

**CALL TO ORDER**

IN REGULAR SESSION, Monday, January 4, 2021, at 7:00 P.M., via Electronic Meeting format utilizing ZOOM. City Council was called to order by Mayor Caron.

**ROLL CALL**

Roll was called:

Present: Council Members: Mayor Caron (Marshall, MI), Gates (Marshall, MI), Rice (Marshall, MI), Schwartz (Marshall, MI), Traver (Marshall, MI), Underhill (Marshall, MI), and Wolfersberger (Marshall, MI).

Also Present: City Manager Tarkiewicz and Clerk Nelson.

Absent: None.

**INVOCATION/PLEDGE OF ALLEGIANCE**

Mayor Caron led the Pledge of Allegiance.

**APPROVAL OF THE AGENDA**

**Moved** Wolfersberger, supported Traver, to approve the agenda as presented. On a roll call vote – ayes: Gates, Rice, Schwartz, Traver, Underhill, Wolfersberger, and Mayor Caron; nays: none. **MOTION CARRIED.**

**PUBLIC COMMENT ON AGENDA ITEMS**

None.

**CITY COUNCIL ORGANIZATION**

**A. Election of Mayor Pro-tem:**

**Moved** Gates, supported Underhill, to accept the Mayor's recommendation to appoint Council member Traver as Mayor Pro-tem. On a roll call vote – ayes: Rice, Schwartz, Traver, Underhill, Wolfersberger, Mayor Caron, and Gates; nays: none. **MOTION CARRIED.**

**B. Boards and Commissions Liaison Appointments:**

Mayor Caron listed the Boards and Commissions Liaisons for Council members:

Airport Board	Council Member Rice
MAFFAA	Council Member Schwartz
Farmer's Market Advisory Board	Council Member Gates
Parks, Recreation, and Cemetery	Council Member Underhill
Planning Commission	Council Member Wolfersberger
Zoning Board of Appeals	Council Member Wolfersberger
DDA/LDFA	Council Member Traver

**C. Firekeeper's Local Revenue Sharing Board Appointment:**

**Moved** Wolfersberger, supported Schwartz, to appoint Mayor Caron as the representative on the Firekeeper's Local Revenue Sharing Board and appoint Tom Tarkiewicz as the Alternate. On a roll call vote – ayes: Schwartz, Traver, Underhill, Wolfersberger, Mayor Caron, Gates, and Rice; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL, MICHIGAN  
RESOLUTION #2021-01**

**RESOLUTION APPOINTING REPRESENTATIVE AND ALTERNATES TO THE  
LOCAL REVENUE SHARING BOARD**

WHEREAS, the Urban Cooperation Act of 1967 (MCL 124.501 et seq., as amended: hereinafter the "Urban Cooperation Act") provides that Public agencies of the State of Michigan and Public agencies of the United States may enter into interlocal agreements to exercise jointly with each other any power, privilege or authority that the agencies share in common and that each may exercise separately; and

WHEREAS, under subsection 2(e) of the Urban Cooperation Act (MCL 124.502(e)), Calhoun County, Emmett Charter Township, the City of Battle Creek, the City of Marshall, and Athens Township are Public agencies of the State of Michigan, each of which have the authority to enter into an interlocal agreement; and

WHEREAS, for purposes of the Urban Cooperation Act, the Nottawaseppi Huron Band of the Potawatomi Indians (hereinafter "the Tribe") is treated as a Public agency of the United States with the authority to enter into an interlocal agreement; and

WHEREAS, in accordance with the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.; hereinafter referred to as "IGRA"), on December 3, 1998 the State of Michigan and the Tribe made and entered into a Compact providing for the conduct of casino gaming, as approved by the U.S. Secretary of the Interior by publication in the Federal Register on February 18, 1999 (64 Fed. Reg. 8111), and as amended on July 23, 2009 in accordance with Section 16 of the Compact and approved by the U.S. Secretary of the Interior by publication in the Federal Register on October 8, 2009, (74 Fed. Reg. 51875) (hereinafter collectively referred to as the "Compact"); and

WHEREAS, the Tribe, a federally-recognized Indian tribe, acting under its governmental authority in accordance with IGRA and the Compact, commenced casino gaming operations on August 1, 2009, at the Firekeepers Casino (hereinafter the "Casino") on land located in Emmett Township, Michigan that is held in trust for the Nottawaseppi Huron Band by the United States; and

WHEREAS, growth and development on and in the vicinity of the Pine Creek Indian Reservation, which is the governmental and community center of the Tribe, will have impacts on Athens Township, which will be affected by the Tribe's operation of the Casino; and

WHEREAS, the Compact provides that the local units of government that are in the immediate vicinity or are otherwise directly affected by the Casino, together with the local government(s) affected by growth and development of the Tribe's governmental and community facilities on and in the immediate vicinity of the Pine Creek Reservation that will result from the operation of the Casino, may, at their option, form a Local Revenue Sharing Board in conjunction with the Tribe for the purpose of receiving and directing the disbursement of revenue sharing payments required by the Compact; and

WHEREAS, by entering into this interlocal agreement (hereinafter this "Agreement"), the parties hereto seek to create a Local Revenue Sharing Board, consistent with the terms and provisions of the Compact and for the purposes stated therein; and

WHEREAS, the Local revenue Sharing Board bylaws allow appointment of a Board representative and Board alternates.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City of Marshall appoints **Mayor Joe Caron** as the Board representative and **City Manager Tom Tarkiewicz** as the Board alternate.

Motion by: Council Member Wolfersberger

AYES, Council members: Gates, Rice, Schwartz, Traver, Underhill, Wolfersberger, and Mayor Caron.

NAYES, Council members: None.

ABSTAIN, Council members: None.

RESOLUTION DECLARED ADOPTED.

#### CERTIFICATE

The foregoing is a true and a complete copy of the resolution adopted by the City Council and the City of Marshall at a regular meeting on January 4, 2021. Public notice was given and the meeting was conducted in full compliance with the Michigan Open Meetings Act (PA 267, 1976, as amended). Minutes of the meeting will be available as required by the Act.

City of Marshall

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By: Trisha Nelson  
Its: Clerk

Date: January 4, 2021

**D. Calhoun County Consolidated Dispatch Authority Board Appointment:**

**Moved** Underhill, supported Gates, to appoint Council member Jim Schwartz to serve as the City of Marshall representative to the Calhoun County Consolidated Dispatch Authority Board for a term of January 1, 2021 through December 31, 2022. On a roll call vote – ayes: Schwartz, Traver, Underhill, Wolfersberger, Mayor Caron, Gates, and Rice; nays: none. **MOTION CARRIED.**

**CONSENT AGENDA**

**Moved** Gates, supported Underhill, to approve the Consent Agenda:

- A. Minutes of the City Council Regular Session held on Monday, December 7, 2020;
- B. Approve city bills in the amount of \$249,344.09.

On a roll call vote – ayes: Gates, McNeil, Metzger, Traver, Underhill, Wolfersberger, and Mayor Caron; nays: none. **MOTION CARRIED.**

**PRESENTATIONS AND RECOGNITION**

None.

**INFORMATIONAL ITEMS**

None.

**PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION**

**A. Amendments to City Ordinance Chapter 70: Vehicle and Traffic Code:**

Director McDonald provided background on the proposed amendments to Chapter 70 and the need for updates due to advancements in technology and the increase in various wheeled devices on our streets and sidewalks.

Mayor Caron opened the public hearing for public comment regarding the proposed amendments to section 70.13 through 70.17 of Chapter 70.

Hearing no comment, the hearing was closed.

**Moved** Underhill, supported Metzger, to adopt the ordinances for sections 70.13

though 70.17 of Chapter 70: Vehicle and Traffic of the Marshall City Code of Ordinances. On a roll vote – ayes: Wolfersberger, Mayor Caron, Gates, Rice, Schwartz, Traver, and Underhill; nays: none. **MOTION CARRIED.**

**City of Marshall, Michigan  
Ordinance # 2021-01**

AN ORDINANCE AMENDING CITY OF MARSHALL CODE OF ORDINANCES,  
SECTION 70.13

**WHEREAS**, new technology and innovation has led to a significant increase in the diversity of vehicles and devices which are used on public highways, streets, sidewalks, bike paths and other places open to the general public; and,

**WHEREAS**, many of the new vehicles and devices are less visible to other motorists and pedestrians and provide less protection to the operators; and,

**WHEREAS**, the use of these new vehicles and devices has resulted in an increase in the shared use of the city's public highways, streets, sidewalks, bike paths and other places open to the general public; and,

**WHEREAS**, council finds that the current level of shared use will continue to grow as the new vehicles and devices become more popular and available to the public; and

**WHEREAS**, council finds that the proposed ordinance provides for the safe and co-existent use of traditional modes of transportation as well as the newer forms of transportation; and

**WHEREAS**, city council finds that the proposed ordinance is in furtherance of the health, safety and welfare of its residents and visitors;

**NOW, THEREFORE, THE CITY OF MARSHALL ORDAINS** that the current version of Section 70.13 be deleted and replaced with the version set forth herein;

§ 70.13 Bicycles and Electric Bicycles

(A) Definitions.

- 1) Bicycle. The term "bicycle" means a device propelled by human power upon which a person may ride, having either 2 or 3 wheels in a tandem or tricycle arrangement, all of which are over 14 inches in diameter.

2) Electric Bicycle. The term “electric bicycle” means a device upon which an individual may ride that satisfies all of the following:

(a) The device is equipped with all of the following:

- (i) A seat or saddle for use by the rider.
- (ii) Fully operable pedals for human propulsion.
- (iii) An electric motor of not greater than 750 watts.

(b) The device falls within 1 of the following categories:

- (i) Class 1 electric bicycle, defined as an electric bicycle that is equipped with a motor that provides assistance only when the rider is pedaling and that disengages or ceases to function when the electric bicycle reaches a speed of 20 miles per hour.
- (ii) Class 2 electric bicycle, defined as an electric bicycle that is equipped with a motor that propels the electric bicycle to a speed of no more than 20 miles per hour, whether the rider is pedaling or not, and that disengages or ceases to function when the brakes are applied.
- (iii) Class 3 electric bicycle, defined as an electric bicycle that is equipped with a motor that provides assistance only when the rider is pedaling and that disengages or ceases to function when the electric bicycle reaches a speed of 28 miles per hour.

(B) Devices prohibited.

Devices which do not fall within the definition of either a bicycle or an electric bicycle under this ordinance, and which are not otherwise permitted under City Code or state law, shall not be operated on public highways, streets, sidewalks, bike paths, bike lanes or other places open to the general public.

(C) Manner of operation.

- 1) Operators of bicycles and electric bicycles on a public highway, street, sidewalk, bike paths, bike lanes or other place open to the general public, including areas designated for the parking of vehicles shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle under the Motor Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923 as amended, and the Uniform Traffic Code for Cities, Townships, and Villages, as amended, incorporated under Section 70.001 of this Code, except as to those provisions which by their nature do not apply, and except as otherwise provided herein.

- 2) The hands of the operator of a bicycle or electric bicycle shall be on the handle bars at all times, except when in the act of signaling. (Prior Code, Section 70.013(A), Prior Code, Section 75.30)
- 3) No person shall operate a bicycle or an electric bicycle in a careless or negligent manner likely to endanger any person or property.
- 4) No person shall operate a bicycle or electric bicycle at a speed greater than is reasonable and prudent under the conditions then existing. (Prior Code, Section 70.013(B), Prior Code, Section 75.31).

(D) Areas of operation.

- 1) No person shall operate a bicycle or electric bicycle on any sidewalk, part of a sidewalk, street or other place open to the general public where signs have been erected prohibiting the riding of bicycles or electric bicycles, or as prohibited herein.
- 2) No person shall ride a bicycle or electric bicycle upon any sidewalk adjacent to Michigan Avenue between Park Avenue and Marshall Avenue at any time; provided, however, that a person may ride across Michigan Avenue where it intersects with Grand, Eagle, Jefferson, Madison, Hamilton, High, Exchange Street or Marshall Avenue.
- 3) No person shall ride a bicycle or electric bicycle at any time in Carver Park, Brooks Memorial Fountain Park, Riverwalk Park (except the paved areas), the open space located at 228 W. Michigan Avenue commonly known as Grand Street Park, or the open space located at 231 W. Michigan Avenue commonly known as Peace Park.
- 4) No person under age 12 shall operate a bicycle or Class 1 or Class 2 electric bicycle on any of the following roads: Old US 27, Michigan Avenue, Industrial Road, Dobbins Court and Dobbins Street between the railroad tracks and Industrial Drive, West Drive from Verona Road to Industrial Drive, West Hughes Street and Partello Road.
- 5) No person under age 12 shall operate a bicycle or Class 1 or Class 2 electric bicycle in Oakridge Cemetery without adult supervision.
- 6) Where a usable and designated path or lane for bicycles is provided adjacent to a highway or street, a person operating a bicycle or electric bicycle shall use the path or lane and shall not use the adjacent highway or street.

(E) Penalty. A person who violates this section is responsible for a municipal civil infraction and shall be subject to a fine which does not exceed \$500.00,

provided however, that if a greater penalty is provided under the Motor Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923 as amended, or the Uniform Traffic Code for Cities, Townships, and Villages, as amended, incorporated under Section 70.001 of this Code, the greater penalty shall apply.

(Ord. passed 11-16-1992; Am. Ord. 20-13-07, passed 6-17-2013; Am. Ord. 2021-\_\_\_\_\_, passed \_\_\_\_\_, 2021)

**Statutory reference:**

*MCL 257.659 - MCL 257.662, UTC R28.1615*

**REPEALER**

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect, and the City of Marshall City Code shall remain in full force and effect, amended only as specified above.

**SEVERABILITY**

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void or illegal by any Court of competent jurisdiction, such section, clause or provision shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

**ENACTMENT**

This ordinance is declared to have been enacted by the City Council of the City of Marshall at a meeting called and held on the 4<sup>th</sup> day of January, 2021, and ordered to be given publication in the manner prescribed by law.

AYES:

NAYES:

ABSTENTIONS:

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Mayor

STATE OF MICHIGAN  
COUNTY OF CALHOUN



I, the undersigned, the qualified and acting City Clerk of the City of Marshall, Calhoun County, Michigan, do certify that the foregoing is a true and complete copy of the ordinance adopted by the City Council of the City of Marshall at a meeting called and held on the 4<sup>th</sup> day of January, 2021, the original of which is on file in my office.

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Clerk

Adopted: January 4, 2021  
Published: January 9, 2021

**City of Marshall, Michigan  
Ordinance # 2021-02**

AN ORDINANCE OF THE CITY OF MARSHALL CODE OF ORDINANCES,  
SECTION 70.14

**WHEREAS**, new technology and innovation has led to a significant increase in the diversity of vehicles and devices which are used on public highways, streets, sidewalks, bike paths and other places open to the general public; and,

**WHEREAS**, many of the new vehicles and devices are less visible to other motorists and pedestrians and provide less protection to the operator; and,

**WHEREAS**, the use of these new vehicles and devices has resulted in an increase in the shared use of the city's public highways, streets, sidewalks, bike paths and other places open to the general public; and,

**WHEREAS**, council finds that the current level of shared use will continue to grow as the new vehicles and devices become more popular and available to the public; and

**WHEREAS**, council finds that the proposed ordinance provides for the safe and co-existent use of traditional modes of transportation as well as newer forms of transportation; and

**WHEREAS**, council finds that the proposed ordinance is in furtherance of the health, safety and welfare of its residents and guests;

**NOW, THEREFORE, THE CITY OF MARSHALL ORDAINS:**

§ 70.14 Skateboards, in-line skates, roller skates or other similar wheeled devices.

(A) Definitions.

- 1) Skateboard. The term “skateboard” means a device with at least one wheel or ball that has a floorboard designed to be stood upon when riding.
- 2) Roller skates. The term “roller skates” means a pair of frames fitted to footwear with small wheels, for gliding across a hard surface.
- 3) In-line skates. The term “in-line skates” means a pair of frames fitted to footwear with small wheels arranged in a straight line, for gliding across a hard surface.

(B) Manner of operation:

- 1) A person riding a skateboard, roller skates, in-line skates or other similar wheeled device shall be granted all of the rights, and shall be subject to all of the duties, applicable to pedestrians under the Motor Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923 as amended, and the Uniform Traffic Code for Cities, Townships, and Villages, as amended, incorporated under Section 70.001 of this Code, except as to those provisions which by their nature do not apply and except as otherwise provided herein.
- 2) A skateboard, in-line skates, roller blades or other similar wheeled device shall not be used to carry more than one person at a time.
- 3) A person riding a skateboard, roller skates, in-line skates or other similar wheeled device shall not attach the same or himself or herself to a vehicle or other wheeled device while the vehicle or other wheeled device is moving.
- 4) No person shall operate a skateboard, roller skates, in-line skates or other similar wheeled device in a careless or negligent manner likely to endanger any person or property.
- 5) No person shall operate a skateboard, roller skates, in-line skates or other similar wheeled device at a speed greater than is reasonable and prudent under the conditions then existing.
- 6) No person shall operate a skateboard, roller skates, in-line skates or other similar wheeled device between ½ hour before sunset and ½ hour after sunrise.

(C) Areas of operation.

- 1) No person shall operate or ride a skateboard, roller skates, in-line skates or other similar wheeled device on any sidewalk, part of a sidewalk, street or other place open to the general public where signs have been erected prohibiting the riding of these devices, or as otherwise prohibited herein.
  - 2) Except as otherwise provided herein, a person shall operate or ride a skateboard, roller skates, in-line skates or other similar wheeled device on sidewalks where provided and not on the main traveled portion of the highway or street. Where sidewalks are not provided, a person shall operate or ride a skateboard, roller skates, in-line skates or other similar wheeled device, when practicable, on the left side of the highway or street facing traffic.
  - 3) Where a usable and designated path or lane for bicycles is provided adjacent to a highway or street, a person operating a skateboard, roller skates, in-line skates or other similar wheeled device shall use the path or lane and shall not use the adjacent highway, street or sidewalk.
  - 4) No person shall ride a skateboard, roller skates, in-line skates or other similar wheeled device upon any sidewalk adjacent to Michigan Avenue between Park Avenue and Marshall Avenue at any time; provided, however, that, the person may ride across Michigan Avenue where it intersects with Grand, Eagle, Jefferson, Madison, Hamilton, High, Exchange Street or Marshall Avenue.
  - 5) No person shall ride a skateboard, roller skates, in-line skates or other similar wheeled device at any time in Carver Park, Brooks Memorial Fountain Park, Riverwalk Park (except the paved areas), the open space located at 228 W. Michigan Avenue commonly known as Grand Street Park, or the open space located at 231 W. Michigan Avenue commonly known as Peace Park.
  - 6) No person shall ride a skateboard, roller skates, in-line skates or other similar wheeled device on any of the following roads: Old US 27, Michigan Avenue, Industrial Road, Dobbins Court and Dobbins Street between the railroad tracks and Industrial Drive, West Drive from Verona Road to Industrial Drive, West Hughes Street, west of South Kalamazoo Avenue, and Partello Road.
  - 7) No person shall ride a skateboard, roller skates, in-line skates or other similar wheeled device on city-owned parking Lots.
- (D) Penalty. A person who violates this section is responsible for a municipal civil infraction and shall be subject to a fine which does not exceed \$500.00, provided however, that if a greater penalty is provided under the Motor Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923 as amended, or the Uniform Traffic Code for Cities, Townships, and Villages, as amended,

incorporated under Section 70.001 of this Code, the greater penalty shall apply.

(Ord. passed 11-16-1992; Am. Ord. 2013-07, passed 6-17-2013; Ord. 2020-03, repealed 2-18-2020; Ord. 2021-\_\_\_\_\_, passed\_\_\_\_\_, 2021)

### **REPEALER**

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect, and the City of Marshall City Code shall remain in full force and effect, amended only as specified above.

### **SEVERABILITY**

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void or illegal by any Court of competent jurisdiction, such section, clause or provision shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

### **ENACTMENT**

This ordinance is declared to have been enacted by the City Council of the City of Marshall at a meeting called and held on the 4<sup>th</sup> day of January, 2021, and ordered to be given publication in the manner prescribed by law.

AYES:

NAYES:

ABSTENTIONS:

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Mayor  
STATE OF MICHIGAN  
COUNTY OF CALHOUN

I, the undersigned, the qualified and acting City Clerk of the City of Marshall, Calhoun County, Michigan, do certify that the foregoing is a true and complete copy of the ordinance adopted by the City Council of the City of Marshall at a meeting called and held on the 4<sup>th</sup> day of January, 2021, the original of which is on file in my office.

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Clerk

Adopted: January 4, 2021  
Published: January 9, 2021

**City of Marshall, Michigan  
Ordinance # 2021-03**

AN ORDINANCE OF THE CITY OF MARSHALL CODE OF ORDINANCES,  
SECTION 70.15

**WHEREAS**, new technology and innovation has led to a significant increase in the diversity of vehicles and devices which are used on public highways, streets, sidewalks, bike paths and other places open to the general public; and,

**WHEREAS**, many of the new vehicles and devices are less visible to other motorists and pedestrians and provide less protection to the operator and,

**WHEREAS**, the use of these new vehicles and devices has resulted in an increase in the shared use of the city's public highways, streets, sidewalks, bike paths and other places open to the general public; and,

**WHEREAS**, council finds that the current level of shared use will continue to grow as the new vehicles and devices become more popular and available to the public; and

**WHEREAS**, council finds that the proposed ordinance provides for the safe and co-existent use of traditional modes of transportation as well as newer forms of transportation; and

**WHEREAS**, council finds that the proposed ordinance is in furtherance of the health, safety and welfare of its residents and guests;

**NOW, THEREFORE, THE CITY OF MARSHALL ORDAINS:**

§ 70.15 Electric Skateboards and Electric Personal Assistive Mobility Devices.

(A) Definitions.

- 1) Electric skateboard. The term "electric skateboard" means a device with at least one wheel or ball that has a floorboard designed to be stood upon when riding, has an electrical propulsion system with power of no more than 2,500 watts, and has a maximum speed on a paved level surface of not more than 25 miles per hour. An electric skateboard may, in addition to having an electrical propulsion system with power of no more than 2,500 watts, be designed to also be powered by human propulsion.
- 2) Electric personal assistive mobility device. The term "electric assistive mobility device" means a self-balancing nontandem 2-wheeled device, designed to transport only 1 person at a time, having an electrical

propulsion system with average power of 750 watts or 1 horsepower and a maximum speed on a paved level surface of not more than 15 miles per hour.

(B) Devices Prohibited.

- 1) Devices which do not fall within the definition of either an electric skateboard or electric assistive mobility device under this ordinance, and which are not otherwise permitted under City Code or state law, shall not be operated on public highways, streets, sidewalks, bike paths, bike lanes or other places open to the general public.

(C) Manner of operation:

- 1) Operators of electric skateboards and electric personal assistive mobility devices on a public highway, street, sidewalk, or other place open to the general public, including areas designated for the parking of vehicles shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle under the Motor Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923 as amended, and the Uniform Traffic Code for Cities, Townships, and Villages, as amended, incorporated under Section 70.001 of this Code, except as to those provisions which by their nature do not apply, and except as otherwise provided herein.
- 2) No person shall operate an electric skateboard and electric personal assistive mobility device in a careless or negligent manner likely to endanger any person or property.
- 3) No person shall operate an electric skateboard and electric personal assistive mobility device at a speed greater than is reasonable and prudent under the conditions then existing.

Area of operation.

- 1) No person shall operate or ride an electric skateboard and electric personal assistive mobility device on any sidewalk, part of a sidewalk, street or other place open to the general public where signs have been erected prohibiting the riding of these devices, or as otherwise prohibited herein.
- 2) No person shall ride an electric skateboard or electric personal assistive mobility device upon any sidewalk.
- 3) No person shall ride an electric skateboard or electric personal assistive mobility device at any time in Carver Park, Brooks Memorial Fountain Park, Riverwalk Park (except the paved areas), the open space located at

228 W. Michigan Avenue commonly known as Grand Street Park, or the open space located at 231 W. Michigan Avenue commonly known as Peace Park.

- 4) No person shall operate an electric skateboard or electric personal assistive mobility device on any of the following roads: Old US 27, Michigan Avenue, Industrial Road, Dobbins Court and Dobbins Street between the railroad tracks and Industrial Drive, West Drive from Verona Road to Industrial Drive, West Hughes Street and Partello Road.
- 5) No person shall ride an electric skateboard or electric personal assistive mobility device on city-owned parking Lots.

(D) Penalty. A person who violates this section is responsible for a municipal civil infraction and shall be subject to a fine which does not exceed \$500.00, provided however, that if a greater penalty is provided under the Motor Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923 as amended, or the Uniform Traffic Code for Cities, Townships, and Villages, as amended, incorporated under Section 70.001 of this Code, the greater penalty shall apply.

(Ord. 2021-\_\_\_\_\_, passed\_\_\_\_\_, 2021)

**Statutory reference:**

*Electric skateboards, MCL 257.658, MCL 257.660, MCL 257.662*

**REPEALER**

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect, and the City of Marshall City Code shall remain in full force and effect, amended only as specified above.

**SEVERABILITY**

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void or illegal by any Court of competent jurisdiction, such section, clause or provision shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

**ENACTMENT**

This ordinance is declared to have been enacted by the City Council of the City of Marshall at a meeting called and held on the 4<sup>th</sup> day of January, 2021, and ordered to be given publication in the manner prescribed by law.

AYES:

NAYES:

ABSTENTIONS:

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Mayor  
STATE OF MICHIGAN  
COUNTY OF CALHOUN

I, the undersigned, the qualified and acting City Clerk of the City of Marshall, Calhoun County, Michigan, do certify that the foregoing is a true and complete copy of the ordinance adopted by the City Council of the City of Marshall at a meeting called and held on the 4<sup>th</sup> day of January, 2021, the original of which is on file in my office.

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Clerk

Adopted: January 4, 2021

Published: January 9, 2021

**City of Marshall, Michigan  
Ordinance # 2021-04**

AN ORDINANCE OF THE CITY OF MARSHALL CODE OF ORDINANCES,  
SECTION 70.16

**WHEREAS**, the City of Marshall is known as a destination point for visitors who come to enjoy the city's historical homes, restaurants and the ambiance of the downtown district; and,

**WHEREAS**, council finds that sightseeing and commercial passenger vehicle businesses within the city would positively impact and promote the city's tourism industry; and,

**WHEREAS**, council finds that the promotion of the tourism industry by the addition of these commercial enterprises must be balanced by the need to maintain the current quality of the city's business and residential life and to promote a safe co-existing use of the city's public highways, streets, sidewalks, bike paths and other places open to the general public; and,



**WHEREAS**, council finds that the proposed ordinance provides for the safe and co-existent use of commercial sightseeing and passenger vehicle businesses with other forms of transportation while maintaining the current quality of the city's business and residential life;

**WHEREAS**, council finds that the proposed ordinance is in furtherance of the health, safety and welfare of its residents and guests;

**NOW, THEREFORE, THE CITY OF MARSHALL ORDAINS:**

§ 70.16 Commercial Quadricycles and Pedal-Cabs

(A) Definitions.

- 1) Operator. The term "operator" means any person who operates a commercial quadricycle or pedal-cab.
- 2) Owner. The term "owner" means any person, partnership, corporation, association, or other organization engaged in the business of transporting persons for hire by means of a commercial quadricycle or pedal-cab.
- 3) Commercial Quadricycle. The term "Commercial Quadricycle" means a vehicle that satisfies all of the following:
  - (a) The vehicle has fully operative pedals for propulsion by human power.
  - (b) The vehicle has at least 4 wheels and is operated in a manner similar to a bicycle.
  - (c) The vehicle has one or more seats for passengers.
  - (d) The vehicle is designed to be operated by a driver and powered either by passengers providing pedal power to the drive train of the vehicle or by a motor capable of propelling the vehicle in the absence of human power.
  - (e) The vehicle is used for commercial purposes.
  - (f) The vehicle is operated by the owner of the vehicle or an employee or agent of the owner of the vehicle.
- 4) Pedal-Cab. The term "Pedal-Cab" means a vehicle that satisfies all of the following:
  - (a) The vehicle is multi-wheeled.

- (b) The vehicle is designed to be operated by a driver and powered by human power with or without mechanical means.
  - (c) The vehicle is used for commercial purposes.
  - (d) The vehicle is operated by the owner or the vehicle or an employee or agent of the owner of the vehicle.
- (B) Operating license required. An owner shall not operate, or permit another person to operate, a commercial quadricycle or pedal-cab on a public highway, street, or other place open to the general public, including areas designated for the parking of vehicles, without first having obtained a license from the City Clerk. A license to operate a commercial quadricycle or pedal-cab shall automatically expire at the end of the calendar year for which they are issued. Applications to obtain a license to operate a commercial quadricycle or pedal-cab, or to renew an existing license, shall be made pursuant to application procedures and criteria established by the City Clerk.
- (C) Insurance required. The owner of a commercial quadricycle or pedal-cab shall at all times maintain a policy of bodily injury and property damage insurance in a minimum amount of one million dollars and no cents (\$1,000,000.00) per occurrence, or such other amount as may be required by statute. The policy shall directly protect the City of Marshall, its officers, employees and agents as additional named insureds, and provide that no other insurance purchased by the City will be called upon to contribute to a loss covered by said policy. The policy shall further provide 10 days' notice of cancellation or material change to the City Manager. Evidence of insurance coverage must be provided before any permit is issued.
- (D) Operator requirements. No person shall operate a commercial quadricycle or pedal-cab, nor shall an owner or agent of an owner permit the operation of a commercial quadricycle or pedal-cab, unless the operator meets all of the following requirements:
- 1) Is 18 years of age or older.
  - 2) Possesses a valid motor vehicle operator's license.
  - 3) Does not have a conviction of any criminal offense which is assaultive or violent in nature, stalking, reckless driving, operating while intoxicated, operating while visibly impaired, minor operating with a bodily alcohol content of 0.02 or more or any other crime reasonably related to the safe transport of passengers, unless 5 years has elapsed since the successful completion of the sentence for any such conviction.
  - 4) Does not have a conviction of any criminal sexual conduct offense,

indecent exposure or any other criminal offense associated with sexual deviancy.

- 5) Has not previously had his or her privileges to operate a commercial quadricycle or pedal-cab suspended or revoked by the City of Marshall or any other municipality.

(E) Vehicle requirements. No person shall operate a commercial quadricycle or pedal-cab, nor shall an owner or agent of an owner permit the operation of a commercial quadricycle or pedal-cab, unless the vehicle meets the standards set forth in the definition section of this ordinance and meets all of the following:

- 1) Is equipped with such safety devices as are required by the state or federal law.
- 2) Is constructed and maintained so as to have the structural integrity to support the safe transport of the operator and passengers.
- 3) Is equipped with headlights and tail lights which are visible for a distance of 500 hundred feet when the vehicle is operated from a half hour before sunset to a half hour after sunrise, and at any other time when inclement weather or environmental factors severely reduce the ability to clearly discern persons and vehicles on the street or highway at a distance of five hundred feet ahead, or less.
- 4) Displays reflectors on each wheel and at each corner of the body of the vehicle.
- 5) Displays a reflectorized equilateral triangle device as set forth in section 257.688 of the Motor Vehicle Code, 1949 PA 300, incorporated under Section 70.001 of this Code.as set forth in the Motor Vehicle Code, MCL 257.688, as amended.
- 6) Is equipped with a proper braking system.
- 7) Is equipped with a refuse container for use by the operator and passengers.
- 8) Is equipped with seats for the operator and all passengers.
- 9) Is no wider than eight feet, including fenders, running boards, mirrors and other devices.
- 10) Passes an annual safety inspection performed by the Director of Public Safety or his or her designee.

(F) Manner of operation:

- 1) Operators of commercial quadricycles or pedal-cabs on a public highway, street, or other place open to the general public, including areas designated for the parking of vehicles shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle under the Motor Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923 as amended, and the Uniform Traffic Code for Cities, Townships, and Villages, as amended, incorporated under Section 70.001 of this Code, except as to those provisions which by their nature do not apply, and except as otherwise provided herein.
- 2) No person shall operate a commercial quadricycle or pedal-cab in a careless or negligent manner likely to endanger any person or property.
- 3) No person shall operate a commercial quadricycle or pedal-cab at a speed greater than is reasonable and prudent under the conditions then existing.
- 4) The operator of a commercial quadricycle or pedal-cab shall only permit passengers to board or exit the vehicle from the curbside or other non-traffic area.
- 5) The operator of a commercial quadricycle or pedal-cab shall require all passengers to be seated except when boarding or discharging.
- 6) The operator of a pedal-cab shall not permit the vehicle to move when a passenger is in possession of alcoholic liquor in a container which is open or uncapped or which has a broken seal.
- 7) The operator shall not operate a commercial quadricycle or pedal-cab while wearing headphones.

(G) Areas of operation.

- 1) No person shall operate or ride a commercial quadricycle or pedal-cab on any sidewalk, part of a sidewalk, street or other place open to the general public where signs have been erected prohibiting the riding of these devices, or as otherwise prohibited herein.
- 2) No person shall operate a commercial quadricycle or pedal-cab upon a street or highway with a speed limit which exceeds 30 mph.
- 3) The operator of a commercial quadricycle or pedal-cab shall only cross Michigan Avenue at intersections controlled by lighted traffic control devices.
- 4) No person shall operate or ride a commercial quadricycle or pedal-cab

upon any sidewalk or part of a sidewalk.

- 5) No person shall operate or ride a commercial quadricycle or pedal-cab at any time in Carver Park, Brooks Memorial Fountain Park, Riverwalk Park (except the paved areas), the open space located at 228 W. Michigan Avenue commonly known as Grand Street Park, or the open space located at 231 W. Michigan Avenue commonly known as Peace Park.
- 6) No person shall operate a commercial quadricycle or pedal-cab on city-owned parking Lots except in areas designated for loading or unloading passengers.

(H) Denial, suspension or revocation of license. Licenses issued under section (B) may be denied, suspended or revoked by the City Clerk based on any of the following grounds:

- 1) The owner of the commercial quadricycle or pedal-cab fails to comply with the application procedures, or fails to meet the approval criteria established by the City Clerk.
- 2) The owner of the commercial quadricycle or pedal-cab knowingly makes a false statement of a material fact, or knowingly failed to state a material fact, in the application process.
- 3) The operator has been convicted of any criminal offense which is assaultive or violent in nature, stalking, reckless driving, operating while intoxicated, operating while visibly impaired, minor operating with a bodily alcohol content of 0.02 or more or any other crime reasonably related to the safe transport of passengers, unless 5 years has elapsed since the successful completion of the sentence for any such conviction.
- 4) The owner or operator has been convicted of any criminal sexual conduct offense, indecent exposures or any other criminal offense associated with sexual deviancy.
- 5) The operator or owner has been convicted of Operating a Quadricycle in violation of MCL 257.625p, as amended.
- 6) The operator's motor vehicle operator's license is suspended, revoked or denied.
- 7) The owner has previously had his or her privileges to operate a commercial quadricycle or pedal-cab suspended or revoked by the City of Marshall or any other municipality.
- 8) The owner or operator is engaged in any activity that, in the judgment of the City Clerk constitutes a threat to public health, safety or welfare.

- (I) Right to inspect. The Director of Public Safety or his or her designee shall have the right to inspect a commercial quadricycle or pedal-cab operated within the city as often as may be necessary to ensure compliance with this ordinance. The operator and owner shall not refuse a request to inspect the vehicle or interfere with the inspection.
- (J) Staging areas. Areas designated for the loading and unloading of passengers and for the keeping of vehicles and equipment shall be established by the City Clerk during the licensing process. The owner shall, at all times, maintain the staging area in a clean and sanitary condition.
- (K) Quadricycles and pedal cabs not for hire. A quadricycle or pedal cab not for hire may be operated in the areas set forth in subsection (G) provided all of the following requirements are met:
- 1) The operator has a valid motor vehicle operator's license.
  - 2) The vehicle is in compliance with subsection (E)1)-9).
  - 3) The operator complies with subsection (F) 1)-6).
- (L) Penalty. A person who violates this section is responsible for a municipal civil infraction and shall be subject to a fine which does not exceed \$500.00, provided however, that if a greater penalty is provided under the Motor Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923 as amended, or the Uniform Traffic Code for Cities, Townships, and Villages, as amended, incorporated under Section 70.001 of this Code, the greater penalty shall apply.

(Ord. 2021-\_\_\_\_\_, passed\_\_\_\_\_, 2021)

**Statutory reference:**

*Commercial quadricycles, MCL 257.627, MCL 257.662*

**REPEALER**

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect, and the City of Marshall City Code shall remain in full force and effect, amended only as specified above.

**SEVERABILITY**

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void or illegal by any Court of competent jurisdiction, such section, clause or provision shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

## **ENACTMENT**

This ordinance is declared to have been enacted by the City Council of the City of Marshall at a meeting called and held on the 4<sup>th</sup> day of January, 2021, and ordered to be given publication in the manner prescribed by law.

AYES:

NAYES:

ABSTENTIONS:

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Mayor  
STATE OF MICHIGAN  
COUNTY OF CALHOUN

I, the undersigned, the qualified and acting City Clerk of the City of Marshall, Calhoun County, Michigan, do certify that the foregoing is a true and complete copy of the ordinance adopted by the City Council of the City of Marshall at a meeting called and held on the 4<sup>th</sup> day of January, 2021, the original of which is on file in my office.

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Clerk

Adopted: January 4, 2021

Published: January 9, 2021

### **City of Marshall, Michigan Ordinance # 2021-05**

AN ORDINANCE OF THE CITY OF MARSHALL CODE OF ORDINANCES,  
SECTION 70.17

**WHEREAS**, the City of Marshall is known as a destination point for visitors who come to enjoy the city's historical homes, restaurants and the ambiance of the downtown district; and,

**WHEREAS**, council finds that sightseeing and commercial passenger vehicle businesses within the city would positively impact and promote the city's tourism industry; and,

**WHEREAS**, council finds that the promotion of the tourism industry by the addition of these commercial enterprises must be balanced by the need to maintain the current quality of the city's business and residential life and to promote a safe co-existing use of the city's public highways, streets, sidewalks, bike paths and other places open to the general public; and,

**WHEREAS**, council finds that there also is a need to protect and ensure the health, safety, and welfare of animals involved in commercial transportation;

**WHEREAS**, council finds that the proposed ordinance provides for the safe and co-existent use of commercial sightseeing and passenger vehicle businesses with other forms of transportation while maintaining the current quality of the city's business and residential life;

**WHEREAS**, council finds that the proposed ordinance is in furtherance of the health, safety and welfare of its residents and guests;

**NOW, THEREFORE, THE CITY OF MARSHALL ORDAINS:**

§ 70.17 Animal-Drawn Vehicles

(A) Definitions.

- 1) Animal-Drawn Vehicle. The term "animal-drawn vehicle" means any vehicle drawn by animals to transport passengers for hire.
- 2) Operator. The term "operator" means any person who operates an animal-drawn vehicle.
- 3) Owner. The term "owner" means any person, agent, partnership, corporation, association, or other organization engaged in the business of transporting persons for hire by means of an animal-drawn carriage.

(B) Operating License required. An owner shall not operate, or permit another person to operate, an animal-drawn vehicle on a public highway, street, or other place open to the general public, including areas designated for the parking of vehicles without first having obtained a license from the City Clerk. Licenses are valid from the date issued until the end of the calendar year for which they are issued. Applications to obtain a license, or to renew an existing license, shall be made pursuant to application procedures and established by the City Clerk.

(C) Insurance required. The owner of an animal-drawn vehicle shall at all times maintain a policy of bodily injury and property damage insurance in a minimum amount of one million dollars and no cents (\$1,000,000.00) per



occurrence, or such other amount as may be required by statute. The policy shall directly protect the City of Marshall, its officers, employees and agents as additional named insureds, and provide that no other insurance purchased by the City will be called upon to contribute to a loss covered by said policy. The policy shall further provide 10 days' notice of cancellation or material change to the City Clerk. Evidence of insurance coverage must be provided to obtain a license.

(D) Operator requirements. A person shall not operate an animal-drawn vehicle, nor shall an owner or an agent of the owner permit the operation of an animal-drawn vehicle, unless the operator of an animal-drawn vehicle meets all of the following requirements:

- 1) Is 18 years of age or older.
- 2) Possesses a valid motor vehicle operator's license.
- 3) Does not have a conviction of any criminal offense which is assaultive or violent in nature, stalking, reckless driving, operating while intoxicated, operating while visibly impaired, minor operating with a bodily alcohol content of 0.02 or more or any other crime reasonably related to the safe transport of passengers, unless 5 years has elapsed since the successful completion of the sentence for any such conviction.
- 4) Does not have a conviction for any criminal sexual conduct offense, indecent exposure, any other criminal offense associated with sexual deviancy or any offense associated with the abuse or neglect of animals.
- 5) Has not previously had his or her privileges to operate an animal-drawn vehicle suspended or revoked by the City of Marshall or any other municipality.

(E) Animal requirements. A person shall not operate an animal-drawn vehicle, nor shall an owner or an agent of the owner permit the operation of an animal-drawn vehicle, unless the animal used to pull the vehicle meets all of the following requirements:

- 1) The animal shall have received a valid certificate of health or veterinarian certificate which shall be filed with the City Clerk annually.
- 2) The animal shall be shod with nonmetallic shoes from April 1 to November 1 of each year. Animals may be shod with metallic shoes and borium from November 1 to April 1 of each year.
- 3) The animal shall be equipped with reflective ankle cuffs when the vehicle is operated from a half hour before sunset to a half hour after sunrise, and at other times when inclement weather or environmental factors severely

reduce the ability to clearly discern persons and vehicles on the street or highway at a distance of 500 feet or less, as follows: If one animal is pulling the vehicle, the two front legs of the animal shall be equipped with reflective ankle cuffs. If two animals are pulling the vehicle, the outside front leg of each animal shall be equipped with a reflective ankle cuff.

(F) Animal-drawn vehicle requirements. A person shall not operate an animal-drawn vehicle, nor shall an owner or an agent of the owner permit the operation of an animal-drawn vehicle, unless the vehicle meets all of the following requirements:

- 1) Is constructed and maintained so as to have the structural integrity to support the safe transport of the operator and passengers.
- 2) Is equipped with such safety devices as are required by state or federal law.
- 3) Is equipped with headlights or lanterns and tail lights or lanterns which are visible for a distance of 500 hundred feet when the vehicle is operated from a half hour before sunset to a half hour after sunrise, and at any other time when inclement weather or environmental factors severely reduce the ability to clearly discern persons and vehicles on the street or highway at a distance of five hundred feet ahead, or less.
- 4) Is equipped with reflectors on each wheel and at each corner of the body of the vehicle.
- 5) Is equipped with a reflectorized equilateral triangle as set forth in section 257.688 of the Motor Vehicle Code, 1949 PA 300, incorporated under Section 70.001 of this Code.
- 6) Is equipped with seats for the operator and all passengers.
- 7) Is equipped with a refuse container for use by the operator and passengers.
- 8) A rubber surface is maintained on the wheel traction surface.
- 9) Is no wider than eight feet, including fenders, running boards, mirrors and other devices.
- 10) Passes an annual safety inspection performed by the Director of Public Safety or his or her designee.

(G) Manner of operation:

- 1) Operators of an animal-drawn vehicle on a public highway, street, or other place open to the general public, including areas designated for the parking of vehicles shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle under the Motor Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923 as amended, and the Uniform Traffic Code for Cities, Townships, and Villages, as amended, incorporated under Section 70.001 of this Code, except as to those provisions which by their nature do not apply.
- 2) No person shall operate an animal-drawn vehicle in a careless or negligent manner likely to endanger any person or property.
- 3) No person shall operate an animal-drawn vehicle at a speed greater than is reasonable and prudent under the conditions then existing.
- 4) The operator of an animal-drawn vehicle shall only permit passengers to board or exit the vehicle from the curbside or other non-traffic area.
- 5) The operator of an animal-drawn vehicle shall require all passengers to be seated except when boarding or discharging.
- 6) The operator of an animal-drawn vehicle shall not operate vehicle when a passenger is in possession of alcoholic liquor in a container which is open or uncapped or which has a broken seal.
- 7) The operator of an animal-drawn vehicle shall be in control of the animal or animals at all times.
- 8) The operator shall not operate the animal-drawn vehicle while wearing headphones.

(H) Manure control.

- 1) The operator of an animal-drawn vehicle shall not operate an animal-drawn vehicle upon the roadway or other place open to the vehicle unless the animal is equipped with an adequate device to prevent manure from falling upon the roadway or other place open to the vehicle.
- 2) The operator of an animal-drawn vehicle shall, within 2 hours of excrement, remove, or caused to be removed, the manure or liquid waste excreted by the animal upon any roadway or place open to the vehicle. This obligation shall include removal and treatment of the area with water or spray with the appropriate chemical to eliminate all noxious odors and bacteria.
- 3) The owner of an animal-drawn vehicle shall reimburse the City for any costs incurred for the removal and cleanup of any manure or urine.

(I) Areas of operation.

- 1) No person shall operate or ride an animal-drawn vehicle on any sidewalk, part of a sidewalk, street or other place open to the general public where signs have been erected prohibiting the riding of these devices, or as otherwise prohibited herein.
- 2) No person shall operate an animal-drawn vehicle upon a street or highway with a speed limit which exceeds 30 mph.
- 3) A driver or operator of an animal-drawn vehicle shall cross Michigan Avenue only at intersections controlled by lighted traffic control devices.
- 4) No person shall operate an animal-drawn vehicle upon any sidewalk or part of a sidewalk.
- 5) No person shall operate or ride an animal-drawn vehicle at any time in Carver Park, Brooks Memorial Fountain Park, Riverwalk Park (except the paved areas), the open space located at 228 W. Michigan Avenue commonly known as Grand Street Park, or the open space located at 231 W. Michigan Avenue commonly known as Peace Park.
- 6) No person shall operate an animal-drawn vehicle on city-owned parking Lots except areas designated for loading or unloading passengers.

(J) Denial, suspension or revocation of license. Licenses issued under subsection (B) may be denied, suspended or revoked by the City Clerk based on any of the following grounds:

- 1) The owner of the animal-drawn vehicle fails to comply with the application procedures or criteria established by the City Clerk.
- 2) The owner of the animal-drawn vehicle knowingly makes a false statement of a material fact, or knowingly failed to state a material fact in the application process.
- 3) The operator has been convicted of any criminal offense which is assaultive or violent in nature, stalking, reckless driving, operating while intoxicated, operating while visibly impaired, minor operating with a bodily alcohol content of 0.02 or more or any other crime reasonably related to the safe transport of passengers, unless 5 years has elapsed since the successful completion of the sentence for any such conviction.
- 4) The owner or operator has been convicted of any criminal sexual conduct offense, indecent exposure, any other criminal offense associated with

sexual deviancy or any offense associated with the abuse or neglect of animals.

- 5) The operator's driver's license is suspended, revoked or denied.
  - 6) The owner has previously had his or her privileges to operate a commercial quadricycle or pedal-cab suspended or revoked by the City of Marshall or any other municipality.
  - 7) The owner or operator is engaged in any activity that, in the judgment of the City Clerk constitutes a threat to public health, safety or welfare.
- (K) Right to inspect. The Director of Public Safety or his or her designee shall have the right to inspect an animal-drawn vehicle or the animal(s) pulling the vehicle within the city to ensure compliance with this ordinance. The operator and owner shall not refuse a request to inspect or interfere with the inspection.
- (L) Staging areas. Areas designated for loading and unloading of passengers and for the keeping of the animals, food, water and equipment shall be established by the City Clerk during the licensing process. The owner shall, at all times, maintain the staging areas in a clean and sanitary condition as follows:
- 1) All food and grain shall be kept and stored in a sealed container.
  - 2) Clean water shall be available to the animals at all times.
  - 3) Recovered excrement shall be stored in sealed containers until transported for disposal.
  - 4) The area shall be kept free and clean of excrement, debris, refuse, excess food or other waste material on the ground.
- (M) Animal-drawn vehicle not for hire. An animal-drawn vehicle not for hire may be operated in the areas set forth in subsection (I) provided all of the following requirements are met:
- 1) The operator has a valid motor vehicle operator's license.
  - 2) The animal is in compliance with subsection (E)2).
  - 3) The vehicle is in compliance with subsection (F)1)-9).
  - 4) The operator complies with subsection (G)1)-7).

5) The operator complies with subsection (H)1)-3).

(N) Penalty. A person who violates this section is responsible for a municipal civil infraction and shall be subject to a fine which does not exceed \$500.00, provided however, that if a greater penalty is provided under the Motor Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923 as amended, or the Uniform Traffic Code for Cities, Townships, and Villages, as amended, incorporated under Section 70.001 of this Code, the greater penalty shall apply.

(Ord. 2021-\_\_\_\_\_, passed\_\_\_\_\_, 2021)

**REPEALER**

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect, and the City of Marshall City Code shall remain in full force and effect, amended only as specified above.

**SEVERABILITY**

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void or illegal by any Court of competent jurisdiction, such section, clause or provision shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

**ENACTMENT**

This ordinance is declared to have been enacted by the City Council of the City of Marshall at a meeting called and held on the 4<sup>th</sup> day of January, 2021, and ordered to be given publication in the manner prescribed by law.

AYES:

NAYES:

ABSTENTIONS:

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Mayor  
STATE OF MICHIGAN  
COUNTY OF CALHOUN

I, the undersigned, the qualified and acting City Clerk of the City of Marshall, Calhoun County, Michigan, do certify that the foregoing is a true and complete copy of the ordinance adopted by the City Council of the City of Marshall at a meeting called and held on the 4<sup>th</sup> day of January, 2021, the original of which is on file in my office.

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Clerk

Adopted: January 4, 2021

Published: January 9, 2021

**OLD BUSINESS**

None.

**REPORTS AND RECOMMENDATIONS**

**A. 2021 Strategic Planning Work Session Date:**

**Moved** Schwartz, supported Wolfersberger, to establish a Work Session for Strategic Planning on April 9 and 10, 2021 at the Public Service Building. On a roll vote – ayes: Underhill, Wolfersberger, Mayor Caron, Gates, Rice, Schwartz, and Traver; nays: none. **MOTION CARRIED.**

**B. Clarifier Equipment Bids:**

**Moved** Wolfersberger, supported Gates, to award the Clarifier Rehabilitation Project Equipment Purchase to WesTech, through their local representative, Hamlett Environmental of Howell, MI in the amount of \$313,171.00 and to authorize the City Clerk to sign the agreement. On a roll vote – ayes: Gates, Rice, Schwartz, Traver, Underhill, Wolfersberger, and Mayor Caron; nays: none. **MOTION CARRIED**

**APPOINTMENTS/ELECTIONS**

None

**PUBLIC COMMENT ON NON-AGENDA ITEMS**

None.

**ADJOURNMENT**

The meeting was adjourned at 7:37 p.m.

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Joe Caron, Mayor

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Trisha Nelson, City Clerk