



VILLAGE OF SUTTONS BAY
REMOTE Access Village Council Meeting
Village Hall
420 N. Front Street
Suttons Bay, MI 49682 at 5:30pm
April 19, 2021
Agenda

Electronic Remote Access, in accordance with Public Act 228 of 2020 Article 3(2) and Resolution 1 of 2021 Declaration Of State Of Emergency will be implemented in response to COVID-19. The public may participate in the meeting through Zoom access by computer and smart phone and can find the link on our website at www.suttonsbayvillage.org

1. Regular Meeting Called to Order
2. Roll Call
3. Review and Approval of the Agenda – Conflict of Interest
4. Consent Agenda
 - a. Approval of Minutes -March 15, 2021 and April 12, 2021
 - b. Payment of Invoices
5. Public Comment / Communication and Reports (please limit to no more than three (3) minutes)
6. Unfinished Business
7. New Business
 - a. Report VSB 2021- 23 -Zoning Map Amendment
 - b. Report VSB 2021- 24 -Fence Amendment
 - c. Report VSB 2021- 25- Sidewalk/Tree Replacement (West St)
 - d. Report VSB 2021- 26 - Park Signage
 - e. Report VSB 2021- 27 - Banner Policy
 - f. Report VSB 2021- 28 - Marina Ordinance Amendment
 - g. Report VSB 2021- 29 - Peddlers Ordinance Amendment
8. Special Committee Reports/Staff Reports (Verbal)
9. Good of the Order (Council Member Comments)
10. Manager's Report
11. Public Comment (please limit to no more than three (3) minutes)
12. Adjournment

Roberto Larrea is inviting you to a scheduled Zoom meeting.

Topic: Village Council

Time: Apr 19, 2021 05:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/88207986877?pwd=OVpFMXoxcS9sWE84NUUwaDc4cW1zQT09>

Meeting ID: 882 0798 6877

Passcode: 235057

One tap mobile

+19294362866,,88207986877#,,,,*235057# US (New York)

+13017158592,,88207986877#,,,,*235057# US (Washington DC)

Dial by your location

+1 929 436 2866 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

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Meeting ID: 882 0798 6877

Passcode: 235057

Find your local number: <https://us02web.zoom.us/j/88207986877?pwd=OVpFMXoxcS9sWE84NUUwaDc4cW1zQT09>



VILLAGE OF SUTTONS BAY
VILLAGE COUNCIL REGULAR MEETING
MINUTES OF MARCH 15, 2021

The meeting was called to order at 5:30 p.m. by President Lutke.

Present: Bahle, Case, Christensen, Long, Lutke, Smith and Suppes

Staff present: DeVol, Fay, Larrea and Miller

Approval of Agenda

Bahle moved, Case seconded, CARRIED, to approve the Agenda as presented, with an affirmative unanimous roll call vote: Ayes: 7, No: 0.

Consent Agenda

Suppes moved, Christensen seconded, CARRIED, to approve the Consent Agenda as presented, with an affirmative unanimous roll call vote: The Village Council meeting minutes of February 16, 2021 are approved. The payment of invoices is approved. Ayes: 7, No: 0.

Public Comment/Communications and Reports

Bill Perkins commented on annexing the Village's water and sewer. Perkins would like the Village to consider a policy on purchasing electric powered vehicles instead of gas powered. He would like launch fees at North Park waived for Village residents.

Report VSB-2021-17 Land Division Ordinance – Public Hearing

The public hearing opened at 5:35 p.m. and having heard no public comment the public hearing was closed. Suppes moved, Christensen seconded, CARRIED, to adopt the Land Division Ordinance Number 20 as described in Report VSB-2021-17 and being made a part of this motion, by an affirmative unanimous roll call vote. Ayes: 7, No: 0.

Good of the Order

Christensen asked for guidance on what to do with the salt and sand in residents' yards. Miller stated it is ok to put it in the street as arrangements are currently being made for street sweeping. Residents will be notified of street sweeping via a robo call and the Village website. Long stated the repairs on Broadway Street are working perfectly in maintaining the water. Case agreed with Long that Broadway is functioning well. He would like to have a subcommittee formed to discuss allowing food trucks in the Village, specifically for the Art Festival. He further supports electric vehicles. Case would like some attention on Bahle Park, noting it has been neglected.

The meeting adjourned at 5:44 p.m.

Meeting minutes submitted by Shar Fay, Village Clerk.



VILLAGE OF SUTTONS BAY
VILLAGE COUNCIL SPECIAL
MEETING MINUTES OF APRIL 12, 2021

The meeting was called to order at 2:00 p.m., by President Lutke.

Present: Bahle, Case, Christensen, Long, Lutke, Smith and Suppes
Staff present: Fay and Larrea

Approval of Agenda

Bahle moved, Case seconded, CARRIED, to approve the Agenda as presented. Ayes: 7,
No: 0.

Declaring a local State of Emergency

Long moved, Smith seconded, CARRIED, to approve Resolution 1 of 2021, Declaration
of State of Emergency – COVID-19, effective immediately and ending December 31,
2021, by an affirmative, unanimous roll call vote. Ayes: 7, No: 0.

Good of the Order

Long stated good work has been done on Broadway Street. Christensen agreed and
noted pride staff is showing in their work. Christensen stated Consumers Energy may
now be on board to help municipalities place shields on Village lights, as well as
eliminate unnecessary lights. Lutke requested this topic be placed on the next General
Service committee agenda. Bahle asked if the Village can get money out of the bill for
infrastructure? Case complimented the DPW staff for placing tables and trash
receptables out early. Case stated a crew was up in Bahle Park doing a nice job
removing hazardous trees. Smith stated a quarterly newsletter is a good idea to
showcase some of the great work the Village is doing. Lutke commented on the sand
being brought in to Marina Park. Larrea is working with Jim Johnson on securing
funding for streets. Larrea is working with an attorney regarding the damage done on
Elm Street to the bridge and culverts. Leaf pick up is taking place as well as street
sweeping on Wednesday or Thursday, weather permitting.

Public Comment

Bill Perkins stated the Art Fair is moving forward.

The meeting adjourned at 2:15 p.m.


Meeting notes submitted by Shar Fay, Village Clerk.

Check Date	Check	Vendor Name	Description	Amount	Status
Bank GEN FIFTH THIRD CHECKING					
03/16/2021	44920	LESLIE COUTURIER	ZONING ADMIN AGREE - MARCH, 2021	480.00	Open
03/16/2021	44921	FLEIS & VANDENBRINK ENGINEERING	PROJ 847720 - ELM ST BRIDGE RAIL REPAIR	1,200.00	Open
03/16/2021	44922	MI MUNICIPAL LEAGUE WORKERS CO	POLICY 5002750-19 - 2019-20 PAYROLL AUD	2,286.00	Open
03/23/2021	44923	ART'S AUTO AND TRUCK PARTS INC	2013 SIERRA OIL FILTER	345.75	Open
03/23/2021	44924	BLUE CROSS BLUE SHIELD OF MICH	GR 007015394 0001-APRIL 2021 PREMIUM	315.42	Open
03/23/2021	44925	KSS ENTERPRISES	BAC WIPES PAIL 1500-COVID EXPENDITURE	160.00	Open
03/23/2021	44926	AQUA-AEROBIC SYSTEMS, INC	WWTP ACTUATOR RETROFIT KIT	3,014.74	Open
03/23/2021	44927	MR CLEAN	SERV THRU FEBRUARY 2021	340.00	Open
03/23/2021	44928	OPERATIONS MANAGEMENT INT	CUST # 120525 ADDT REPAIR & MAINTENANCE	4,497.46	Open
03/23/2021	44929	PLANNING AND ZONING NEWS	ANNUAL SUBSCRIPTION 4/21-4/22	360.00	Open
03/23/2021	44930	SECURITY SANITATION, INC	PORTA JOHN RENTAL WATERWHEEL PARK 2-9 T	200.00	Open
03/31/2021	44931	COUNTY OF LEELANAU	POLICE OCT 2020 - PERS \$9400.57 MI \$520.	26,841.42	Open
03/31/2021	44932	FLEIS & VANDENBRINK ENGINEERING	PROJ 842430 - WATER PER USDA - THRU 2/2	1,025.13	Open
03/31/2021	44933	KSS ENTERPRISES	ACCT VILLA660 - PARKS- BAGS, TOWELS, CL	2,029.21	Open
03/31/2021	44934	LITTLE OUTDOOR SERVICES	TREE REMOVAL - COAL DOCK SHORELINE	1,540.00	Open
03/31/2021	44935	NORTHERN SPRINKLERS	50% OF \$5700 - SOUTH SIDE - 7 ZONES	2,850.00	Open
03/31/2021	44936	PRIORITY HEALTH	GROUP 784340 S001, APR 2021 PREMIUM	7,307.37	Open
03/31/2021	44937	STANDARD INSURANCE COMPANY	642946 0117, MARCH 2021 PREMIUM	559.65	Open
03/31/2021	44938	WELLS FARGO FINANCIAL LEASING	603-0214439-000, COPIER LEASE TO 4/11/2	72.92	Open
04/08/2021	44939	BRAMER AUTO SUPPLY	MOTOR POOL SUPPLIES-CONNECTORS	159.18	Open
04/08/2021	44940	CONSUMERS ENERGY	MULTIPLE ELECTRIC SERV THRU 3/30/21	3,742.49	Open
04/08/2021	44941	CENTURYLINK	ACCT#300439566 SERVICE THRU MARCH	608.72	Open
04/08/2021	44942	CENTURYLINK	ACCT#405593377 SERV THRU MARCH 21	224.21	Open
04/08/2021	44943	GRAINGER	MOTOR POOL SUPPLIES-SYNTHETIC GEAR OIL	59.41	Open
04/08/2021	44944	DC COLLECTIVE GROCER	MOTOR POOL-CLEANERS	26.07	Open
04/08/2021	44945	NORTHERN BUILDING SUPPLY, LLC	CUST#VILLO SUPPLIES THRU 3-25-2021	1,028.35	Open
04/08/2021	44946	LEELANAU ENTERPRISE	LEGAL NOTICES THROUGH MARCH 21	234.80	Open
04/08/2021	44947	AIRGAS USA, LLC	MOTOR POOL SUPPLIES OXYGEN TANK	116.25	Open
04/08/2021	44948	AMERICAN WASTE	ACCT#3222750 6YD & 4YD-APRIL 21	207.01	Open
04/08/2021	44949	BADGER METER INC	BEACON HOSTING MARCH 2021	35.88	Open
04/08/2021	44950	BLUE CROSS BLUE SHIELD OF MICH	GROUP 007015354 0001-MAY 2021 PREMIUM	275.63	Open
04/08/2021	44951	CENTURYLINK	ACCT#89115093 EQUIP RENTAL THROUGH MARC	143.40	Open
04/08/2021	44952	STATE OF MICHIGAN	DAVID MILLER STORMWATER LICENSE RENEWAL	95.00	Open
04/08/2021	44953	EAST BAY MEDICAL	DOT RANDOM SCREENING	55.00	Open
04/08/2021	44954	GOOD NATURE GARDENS, INC	GARDEN MAINTENANCE-FERTILIZER	895.00	Open
04/08/2021	44955	KAL EXCAVATING CO	BROADWAY PROJECT	208.55	Open
04/08/2021	44956	DOROTHY PETROSKY	OFFICE SUPPLIES COFFEE	35.98	Open
04/08/2021	44957	MI MUNICIPAL LEAGUE	ID 480 - MML MEMBERSHIP DUES 6/1/21 THR	579.00	Open
04/08/2021	44958	OPERATIONS MANAGEMENT INT	CUST # 120525 SUTTO 404723.12	13,738.58	Open
04/08/2021	44959	PURE WATER WORKS	COOLER RENTAL-APRIL 2021	8.50	Open
04/08/2021	44960	LEELANAU CITY ROAD COMMISSION	UNLEADED AND DIESEL THROUGH 3/31/2021	741.70	Open
04/08/2021	44961	SOS ANALYTICAL	LAB ANALYSIS	80.00	Open
04/08/2021	44962	USABLEBOOK	WWTP SUPPLIES-GLOVES	414.70	Open
04/08/2021	44963	VALLEY CITY LINEN	ACCT# 10467 MARCH SERVICE	125.00	Open
04/13/2021	44964	COMMINS BRIDGEWAY, LLC	CUST #219913 ONAN - 146 S SHORE DR	1,301.90	Open
04/13/2021	44965	KDP RETIREMENT PLAN SVCS, INC	QUARTERLY FEES - OCT TO DEC 2020	270.00	Open
04/13/2021	44966	LEELANAU CONSERVATION DISTRICT	SOIL EROSION PERMIT 2021	218.00	Open
04/13/2021	44967	MR CLEAN	MARCH OFC/MTG RM CLEAN AND CARPETS	815.00	Open
04/14/2021	44968	CSI GEOTURF	ACCT VIL401 SEED/ GEOTURF- BROADWAY	1,494.53	Open
04/14/2021	44969	KDP RETIREMENT PLAN SVCS, INC	QUARTERLY FEES 1SR QTR 2021	270.00	Open
04/14/2021	44970	R W MERCER CO	SUT100 - MARINA SPRING MAINTENANCE	245.00	Open
04/14/2021	44971	NEW PIG	CUST# 4848674 OIL ABSORBENT PADS	315.83	Open
04/14/2021	44972	OLSON, BZDOK & HOWARD, P.C.	CLIENT 6289-00M, GENERAL MATTERS THRU 3	214.50	Open
04/14/2021	44973	INTEGRITY BUSINESS SOLUTIONS	957380 - OFFICE SUPPLIES, CHAIR MAT, EN	150.50	Open
04/14/2021	44974	PTINEY BOWES - PURCHASE POWER	ACCT 8000 9090 0222 9933 - POSTAGE	436.87	Open
04/14/2021	44975	SECURITY SANITATION, INC	PORTA JON RENTAL WATERWHEEL -THRU 4/9/2	200.00	Open
04/14/2021	44976	SOS ANALYTICAL	WSSN6500 WATER LAB ANALYSIS	80.00	Open

Check Date	Check	Vendor Name	Description	Amount	Status
04/14/2021	44977	TIME WARNER CABLE	ACCT# 103479401 SERV THRU 4-1-2021	81.97	Open

GEN TOTALS:

Total of 58 Disbursements: 85,357.58

		<h2 style="margin: 0;">VILLAGE OF SUTTONS BAY</h2> <h3 style="margin: 0;">REPORT VSB -2021-23</h3>	
Prepared:	April 13, 2021	Pages:	1 of 1
Meeting:	April 19, 2021	Attachments:	<input checked="" type="checkbox"/>
Subject:	Map Amendment		

PURPOSE

To hold a public hearing to correct the inadvertent rezoning of the properties described below:

- 45-043-821-008-00 - 841 N. St. Joseph Street
- 45-043-821-009-00 - 803 N. St. Joseph Street
- 45-043-821-010-00 - 801 N. St. Joseph Street

BACKGROUND

Similar to a 2020 zoning map amendment we have discovered another area of the Village that was inadvertently rezoned upon adoption of the zoning map in 2018. Once confirmed, Staff reached out to the owners of the above listed properties to inform them of the error. The purpose of the amendment before you, are to correct the issue by rezoning the parcels from the PUD district to the Newer Village Residential (NVR) zoning district.



To clarify, the property description on one of the properties includes waterfront property on the east side of M-22. It has been requested that this portion be rezoned also, however, this amendment does not address that request. The property on the waterfront portion is currently zoned Single-family Waterfront Residential (SFWR). Previous ordinance and maps dating back to the early 2000’s have it zoned the same. In addition, the planning commission in 2020 completed an evaluation of the waterfront district and it was determined that they would postpone further discussion of this area until the master plan discussions have begun. This amendment is specific to fixing an error and inadvertent rezoning only.


A public hearing was held at the March 10, 2021, Planning Commission meeting and following the public hearing and discussion, the planning commission recommended approval of the amendments to the Village Council.

ACTION REQUESTED:

A motion for consideration is as follows:

MOTION to adopt the proposed amendment to the Village of Suttons Bay Zoning Map, as described in report 2021-23 and being made a part of this motion.

Related Reports: VSB 2021-13

		VILLAGE OF SUTTONS BAY	
		REPORT VSB -2021- 24	
Prepared:	April 13, 2021	Pages:	1 of 1
Meeting:	April 19, 2021	Attachments:	<input type="checkbox"/>
Subject:	Fence Amendment		

PURPOSE

To hold a public hearing for an amendment to the zoning ordinance to eliminate the 1-foot setback to fences.

BACKGROUND

Our current standards require a fence to be located one foot from the property line for the purpose of not obstructing a clear vision area. Although it is common to have a provision that prohibits the obstruction, it is not common to have a 1-foot setback. The 1-foot setback fails to serve a public purpose and therefore it has been recommended for removal. In addition, Section 2-20 Traffic Visibility, already addresses the safety issue making the provision unnecessary and redundant.

The planning commission reviewed a more modern fence section in 2020 which will replace the current fence standards. The new section will incorporate visuals to help guide those intending to erect a fence and/or screening. Although we are not yet prepared to move forward with the amendment that will replace Section 2-21 in its entirety, the PC recommended approval of this house keeping amendment.

ACTION REQUESTED

MOTION to adopt the proposed amendment to the Village of Suttons Bay Zoning Ordinance Section 2-21, as described in Report VSB-2021-24

Related Reports include:

- VSB-2021-03
- VSB- 2021-14

Section 2-20 Traffic Visibility

- A. *Clear Vision.* No use, structure or plant material, such as off-street parking spaces, fences, signs, berms, hedges, or planting of shrubs, which is taller than three (3) feet or which obstructs safe vision at a street corner, shall be located, erected or maintained within the following areas.
1. Intersection of Streets. Within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two (2) points which are located on those intersecting right-of-way lines 30 feet from the point of the intersection of the right of way lines (Figure 2-1 a).
 2. Street and Driveway. Within the triangular area formed by the intersection of a street right-of-way line and a driveway and a line connecting two (2) points that are located on the right-of-way line and the driveway 20 feet from the point of intersection of the right-of-way line and driveway (Figure 2-1 b).
- B. *Exemptions.* Buildings in the CB District are exempt from the clear vision requirement of Section 2-20 A; however, all clear vision areas are subject to review and approval by the Administrator.

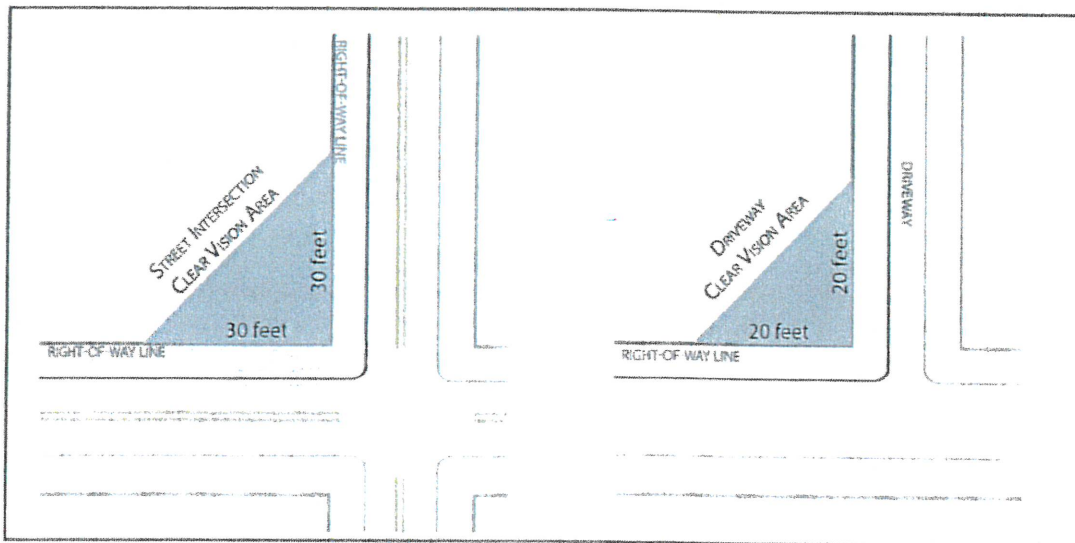


Figure 2-1 a Street-Street

Figure 2-1 b Street-Driveway

Section 2-21 Walls and Fences

- A. *General Provisions.*
1. Permit. Fences and walls require a permit.
 2. Measurement. Fence and wall height shall be measured from the natural grade to the uppermost portion of the fence or wall.
- B. *Requirements.*
1. Residential and Mixed Use District Requirements.


- a. Fences may not exceed six (6) feet in height. Fences located in front yards and waterfront yard portions of a parcel shall not exceed three and a half (3 ½) feet in height.
- b. Fences in front yards shall not be opaque, such as a privacy fence.
- c. There shall not be attached, affixed, or placed on any fence or wall any spike, nail, barb (including barbwire), or other pointed instrument on a fence.
- d. No fence or wall shall be constructed or maintained which is charged or connected with an electrical current.

2. Commercial and Industrial District Requirements.

- a. Fences may not exceed eight (8) feet in height.
- b. Barbed wire fencing is only permitted in the WI district.

3. Placement.

- a. No fence shall be located below the Lake Michigan historic high-water elevation of (582.3 feet IGLD 1985).
- b. No fence or wall shall be erected ~~within one (1) foot of any lot line abutting a street right-of-way line and shall not~~ as to obstruct a clear vision area (Section 2-19).
- c. If one side of the fence has a finished side, that side shall face adjacent properties, the water or streets.

		VILLAGE OF SUTTONS BAY	
		REPORT VSB -2021- 25	
Prepared:	April 13, 2021	Pages:	1 of 1
Meeting:	April 19, 2021	Attachments:	<input type="checkbox"/>
Subject:	Sidewalk / Tree Replacement		


PURPOSE

To update the Village Council on an immediate safety concern.

STAFF COMMENT

We are moving forward with obtaining costs for 115 feet of sidewalk replacement and tree removal along West Street. The location of the project is shown in the picture below. The red line indicates the area of sidewalk to be repaired while the yellow 'X' identifies the tree removal. We had budgeted for both tree removal/replacement and sidewalk repair so it is not anticipated that we will have to amend the budget at this time. Pictures of both the rotted trees and damage to the sidewalk are provided for your information.



		VILLAGE OF SUTTONS BAY	
		REPORT VSB -2021- 26	
Prepared:	April 13, 2021	Pages:	1 of 1
Meeting:	April 19, 2021	Attachments:	<input type="checkbox"/>
Subject:	Park Signs		

BACKGROUND

Upon my arrival it was expressed to me that businesses would like to have visitors stay longer in the community, rather than moving on to other communities and attractions. Challenge accepted.

There is a common misconception that parks fail to generate money and the main reason some administrators tend to ignore parks. From experience, I can tell you that is not the case. In fact, parks play a very large role in generating income if done properly and strategically. Our goal is to create a park system that becomes as much as a destination for our visitors as our downtown. This task may take some time (5 years) however, we will eventually have a park system that will meet that goal.

First, we created a pop-up park / new seating area by Marina Park and 1 block away from downtown. This area received a lot of use from visitors and even catered to a few village chamber meetings. Second, we met with the owners of Haystacks to inform them of our plan to improve the area adjacent to their store and the creek. This area was considered by many as a “waste of space” and “creepy”. The discussion went very well and they were very excited with our vision for the new seating area. Although not yet complete, the park will see big improvements in the next 2-3 weeks.

STAFF COMMENT

Now, for the task at hand...I randomly asked visitors to identify the locations of Suttons Park, North Park, and Duester Park. Not one person was able to tell me their location, in fact, most people said that they had never heard of the parks. This was quite telling considering they passed at least one of the parks on their drive into the Village. Why didn't they know? Simple, the parks are not identified!

If we want our parks to be a driver for people to visit and stay within our Village, they must be identified. Attached, you will find what we believe to be the design of our new park signs. We are embarking on a 3-year project that will eventually bring new signs to all our parks so visitors can find them. In addition, we are having new signs designed at the entrance of our Village that will feature our logo prominently. The General Service Committee requested the signs be brought before the VC for final decision.

ACTION REQUESTED

Direction.

5'

3'



5'


3'



5'

3'



		VILLAGE OF SUTTONS BAY	
		REPORT VSB -2021- 27	
Prepared:	April 14, 2021	Pages:	1 of 1
Meeting:	April 19, 2021	Attachments:	<input checked="" type="checkbox"/>
Subject:	Banner Policy		

PURPOSE

To consider adoption of the banner and decorations policy for the new downtown light poles.

STAFF COMMENT

As a part of the TAP project, the downtown light poles were replaced with smaller more modern light poles that feature banner arms. Being that these light poles are located on a highway, and within our downtown, it is important to have some sort of policy regulating their use. This policy attempts to address eligibility requirements to display banners, limitations and responsibilities.

The Administrative Committee, at their April 7,2021 meeting discussed the policy and felt it was appropriate to send it to the VC for consideration.

REQUESTED ACTION

Discussion of the policy. If the VC is generally supportive of adopting the policy, then a motion for consideration is as follows:

MOTION TO: Adopt the proposed Banner and Decorations Policy as presented.

Should the VC prefer to wait on its adoption and refer it back to the committee for changes or further discussion a **consensus** to that affect would be sufficient.

Village of Suttons Bay Banner & Light Pole Decoration Policy

Section 1 - Purpose

The intent of this policy is to provide an understanding to applicants who wish to display banners and/or decorations on eligible Village light poles, located within the DDA district. Banners and light pole decorations are intended to identify, promote, celebrate, complement, and/or commemorate community events, seasons, or significant community anniversaries. They may also encourage or promote general economic stimulation within the Village of Suttons Bay but shall not be used as a public forum or to promote, endorse, or enhance any individual commercial opportunity, or event or direct or indirect political activities or events. Banners and decorations may also be used as a means of adding color, creating a sense of excitement, and to bring increased attention to events.

Section 2 - Eligibility

Units of local government, school districts, local business organizations, not-for-profit/non-profit corporations, and public agencies located within the Village of Suttons Bay.

Section 3 - Application Process

1. All applications shall be reviewed by the Village of Suttons Bay. The sponsoring organization shall submit a completed application form no less than 30 days prior to the intended display period. The following information shall be provided to be considered complete:
 - a. Name of Organization.
 - b. Proof of eligibility as a Non-Profit Organization or Governmental Unit.
 - c. Hold Harmless Agreement
 - d. Proof of liability insurance
 - e. Name of Event or activity of interest.
 - f. Requested display dates.
 - g. Date of Event.
 - h. Design of the proposed banner, including proposed banner language.
 - i. Review Fee
2. Eligible organizations that submit their completed application and fee first will be given priority in scheduling. The Village of Suttons Bay reserves the right to give priority to recurring, established local and cultural events that have a proven record as of the date of this policy. Filling out an application does not in any way guarantee a reservation or design approval.

Section 4 – Fees & Costs

1. A \$50 review fee will be charged to review the applications compliance with Section 3 above. Applications deemed incomplete may be assessed additional review fees upon resubmittal.
2. Applicants are responsible for all costs incurred for the creation, installation, maintenance, and removal of the banners/decorations.

Section 5 – Location & Duration

1. Banners and decorations shall only be displayed on designated light poles located along St. Joseph Street.

2. Placement/installation of decorations/banners will be determined by the Village of Suttons Bay based upon availability and scheduling.
3. The display period is at the discretion of the Village and may be permitted for a duration of 7-days and up to a 30-day display period. Display periods may be dependent upon availability, scheduling, installation/removal schedules or conflict with Village obligations.

Section 6 – Design & Content

1. The applicant shall submit their banner design or decoration (both sides, if they are different) for approval as stated in Section 3 of this policy.
2. Decorations shall be in good taste as determined by the Village of Suttons Bay.
3. No banner or decoration shall display any statement, words, or images, which may be deemed inappropriate, considered obscene, or which promote, advertise, or otherwise make reference to illegal or unlawful activity.
4. Advertising the sale of any product or service on a banner or a decoration by a commercial entity is prohibited.
5. Advertising for or against any political candidate, referenda, ballot question, political party, or related to any other partisan political purpose is also prohibited.
6. Businesses acting as sponsors of an event shall not reference the/any business by way of logo, text, or otherwise.
7. Banners must be of sufficient strength and durability to withstand the elements during the period they are in place.
8. The Village reserves the right to prohibit banners/decorations that do not contain the same design as approved during the application process.

Section 7 – Installation, Maintenance, and Removal

1. Banner and Decoration Installation/Removal
 - a. If approved, light pole banners and decorations shall be installed and removed during the approved display period by an approved sign company.
 - b. The applicant shall be responsible for all costs associated with any damage incurred to the light poles or any property during the installation, display or removal of banners or decorations.
2. If a banner or light pole decoration is damaged during installation, display, or removal, the sponsoring organization is responsible for providing a replacement.
3. The Applicant shall be responsible for the costs associated with any damage to Village property.
4. The Village reserves the right to remove, without notice, and at the cost of the applicant, any banners or decorations which are in a poor or unacceptable visual or physical condition, or differ from the approved design.
5. If at any time, the Village is tasked with the removal of banners/decorations, which remain past the approved display date, all expenses will be at the expense of the applicant.
6. Installation and removal of banners shall not affect, block or cause delays to M-22 traffic flow.

Section 8 – Not a Public Forum

None of the Village's light poles shall constitute or be used as a public forum or in any manner as an

open place of public expression. The light poles are reserved for the exclusive use and benefit of the Village of Suttons Bay.

The display of banners and decorations is based upon availability of light poles and the Village of Suttons Bay shall enjoy, at all times and in all locations, the right to use light poles for its own displays to the exclusion of any other banners/decorations. The Village reserves the right to not install or remove any banners/decorations, at any and all times, at the discretion of the Village Administrator or his/her designee. Nothing herein shall be deemed to express, imply, or create in any way a right to display banners or decorations on any particular light poles or the right to require the Village to make any light poles available for banners or decorations or the right to require the Village to remove any banner/decoration to allow for the placement of another banner/decoration.

Section 9 – Risk of Loss Statement


The sponsoring organization providing the banners/decorations shall at all times bear any risk of loss, damage, or destruction of or to the organization's banners/decorations and under no circumstances shall the Village be responsible to any person or entity for damage to or loss of any banners/decorations, including the loss of the value of the banners/decorations should this policy, either existing or as subsequently modified, prohibit its display.

Section 10 – Approvals

The Village of Suttons Bay will provide written notification of approval or denial to the applicant within 14 days of receiving the application.

Section 11 – Indemnify

The Village reserves the right to remove, without notice, any banners or decorations which are inappropriate or in a poor or unacceptable visual or physical condition at the expense of the applicant.

		VILLAGE OF SUTTONS BAY	
		REPORT VSB -2021- 28	
Prepared:	April 14, 2021	Pages:	1 of 1
Meeting:	April 19, 2021	Attachments:	<input checked="" type="checkbox"/>
Subject:	Marina Ordinance Amendment		

PURPOSE

To consider minor housekeeping amendments to the Marina Ordinance as described in the attached document.

STAFF COMMENT

The proposed amendments are minor and viewed mostly as housekeeping amendments. The Marina Committee reviewed the changes and felt they were appropriate to move forward to the Village Council. An emphasis on educating patrons of the marina and others on the changes was discussed as was an emphasis on fair enforcement.

REQUESTED ACTION

If the VC is generally supportive of the amendments, then a motion for consideration is as follows:

MOTION TO: Call for a public hearing on May 17, 2021 to consider the Amendments to the ordinance known as Marina Ordinance # 2 of 2017, as attached to Report VSB-2021-28, and being made a part of this motion.

Should the VC prefer to wait on its adoption and refer it back to the committee for changes or further discussion a **consensus** to that affect would be sufficient.

VILLAGE OF SUTTONS BAY
MARINA ORDINANCE
Ordinance No. 2 of 2017

Proposed Amendment in blue page 8.

AN ORDINANCE TO REPEAL AND REPLACE ORDINANCE NO. 3 OF 2006, AS AMENDED, TO PROVIDE RULES, REGULATIONS AND PROCEDURES FOR THE OPERATION OF THE VILLAGE-OWNED MARINA, BOAT LAUNCHES AND MARINA PROPERTY TO ENSURE THE PUBLIC HEALTH, SAFETY AND WELFARE; TO PROVIDE FOR ORDERLY MARINA CONDUCT; TO PROVIDE FOR PROCEDURES FOR OPERATIONS AS WELL AS VISITORS AND LICENSE HOLDERS; AND TO PROVIDE ENFORCEMENT REGULATIONS.

THE VILLAGE OF SUTTONS BAY ORDAINS:

Section 1. Amendment of Ordinance No. 3 of 2006, As Amended. That Ordinance No. 3 of 2006, as amended, is amended in its entirety to read as follows:

Section 1. Definitions.

The following terms, as used in this Ordinance, are hereby defined to have the following meanings. All other terms shall have their regular dictionary meanings or as defined in other governing regulations.

“Vessel” means a craft designed to navigate on water

“Village” or “Owner” means the Village of Suttons Bay

“Licensee” means the person assigned to a slip

“Boat Launch” means a sloping surface that allows a vessel to enter and/or exit a body of water

“Commercial” any business concerned with or engaged with commerce

“Day Use” means hourly slip license, not to exceed 24 hours

“Dinghy” is a human powered or outboard powered watercraft, less than 12’ in length

“Harbormaster” means the person in day-to-day charge of the operations of the Marina

“Marina” means any building or property owned or operated by the Village for the purposes of activities associated with the harbor, marina, boat launch and/or use of the waters; such as, but not limited to, operating any type of vessel, fishing, or swimming

“Marine Grade Electric Cord” means twist to lock with marine grade connector with water proof seal

“Power” a vessel navigated by mechanical or electric energy

“Power Loading” using a boat motor to load and unload the boat on and/or off a trailer

“RV’s” a recreational vehicle; camper, motor home, fifth wheel, trailer, any vehicle that may be used for overnight stay

“Sail” a vessel navigated by wind power

“Seasonal” slip licenses lasting for the duration of the marina season, May 15th – October 15th

“Transient” means short term slip license, not to exceed 14 days

“Vessel Overall Length” Vessel length on registration combined with any protrusion which shall

include but limited to, anchors, bow pulpits, bow sprits, outboard motors, swim platforms, fishing gear, dinghies, etc. rounded to the closest foot of measurement.

“Slip” A docking area for vessel located along and/or between finger piers

“User” means any person, including boat owners/operators, marina Licensee’s on the premise of Marina.

Section 2. Rule and Procedure for the Operation of the Waiting List.

- 2.1 The Marina has a waiting list. The waiting list is operated as an annual renewal for which the Village sends out notices. The waiting list fee is due no later than March 1st of each year. If a renewal is not returned to the Village’s offices by March 1st, the name shall be removed from the waiting list
- 2.2 The Village shall establish annually the fee for the waiting list in the Village’s Schedule of Fees. The waiting list fee is non-refundable.
- 2.3 The waiting list fee shall not be considered any part of the license fee if a person obtains a slip license.
- 2.4 The intent of the waiting list renewals is to give each applicant the opportunity to update any information such as mailing addresses, phone numbers or vessel information. All changes and updated information shall be submitted with the annual renewal to allow the Village to update its records.
- 2.5 Reserved for future use.
- 2.6 Reserved for future use.
- 2.7 The Village may reject any application for the waiting list if there has been fraudulent, misleading, or unethical conduct by the applicant with respect to the Marina or other similar situations to protect the best interests of the Village.

Section 3. Determination of Selection from the Waiting List.

- 3.1 Selection from the waiting list for a license shall be granted to the next person on the waiting list whose vessel can be accommodated based on slip size availability. Slip placement shall be based on the vessel information provided by the applicant and may not be substituted without prior authorization of the Harbormaster.
- 3.2 The Village will make reasonable attempts to contact the applicant according to the information provided during the annual renewal process. It is the applicant’s responsibility to notify the Village of any change in their contact information and the Village will not be liable due to a failure or inability to provide notice to an applicant.
- 3.3 The Village will first attempt by telephone or email to notify the next person with the appropriate size vessel of a slip’s availability. The Village shall leave a message if

possible and the applicant then has 48 hours to contact the Village. License payment must be paid within thirty (30) days of notification and prior to placing vessel in the slip.

- 3.3.1 If the Village is not successful in contacting the first applicant as described upon, the Village will contact the next applicant following the above guidelines, and will continue this process until an applicant has been reached and the slip has been assigned.
- 3.3.2 An applicant may reject their first slip offer without risking their place on the waiting list. A second rejection of a slip assignment shall mean the applicant is removed from their place on the list and placed at the bottom of the list. The Village is not required to send notice of placing the applicant at the end of its list.

Section 4. Selection of Seasonal Slip Licensees.

- 4.1 The Village shall send seasonal license renewals to prior year licensees.
- 4.2 Prior-year licensees shall be given first right of refusal for the coming year's licenses. However, the Village reserves the right to refuse any license when it is deemed in the public health, safety or welfare or otherwise in the best interest of the Village.
- 4.3 Full payment of the license is due to the Village no later than February 15th of each year. Any payments received between February 16th and March 1st are subject to a 10% penalty. Any penalties must be paid in full for the license to be fully paid.
- 4.4 Any funds received on or after March 1st shall be returned to the payer and their slip shall be made available for license to another licensee.
- 4.5 All vessels shall be identified at the time of license payment. Licensee shall provide vessel registration which shall include vessel ownership, size, and registered length. Licensee shall also provide overall length, proof of insurance, draft, beam, and power or sail. The vessel shall be registered and insured in the name of the licensee. If the registration or insurance information does not match the application, the application will be returned without being processed.
- 4.6 The Village shall begin assigning all available slips after January 1st.
- 4.7 If a licensee changes to a vessel of a different size during the term of the license, they may risk losing their slip assignment. Licensees who change or will be changing vessels from the prior year shall contact the Harbormaster for prior approval of the vessel. The Village may reject a vessel change in the Marina.
- 4.8 The Village may, at any time, change any slip assignments deemed in the best interests of the Village.
- 4.9 Slip licenses are specifically for the right to use the slip assigned and the right to use the Marina bathhouse... No other amenities are implied or included. The Marina is owned

and operated by the Village on publicly owned land. All other areas are open to the general public. No licensee shall block or infringe the public's right to use or access any portion of public land or areas not specifically limited to licensee.

- 4.10 Reserved for future use.
- 4.11 No licensee may sub-license or license their slip to any person at any time.
- 4.12 The Licensee shall be responsible for any property damage, nuisance or violations of this Ordinance, including those caused by their visitor, or invited guest.
- 4.13 Any license granted by the Village to a licensee to use a slip within the Marina, including a seasonal license, a day license, or a transient license, shall be expressly contingent upon the full payment by the licensee of all license amounts due and upon full compliance by the licensee with all regulations in this Ordinance and other laws. By accepting a license to use a slip within the Marina, the licensee agrees that any violation of this Ordinance and/or Marina policies and procedures may, in the sole discretion of the Harbormaster or other Village official authorized by resolution of the Village Council, result in the termination of the license and immediate eviction from the Marina. In the event a license is terminated as provided herein, the licensee shall receive a refund of the pro rata license payment to the date of termination. Any such payment shall be made by the Village within thirty (30) days of the license termination.

Section 5. Marina Season.

- 5.1 Subject to the terms of this Ordinance, the Village Marina season begins May 15th and ends October 15th of each year. The Marina bathhouse and restrooms, water service, electric, pump outs or gas pumps might not be open or functional other than during this period.
- 5.2 Vessels may be placed in the Marina between April 15th and May 15th only with the express permission of the Harbormaster and only after the licensee has provided updated copies of vessel registration and proof of insurance to the Village for the Harbormaster's review and approval.
- 5.3 All vessels and personal equipment must be removed from the Marina and public lands no later than October 31st.
- 5.4 If any vessel remains in the Marina after October 31st without the express permission of the Harbormaster, the owner shall be liable for a fee of twice the established daily rate.
- 5.5 If any vessel remains in the Marina after November 15th, it shall be removed from the Marina and impounded by the Village. The licensee shall be responsible for one and one-half times the costs incurred by the Village for the removal and impound of the vessel. The impound fees shall be established in the Village's Schedule of Fees.

5.6 The Village or company removing any vessel from the Marina shall not be liable for damages to any vessel which was removed from the Marina as provided in this Ordinance.

Section 6. Hours of Operation.

6.1 Unless otherwise specified the Marina's hours of operation shall be:

May 15 through June 23: 8:00 a.m. to 6:00 p.m.

June 24 through Labor Day: 8:00 a.m. to 8:00 p.m.

Day after Labor Day through October 15th: 8:00 a.m. to 6:00 p.m.

After October 15th: by Appointment

Section 7. General Provisions.

7.1 It is the responsibility of every Marina user, licensee, or transient to know and comply with this Ordinance. The Village shall supply any current or new licensee with a copy of this Ordinance upon request. A copy of this Ordinance shall be made available on the Village's website and shall be posted at the Harbormaster's office in plain view for all transient users to review. This Ordinance shall supersede any and all prior rules or regulations.

All Licensee's shall comply with this Ordinance and Marina policy and procedures and at the time they accept a seasonal, day use, or transient license, affirm they will comply with this Ordinance and Marina policy and procedures by paying the Marina slip seasonal license, day license or transient license fee.

7.2 Slip Holders shall notify the Harbormaster if leaving the slip for 24 hours or longer. Slips vacated for 24 hours or longer may be licensed at the discretion of the Harbormaster. In the event of extended absences from the slip, the slip holder may have to use an alternative (assigned slip up to 3 days) until his or her slip is available.

7.3 The Marina is a no wake zone. Vessels must operate at the minimum speed that allows a vessel to maintain steering and make headway, usually idle speed.

7.4 Licensees shall supply their own bumpers, lines and marine grade electrical cord. Licensees are responsible to ensure the vessel is secure before and after weather events.

7.5 All licensees shall immediately report any damage or deficiencies in the Marina to a Marina employee.

7.6 Licensee may place one enclosed dock box, with dimensions of no more than 48 inches in length, 28 inches in width, and 28 inches in height, near the entrance to their dock, in which personal effects may be stored. Other than those objects stored in the dock box or on the boat, licensee shall not keep any personal effects on the premises. All personal property must be contained within the dock box or vessel. If licensee uses such a dock

box, it must be removed no later than October 31st, or the dock box and its contents will be deemed abandoned, and Owner may, without further notice, dispose of the dock box and any contents in the manner it deems appropriate, without any liability to Village whatsoever.

- 7.7 No grilling or open flame is permitted on any vessel docked within the main basin or coal dock section. Cooking shall be permitted in vessels with below deck kitchens and a designated marina cooking locations.
- 7.8 Licensees shall keep pets on a leash at all times while on land and shall not permit the pet to run at-large. The licensee is responsible for cleanup of their pet and disposal of droppings in approved waste containers.
- 7.9 It is unlawful for any licensee to turn-off, dismantle, or damage lighting in or around the Marina.
- 7.10 Licensee may have only the registered vessel in the slip. Licensee may keep a dinghy in the slip, provided the dinghy is tied to or placed on the vessel, and does not protrude into any other slip or beyond the dock. No dinghy may be kept in a slip unless the registered vessel is also in the slip. Any motorized dinghy must also be registered with Owner, who must also provide the insurance and registration information required for a Vessel, and the dinghy must be registered and insured in the name of licensee.
- 7.11 Minor maintenance and repairs are permissible in the slips. Exterior painting, varnishing or restoration work shall not be done with the vessel in the slip; all major work shall only be done on dry docked vessels.
- 7.12 No swimming is permitted in the main marina basin, coal dock basin, off the north or south pier, off the fishing pier, or off the Inland Seas pier.
- 7.13 If any vessel has a gas or oil leak, the owner is responsible for the immediate containment of the leak. If any vessel is found with a gas or oil leak it shall be immediately removed from the Marina by its owner. If the vessel's owner cannot be immediately located the Village may remove the vessel without the owner's prior consent. The owner shall be responsible to the Village for all cost of removal of the vessel and/or the clean-up cost. The Village shall not be responsible for damage to the vessel in the event of such removal.
- 7.14 The owner is responsible for ensuring their vessel is in proper working order and afloat. The owner is responsible for any vessel that may be in danger of sinking and shall immediately remove the vessel from the Marina. The Village may immediately remove any such vessel from the Marina without the owner's prior consent. The owner shall be responsible to the Village for all cost of removal of the vessel and/or any clean-up cost. The Village shall not be responsible for damage to the vessel in the event of emergency removal.

- 7.15 The Village parks are open to the general public from 7:00am until 10:00pm. Licensees shall comply with the rules and regulations regarding noise and nuisances as provided in the park Ordinance. No licensee shall play audio devices at level that disturbs adjacent boaters. No licensee shall permit their dog to bark in a manner causing a nuisance to adjacent slip holders.
- 7.16 No overnight camping is allowed other than on boats.
- 7.17 No fireworks are permitted in the Marina at any time.
- 7.18 The Marina and its facilities are solely for the use of the general public and licensees of non-commercial pleasure craft and may not be used for commercial purposes or operations of any kind or nature at any time without the prior approval of the Village Council.
- 7.19 No person shall refuel any vessel within the Marina, except from the fuel dock. The fuel dock operation attempts to lesson environmental impact of fueling in the marina. Observation and compliance with Marina staff is required when fueling.
- 7.20 Canoes, kayak, boards, dinghies and similar items shall not be stored on a pier, finger pier, dock, and walkway. Storage is allowed within the confines of the licensed slip or on the vessel.
- 7.21 No fishing within the main Marina basin or coal dock basin area is permitted except in designated areas.
- 7.22 In no case shall a vessel's overall length extend more than six (6) feet beyond the end of the finger pier.

Section 8. Transient licenses and Day use.

- 8.1 Transient and day use license reservations and cancellations shall be made pursuant to the Marina Reservation and Cancellation Policies, established from time to time by the Village Council.
- 8.2 All transient and day-use boaters must immediately report to the Harbor Hut, complete the required form and make payment upon arrival. All transient are required to pay at the time of arrival.
- 8.3 Transients who arrive after business hours are responsible to check in and pay immediately upon marina opening business the following day. Transients should be aware the slip may not be available for current or future use.
- 8.4 Transients shall immediately remove their vessel from a slip which is not available for license.
- 8.5 Transient and day use boaters shall pay license fees as established from time to

time by the Village Council in the Schedule of Fees.

- 8.6 Transient check-out is 12:00pm. Transients who remain in the Marina after 12:00pm shall be charged an additional day.
- 8.7 Dinghy slips are only available for day and transient use. Other than the slip, dinghy licenses come with no other amenities such as, electricity, Marina bathhouse or parking privileges.

Section 9. Launch Ramp.

- 9.1 All vessels launching shall pay a launch fee as established by Village Schedule of Fees.
- 9.2 Power loading and unloading is prohibited.
- 9.3 All vessels unloading and loading at the ramp shall be ready to operate and not hold up traffic. No vessel shall be left unattended.
- 9.4 Cleaning and/or gutting of fish is prohibited within all Village parks, Marina and launch ramps.
- 9.5 Fishing is prohibited at the launch ramp.
- 9.6 Vehicle/trailer parking is only permitted in "Trailer Only" parking spaces. Trailers cannot be detached from tow vehicle and left in any parking area.
- 9.8 No vessel maintenance is allowed at launch ramp.
- 9.9 The Village reserves the right to close the launch ramp and designated Marina parking areas when deemed by Harbormaster or designee to be in the best interest of the Marina operation.
- 9.10 Skid Piers shall be used for the sole purpose for launching vessels. No passenger loading and unloading shall occur at any time.

Section 10. Enforcement.

- 10.1 The Harbormaster and any police officer are hereby designated as the officials authorized to issue municipal civil infraction citations for a violation of this Ordinance.
- 10.2 Reserved for future use.
- 10.3. Any person who does not remove themselves from the Marina as ordered by the Harbor Master, or other Village official authorized by the Village Council, is guilty of misdemeanor trespassing.

Section 11. Violations and Penalties.

- 11.1 Any person who violates any provision of this Ordinance, except Section 10.3, shall be responsible for a municipal civil infraction and shall be subject to the following fines:
- a. For a first offense, the offender shall be responsible to pay a fine of \$100.00.
 - b. For a second offense within two years of the date on which the person was found responsible for the first violation, the offender shall be responsible to pay a fine of \$250.00.
 - c. For a third or subsequent offense within two (2) years of the date on which the person was found responsible for the first violation, the offender shall be responsible to pay a fine of \$500.00.
- 11.2 Any person who knowingly violates Section 10.3 of this Ordinance shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00 and/or by imprisonment in the County jail for not more than 90 days.
- 11.3 Each day this Ordinance is violated shall be considered a separate violation.

Section 12. Nuisance per Se.

A violation of this Ordinance is hereby declared to be a nuisance per se and is deemed to be offensive to the public health, safety and welfare.

Section 13. Separate Court Action.

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding or a criminal prosecution, the Village may initiate proceedings in the circuit court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Section 14. Validity.

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any remaining portions or application of this Ordinance, which can be given effect without the invalid portion or application.

Section 2. Repealer. That all ordinances and parts of ordinances including, without limitation, Ordinance No. 3 of 2006, as amended, are hereby repealed.

Section 3. Effective Date. This Ordinance shall become effective 20 days after publication of the Ordinance or a synopsis of the Ordinance, in a newspaper of general circulation within the Village.


Approved: June 19, 2017

Steve Lutke, Village President

Publication Date: June 28, 2017

Effective: July 18, 2017

Shar Fay, Village Clerk

		VILLAGE OF SUTTONS BAY	
		REPORT VSB -2021- 29	
Prepared:	April 14, 2021	Pages:	1 of 1
Meeting:	April 19, 2021	Attachments:	<input checked="" type="checkbox"/>
Subject:	Peddler's Ordinance Amendment		

PURPOSE

To consider minor housekeeping amendments to the Peddlers Ordinance as described in the attached document.

STAFF COMMENT

The proposed amendments are minor and viewed mostly as housekeeping amendments. The Administration & Personnel Committee reviewed the changes at their April 7, 2021 meeting and felt the changes were appropriate and should be sent to the Village Council for consideration. The committee emphasized educating the public on the amendments and felt that the uniform enforcement of the Ordinance was essential.

REQUESTED ACTION

If the VC is generally supportive of the amendments, then a motion for consideration is as follows:

MOTION TO: Call for a public hearing on May 17, 2021 to consider the Amendments to the ordinance known as the Peddler's Ordinance # 4 of 2010, as attached to Report VSB-2021-29, and being made a part of this motion.

Should the VC prefer to wait on its adoption and refer it back to the committee for changes or further discussion a **consensus** to that affect would be sufficient.

Ordinance 4 of 2010
PEDDLER'S ORDINANCE

Proposed Amendments in blue below.

AN ORDINANCE PURSUANT TO ACT 246 OF THE PUBLIC ACTS OF 1945, AS AMENDED, TO REGULATE PEDDLERS WITHIN THE VILLAGE OF SUTTONS BAY AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF.

THE VILLAGE OF SUTTONS BAY ORDAINS:

Section 1. Title.

This Ordinance shall be known as the Village of Suttons Bay Peddlers Ordinance.

Section 2. Definitions. As used in this Ordinance,

"Motor vehicle" means any wheeled vehicle which is self-propelled or intended to be self-propelled.

"Peddler" means a person who goes about from place to place, traveling by foot, wagon, motor vehicle, vessel, trailer or other type of conveyance, selling or renting or offering for sale or rent any goods, wares, excursions or merchandise. The term "peddler" also includes "hawkers" and "huckster."

"Person" means an individual, firm, corporation, association, partnership, limited liability company, or other legal entity.

"Trailer" means any wheeled vehicle designed and normally towed behind a motor vehicle which is required to have a currently valid registration to be lawfully operated on a public highway.

"Wagon" means any wheeled vehicle designed and normally pulled by an individual or under the power of an individual.

"Vessel" means a craft designed to navigate on water

"Veteran Peddler" means an individual who is a veteran of the armed forces of the United States and who receives a license from the county clerk to sell his or her own goods under the state Peddler's License Act, being MCL 35.441, *et seq.*

Section 3. Regulations.

A peddler and a veteran peddler shall comply with all of the following applicable regulations:

- (a). A peddler, a veteran peddler, or any other person on behalf of the peddler or veteran peddler shall not sell or rent or offer for sale or rent any goods or excursions, wares or merchandise from a public street, alley, park, marina, or other public place, unless such activity is in conjunction with a mass gathering licensed under the Village of Suttons Bay Mass Gathering Ordinance.
- (b). A peddler, a veteran peddler, or any other person on behalf of the peddler or veteran peddler shall not shout, make any cryout, blow a horn, ring a bell or use any sound

device, including any loudspeaker, radio or sound amplifying system upon any public street, alley, park or other public place or upon any private property where sound of sufficient volume is emitted or produced that is capable of being plainly heard upon the streets, alleys, parks, and other public places for the purpose of attracting attention to any goods, wares or merchandise which the peddler proposes to sell or rent.

- (c). A peddler, a veteran peddler, or any other person on behalf of the peddler or veteran peddler shall not remain on upon any public street, alley, park or other public place after being requested by a police officer to leave that public street, alley, park or other public place.

Section 4. Nuisance

A violation of this Ordinance is hereby declared to be a public nuisance, a nuisance per se and is hereby further declared to be offensive to the public health, safety and welfare.

Section 5. Violations and Penalties.

- (a). Any person who violates any provision of this Ordinance, except Section 4(c), shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to the following fines:
 - (1). For a first offense, the offender shall pay a fine of One Hundred and 00/100 (\$100.00) Dollars.
 - (2). For a second offense within two (2) years of the date on which the person was found responsible for the first violation, the offender shall pay a fine of Two Hundred Fifty and 00/100 (\$250.00) Dollars.
 - (3). For a third or subsequent offense within two (2) years of the date on which the person was found responsible for the first violation, the offender shall pay a fine of Five Hundred and 00/100 (\$500.00) Dollars.
- (b). Any person who knowingly violates Section 4(c) of this Ordinance shall be guilty of a misdemeanor punishable by a fine of not more than Five Hundred and 00/100 Dollars (\$500) and/or by imprisonment in the county jail for not more than ninety (90) days.
- (c). Each day this Ordinance is violated shall be considered a separate violation.

Section 6. Enforcement Officials.

The village manager and police officers of the Village of Suttons Bay and the Leelanau County Sheriff's Department are hereby designated as the authorized officials to issue municipal civil infractions directing alleged violators of this Ordinance to appear in court.

Section 7. Civil Action

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Village may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Section 8. Validity.

If any section, provision or clause of this ordinance or the application thereof to any person or circumstance is held valid, such invalidity shall not affect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

Section 9. Repeal.

Village of Suttons Bay Ordinance No XXXIII (33) enacted on July 26, 1946 and entitled "transient Traders" is hereby repealed in its entirety.

Section 10. Effective Date.

This Ordinance shall be effective 20 days after publication.

From: William Horning whorningw@comcast.net
Sent: Wednesday, April 7, 2021 2:32 PM
To: suttonsbay@suttonsbayvillage.org
Subject: Leaf and Brush Pickup Discussion

Follow Up Flag: Follow up
Flag Status: Flagged

To Suttons Bay Village Trustees,

I noticed an announcement on the Suttons Bay Village website with regard to a leaf and brush pickup discussion. I believe that reducing a service by limiting leaf and brush pickup to one seven day period each in the spring and fall is not good for the Village residents whose taxes are supporting this service.

I understand that the system used in past years can be very time consuming and take two personnel and equipment away from other possible activities however placing such a short time limit on leaf and brush pickup places a potentially unrealistic burden on homeowners. Yard cleanup for homeowners in the village that are on the "do it yourself cleanup" plan may have cleanup requiring several days spread out over the first two to three months of spring, again after major storms, and then again for about a month in the fall. Condensing all of that into a single seven day period is not practical for these people. Even those that hire others to accomplish the cleanup will be placed into a situation of competing with other property owners for hiring the work completed within a short time frame placing a burden on those hired to complete several tasks within a restricted period rather than them being able to space the work out over days or weeks keeping businesses and employees busy for a longer period of time.

In addition the "snow birds" returning late to Michigan may be placed under a similar confined timeline to make arrangements for cleanup or could perhaps, depending on Village scheduling, be denied the opportunity to participate in a service for which their local taxes are supporting.

If the policy is to be changed from the service we have had in the past it is best to schedule more than one seven day period for spring pickup such as one week in mid April, another in early May, and a third and final one in late May. The fall cleanup could be handled similarly with two pickup periods, one week mid to late October and another mid November before the snow flies.

My hope is that Village will not recommend that brush and leaf pickup be so overly restricted as to become a burden on Village homeowners in the future. Thank you for your consideration.

Respectfully,

Barbara and William Horning
415 South Shore Drive
Suttons Bay Village

suttonsbay@suttonsbayvillage.org

From: Maureen Penfold mpenfold@mpenfold.com
Sent: Monday, April 12, 2021 2:07 PM
To: Dorothy Petroskey
Subject: Downtown

Hi Dorothy,

This is Maureen Penfold. I'm not sure I am sending this to the correct person so please let me know if I am not. I wanted to send a message to the Village Council asking about the trees downtown to see if there is anything that can be done to get more trees. It comes up continually on social media and in conversations. So my question to them is: Is it possible to get more trees planted downtown and if so what would you need? Money? People to take care of them? Both? I have many ideas on how this could happen and I would be happy to present the ideas to the board and then I would be happy to raise the funds etc. I would like the thoughts of the Village Council on this.

Thanks and enjoy this early spring!

Maureen



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