of solid waste.

*Garbage* means rejected food wastes, including waste accumulations of animal, fruit or vegetable matter used or intended for food or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables.

*Hazardous waste* means hazardous waste as defined in the state Hazardous Waste Management Act (Part 111 of Act 451 of the Public Acts of Michigan of 1994, as amended; MCL 324.11101 et seq., as amended (formerly Act No. 64 of the Public Acts of Michigan of 1979, as amended)).

*MBI* means the mass-burn steam energy-generating incinerator to be constructed by or on behalf of, or available by contract or lease with, the county within the City of Grand Rapids in accordance with the county solid waste management plan.

*Premises* means any enclosed area used for residential, commercial or industrial purposes, separately or in combination, to which a separate street address, postal address or box, tax roll description, or other similar identification has been assigned or is in use by a person having control of the area.

*Rubbish* means nonputrescible solid waste, excluding ashes, consisting of combustible and noncombustible waste, including paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials, or litter of any kind that may be a detriment to the public health and safety.

*Site of generation* means any premises in or on which solid waste is generated by any person.

*Site-separated materials* means recyclable materials (including, but not limited to, bottles, cans, newspapers, corrugated containers, metals, grass, leaves, brush and yard trimmings) that are separated from solid waste after collection from a site of generation by either a waste hauler or by the operators of a disposal site to which it is delivered.

*Solid waste* means garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, municipal and industrial sludges, solid commercial and solid industrial waste and animal waste; provided, however, that this definition shall not include hazardous waste, site-separated materials, source-separated materials, human body waste, liquid or other waste regulated by statute, ferrous or nonferrous scrap directed to a scrap metal processor or to a reuser of ferrous or nonferrous products, and slag or slag products directed to a slag processor or to a reuser of slag or slag products.

*Source-separated materials* means recyclable materials (including, but not limited to, bottles, cans, newspapers, corrugated containers, metals, grass, leaves, brush, and yard trimmings) that are separated from solid waste prior to the collection of solid waste from a site of generation.

*State Solid Waste Management Act* means Part 115 of Act 451 of the Public Acts of Michigan of 1994, as amended; MCL 324.11501 et seq., as amended (formerly Act No. 641 of the Public Acts of Michigan of 1978, as amended).

*Tipping fee* means the fee established by the board of public works to be charged upon delivery of combustible waste to the MBI.

*Transporting vehicle* means any vehicle used for the purpose of collecting, transporting, delivering or disposing of solid waste.

*Waste hauler* means any person engaged, in whole or in part, in the business of collecting, transporting, delivering or disposing of solid waste within the city.

Section 2. Amendment of Section 62-2. That Chapter 62, Article I, Section 62-2 of the Code of Ordinances, City of Walker, Michigan, is amended to read in its entirety as follows:

Sec. 62-2. Receptacles.

(a) Every person shall keep, within the lot line of his premises, a suitable receptacle for depositing solid waste and shall not litter his premises with such materials.

(b) The occupant of any premises or the person responsible for any premises within the city in which any solid waste shall be accumulated which is not disposed of by an approved incinerator or an approved garbage grinder shall maintain on the premises one or more solid waste containers with suitable tightly fitted covers, which shall be kept in a reasonably clean condition, shall be rodent proof, and shall be located in a convenient place to facilitate the proper collection of solid waste.

Section 3. Amendment of Section 62-3. That Chapter 62, Article I, Section 62-3 of the Code of Ordinances, City of Walker, Michigan, is amended to read in its entirety as follows:

Sec. 62-3. Identification of solid waste containers.

(a) A solid waste container having a capacity of at least one-half cubic yard shall be plainly marked with the name and current street address or the name and current telephone number of the waste hauler which collects solid waste from or transports solid waste within the solid waste container. The name and current street address or the name and current telephone number of the waste hauler shall be plainly marked in letters and figures not less than three inches in height.

(b) The waste hauler collecting solid waste from or transporting the solid waste container having a capacity of at least one-half cubic yard shall be responsible for complying with this section. It shall be a violation of this section for any waste hauler to collect solid waste from or to transport such a solid waste container unless the solid waste container has been marked in compliance with this section.

(c) For purposes of this section, "solid waste container" means a container or receptacle designed or used for depositing, storing, or accumulating solid waste for collection or transportation by a waste hauler. Without limitation, this definition shall include dumpsters,

packer boxes, and roll-offs or other receptacles designed or used to store solid waste or to transport solid waste from a site of generation.

Section 4. Amendment of Section 62-4. That Chapter 62, Article I, Section 62-4 of the Code of Ordinances, City of Walker, Michigan, is amended to read in its entirety as follows:

Sec. 62-4. Littering.

(a) No person shall place, deposit, throw, scatter or leave in any street, highway, lane, alley, public place or square, or on the private property of another, any solid waste, dead animals or other noxious or unsightly materials.

(b) No person shall place, deposit, throw, scatter or leave in any street, alley or public place any tacks, screws, nails, glass, metal scraps, metal shavings or other sharp or dangerous materials. No person shall convey or transport junk, broken glass, scrap metal, metal shavings or other sharp or dangerous material in any form over the public streets or alleys of the city, unless the same shall be contained in a box or other receptacle so constructed that such junk, glass, metal or other material cannot fall through the receptacle or over the sides of such receptacle onto the public streets or alleys of the city.

(c) No person shall transport or dump any solid waste in such a manner as to cause the littering of any stream, public way or public place, or the private property of another, or to cause the obstruction of any ditch, drain, culvert or gutter.

(d) No person shall place, deposit, drop, throw, track or leave or cause to be placed, deposited, thrown, dropped, tracked or left on any street, highway, lane, alley or sidewalk any clay, dirt, sand, gravel, rock, or other substance in such a manner which will cause, tend to cause, contribute to, or be likely to contribute to the injury or danger of injury to any person, animal or vehicle or to cause any other unsafe condition on any highway, lane, alley, or sidewalk within the city. No person who places, deposits, drops, throws, tracks or leaves any clay, dirt, sand, gravel, rock, or any other substance or causes the same to be placed, deposited, dropped, thrown, tracked or left on any street, highway, lane, alley or sidewalk in violation of this subsection shall fail to immediately remove the same or cause it to be removed.

Section 5. Amendment of Section 62-31. That Chapter 62, Article II, Division 1, Section 62-31 of the Code of Ordinances, City of Walker, Michigan, is amended to read in its entirety as follows:

Sec. 62-31. Compliance with article.

No person shall use any transporting vehicle within the city except in compliance with the provisions of this article; provided, however, that a vehicle used by an individual to transport solid waste from his household and not for hire need not comply with the provisions of sections 62-34, 62-35 and 62-36, but such person shall be required to tightly cover and secure the load, so that no part thereof shall be lost, and the load shall not be emptied in the city except as provided in sections 62-42 and 62-43.

Section 6. Amendment of Section 62-32. That Chapter 62, Article II, Division 1, Section 62-32 of the Code of Ordinances, City of Walker, Michigan, is amended to read in its entirety as follows:

Sec. 62-32. Compliance with laws, rules and regulations.

Waste haulers shall comply with the county solid waste management plan and all applicable federal, state, and local laws, statutes, ordinances, rules and regulations (including, but not limited to, the state Solid Waste Management Act and administrative rules promulgated pursuant to the Act) in the collection, transportation, delivery and disposal of combustible waste. Waste haulers shall also comply with all rules and regulations of the board of public works for the administration and operation of the MBI (including, without limitation, rules and regulations prohibiting delivery of loads consisting primarily of unacceptable waste as solely determined by the board of public works acting through its designated representatives) and other disposal sites of the county refuse system. To the extent of any conflict between these laws, statutes, ordinances, rules and regulations, the more restrictive shall be deemed to control.

Section 7. Amendment of Section 62-33. That Chapter 62, Article II, Division 1, Section 62-33 of the Code of Ordinances, City of Walker, Michigan, is amended to read in its entirety as follows:

Sec. 62-33. Municipal civil infractions.

A violation of any provision of this article or article I of this chapter is a municipal civil infraction. The civil fine for a violation of sections 62-42 or 62-43 shall be as follows:

TABLE INSET:

First offense	Not less than \$2,000.00 (plus costs)
First repeat offense	Not less than \$5,000.00 (plus costs)
Second or any subsequent repeat offense	Not less than \$10,000.00 (plus costs)

The civil fines for all other violations of this article or article I of this chapter shall be as follows:

TABLE INSET:

First offense	Not less than \$100.00 (plus costs)
First repeat offense	Not less than \$500.00 (plus costs)
Second or any subsequent repeat offense	Not less than \$1,000.00 (plus costs)

For purposes of this article and article I of this chapter, a "repeat offense" means a second (or subsequent) municipal civil infraction violation of the same requirement or provision (i) committed by a person within any five-year period and (ii) for which the person admits responsibility or is determined to be responsible. Each day that a violation occurs shall be deemed a separate offense and shall be subject to sanctions as a separate offense. In addition to municipal civil infractions and any other remedies available at law, the city may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of this chapter. In addition, a violation of any provision of this article or article I of this chapter shall be cause for revocation of a waste hauler license.

Section 8. Amendment of Section 62-34. That Chapter 62, Article II, Division 1, Section 62-34 of the Code of Ordinances, City of Walker, Michigan, is amended to read in its entirety as follows:

Sec. 62-34. Required markings on vehicles.

Any transporting vehicle shall have the name of the waste hauler and its address and telephone number plainly marked upon both sides of the vehicle, in letters and figures three inches or more high.

Section 9. Amendment of Section 62-35. That Chapter 62, Article II, Division 1, Section 62-35 of the Code of Ordinances, City of Walker, Michigan, is amended to add the following new Article VI, Section 18-190 to read in its entirety as follows:

Sec. 62-35. Construction requirements for vehicles with compaction units.

Transporting vehicles with compaction units must meet the following requirements:

- (a) The load carrying portion of the vehicle shall be equipped with a unit for compacting, and shall be totally and permanently enclosed and of welded steel construction. Articulated units need not provide compacting devices in those instances where the portion of the vehicle designed to hold or contain the solid waste is an independent transportable unit designed to be replaced rather than emptied at the premises.
- (b) Such vehicles shall be of tight fitting construction and of a design to form a totally enclosed body or unit.
- (c) Such vehicles shall be equipped so that all loading and unloading openings on the body have tight fitting doors or covers fitted with latches or clamps and rubber or other suitable gaskets to form a spill proof, leak proof and dust proof enclosed body or unit.
- (d) All vehicles used in the transportation of solid waste shall comply at all times with any applicable federal or state transportation or safety laws (e.g., Department of Transportation, etc.).

Section 10. Amendment of Section 62-36. That Chapter 62, Article II, Division 1, Section 62-36 of the Code of Ordinances, City of Walker, Michigan, is amended to read in its entirety as follows:

Sec. 62-36. Construction requirements for open body vehicles.

The solid waste carrying portion of all open body transporting vehicles shall be of steel construction to a minimum height of two feet and designed to prevent the accidental discharge of its contents. Built-up walls of open body transporting vehicles shall be free of any gaps or spaces, and shall be of steel construction. Any such unit or vehicle shall have a suitable cover which prevents the loss of the vehicle's contents and which is not easily torn, shredded, or broken under normal use. All vehicles used in the transportation of solid waste shall comply at all times with any applicable federal or state transportation or safety laws (e.g., Department of Transportation, etc.).

Section 11. Amendment of Section 62-37. That Chapter 62, Article II, Division 1, Section 62-37 of the Code of Ordinances, City of Walker, Michigan, is amended to read in its entirety as follows:

Sec. 62-37. Cleaning of vehicles.

A transporting vehicle shall be cleaned at intervals frequent enough to maintain it in a sanitary condition and free from disagreeable odor and to prevent a nuisance or vermin attraction.

Section 12. Amendment of Section 62-38. That Chapter 62, Article II, Division 1, Section 62-38 of the Code of Ordinances, City of Walker, Michigan, is amended to read in its entirety as follows:

Sec. 62-38. Parking and storing restrictions for vehicles.

A transporting vehicle shall not be parked in an AA, A, A-2, SA, S, ARM, ARM District One or RMT zoning district longer than necessary to collect solid waste and shall not be parked, stored or established at any location so as to cause a nuisance or hazard or in violation of chapter 94 of this Code.

Section 13. Amendment of Section 62-39. That Chapter 62, Article II, Division 1, Section 62-39 of the Code of Ordinances, City of Walker, Michigan, is amended to read in its entirety as follows:

Sec. 62-39. Openings to be closed and covers secured on vehicles; special covers.

A transporting vehicle shall have all openings closed and all doors or covers secured by an adequate latch or restraining mechanism to keep them closed while transporting solid waste. It shall be the responsibility of the driver of the transporting vehicle and the waste hauler (if different) to ensure that the available cover is in the proper position. Special covering shall be used where conditions require control of odor, vermin, liquids, dust or smoke.

Section 14. Amendment of Section 62-40. That Chapter 62, Article II, Division 1, Section 62-40 of the Code of Ordinances, City of Walker, Michigan, is amended to read in its entirety as follows:

Sec. 62-40. Overloading of vehicles prohibited.

The solid waste carrying part of any transporting vehicle shall not be filled beyond its capacity and such vehicles shall otherwise be loaded in a manner to minimize the spillage of materials.

Section 15. Amendment of Section 62-41. That Chapter 62, Article II, Division 1, Section 62-41 of the Code of Ordinances, City of Walker, Michigan, is amended to read in its entirety as follows:

Sec. 62-41. Duty of driver in case of spillage or intentional dumping of load.

- (a) Where spillage occurs from any transporting vehicle, the material shall be picked up immediately, and the area suitably cleaned.
- (b) Where solid waste is purposely dumped from a transporting vehicle due to hot load or fire, the fire shall be immediately extinguished by the most effective means and the area properly cleaned as soon as reasonably possible.
- (c) It shall be the responsibility of the driver or person in charge of a transporting vehicle to comply with the provisions of this section.

Section 16. Amendment of Section 62-42. That Chapter 62, Article II, Division 1, Section 62-42 of the Code of Ordinances, City of Walker, Michigan, is amended to read in its entirety as follows:

Sec. 62-42. Disposal of solid waste and combustible waste.

- (a) No person shall dispose of solid waste other than by means of an approved incinerator or approved garbage grinder, or by collection by a licensed waste hauler; provided, however, that any individual may dispose of solid waste from his own household:
  - (1) Upon the individual's own land, so long as the disposal does not create a nuisance or hazard to health, in accordance with Section 11520(2) of the state Solid Waste Management Act (MCL 324.11520(2)); or
  - (2) By personally transporting the solid waste to an approved sanitary landfill, but only in accordance with rules and regulations pertaining thereto and the county solid waste management plan. No individual transporting any solid waste in accordance with this section shall fail to securely cover and secure the load so that no part of such load shall be lost while being transported.
- (b) Commencing on the commercial operation date, all combustible waste collected or transported by waste haulers from a site of generation within the city shall be disposed of only in accordance with section 62-43. Prior to the commercial operation date, all combustible waste collected or transported by waste haulers from a site of generation within the city shall be disposed of only at disposal areas approved by the city manager, which may include solid waste processing plants, sanitary landfills, solid waste transfer stations, or other solid waste facilities, such as are consistent with the county solid waste management plan.

(c) All solid waste other than combustible waste collected or transported by waste haulers from a site of generation within the city shall be disposed of only at disposal areas approved by the city manager, which may include solid waste processing plants, sanitary landfills, solid waste transfer stations or other solid waste facilities, such as are consistent with the county solid waste management plan.

Section 17. Amendment of Section 62-43. That Chapter 62, Article II, Division 1, Section 62-43 of the Code of Ordinances, City of Walker, Michigan, is amended to read in its entirety as follows:

Sec. 62-43. Delivery of combustible waste.

(a) Commencing on the commercial operation date and at all times thereafter, waste haulers shall:

- (1) Deliver to the MBI all combustible waste collected or transported from a site of generation within the city; and
- (2) Pay the tipping fee for delivery of such waste at the MBI, unless otherwise provided by contract between the city and the waste hauler.

Commencing on the commercial operation date and at all times thereafter, no waste hauler shall deliver combustible waste collected or transported from a site of generation within the city to any disposal site other than the MBI.

(b) Waste haulers shall deliver to the MBI all combustible waste regardless of whether the combustible waste is transported in the same load or vehicle as solid waste which is not combustible waste. This requirement shall be absolute and unconditional unless the board of public works, acting through its designated representatives, has made a prior written determination that a specific load of waste consists primarily of waste which would not be accepted for delivery at the MBI. Such a written determination of the board of public works shall not be applicable to waste collected from any site of generation, any load or vehicle, any waste hauler or any facts or circumstances other than those expressly identified in the written determination.

(c) Waste haulers shall not deliver combustible waste to a site for site separation of recyclable materials unless the board of public works, acting through its designated representatives, after request of the waste hauler, has made a prior written determination that such delivery does not violate this section. Such a written determination shall not be applicable to waste collected from any site of generation, any load or vehicle, any waste hauler, or any facts or circumstances other than those expressly identified in the written determination. A written determination pursuant to this section shall not relieve the waste hauler from the obligation to deliver to the MBI all combustible waste remaining in a load after site separation of recyclable materials.

(d) Waste haulers shall not deliver hazardous waste to the MBI.

(e) Notwithstanding any other provision of this chapter, waste haulers shall not be prohibited from transporting combustible waste collected from a site of generation within the city for disposal at any disposal site located outside of the state.

Section 18. Addition of Section 62-44. That Chapter 62 of the Code of Ordinances, City of Walker, Michigan, is amended to add the following new Article II, Division 1, Section 62-44 to read in its entirety as follows:

Sec. 62-44. Waste Hauler Operations.

- (a) Each employee authorized to drive a waste hauler's transporting vehicle shall obtain and carry a valid driver's license for the type of vehicle they are driving.
- (b) A waste hauler shall provide the service of collecting, transporting, hauling or removing solid waste at least once each week for each customer and shall have available at all times at least one extra vehicle which may be immediately brought into service in the city to ensure prompt service in the event of equipment failure.
- (c) A waste hauler shall pay any judgment which may be obtained against the city and its officers and employees, alone or jointly with the waste hauler, because of any injury or damage to persons or property caused or alleged to have been caused by the waste hauler. The waste hauler shall intervene and defend any such suit or action upon written notice from the city.

Section 19. Amendment of Section 62-56. That Chapter 62, Article II, Division 2, Section 62-56 of the Code of Ordinances, City of Walker, Michigan, is amended to read in its entirety as follows:

Sec. 62-56. Required; duration.

No person shall engage in the business of collecting, transporting, delivering or disposing of solid waste in the city without first obtaining, in addition to a general business license as provided for in chapter 22, article I, a waste hauler license issued by the city clerk in accordance with sections 62-57 through 62-58. Commencing on July 1, 2009, all licenses shall authorize the operation of solid waste hauling from the date of issuance or the following January 1, whichever is later, until the following December 31. Thereafter, annual licenses shall be issued for the period of January 1 until December 31 (calendar year) and applicants for renewal of a license must submit applications by the preceding December 1. It shall be an express condition of any license issued that the waste hauler shall comply with all provisions of this Code.

Section 20. Amendment of Section 62-57. That Chapter 62, Article II, Division 2, Section 62-57 of the Code of Ordinances, City of Walker, Michigan, is amended to read in its entirety as follows:

Sec. 62-57. Application.

Every person required to obtain a waste hauler license shall make application to the city clerk on forms provided by or prescribed by the city clerk. The application shall contain all pertinent information required under this article or such other information as shall be reasonably required by the city from time to time. At a minimum, the information shall include the following:

- (a) A description of the service to be rendered.
- (b) Where the transporting vehicles used to provide waste hauling services will be parked at night.

- (c) Copies of certificates of insurance which comply with the limits specified in this article.
- (d) Identification of the ownership of the waste hauler, if not a natural person, including the names and addresses and other primary business affiliations of all persons with one percent or more ownership interest and the ultimate controlling natural persons and all of the officers and directors.
- (e) An indication of whether the waste hauler, or any entity controlling the waste hauler, including any officer or major stockholder of a corporation, has been adjudged bankrupt, has had a waste hauler license revoked, or has been found guilty by any court or administrative agency of a felony or any other crime involving moral turpitude. The waste hauler shall further identify any such person or entity and fully explain the circumstances.
- (f) A demonstration of the waste hauler's technical, legal and financial ability to operate the proposed service.
- (g) A description of the physical assets to perform the services, including trucks and truck maintenance facilities, etc.
- (h) Information as necessary to demonstrate compliance with all relevant requirements contained in this article.
- (i) An affidavit of the waste hauler or its duly authorized officer, certifying, in a form acceptable to the city, the truth and accuracy of the information contained in the application and acknowledging the enforceability of application commitments.
- (j) In the case of a waste hauler with an existing license seeking a renewal, a demonstration that the waste hauler has substantially complied with the material terms of the existing license and with the applicable law.

Section 21. Amendment of Section 62-57.1. That Chapter 62, Article II, Division 2, Section 62-57.1 of the Code of Ordinances, City of Walker, Michigan, is amended to read in its entirety as follows:

Sec. 62-57.1. Insurance.

No license shall be issued to a waste hauler unless the waste hauler demonstrates its ability to comply with the following requirements:

(a) Each applicant for a waste hauler license shall obtain and maintain during the term of the license:

(1) Contractor's motor vehicle insurance in the minimum amounts of \$100,000.00 per person and \$300,000.00 per accident for bodily injury, and \$100,000.00 for property damage, or a combined single limit coverage of at least \$300,000.00;

(2) General comprehensive public liability insurance indemnifying, defending and saving harmless the city, its officers and employees, from any claims by any person or entity for any injury or death caused or alleged to have been caused by the waste hauler. The minimum liability coverage shall be \$1,000,000.00 per occurrence, and \$3,000,000.00 in the aggregate; and,

(3) Property damage insurance indemnifying, defending, and saving harmless the city, its officers and employees, from any claims by any person or entity for property damage, specifically including any claims for environmental contamination or release of hazardous waste.

or the unlawful disposal of any solid waste, caused or alleged to have been caused by the waste hauler. The minimum liability coverage shall be \$1,000,000.00 per occurrence, and \$3,000,000.00 in the aggregate.

The policy or policies described in subsections (a)(2) and (a)(3) shall list the city as an additional named insured and shall prohibit cancellation or revocation without a minimum 30 day advance written notice to the city. Certificates of the policy or policies shall extend through the full license period (through June 30) or be immediately renewed so as to avoid any lapse in coverage during the license period. Proof of renewal shall be furnished to the city at least ten days prior to the insurance expiration date.

(b) Each waste hauler licensed at the time of the effective date of this section of the Code shall comply with the requirements of subsection (a) above not later than \_\_\_\_\_. Failure to comply with these insurance requirements on or before \_\_\_\_\_, shall be sufficient grounds to revoke a waste hauler's license as provided in this chapter.

Section 22. Amendment of Section 62-58. That Chapter 62, Article II, Division 2, Section 62-58 of the Code of Ordinances, City of Walker, Michigan, is amended to read in its entirety as follows:

Sec. 62-58. Approval or denial.

(a) Upon receipt of an application for a waste hauler license and payment of a nonrefundable application fee established by resolution of the city commission, the city clerk shall forward the application to the city manager, who shall grant or deny the waste hauler license. If approved, the city clerk shall issue the waste hauler license upon payment of an annual fee established by resolution of the city commission. The city manager may deny the issuance of a waste hauler license for any of the following reasons:

- (1) Failure of the applicant to comply with this article or any other provision of this Code.
- (2) Violations of this article or any other provision of this Code.
- (3) Prior criminal convictions, other than minor traffic offenses, or prior license revocation, when such criminal conviction or license revocation bears on the ability of the applicant to serve the public as a waste hauler in a fair, honest, safe and lawful manner.
- (4) Misrepresentation of any material fact in the application for the license.

(b) If the waste hauler license is denied, the city manager shall make written findings of fact in support of the denial based on the standards described in subsection (a). The applicant may appeal such denial to the city commission by filing a written request for an appeal with the city manager within five business days following receipt of notification of denial. In the event of an appeal, the city commission shall hold a public hearing on such denial and shall have the power to reverse, affirm or modify the decision of the city manager. The city commission shall, in its determination, make written findings of fact supporting its decision and such reasons shall be based upon the standards described in this section. The determination of the city commission shall be final.

Section 23. Amendment of Section 62-59. That Chapter 62, Article II, Division 2, Section 62-59 of the Code of Ordinances, City of Walker, Michigan, is amended to read in its entirety as follows:

Sec. 62-59. Revocation.

(a) Any waste hauler license granted pursuant to this article may be revoked by the city manager for any of the reasons for denial of such license in section 62-58. The city manager shall make written findings of fact in support of any license revocation.

(b) A person shall have the right to a hearing before the city commission on any license revocation by the city manager provided that a written request therefore is filed with the city manager within five business days after receipt of notice of such revocation. If such written request is filed with the city manager, the commission shall hold a public hearing on such revocation and shall have the power to reverse, affirm or modify the decision of the city manager. The city commission shall, in its determination, make written findings of fact supporting its decision based on the same reasons required to be applied by the city manager. The determination of the city commission shall be final.

Section 24. Effective Date. That this Ordinance will become effective upon its publication in a newspaper in general circulation within the City of Walker as provided by law.

First reading: May 10, 2010

Second reading: May 24, 2010

Effective date: June 1, 2010

Commissioner \_\_\_\_\_, supported by Commissioner \_\_\_\_\_, moved the adoption of Ordinance No. 10-585.

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Robert VerHeulen, Mayor

\_\_\_\_\_  
Sarah Bydalek, Clerk

**CERTIFICATION**

I, Sarah Bydalek, the Clerk of the City of Walker, certify that the foregoing is a true and accurate copy of an ordinance adopted by the City Commission of the City of Walker at a regular meeting held on \_\_\_\_\_, 2010.

\_\_\_\_\_  
Sarah Bydalek, Clerk

\_\_\_\_\_  
Robert J. VerHeulen, Mayor

\_\_\_\_\_  
Sarah Bydalek, City Clerk

CITY COMMISSION  
CITY OF WALKER  
KENT COUNTY, MICHIGAN

ORDINANCE NO.

AN ORDINANCE TO AMEND CHAPTER 62, ARTICLES I AND II, SECTIONS 62-1 THROUGH 62-4, SECTIONS 62-31 THROUGH 62-43, AND SECTIONS 62-56 THROUGH 62.59; AND TO ADD A NEW SECTION 62-44 TO THE CODE OF ORDINANCES, CITY OF WALKER, MICHIGAN

THE CITY OF WALKER ORDAINS:

Section 1. Amendment of Section 62-1. That Chapter 62, Article I, Section 62-1 of the Code of Ordinances, City of Walker, Michigan, is amended to read in its entirety as follows:

Sec. 62-1. Definitions.

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

*Approved incinerator* and *approved garbage grinder* mean incinerators and garbage grinders, respectively, which conform with all city ordinance requirements, are used exclusively to dispose of solid waste generated by the occupant of the site of generation on which they are located, and are consistent with the county solid waste management plan.

*Ashes* means the residue from the burning of wood, coal, coke, refuse, wastewater sludge, or other combustible materials.

*Board of public works* means the county board of public works established pursuant to the provisions of Act No. 185 of the Public Acts of Michigan of 1957 (MCL 123.731 et seq., MSA 5.570(1) et seq.), as amended.

*Combustible waste* means solid waste that is combustible in the MBI as shall be determined solely by the board of public works. "Combustible waste" shall include: (i) garbage; (ii) combustible rubbish, such as paper, cardboard, cartons, wood, boxes, rags, cloth, bedding, leather, grass, leaves and brush, yard trimmings, tree limbs, timber, logs, stumps six inches in diameter or less, carpeting, and combustible construction and demolition debris; and (iii) any other solid waste that is combustible in the MBI as shall be determined solely by the board of public works. "Combustible waste" shall exclude: (i) noncombustible solid waste, such as ashes, noncombustible rubbish, incinerator ash, incinerator residue, municipal and industrial sludges, animal waste, pathological and biological waste, asbestos and asbestos waste products, explosives, radioactive materials, appliances, concrete rubble, noncombustible construction and demolition debris, rock, gravel and earth materials, automobiles, trailers, equipment wire and cable; (ii) all waste other than solid waste, such as hazardous waste, site-separated materials, and source-separated materials; and (iii) any other type of waste that is noncombustible in the MBI, as shall be determined solely by the board of public works.

*Commercial operation date* means the date when the MBI has been completed and tested and is, in the sole opinion of the county, ready for full commercial operation.

*County* means the County of Kent, Michigan, acting by and through its board of commissioners or its department of public works.

*County solid waste management plan* means the county solid waste management plan approved by the city, the county board of commissioners, and by the director of the department of natural resources (or other state official as required by state law), pursuant to the provisions and requirements of the state Solid Waste Management Act, and any amendments to the plan adopted in accordance with that Act.

*Disposal site* means any of the following:

- (1) A solid waste transfer facility;
- (2) A single incinerator having an average daily design capacity exceeding 50 tons of solid waste per day or two or more incinerators located at one site under the control of one person and having an aggregate average daily design capacity exceeding 150 tons of solid waste per day;
- (3) A sanitary landfill;
- (4) A solid waste processing plant; or
- (5) Any other solid waste handling or disposal facility utilized in the disposal of solid waste.

*Garbage* means rejected food wastes, including waste accumulations of animal, fruit or vegetable matter used or intended for food or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables.

*Hazardous waste* means hazardous waste as defined in the state Hazardous Waste Management Act (Part 111 of Act 451 of the Public Acts of Michigan of 1994, as amended; MCL 324.11101 et seq., as amended (formerly Act No. 64 of the Public Acts of Michigan of 1979, as amended)).

*MBI* means the mass-burn steam energy-generating incinerator to be constructed by or on behalf of, or available by contract or lease with, the county within the City of Grand Rapids in accordance with the county solid waste management plan.

*Premises* means any enclosed area used for residential, commercial or industrial purposes, separately or in combination, to which a separate street address, postal address or box, tax roll description, or other similar identification has been assigned or is in use by a person having control of the area.

*Rubbish* means nonputrescible solid waste, excluding ashes, consisting of combustible and noncombustible waste, including paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials, or litter of any kind that may be a detriment to the public health and safety.

*Site of generation* means any premises in or on which solid waste is generated by any person.

*Site-separated materials* means recyclable materials (including, but not limited to, bottles, cans, newspapers, corrugated containers, metals, grass, leaves, brush and yard trimmings) that are separated from solid waste after collection from a site of generation by either a waste hauler or by the operators of a disposal site to which it is delivered.

*Solid waste* means garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, municipal and industrial sludges, solid commercial and solid industrial waste and animal waste; provided, however, that this definition shall not include hazardous waste, site-separated materials, source-separated materials, human body waste, liquid or other waste regulated by statute, ferrous or nonferrous scrap directed to a scrap metal processor or to a reuser of ferrous or nonferrous products, and slag or slag products directed to a slag processor or to a reuser of slag or slag products.

*Source-separated materials* means recyclable materials (including, but not limited to, bottles, cans, newspapers, corrugated containers, metals, grass, leaves, brush, and yard trimmings) that are separated from solid waste prior to the collection of solid waste from a site of generation.

*State Solid Waste Management Act* means Part 115 of Act 451 of the Public Acts of Michigan of 1994, as amended; MCL 324.11501 et seq., as amended (formerly Act No. 641 of the Public Acts of Michigan of 1978, as amended).

*Tipping fee* means the fee established by the board of public works to be charged upon delivery of combustible waste to the MBI.

*Transporting vehicle* means any vehicle used for the purpose of collecting, transporting, delivering or disposing of solid waste.

*Waste hauler* means any person engaged, in whole or in part, in the business of collecting, transporting, delivering or disposing of solid waste within the city.

Section 2. Amendment of Section 62-2. That Chapter 62, Article I, Section 62-2 of the Code of Ordinances, City of Walker, Michigan, is amended to read in its entirety as follows:

Sec. 62-2. Receptacles.

(a) Every person shall keep, within the lot line of his premises, a suitable receptacle for depositing solid waste and shall not litter his premises with such materials.

(b) The occupant of any premises or the person responsible for any premises within the city in which any solid waste shall be accumulated which is not disposed of by an approved incinerator or an approved garbage grinder shall maintain on the premises one or more solid waste containers with suitable tightly fitted covers, which shall be kept in a reasonably clean condition, shall be rodent proof, and shall be located in a convenient place to facilitate the proper collection of solid waste. ~~{No more than 50 pounds of solid or other waste may be placed in any one garbage container and no container may be filled beyond its capacity.}~~

Section 3. Amendment of Section 62-3. That Chapter 62, Article I, Section 62-3 of the Code of Ordinances, City of Walker, Michigan, is amended to read in its entirety as follows:

Sec. 62-3. Identification of solid waste containers.

(a) A solid waste container having a capacity of at least one-half cubic yard shall be plainly marked with the name and current street address or the name and current telephone number of the waste hauler which collects solid waste from or transports solid waste within the solid waste container. The name and current street address or the name and current telephone number of the waste hauler shall be plainly marked ~~{on at least three sides of the solid waste container}~~ in letters and figures not less than three inches in height.

(b) The waste hauler collecting solid waste from or transporting the solid waste container having a capacity of at least one-half cubic yard shall be responsible for complying with this section. It shall be a violation of this section for any waste hauler to collect solid waste from or to transport such a solid waste container unless the solid waste container has been marked in compliance with this section.

(c) For purposes of this section, "solid waste container" means a container or receptacle designed or used for depositing, storing, or accumulating solid waste for collection or

transportation by a waste hauler. Without limitation, this definition shall include dumpsters, packer boxes, and roll-offs or other receptacles designed or used to store solid waste or to transport solid waste from a site of generation.

Section 4. Amendment of Section 62-4. That Chapter 62, Article I, Section 62-4 of the Code of Ordinances, City of Walker, Michigan, is amended to read in its entirety as follows:

Sec. 62-4. Littering.

(a) No person shall place, deposit, throw, scatter or leave in any street, highway, lane, alley, public place or square, or on the private property of another, any solid waste, dead animals or other noxious or unsightly materials.

(b) No person shall place, deposit, throw, scatter or leave in any street, alley or public place any tacks, screws, nails, glass, metal scraps, metal shavings or other sharp or dangerous materials. No person shall convey or transport junk, broken glass, scrap metal, metal shavings or other sharp or dangerous material in any form over the public streets or alleys of the city, unless the same shall be contained in a box or other receptacle so constructed that such junk, glass, metal or other material cannot fall through the receptacle or over the sides of such receptacle onto the public streets or alleys of the city.

(c) No person shall transport or dump any solid waste in such a manner as to cause the littering of any stream, public way or public place, or the private property of another, or to cause the obstruction of any ditch, drain, culvert or gutter.

(d) No person shall place, deposit, drop, throw, track or leave or cause to be placed, deposited, thrown, dropped, tracked or left on any street, highway, lane, alley or sidewalk any clay, dirt, sand, gravel, rock, or other substance in such a manner which will cause, tend to cause, contribute to, or be likely to contribute to the injury or danger of injury to any person, animal or vehicle or to cause any other unsafe condition on any highway, lane, alley, or sidewalk within the city. No person who places, deposits, drops, throws, tracks or leaves any clay, dirt, sand, gravel, rock, or any other substance or causes the same to be placed, deposited, dropped, thrown, tracked or left on any street, highway, lane, alley or sidewalk in violation of this subsection shall fail to immediately remove the same or cause it to be removed.

Section 5. Amendment of Section 62-31. That Chapter 62, Article II, Division 1, Section 62-31 of the Code of Ordinances, City of Walker, Michigan, is amended to read in its entirety as follows:

Sec. 62-31. Compliance with article.

No person shall use any transporting vehicle within the city except in compliance with the provisions of this article; provided, however, that a vehicle used by an individual to transport solid waste from his household and not for hire need not comply with the provisions of sections 62-34, 62-35 and 62-36, but such person shall be required to tightly cover and secure the load, so that no part thereof shall be lost, and the load shall not be emptied in the city except as provided in sections 62-42 and 62-43.

Section 6. Amendment of Section 62-32. That Chapter 62, Article II, Division 1, Section 62-32 of the Code of Ordinances, City of Walker, Michigan, is amended to read in its entirety as follows:

Sec. 62-32. Compliance with laws, rules and regulations.

Waste haulers shall comply with the county solid waste management plan and all applicable federal, state, and local laws, statutes, ordinances, rules and regulations (including, but not limited to, the state Solid Waste Management Act and administrative rules promulgated pursuant to the Act) in the collection, transportation, delivery and disposal of combustible waste. Waste haulers shall also comply with all rules and regulations of the board of public works for the administration and operation of the MBI (including, without limitation, rules and regulations prohibiting delivery of loads consisting primarily of unacceptable waste as solely determined by the board of public works acting through its designated representatives) and other disposal sites of the county refuse system. To the extent of any conflict between these laws, statutes, ordinances, rules and regulations, the more restrictive shall be deemed to control.

Section 7. Amendment of Section 62-33. That Chapter 62, Article II, Division 1, Section 62-33 of the Code of Ordinances, City of Walker, Michigan, is amended to read in its entirety as follows:

Sec. 62-33. Municipal civil infractions.

A violation of any provision of this article or article I of this chapter is a municipal civil infraction. The civil fine for a violation of sections 62-42 or 62-43 shall be as follows:

TABLE INSET:

First offense	Not less than \$2,000.00 (plus costs)
First repeat offense	Not less than \$5,000.00 (plus costs)
Second or any subsequent repeat offense	Not less than \$10,000.00 (plus costs)

The civil fines for all other violations of this article or article I of this chapter shall be as follows:

TABLE INSET:

First offense	Not less than \$100.00 (plus costs)
First repeat offense	Not less than \$500.00 (plus costs)
Second or any subsequent repeat offense	Not less than \$1,000.00 (plus costs)

For purposes of this article and article I of this chapter, a "repeat offense" means a second (or subsequent) municipal civil infraction violation of the same requirement or provision (i) committed by a person within any five-year period and (ii) for which the person admits responsibility or is determined to be responsible. Each day that a violation occurs shall be deemed a separate offense and shall be subject to sanctions as a separate offense. In addition to municipal civil infractions and any other remedies available at law, the city may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of this chapter. In addition, a violation of any provision of this article or article I of this chapter shall be cause for revocation of a waste hauler license.

Section 8. Amendment of Section 62-34. That Chapter 62, Article II, Division 1, Section 62-34 of the Code of Ordinances, City of Walker, Michigan, is amended to read in its entirety as follows:

Sec. 62-34. Required markings on vehicles.

Any transporting vehicle shall have the name of the waste hauler and its address and telephone number plainly marked upon both sides of the vehicle, in letters and figures three inches or more high.

Section 9. Amendment of Section 62-35. That Chapter 62, Article II, Division 1, Section 62-35 of the Code of Ordinances, City of Walker, Michigan, is amended to add the following new Article VI, Section 18-190 to read in its entirety as follows:

Sec. 62-35. Construction requirements for vehicles with compaction units.

Transporting vehicles with compaction units must meet the following requirements:

- (a) The load carrying portion of the vehicle shall be equipped with a unit for compacting, and shall be totally and permanently enclosed and of welded steel construction. Articulated units need not provide compacting devices in those instances where the portion of the vehicle designed to hold or contain the solid waste is an independent transportable unit designed to be replaced rather than emptied at the premises.
- (b) Such vehicles shall be of tight fitting construction and of a design to form a totally enclosed body or unit.
- (c) Such vehicles shall be equipped so that all loading and unloading openings on the body have tight fitting doors or covers fitted with latches or clamps and rubber or other suitable gaskets to form a spill proof, leak proof and dust proof enclosed body or unit.
- (d) All vehicles used in the transportation of solid waste shall comply at all times with any applicable federal or state transportation or safety laws (e.g., Department of Transportation, etc.).

Section 10. Amendment of Section 62-36. That Chapter 62, Article II, Division 1, Section 62-36 of the Code of Ordinances, City of Walker, Michigan, is amended to read in its entirety as follows:

Sec. 62-36. Construction requirements for open body vehicles.

The solid waste carrying portion of all open body transporting vehicles shall be of steel construction to a minimum height of two feet and designed to prevent the accidental discharge of its contents. Built-up walls of open body transporting vehicles shall be free of any gaps or spaces, and shall be of steel construction. Any such unit or vehicle shall have a suitable cover which prevents the loss of the vehicle's contents and which is not easily torn, shredded, or broken under normal use. All vehicles used in the transportation of solid waste shall comply at all times with any applicable federal or state transportation or safety laws (e.g., Department of Transportation, etc.).

Section 11. Amendment of Section 62-37. That Chapter 62, Article II, Division 1, Section 62-37 of the Code of Ordinances, City of Walker, Michigan, is amended to read in its entirety as follows:

Sec. 62-37. Cleaning of vehicles.

A transporting vehicle shall be cleaned at intervals frequent enough to maintain it in a sanitary condition and free from disagreeable odor and to prevent a nuisance or vermin attraction.

Section 12. Amendment of Section 62-38. That Chapter 62, Article II, Division 1, Section 62-38 of the Code of Ordinances, City of Walker, Michigan, is amended to read in its entirety as follows:

Sec. 62-38. Parking and storing restrictions for vehicles.

A transporting vehicle shall not be parked in an AA, A, A-2, SA, S, ARM, ARM District One or RMT zoning district longer than necessary to collect solid waste and shall not be parked, stored or established at any location so as to cause a nuisance or hazard or in violation of chapter 94 of this Code.

Section 13. Amendment of Section 62-39. That Chapter 62, Article II, Division 1, Section 62-39 of the Code of Ordinances, City of Walker, Michigan, is amended to read in its entirety as follows:

Sec. 62-39. Openings to be closed and covers secured on vehicles; special covers.

A transporting vehicle shall have all openings closed and all doors or covers secured by an adequate latch or restraining mechanism to keep them closed while transporting solid waste. It shall be the responsibility of the driver of the transporting vehicle and the waste hauler (if different) to ensure that the available cover is in the proper position. Special covering shall be used where conditions require control of odor, vermin, liquids, dust or smoke.

Section 14. Amendment of Section 62-40. That Chapter 62, Article II, Division 1, Section 62-40 of the Code of Ordinances, City of Walker, Michigan, is amended to read in its entirety as follows:

Sec. 62-40. Overloading of vehicles prohibited.

The solid waste carrying part of any transporting vehicle shall not be filled beyond its capacity and such vehicles shall otherwise be loaded in a manner to minimize the spillage of materials.

Section 15. Amendment of Section 62-41. That Chapter 62, Article II, Division 1, Section 62-41 of the Code of Ordinances, City of Walker, Michigan, is amended to read in its entirety as follows:

Sec. 62-41. Duty of driver in case of spillage or intentional dumping of load.

- (a) Where spillage occurs from any transporting vehicle, the material shall be picked up immediately, and the area suitably cleaned.
- (b) Where solid waste is purposely dumped from a transporting vehicle due to hot load or fire, the fire shall be immediately extinguished by the most effective means and the area properly cleaned as soon as reasonably possible.
- (c) It shall be the responsibility of the driver or person in charge of a transporting vehicle to comply with the provisions of this section.

Section 16. Amendment of Section 62-42. That Chapter 62, Article II, Division 1, Section 62-42 of the Code of Ordinances, City of Walker, Michigan, is amended to read in its entirety as follows:

Sec. 62-42. Disposal of solid waste and combustible waste.

- (a) No person shall dispose of solid waste other than by means of an approved incinerator or approved garbage grinder, or by collection by a licensed waste hauler; provided, however, that any individual may dispose of solid waste from his own household:
  - (1) Upon the individual's own land, so long as the disposal does not create a nuisance or hazard to health, in accordance with Section 11520(2) of the state Solid Waste Management Act (MCL 324.11520(2)); or
  - (2) By personally transporting the solid waste to an approved sanitary landfill, but only in accordance with rules and regulations pertaining thereto and the county solid waste management plan. No individual transporting any solid waste in accordance with this section shall fail to securely cover and secure the load so that no part of such load shall be lost while being transported.
- (b) Commencing on the commercial operation date, all combustible waste collected or transported by waste haulers from a site of generation within the city shall be disposed of only in accordance with section 62-43. Prior to the commercial operation date, all combustible waste collected or transported by waste haulers from a site of generation within the city shall be disposed of only at disposal areas approved by the city manager, which may include solid waste processing plants, sanitary landfills, solid waste transfer stations, or other solid waste facilities, such as are consistent with the county solid waste management plan.

(c) All solid waste other than combustible waste collected or transported by waste haulers from a site of generation within the city shall be disposed of only at disposal areas approved by the city manager, which may include solid waste processing plants, sanitary landfills, solid waste transfer stations or other solid waste facilities, such as are consistent with the county solid waste management plan.

Section 17. Amendment of Section 62-43. That Chapter 62, Article II, Division 1, Section 62-43 of the Code of Ordinances, City of Walker, Michigan, is amended to read in its entirety as follows:

Sec. 62-43. Delivery of combustible waste.

(a) Commencing on the commercial operation date and at all times thereafter, waste haulers shall:

(1) Deliver to the MBI all combustible waste collected or transported from a site of generation within the city; and

(2) Pay the tipping fee for delivery of such waste at the MBI, unless otherwise provided by contract between the city and the waste hauler.

Commencing on the commercial operation date and at all times thereafter, no waste hauler shall deliver combustible waste collected or transported from a site of generation within the city to any disposal site other than the MBI.

(b) Waste haulers shall deliver to the MBI all combustible waste regardless of whether the combustible waste is transported in the same load or vehicle as solid waste which is not combustible waste. This requirement shall be absolute and unconditional unless the board of public works, acting through its designated representatives, has made a prior written determination that a specific load of waste consists primarily of waste which would not be accepted for delivery at the MBI. Such a written determination of the board of public works shall not be applicable to waste collected from any site of generation, any load or vehicle, any waste hauler or any facts or circumstances other than those expressly identified in the written determination.

(c) Waste haulers shall not deliver combustible waste to a site for site separation of recyclable materials unless the board of public works, acting through its designated representatives, after request of the waste hauler, has made a prior written determination that such delivery does not violate this section. Such a written determination shall not be applicable to waste collected from any site of generation, any load or vehicle, any waste hauler, or any facts or circumstances other than those expressly identified in the written determination. A written determination pursuant to this section shall not relieve the waste hauler from the obligation to deliver to the MBI all combustible waste remaining in a load after site separation of recyclable materials.

(d) Waste haulers shall not deliver hazardous waste to the MBI.

(e) Notwithstanding any other provision of this chapter, waste haulers shall not be prohibited from transporting combustible waste collected from a site of generation within the city for disposal at any disposal site located outside of the state.

Section 18. Addition of Section 62-44. That Chapter 62 of the Code of Ordinances, City of Walker, Michigan, is amended to add the following new Article II, Division 1, Section 62-44 to read in its entirety as follows:

Sec. 62-44. Waste Hauler Operations.

- (a) Each employee authorized to drive a waste hauler's transporting vehicle shall obtain and carry a valid driver's license for the type of vehicle they are driving.
- (b) A waste hauler shall provide the service of collecting, transporting, hauling or removing solid waste at least once each week for each customer and shall have available at all times at least one extra vehicle which may be immediately brought into service in the city to ensure prompt service in the event of equipment failure.
- (c) A waste hauler shall pay any judgment which may be obtained against the city and its officers and employees, alone or jointly with the waste hauler, because of any injury or damage to persons or property caused or alleged to have been caused by the waste hauler. The waste hauler shall intervene and defend any such suit or action upon written notice from the city.

Section 19. Amendment of Section 62-56. That Chapter 62, Article II, Division 2, Section 62-56 of the Code of Ordinances, City of Walker, Michigan, is amended to read in its entirety as follows:

Sec. 62-56. Required; duration.

No person shall engage in the business of collecting, transporting, delivering or disposing of solid waste in the city without first obtaining, in addition to a general business license as provided for in chapter 22, article I, a waste hauler license issued by the city clerk in accordance with sections 62-57 through 62-58. Commencing on July 1, 2009, all licenses shall authorize the operation of solid waste hauling from the date of issuance or the following January 1, whichever is later, until the following December 31. Thereafter, annual licenses shall be issued for the period of January 1 until December 31 (calendar year) and applicants for renewal of a license must submit applications by the preceding December 1. It shall be an express condition of any license issued that the waste hauler shall comply with all provisions of this Code.

Section 20. Amendment of Section 62-57. That Chapter 62, Article II, Division 2, Section 62-57 of the Code of Ordinances, City of Walker, Michigan, is amended to read in its entirety as follows:

Sec. 62-57. Application.

Every person required to obtain a waste hauler license shall make application to the city clerk on forms provided by or prescribed by the city clerk. The application shall contain all pertinent information required under this article or such other information as shall be reasonably required by the city from time to time. At a minimum, the information shall include the following:

- (a) A description of the service to be rendered.
- (b) Where the transporting vehicles used to provide waste hauling services will be parked at night.

- (c) Copies of certificates of insurance which comply with the limits specified in this article.
- (d) Identification of the ownership of the waste hauler, if not a natural person, including the names and addresses and other primary business affiliations of all persons with one percent or more ownership interest and the ultimate controlling natural persons and all of the officers and directors.
- (e) An indication of whether the waste hauler, or any entity controlling the waste hauler, including any officer or major stockholder of a corporation, has been adjudged bankrupt, has had a waste hauler license revoked, or has been found guilty by any court or administrative agency of a felony or any other crime involving moral turpitude. The waste hauler shall further identify any such person or entity and fully explain the circumstances.
- (f) A demonstration of the waste hauler's technical, legal and financial ability to operate the proposed service.
- (g) A description of the physical assets to perform the services, including trucks and truck maintenance facilities, etc.
- ~~(h) The proposed rates to be charged, including rates for each service type, as appropriate.~~ (i) Information as necessary to demonstrate compliance with all relevant requirements contained in this article.
- (j) An affidavit of the waste hauler or its duly authorized officer, certifying, in a form acceptable to the city, the ~~trust~~ **truth** and accuracy of the information contained in the application and acknowledging the enforceability of application commitments.
- (k) (j) In the case of a waste hauler with an existing license seeking a renewal, a demonstration that the waste hauler has substantially complied with the material terms of the existing license and with the applicable law.

Section 21. Amendment of Section 62-57.1. That Chapter 62, Article II, Division 2, Section 62-57.1 of the Code of Ordinances, City of Walker, Michigan, is amended to read in its entirety as follows:

Sec. 62-57.1. Insurance.

No license shall be issued to a waste hauler unless the waste hauler demonstrates its ability to comply with the following requirements:

(a) Each applicant for a waste hauler license shall obtain and maintain during the term of the license:

(1) Contractor's motor vehicle insurance in the minimum amounts of \$100,000.00 per person and \$300,000.00 per accident for bodily injury, and \$100,000.00 for property damage, or a combined single limit coverage of at least \$300,000.00;

(2) General comprehensive public liability insurance indemnifying, defending and saving harmless the city, its officers and employees, from any claims by any person or entity for any injury or death caused or alleged to have been caused by the waste hauler. The minimum liability coverage shall be \$1,000,000.00 per occurrence, and \$3,000,000.00 in the aggregate; and,

(3) Property damage insurance indemnifying, defending, and saving harmless the city, its officers and employees, from any claims by any person or entity for property damage,

specifically including any claims for environmental contamination or release of hazardous waste, or the unlawful disposal of any solid waste, caused or alleged to have been caused by the waste hauler. The minimum liability coverage shall be \$1,000,000.00 per occurrence, and \$3,000,000.00 in the aggregate.

The policy or policies described in subsections (a)(2) and (a)(3) shall list the city as an additional named insured and shall prohibit cancellation or revocation without a minimum 30 day advance written notice to the city. Certificates of the policy or policies shall extend through the full license period (through June 30) or be immediately renewed so as to avoid any lapse in coverage during the license period. Proof of renewal shall be furnished to the city at least ten days prior to the insurance expiration date.

(b) Each waste hauler licensed at the time of the effective date of this section of the Code shall comply with the requirements of subsection (a) above not later than \_\_\_\_\_. Failure to comply with these insurance requirements on or before \_\_\_\_\_, shall be sufficient grounds to revoke a waste hauler's license as provided in this chapter.

Section 22. Amendment of Section 62-58. That Chapter 62, Article II, Division 2, Section 62-58 of the Code of Ordinances, City of Walker, Michigan, is amended to read in its entirety as follows:

Sec. 62-58. Approval or denial.

(a) Upon receipt of an application for a waste hauler license and payment of a nonrefundable application fee established by resolution of the city commission, the city clerk shall forward the application to the city manager, who shall grant or deny the waste hauler license. If approved, the city clerk shall issue the waste hauler license upon payment of an annual fee established by resolution of the city commission. The city manager may deny the issuance of a waste hauler license for any of the following reasons:

- (1) Failure of the applicant to comply with this article or any other provision of this Code.
- (2) Violations of this article or any other provision of this Code.
- (3) Prior criminal convictions, other than minor traffic offenses, or prior license revocation, when such criminal conviction or license revocation bears on the ability of the applicant to serve the public as a waste hauler in a fair, honest, safe and lawful manner.
- (4) Misrepresentation of any material fact in the application for the license.

(b) If the waste hauler license is denied, the city manager shall make written findings of fact in support of the denial based on the standards described in subsection (a). The applicant may appeal such denial to the city commission by filing a written request for an appeal with the city manager within five business days following receipt of notification of denial. In the event of an appeal, the city commission shall hold a public hearing on such denial and shall have the power to reverse, affirm or modify the decision of the city manager. The city commission shall, in its determination, make written findings of fact supporting its decision and such reasons shall be based upon the standards described in this section. The determination of the city commission shall be final.

Section 23. Amendment of Section 62-59. That Chapter 62, Article II, Division 2, Section 62-59 of the Code of Ordinances, City of Walker, Michigan, is amended to read in its entirety as follows:

Sec. 62-59. Revocation.

(a) Any waste hauler license granted pursuant to this article may be revoked by the city manager for any of the reasons for denial of such license in section 62-58. The city manager shall make written findings of fact in support of any license revocation.

(b) A person shall have the right to a hearing before the city commission on any license revocation by the city manager provided that a written request therefore is filed with the city manager within five business days after receipt of notice of such revocation. If such written request is filed with the city manager, the commission shall hold a public hearing on such revocation and shall have the power to reverse, affirm or modify the decision of the city manager. The city commission shall, in its determination, make written findings of fact supporting its decision based on the same reasons required to be applied by the city manager. The determination of the city commission shall be final.

Section 24. Effective Date. That this Ordinance will become effective upon its publication in a newspaper in general circulation within the City of Walker as provided by law.

**CITY COMMISSION  
CITY OF WALKER  
KENT COUNTY, MICHIGAN**

**ORDINANCE NO. 10-586**

**AN ORDINANCE TO AMEND CHAPTER 82, ARTICLE VI,  
SECTION 82-102 OF THE CODE OF ORDINANCES, CITY  
OF WALKER, MICHIGAN, ENTITLED "REGULATION  
OF PUBLIC PARKING LOTS; TOW-AWAY ZONES"**

The City of Walker Ordains:

Section 1.     Amendment of Chapter 82. That Chapter 82, Article VI, Section 82-102 of the Code of Ordinances, City of Walker, Michigan, is amended to read in its entirety as follows:

Sec. 82-102. Regulation of public parking lots; tow-away zones.

(a) The chief of police may determine controls of the movement of vehicles and pedestrians and the stopping, standing, or parking of vehicles in public parking lots including, without limitation, the designation of tow-away zones where parking is restricted or prohibited. The chief of police shall direct the placement and maintenance of whatever traffic-control devices are necessary to give notice of the controls determined to be necessary.

(b) Tow-away zones may be designated by the chief of police in public parking lots by posting signs which read "tow-away zone." Such signs shall be posted independently or as an extra panel attached below the posted signs which prohibit or restrict parking at the location.

(c) A police officer may immediately remove a vehicle from a public parking lot and impound the vehicle if a vehicle is found parked in violation of a traffic-control device in a tow-away zone designated by the chief of police under this article. A police officer who impounds a vehicle under this section shall follow the same procedures for impounding a vehicle parked in a tow-away zone under the Uniform Traffic Code.

Section 2.     Severability. The phrases, sentences, sections and provisions of this Ordinance are severable. The findings that any portion is unconstitutional or otherwise unenforceable shall not detract from or affect the enforceability of the remainder of this Ordinance.

Section 3.     Effective Date. This Ordinance shall take effect upon its publication.

First reading: May 10, 2010

Second reading: May 24, 2010

Effective date: June 1, 2010

Commissioner \_\_\_\_\_, supported by Commissioner \_\_\_\_\_, moved the adoption of Ordinance No. 10-586.

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Robert VerHeulen, Mayor

\_\_\_\_\_  
Sarah Bydalek, Clerk

**CERTIFICATION**

I, Sarah Bydalek, the Clerk of the City of Walker, certify that the foregoing is a true and accurate copy of an ordinance adopted by the City Commission of the City of Walker at a regular meeting held on \_\_\_\_\_, 2010.

\_\_\_\_\_  
Sarah Bydalek, Clerk

**Sec. 82-102. Regulation of public parking lots; tow-away zones.**

(a) The chief of police may determine controls of the movement of vehicles and pedestrians and the stopping, standing, or parking of vehicles in public parking lots including, without limitation, the designation of tow-away zones where parking is restricted or prohibited. The chief of police shall direct the placement and maintenance of whatever traffic-control devices are necessary to give notice of the controls determined to be necessary.

(b) Tow-away zones may be designated by the chief of police in public parking lots by posting signs which read "tow-away zone." Such signs shall be posted independently or as an extra panel attached below the posted signs which prohibit or restrict parking at the location. ~~The distance between such posted signs shall not be more than ten feet.~~

(c) A police officer may immediately remove a vehicle from a public parking lot and impound the vehicle if a vehicle is found parked in violation of a traffic-control device in a tow-away zone designated by the chief of police under this article. A police officer who impounds a vehicle under this section shall follow the same procedures for impounding a vehicle parked in a tow-away zone under the Uniform Traffic Code.

(Ord. No. 93-426, § 1, 11-23-93)

**CITY COMMISSION  
CITY OF WALKER  
KENT COUNTY, MICHIGAN**

**ORDINANCE NO. 10-587**

AN ORDINANCE TO AMEND CHAPTER 78, ARTICLE II, SECTION 78-42 OF THE CODE OF ORDINANCES, CITY OF WALKER, MICHIGAN ENTITLED “UNIFORM CITY INCOME TAX ORDINANCE; PERSONAL EXEMPTIONS, LIMITATIONS”

WHEREAS, MCL 141.631, the Uniform City Income Tax Ordinance provides authority for the City to set the value of an exemption at a minimum of \$600,

WHEREAS, MCL 141.503 allows for an amendment to the adopted City Income Tax Ordinance to become effective on January 1 or July 1 following adoption of the amendment, as specified in the amendment, but an amendment shall not become effective earlier than 45 days after adoption, and

WHEREAS, the City desires to remain consistent with the City of Grand Rapids’ exemption levels for ease of credit calculation purposes.

THE CITY OF WALKER ORDAINS:

Section 1. Amendment of Chapter 78, Article II, Section 78-42. That Chapter 78, Article II, Section 78-42 of the Code of Ordinances, City of Walker, Michigan, is amended to read in its entirety as follows:

Sec. 78-42. Personal exemptions; limitations.

(a) An individual taxpayer in computing his taxable income is allowed a deduction of \$750 for tax years 1988 through 2009, \$750 for the first half of tax year 2010, \$600 for the second half of tax year 2010 and all years thereafter for each personal and dependency exemption under the rules for determining exemptions and dependents as provided in the Federal Internal Revenue Code. The taxpayer may claim his spouse and dependents as exemptions, but if the taxpayer and the spouse are both subject to the tax imposed by this article, the number of exemptions claimed by each of them when added together shall not exceed the total number of exemptions allowed under this article.

(b) An additional exemption is allowed under subsection (a) for a taxpayer who is 65 years of age or older, or who is blind as defined in section 504 of the income tax act of 1967, Act No. 281 of the Public Acts of Michigan of 1967 (MCL 206.504 et seq., MSA 7.557(1504) et seq.) or if the taxpayer is both 65 years of age or older and blind, two additional exemptions are allowed under subsection (a).

(c) An exemption is allowed under subsection (a) for a person with respect to whom a deduction under section 151 of the Internal Revenue Code is allowable to another federal taxpayer during the tax year and is therefore not considered to have a federal personal exemption under subsection (a).

Section 2. Effective Date. That this Ordinance, in accordance with the City Charter, is deemed to be an emergency ordinance by the vote of not less than five members of the City Commission and will become effective upon its publication in a newspaper in general circulation within the City of Walker.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

Adopted: \_\_\_\_\_

Published: \_\_\_\_\_

Effective date: \_\_\_\_\_

\_\_\_\_\_  
Robert J. VerHeulen, Mayor

\_\_\_\_\_  
Sarah Bydalek, City Clerk

CITY OF WALKER  
 INCOME TAX DEPARTMENT

File name: Reduced exemption by \$150.xls

ADDED INCOME TAX REVENUE FROM AN EXEMPTION CHANGE TO THE MINIMUM  
 \$600 EXEMPTION AS PER THE MICHIGAN UNIFORM CITY INCOME TAX ORDINANCE

CURRENT EXEMPTION AMOUNT	\$	750
PROPOSED EXEMPTION AMOUNT		<u>600</u>
EXEMPTION REDUCTION	\$	<u><u>150</u></u>

DATA FROM 2008 RETURNS

	NUMBER OF 2008 RETURNS	NUMBER OF EXEMPTIONS	EXEMPTION CHANGE	TAXABLE VALUE	TAX GAIN	AVERAGE PER RETURN
RESIDENT	7,984	18,099	150	2,714,850	\$ 27,149	\$ 3.40
NONRESIDENT	13,473	33,883	150	5,082,450	25,412	\$ 1.89
				TOTAL	<u><u>\$ 52,561</u></u>	