

COMPILATION  
OF  
ORDINANCES

**FOR REFERENCE**

**Do Not Take From This Room**

VILLAGE OF

HOPKINS

STATE OF MICHIGAN

---

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1990

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## PREFACE

This is a compilation of the ordinances of the Village of Hopkins, which includes currently operative ordinances, new ordinances selected by the Village and substantive changes to original ordinances updating the text to current standards.

Substantive changes have been made to the following ordinances: Uniform Traffic Code, Offensive Matter, Animal Control, Keeping of Animals, Sewer Operation and Maintenance, Sewer Use and Installation and Sidewalk Construction.

Provisions were supplied for the following subjects: Village Council meetings; entertainment permits; cable television service; parking regulations; bicycles; firearms; disorderly persons; trees, shrubs and plants in public places; nuisances; drains; dangerous buildings; burning of trash and waste; construction regulations; private swimming pools and satellite dish antennas.

The chronological listing of all ordinances, including title and location within the compilation, reflects all ordinances adopted, amended or repealed, thus providing a valuable record of the municipality's ordinance history. Ordinances which are printed in their entirety are classified by subject matter and assigned to one of eleven basic categories. Each of these categories is indicated by a tab. Every ordinance is introduced with a part number, a title concerning the context and the ordinance number. Future ordinances supplementing the compilation will include the adoption date.

Section headings in boldface type have been provided, if not supplied in the original copy, to facilitate usage. Sections of original ordinances which remain unchanged are followed by a history note indicating the adoption date. Subsequent amendments to all ordinances in the compilation will be history noted with the adoption date of the amendment. Cross reference notations are included to provide quick referral to other ordinances and/or sections dealing with similar subjects.

Running heads at the top of the page contain an abbreviated title, the ordinance number and section numbers to provide a guide for locating specific information quickly. The section number appearing in the running head on the left-hand page cites the

section material beginning the page; the number on the right-hand page cites the section material concluding the page.

The exact wording of the ordinances has been preserved. Since ordinances are legal documents, editorial changes in a compilation are minor, limited primarily to correction of obvious typographical errors and resolving, upon specific instructions from the municipality, any duplications and inconsistencies brought to their attention during the preparation of the proof copy of the compilation. Any additions to text by the editor appear in brackets.

### *Numbering system*

Each ordinance is assigned a part number. The part number is used to identify the ordinance primarily for indexing and cross reference purposes. Each succeeding article and/or section deriving from that ordinance will have the same number on the left-hand side of the decimal point. For example, section number 12.004 refers to section 4 of the ordinance assigned to part 12. Part numbers allow for expansion within each of the categories and within the compilation as a whole.

### *Index*

The alphabetical index permits easy location of ordinances by subject. Main entries are in all uppercase letters. Under the entry for each ordinance, the catchlines of all sections appear in lowercase, indented and alphabetized. Cross references and additional entries are provided where necessary to direct the user to a particular topic. In preparing the index the proper balance has been achieved between creating an index comprehensive enough to be useful and yet not so detailed that it requires extensive revision each time an ordinance is enacted, repealed, or amended.

### *Looseleaf supplements*

Since an ordinance compilation, unlike a bound book, is constantly in a state of evolution, a special feature of this compilation is the looseleaf system of binding. With this system, the compilation can easily be kept up-to-date by submitting copies of new ordinances or amendments as they are enacted. These will then be incorporated by the editor into the compilation, and the appropriate pages will be revised or created for distribution to the holders of copies, with specific instructions for the manner of removing obsolete pages and inserting the current ones. Through regular supplementation, the compilation will continue to remain current and useful.

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## LISTING OF ORDINANCES

During the compilation process, the Village decided to impose a consecutive numbering system on existing and new ordinances. A two column ordinance number reference has been established in the first part of the list to accommodate the original identification of existing ordinances.

### Ord.

No.	Original No.	Subject	Location
1	1	Village Council Meetings (obsolete)	
2	2	Disturbing the Peace (obsolete)	
3	(3 of 1921)	Billiard Halls (obsolete)	
4	(4 of 1921)	Motor Vehicles Speed (obsolete)	
5	(5 of 1921)	Sidewalk Construction	87.000
6	(6 of 1921)	Transient Traders (obsolete)	
7	(7 of 1921)	Keeping of Animals	65.000
8	(8 of 1921)	Hawking and Peddling (obsolete)	
9	(9 of 1921)	Offensive Matter	50.000
10	(10 of 1921)	Construction of Public Nuisance (obsolete)	
11	(11 of 1921)	Prohibits Overgrowth of Weeds (obsolete)	
12	(12 of 1921)	Entertainment Permits (obsolete)	
13	(-)	Outdoor Gatherings	12.000
14	(13 of 1921)	Trimming of Shade Trees (obsolete)	
15	(14 of 1921)	Discharge of Firearms, Etc. (obsolete)	
16	(15 of 1921)	Prohibits Bicycling on Sidewalks (obsolete)	
17	(16 of 1921)	Parking Regulations (obsolete)	
18	(17 of 1921)	Amendment to Entertainment Permits, Ord. No. 12 (12 of 1921) (obsolete)	
19	(18)	Drains, Water and Sewer Courses (obsolete)	
20	(19 of 1933)	Curfew (obsolete)	
21	(100)	Drilling for Gas/Oil; Control and Operation	10.000
22	(101)	Public Highways; Excavations	88.000
23	(1 of 52)	Missing	

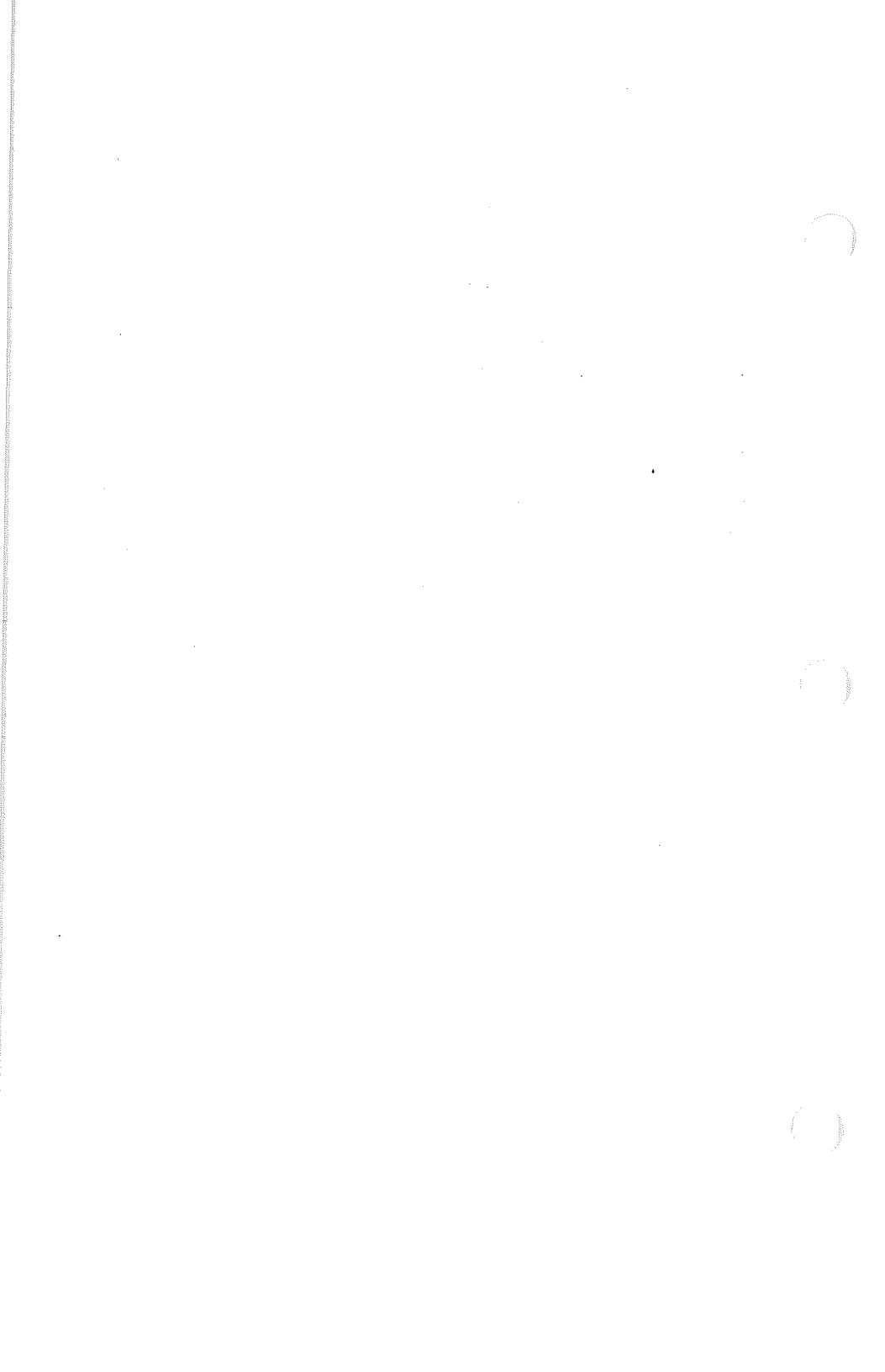
LISTING OF ORDINANCES—Cont'd.

<b>Ord. No.</b>	<b>Original No.</b>	<b>Subject</b>	<b>Location</b>
24	(2 of 52)	Disorderly Persons (obsolete)	
25	(3—15 of 52)	Missing	
26	(16 of 52)	Traffic and Vehicles (Repealed by Ord. No. 39 (1 of 1974))	
27	(201 of 1954)	Zoning Ordinance (not printed)	
28	(1 of 1960)	Peddlers; Regulating and Licensing (obsolete)	
29	(2 of 1960)	Amendment to Zoning of 1954 (not printed)	
30	(3 of 1960)	Animal Control	66.000
31	(4 of 1960)	Solicitors and Canvassers (obsolete)	
32	(5 of 1960)	Transient and Itinerant Merchants and Vendors (obsolete)	
33	(1 of 1965)	Dismantled Car Ordinance	75.000
34	(1 of 1969)	Sewer Use and Installation	85.000
35	(1 of 1970)	Sewer Operation and Maintenance	86.000
36	(2 of 1970)	Amendment to Sewer Use and In- stallation, Ord. No. 34 (1 of 1969)	86.004
37	(1 of 1971)	Loitering of Minors	51.000
38	(1 of 1973)	School Buses and Traffic	36.000
39	(1 of 1974)	Uniform Traffic Code Adoption	35.000
40	(1 of 1975)	Construction Ordinance (obsolete)	
41	(-- of 1975)	Planning Commission	130.000
42	(1 of 1977)	Special Assessments	2.000
43	(1 of 1978)	Amendment to Sewer Operation and Maintenance, Ord. No. 35 (1 of 1970)	85.004
44	(2 of 1978)	Disorderly Persons (obsolete)	
45	(3 of 1978)	Amendments to Uniform Traffic Code (obsolete)	
46	(1 of 1981)	Electric Franchise; Consumers Power Company	26.000
47	(1 of 1983)	Downtown Development Authority	131.000
48	(1 of 1984)	Development Area Plan Ordinance	132.000



LISTING OF ORDINANCES—Cont'd.

<b>Ord. No.</b>	<b>Subject</b>	<b>Location</b>
49	Mobile Homes Defined as Dwelling	131.000
50	Village Council Meetings	1.000
51	Disorderly Persons	53.000
52	Nuisance Ordinance	77.000
53	Trees, Shrubs and Plants	76.000
54	Entertainment Permits	11.000
55	Firearms Ordinance	52.000
56	Bicycles	38.000
57	Parking Regulations	37.000
58	Drains	89.000
59	Building Code	115.000
60	Satellite Dish Antennas	132.000
61	Cable Television Service	25.000
62	Burning of Trash and Waste	101.000
63	Dangerous Building Ordinance	100.000
64	Swimming Pool Ordinance	116.000



Part 1

**1.000**

**VILLAGE COUNCIL MEETINGS  
Ord. No. 50**

Relative to the meetings of the Village Council and of the attendance thereupon.

THE VILLAGE OF HOPKINS ORDAINS:

**1.001**

**Schedule; time.**

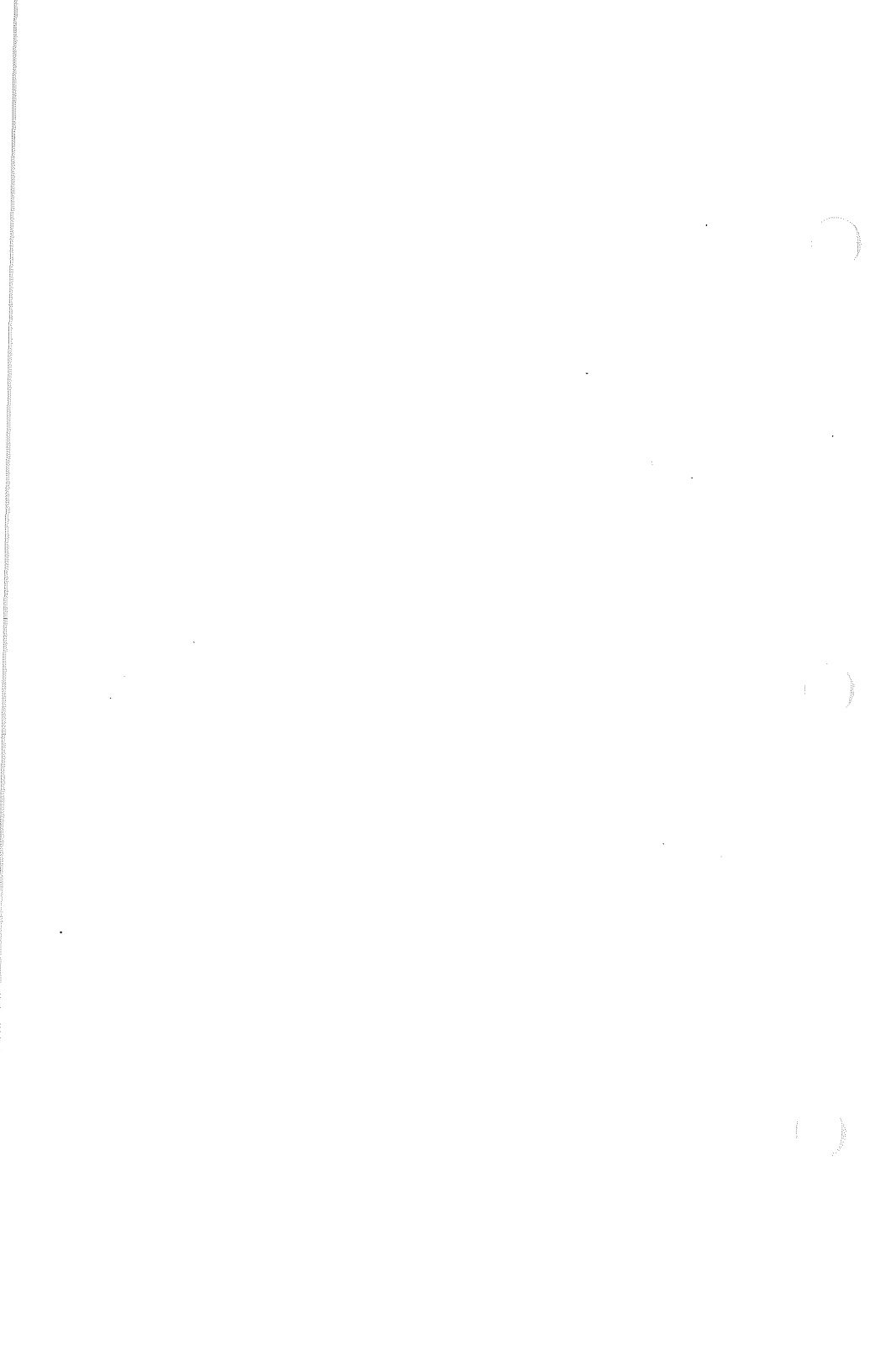
Sec. 1. That the regular meetings of the Village Council shall be held on the second Monday in each and every month. The meetings shall be called to order at 7:30 p.m.

**1.002**

**Special meetings.**

Sec. 2. Special meetings shall be called by the Clerk on the written request of the President or any two members of the Council on at least six hours written notice to each member of the Council, but a special meeting may be held on shorter notice if all members of the Council are present or have waived notice thereof in writing.

[Note: See PA267 - 1976.]



Part 2

2.000

**SPECIAL ASSESSMENTS**  
**Ord. No. 42 (1 of 1977)**

An ordinance to establish procedure for special assessments for public improvements and to carry out and supplement the Charter provisions therefor.

THE VILLAGE OF HOPKINS ORDAINS:

2.001

**Authority to assess; estimate.**

Sec. 1. Whenever the Council shall determine that the whole or any part of the expenses of any public improvement shall be defrayed by an assessment on the owners of lands to be benefited thereby, the Council shall so declare by resolution which shall also state:

- A. The improvement to be made, and
- B. That the expense of such improvement be estimated.  
(Adopted: 12-12-77)

2.002

**Procedure for establishing assessment roll.**

Sec. 2. Upon considering the estimates, the Council shall by resolution and entry on its journal:

- A. Determine the portion of the Village to be benefited.
- B. State whether the estimates are approved or disapproved and, if the same are disapproved, the Council may:
  - 1. Order new estimates, or
  - 2. Void all action to date.
- C. Determine, if the estimates are approved, or when new estimates are approved:
  - 1. Whether the whole or what portion of the expense shall be assessed to the owners and occupants of the premises benefited.
  - 2. The sum to be assessed.
  - 3. The number of installments in which the assessments may be paid.

- D. Direct the Assessor to cause an assessment of the sum to be assessed to be made upon all lands within the designated portion of the Village according to benefit and prepare an assessment roll for the improvement as follows:
1. All lots, premises and parcels of land to be assessed shall be described.
  2. The names of the persons, if known, chargeable with the assessments thereon; and, in case the owner or occupant is not known, the Assessor shall insert the name "Unknown".
  3. The amount assessed upon each lot, premise or parcel.
- E. Direct the Assessor, upon completion of the roll, to deliver the same with his certificate in the form provided for Certification of Assessment Rolls in the Incorporation of Villages Act.

(Adopted: 12-12-77)

**2.003 Inspection period; review of assessment roll.**

Sec. 3. Upon receipt of the roll, the Council shall by resolution:

- A. Appoint a time and place for the meeting of the Council to review the roll and hear complaints.
- B. Order that the assessment roll be open to public inspection for a period of at least 7 days before the Council shall meet to review the roll and further determine a place where the roll will be open and the hours thereof.
- C. Direct the Clerk to give notice of said meeting as hereinafter provided.

(Adopted: 12-12-77)

**2.004 Public inspection; period of time.**

Sec. 4. The assessment roll shall be open to public inspection for a period of 7 days before the time ap-

pointed for the meeting of the Council to review the roll and hear complaints.

(Adopted: 12-12-77)

**2.005 Notice of hearing by publication.**

Sec. 5. The Clerk shall give notice by publication at least 14 days in advance of the meeting of the opening of the roll for public inspection and of the meeting of the Council to review the roll and hear complaints.

(Adopted: 12-12-77)

**2.006 Notice of hearing by mail.**

Sec. 6. Notice of said hearing shall also be given by mail as provided by Act 162 of Public Acts of 1962 by the Clerk.

(Adopted: 12-12-77)

**2.007 Objection by property owners.**

Sec. 7. If, at or prior to the hearing, the owners of more than one-half of the property to be assessed shall object in writing to the improvement, the assessment shall not be made without the unanimous vote of the Council.

(Adopted: 12-12-77)

**2.008 Ratifying, confirming, rejection.**

Sec. 8. After said hearing, the Council shall amend or correct the roll, if necessary, and ratify and confirm or reject the same.

(Adopted: 12-12-77)

**2.009 Confirmation conclusive.**

Sec. 9. Every special assessment ratified and confirmed by the Council after such hearing shall be final and conclusive.

(Adopted: 12-12-77)

**2.010 Additional assessment.**

Sec. 10. Should any special assessment prove insufficient to pay for the improvement and related costs of the project for which it was levied, the Council may make an additional pro rata assessment.

(Adopted: 12-12-77)

**2.011 Excess funds.**

Sec. 11. Should the assessment prove larger than necessary by less than 5 per cent of total cost, the Council may place the excess in the General Fund of the Village; if more than 5 per cent, the excess shall be refunded pro rata to payments.

(Adopted: 12-12-77)

**2.012 Lien.**

Sec. 12. Special assessments and all interest and charges thereon shall, from the date of confirmation of the roll, be and remain in lien upon the property assessed, of the same character and effect as the lien created by general law for State and County taxes, until paid.

(Adopted: 12-12-77)

**2.013 Delinquent, deferred installments; interest, penalty.**

Sec. 13. Interest at the rate of 6 per cent per annum shall be collected on deferred installments and interest at the rate of  $\frac{3}{4}$  of 1 per cent per month shall be collected on delinquent installments of such assessments from such date after confirmation as shall be fixed by the Council; and, in addition to such interest, a penalty of 3 per cent shall be collected on any installment not paid within the time prescribed for its payment.

(Adopted: 12-12-77)

**2.014 Collection of assessments.**

Sec. 14. Collection of the assessments shall be made directly from the assessment roll and the procedure



therefor, Treasurer's return, warrant and renewal therefor, shall be the same as provided in the Incorporation of Villages Act.

(Adopted: 12-12-77)

**2.015 Right of Village to collect.**

Sec. 15. At any time after a special assessment has become payable, the Village may collect the same instituted by suit in the name of the Village against the person assessed in any court having jurisdiction of that amount. The special assessment roll and a certified order or resolution confirming the same shall be prima facie evidence of the regularity of the proceeding in making the assessment and of the right of the Village to recover judgement therefor.

(Adopted: 12-12-77)

**2.016 Foreclosure of lien.**

Sec. 16. The Village also shall have the right to foreclose the lien of the tax and the procedure shall be the same as provided for foreclosure for real estate mortgages by advertisement or as provided by the Judicature Act in force at that time for foreclosure of real estate mortgages.

(Adopted: 12-12-77)

**2.017 Period of assessing.**

Sec. 17. Assessments may be made prior to, during or after the improvement has been made.

(Adopted: 12-12-77)

**2.018 Assessment without name of proper owner.**

Sec. 18. If, by mistake or otherwise, any person shall be improperly designated as the owner of any lot, parcel of land or premises or if the same shall be assessed without the name of the owner or in the name of a person other than the owner, such assessment shall not, for any such cause, be vitiated, but shall, in all

respects be as valid upon and against such lot, parcel of land or premises as though assessed in the name of the proper owner, and when the assessment roll shall have been confirmed be a lien on such lot, parcel of land or premises and collected as in other cases.

(Adopted: 12-12-77)

**2.019 Reassessment; procedure.**

Sec. 19. Whenever any special assessment shall, in the opinion of the Council, be invalid by reason of irregularity or informality in the proceedings or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the Council shall, whether the improvement has been made or not, or whether any part of the assessments have been made or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment and whenever any sum or part thereof, levied upon any premises and the assessment so set aside has been paid or not refunded, the payment so made shall be applied upon the reassessment on said premises, and the reassessment shall be to that extent deemed satisfied.

(Adopted: 12-12-77)

**2.020 Severability.**

Sec. 20. Each of the provisions of this Ordinance are severable, and if any provision shall be declared to be invalid, the remaining provisions shall not be affected but shall remain in force and effect.

(Adopted: 12-12-77)

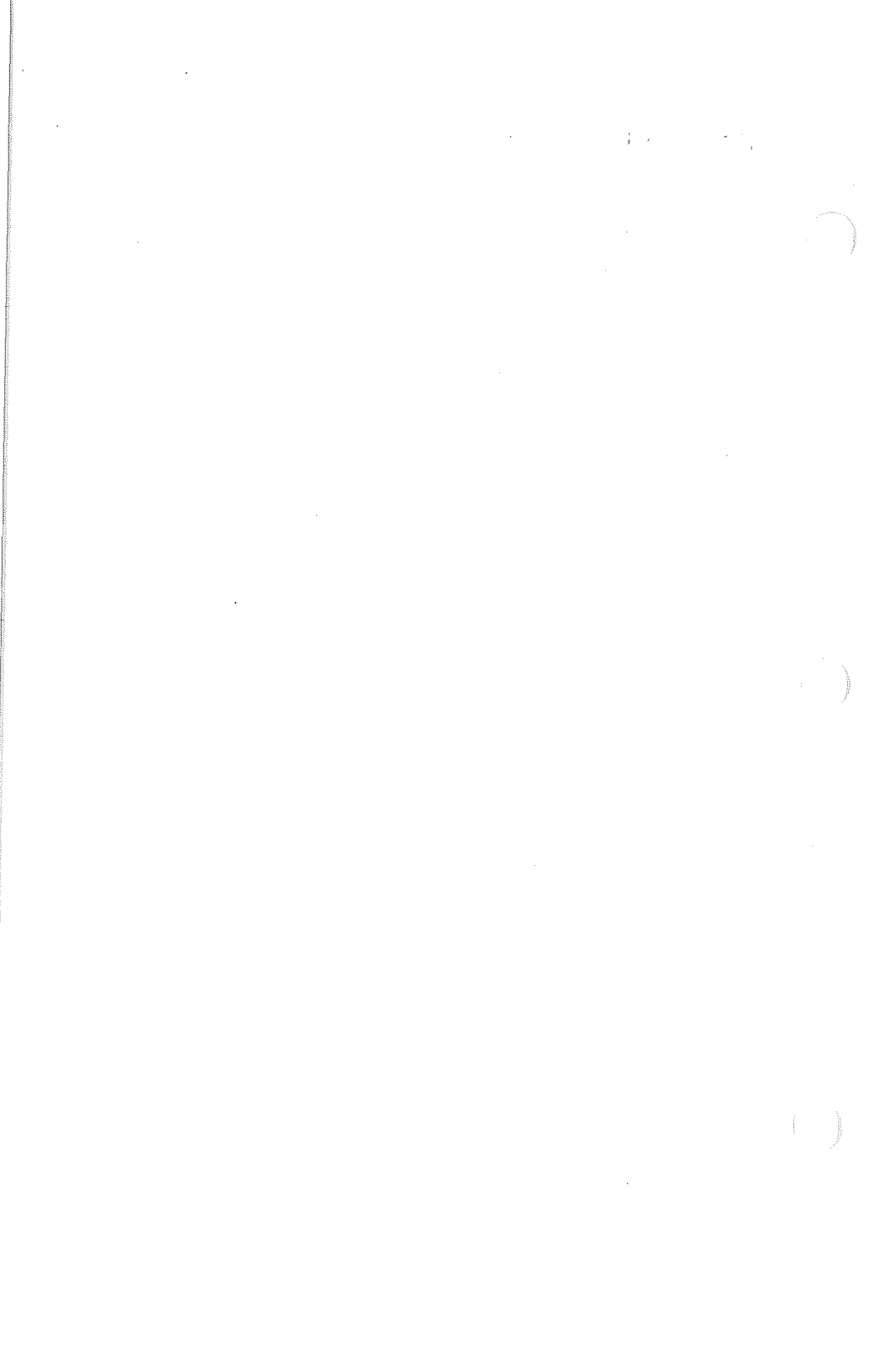
**2.021 Repeal.**

Sec. 21. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

(Adopted: 12-12-77)

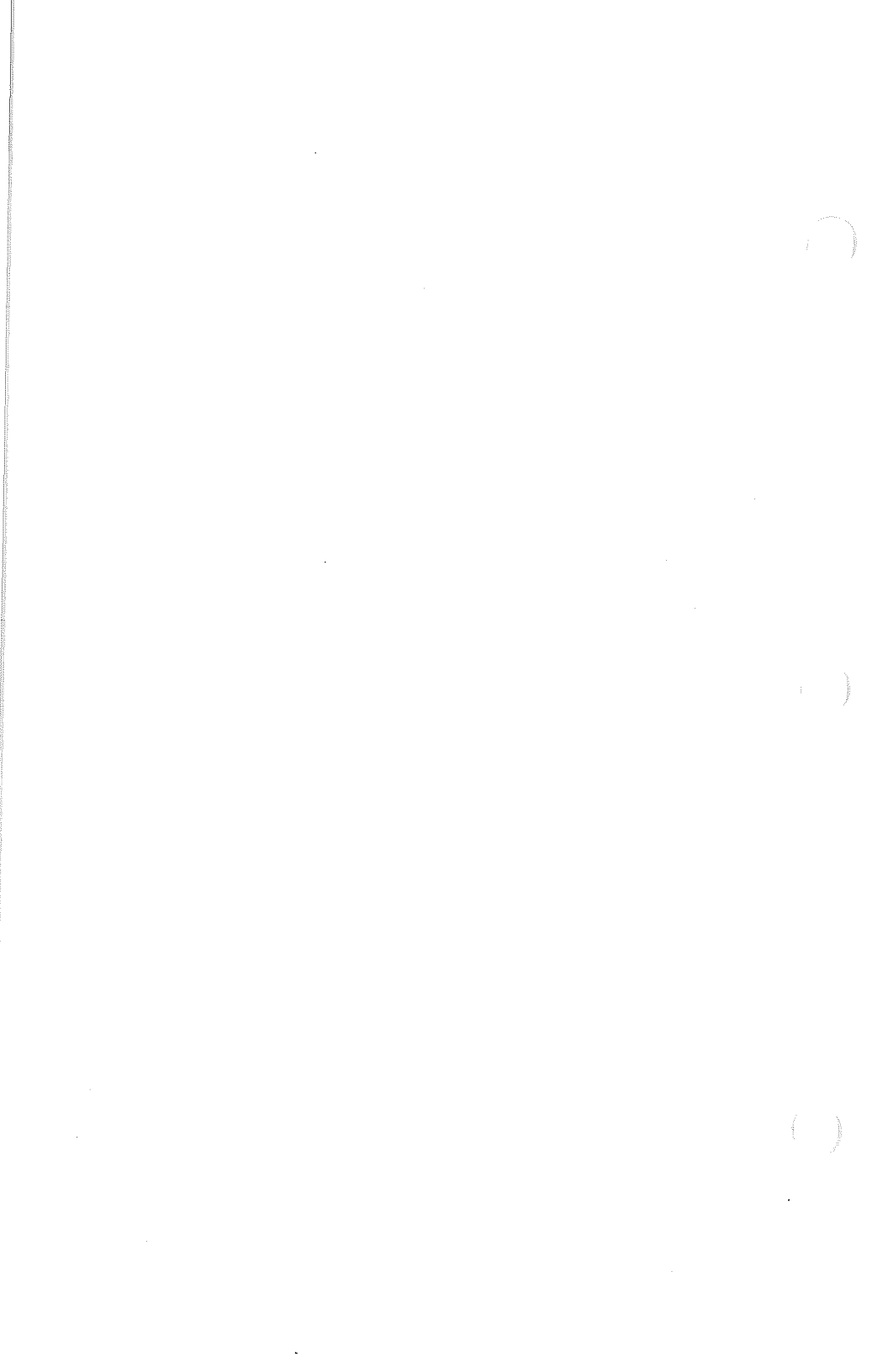
**2.022 Effective date.**

Sec. 22. This Ordinance to be in full force and effect from and after its passage, approval and publication, according to the law of the State of Michigan.  
(Adopted: 12-12-77)



Parts 3–9. Reserved.

[The next page is 61]



Part 10

**10.000 DRILLING FOR GAS/OIL; CONTROL AND  
OPERATION  
Ord. No. 21 (100)**

An ordinance to control the drilling for gas and/or oil and the operation of gas and/or oil wells within the corporate limits of the Village of Hopkins, Michigan.

THE VILLAGE OF HOPKINS ORDAINS:

**10.001 Permit required.**

Sec. 1. No person or corporation shall drill any oil or gas well within the corporate limits of the Village of Hopkins, without first having obtained a permit so to do from the Village Council.

**10.002 Application for permit.**

Sec. 2. Application for permission to drill an oil or gas well within the corporate limits of the Village of Hopkins, shall be made in writing to the Village Council, which application shall set forth the exact location of the proposed oil and/or gas well, the name of the person or corporation requesting the permit, the name or names of the holders of the leasehold interests, and the name of the drilling contractor.

**10.003 Issuance of permit.**

Sec. 3. Upon receipt of an application the Village Council shall, within a reasonable time thereafter cause to be issued a permit, in compliance with the terms of this Ordinance, if a majority of the members of the Council are satisfied that the person or persons making application for this permit have complied with all of the conditions herein set forth.

**10.004 Permit fee.**

Sec. 4. A charge of twenty-five dollars shall be made for each and every permit issued by the Council, which funds shall be used for the enforcement of this Ordinance.

**10.005 Insurance, public liability.**

Sec. 5. Each applicant for a permit, under this Ordinance shall file with his request, a certificate from an insurance carrier licensed to do business within the State of Michigan, indicating that the applicant for a drilling permit has public liability insurance in force, in the sum of not less than twenty-five thousand dollars.

**10.006 Brine disposal.**

Sec. 6. In the event that brine is encountered in any drilling operation it shall be disposed of, by subsurface disposal approved by the Michigan Department of Conservation. No surface disposal of brine shall be permitted.

**10.007 Storage of crude petroleum.**

Sec. 7. No crude petroleum shall be stored in tanks or open storage within the area designated in Sec. 1 of this Ordinance. All petroleum and gas produced from any well within the territory described in Sec. 1, shall be piped outside the Village limits by pipeline buried at least 18 inches under the surface of the ground.

**10.008 Filling of slush pits.**

Sec. 8. All slush pits, at any well, shall be filled within a reasonable time after completion or abandonment of the well.

**10.009 Covering of slush pits.**

Sec. 9. No slush pit at any well located within the corporate limits of the Village shall be burned off. Before the slush pit is covered, all oil must be removed from the pit and disposed of outside corporate limits of the Village.



**10.010 Rules and regulations.**

Sec. 10. All of the general rules and regulations governing oil and gas operations in the State of Michigan made pursuant to the Provisions of Act No. 61 of the Public Acts of Michigan 1939, as amended, shall be and are hereby made a part of this Ordinance, except Section 19 of Act No. 61 Public Acts of 1939 wherein penalties for violations are provided.

**10.011 Pumping of wells.**

Sec. 11. No well within the Village limits shall be pumped by motive power other than electrical.

**10.012 Enactment.**

Sec. 12. This Ordinance is enacted under the Police power of the Village, as set forth in Chapter 7 of the Charter of the Village of Hopkins and under the authority of Section 5.1404 of Michigan Statutes Annotated, and is hereby declared to be necessary to protect the public health, welfare and safety.

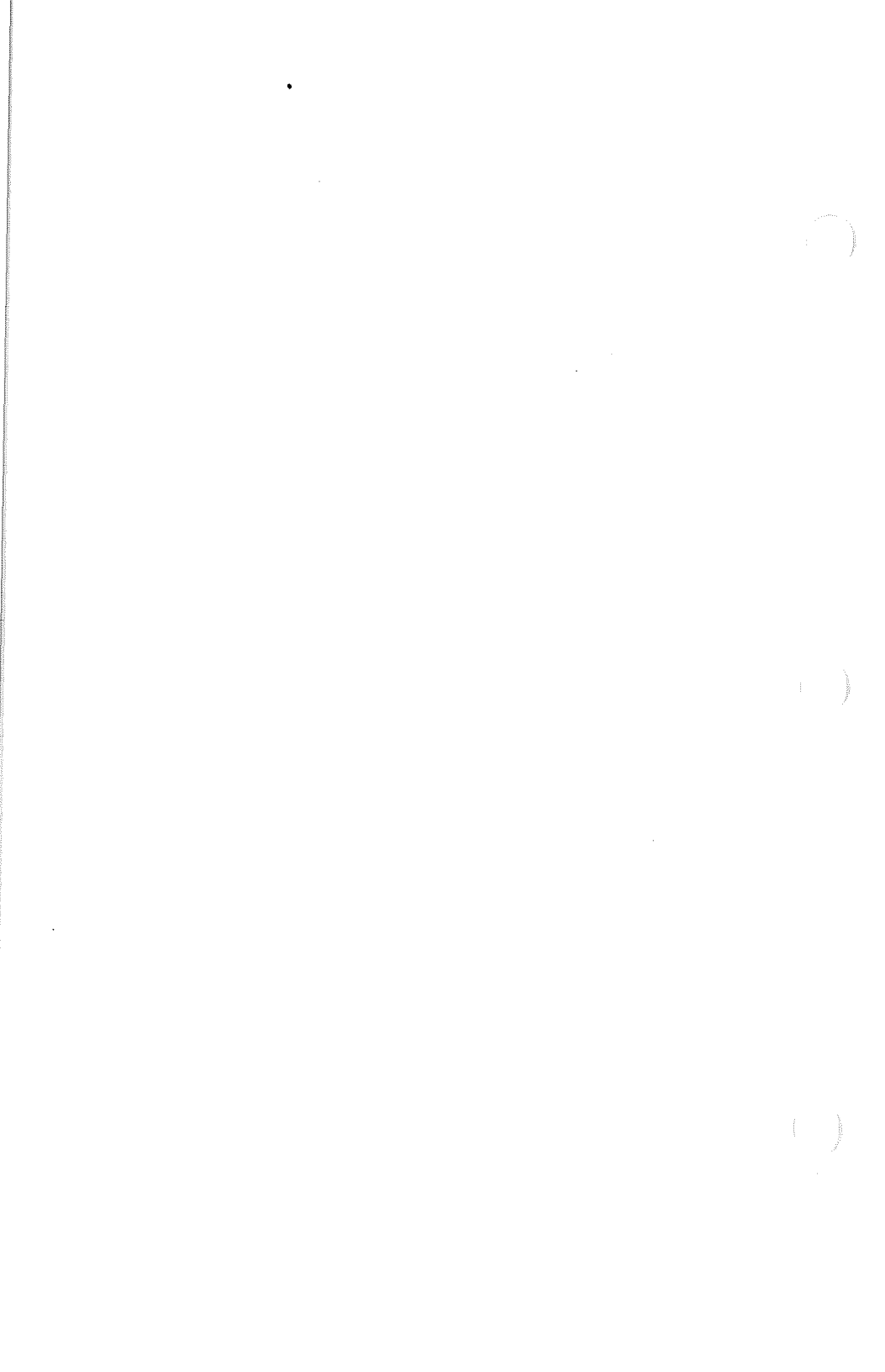
**10.013 Abatement.**

Sec. 13. Any drilling or production operation not conforming with the terms of this Ordinance and all general rules and regulations governing oil and gas operations in the State of Michigan, made pursuant to the Provisions of Act No. 61 of the Public Acts of Michigan 1939 is hereby declared to be a nuisance, which may be abated by any appropriate means, by the Council of the Village of Hopkins.

Cross reference—Nuisances and abatement of, Pt. 52.

**10.014 Effective date.**

Sec. 14. This Ordinance, because of the urgency of the situation and the need of immediate protection from the risk of fire, is hereby declared to be immediately effective. It is directed that publication of this Ordinance be made in compliance with Section 4, Chapter 6 of the Charter of the Village of Hopkins.



Part 11

**11.000**

**ENTERTAINMENT PERMITS  
Ord. No. 54**

An ordinance to protect and secure the public health, safety and general welfare by the regulation of certain forms of commercial entertainment and personal service within the Village of Hopkins, Allegan County, Michigan; to provide penalties for the violation of the provisions of this Ordinance and to repeal any ordinances or parts of ordinances in conflict herewith.

THE VILLAGE OF HOPKINS ORDAINS:

**11.001 Title.**

Sec. 1. This Ordinance shall be known and cited as the Village of Hopkins Entertainment Permits Ordinance.

**11.002 Purpose.**

Sec. 2. The purpose of this Ordinance is to regulate public commercial entertainers and servers involving dancing, monologues, pantomimes, and other personal type of body exhibitions, contortions or display, and personal service provided by any waitress, barmaid, waiter, bartender, performer, or other person by establishments within the Village where such public commercial entertainment and personal service of customers is presented, promoted, permitted or provided, to thereby prohibit any lewd, obscene, immoral, or unduly sexually stimulating entertainment acts, shows, or personal exhibitions or displays.

**11.003 Regulations.**

Sec. 3.

- (a) No person, firm or corporation shall permit or allow any form of commercial public entertainment or personal service by any waitress, barmaid, waiter, bartender, performer, or other person of customers to be presented or provided within his, its, or their establishment, nor shall any such

person engage in, present, or provide any form of public entertainment or personal service of customers within the Village of Hopkins, involving any lewd, obscene, immoral or unduly sexually stimulating dancing, monologues, pantomimes, or other type of body exhibitions, contortions, display or personal service. Waitresses, barmaids, waiters or bartenders without substantial covering of the genital area and/or without covering the female breasts at a point immediately above the top of the areola, are specifically prohibited.

- (b) The prohibited conduct, display or personal service prohibited by this Ordinance is hereby defined as that which, when taken as a whole, appeals to the prurient interest in sex, which portrays sexual conduct in a patently offensive way, and which, taken as a whole, does not have serious literary, artistic, political, or scientific value, so that the average person, applying contemporary community standards would find that such conduct, display, or personal service appeals to the prurient interest.

The proprietor of any establishment offering public entertainment and the performer and the personal server shall have the burden of providing compliance with the foregoing provisions in the event of any controversy concerning the same.

#### **11.004 Saving clause.**

Sec. 4. The provisions of this Ordinance are hereby declared to be separable and if any clause, sentence, word, section, or provision is declared void or unenforceable for any reason, by any court of competent jurisdiction, it shall not affect any portion of the Ordinance other than said part or portion thereof.

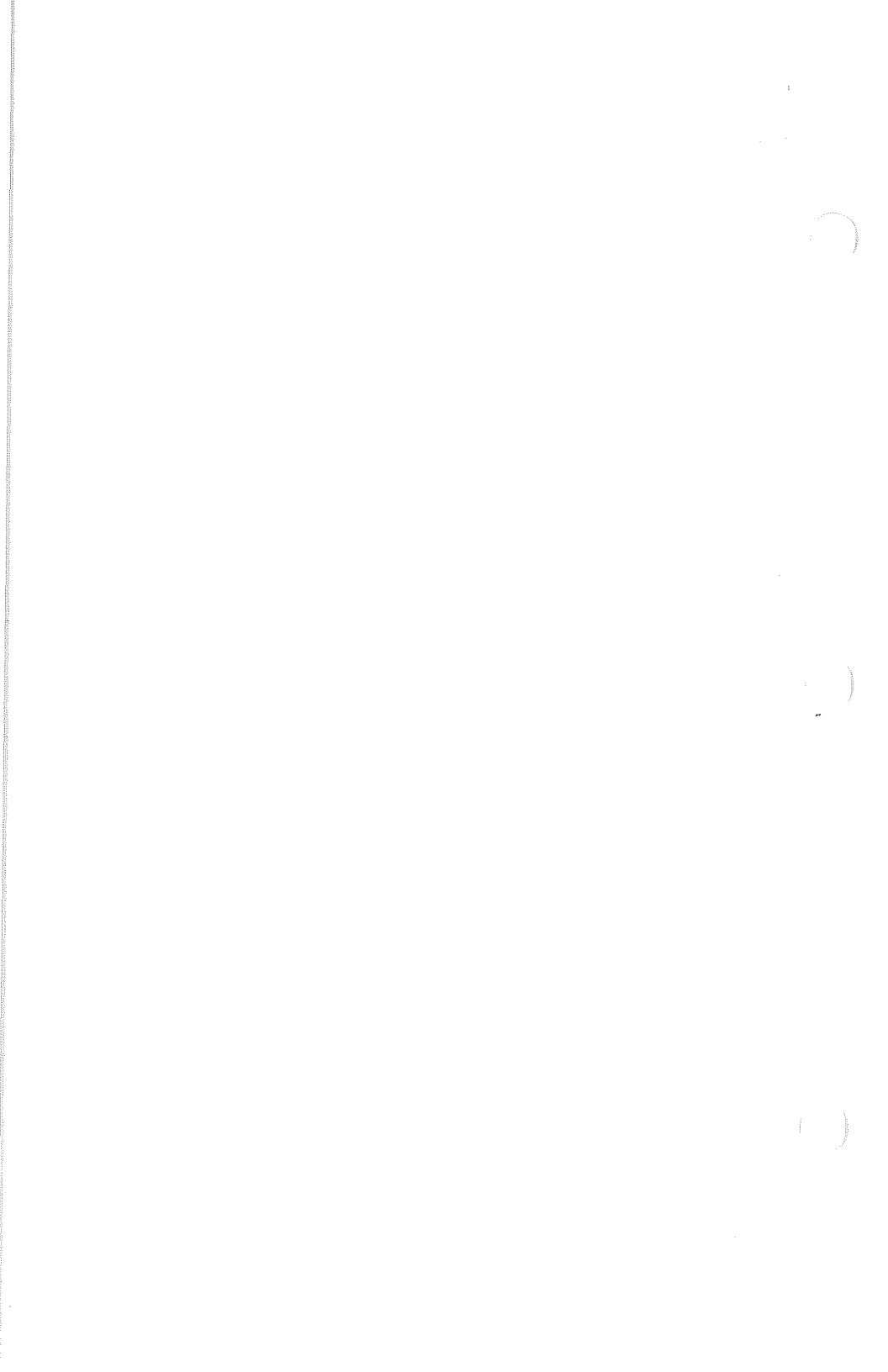
**11.005 Penalty.**

Sec. 5. Any person, firm or corporation who violates any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than One Hundred Dollars (\$100.00), or by imprisonment in the county jail for not to exceed ninety (90) days, or by both such fine and imprisonment. Each day that a violation continues to exist shall constitute a separate offense.

In addition to the foregoing, the Village of Hopkins, through the Village Council of such Village, reserves the right to revoke any entertainment license issued under the terms of the within Ordinance in the event of a violation of any of the regulations herein contained.

**11.006 Repeal.**

Sec. 6. All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.



Part 12

**12.000**

**OUTDOOR GATHERINGS\*  
Ord. No. 13**

An ordinance to license, regulate, and control, in the interest of Public Health, Safety and Welfare, outdoor gatherings of persons in excess of 75 in number.

THE VILLAGE OF HOPKINS ORDAINS:

**12.001 Purpose.**

Sec. 1. The Village Council of the Village of Hopkins finds and declares that the public health, safety, and welfare of the citizens of the Village of Hopkins, require the regulation and licensing and control of assemblies of large numbers of people.

**12.002 Defined.**

Sec. 2. Outdoor assembly hereinafter referred to as assembly means any event attended by more than 75 attendants, all or any part which include public displays, entertainment, amusement, or the exhibition, but not limited to include musical festivals, peace festivals, or other gatherings.

But does not mean:

- (A) An event sponsored or conducted by a governmental unit, or agency, on publicly owned land or property.
- (B) An event held entirely within the confines of a permanently enclosed and covered structure.

**12.003 License required.**

Sec. 3. A person shall not sponsor, operate, maintain, conduct, or promote an outdoor assembly in the Village of Hopkins unless he first makes an application for and obtains a license for each assembly.

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\*Cross references—Nuisances, Pt. 77; sewer use and installation, Pt. 85.

**12.004 Application for license.**

Sec. 4. Application for such license shall be made to the Village Council of the Village of Hopkins or the Village Clerk at least 60 days prior to proposed date of such assembly.

- (A) Application shall contain person's name and location of proposed assembly.
- (B) If ownership of property is not owned by person applying for license, the Village Council must have written consent by the property owner on record.
- (C) Date or dates of proposed assembly.
- (D) Estimated number of persons attending gathering.
- (E) Detailed map showing:
  - 1. Food and water locations and supplies.
  - 2. Health and sanitation facilities.
  - 3. Vehicle access and parking facilities.
  - 4. Lighting facilities if needed.
  - 5. Noise control and abatement.
- (F) Proposed hours of assembly on said dates.

**12.005 Issuance of license.**

Sec. 5. Within 40 days the Village Council shall issue, set conditions, or deny said license.

**12.006 Revocation.**

Sec. 6. The Village Council reserves the right to revoke a license whenever the licensee, his employees, or agents fails, neglects, or refuses to comply with any or all provisions and regulations set forth or with any and all provisions made by the Village Council.



Parts 13–24. Reserved.

[The next page is 121]



Part 25

25.000

**CABLE TELEVISION SERVICE**  
**Ord. No. 61**

An ordinance for the purpose of transmission and distribution of television signals, including radio and other signals, in the Village of Hopkins, by means of cable to private subscribers and does not include the operation of a master television system, the distribution system of which is confined to private property; and to provide for the public peace, health, safety and general welfare of persons or property therein.

THE VILLAGE OF HOPKINS ORDAINS:

**25.001 Definitions.**

Sec. 1. For the purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. "*Village*" is the Village of Hopkins.
- b. "*Permittee*" is the holder of a permit issued pursuant to this Ordinance.
- c. "*Council*" is the Village Council of the Village of Hopkins.
- d. "*Person*" is any person, firm, partnership, association, corporation, company or organization of any kind.
- e. "*Gross Subscriber Revenues*" shall mean gross receipts from all revenues received by the Permittee from subscribers located within the Village including all revenues from cable service including premium service. Gross Subscriber Revenues shall include revenues received by the Permittee as charges for installations, reconnections and modifications of any installations, but not

fees for inspections or repairs thereto. Gross Subscriber Revenues shall not include unrelated business income and/or income received from the lease and/or sale of real or personal property, bad debts, deposits or refunds to Subscribers and/or taxes on services furnished by the Permittee imposed upon any Subscriber by state, Village, or other governmental unit and collected by the Permittee on behalf of said governmental unit.

- f. *"Cable Television"* is the business of transmission and distribution of television signals, including radio signals and other signals, or any other type of closed circuit transmission by means of electrical impulses, by means of cable to private subscribers and does not include the operation of a master television antenna system, the distribution system of which is confined to private property.
- g. *"Street"* is a street, alley or other public way in the Village.

#### **25.002 Permit required.**

Sec. 2. No person shall provide Cable Television service within the limits of the Village without first obtaining a permit as hereinafter provided in this Ordinance.

Permittee shall pay to the Village for the privilege of operating a Cable Television system under the permit granted pursuant to this Ordinance a sum equivalent to not less than two percent (2%) of the annual gross subscriber revenue received by the Permittee. This permit fee is payable quarterly. Nothing in this Ordinance shall exempt any Permittee from the payment of ad valorem taxes on its property or equipment or on the income earned by it or from any other tax which it might be validly obligated to pay if it were not subject to the permit fee herein imposed.

**25.003 Application.**

Sec. 3. Permits to provide Cable Television service hereunder will be granted by the Council as hereinafter provided and shall be applied for by written application in form approved by the Village President and filed with the Village Clerk, which application shall include, but not be limited to, name of applicant; local business address; principal officers or owners; principal stockholders if a corporation; location of antenna tower or towers; general description of proposed distribution system in the Village, showing area proposed to be served and indicating whether applicant will require poles in the streets within the Village or whether cables and appliances to be utilized by it in the streets in the Village will be located on existing poles of utility companies; and service to be provided.

**25.004 Financial statement.**

Sec. 4. Each applicant shall attach to his application an authenticated statement of financial condition and net worth, sufficient in form and content so that the Council may readily determine its financial responsibility and its ability to finance the proposed undertaking.

Permittee shall file with the Village Clerk, annually, a statement of its revenues received from its operations under its permit issued pursuant to this Ordinance within sixty (60) days after the close of its fiscal year, shall make its financial records relating thereto available to the Village for inspection at a place designated by it within the Village, at any reasonable time.

**25.005 Indemnification.**

Sec. 5. Permittee shall indemnify and hold the Village harmless at all times during the term of this permit and specifically agrees that it will pay all damages and penalties which the Village may be legally required to pay as a result of operation of a cable system. Such damages and penalties shall include, but

not be limited to, damages arising out of copyright infringements and other damages arising out of the installation, operation, or maintenance of the Cable Television system authorized herein, whether or not any act or omission complained of is authorized, allowed, or prohibited by this permit, or this Ordinance.

#### **25.006 Insurance.**

Sec. 6. Permittee shall provide insurance in such form as shall protect the Village and itself from and against any and all claims for injury or damage to persons or property, both real and personal, resulting from the construction, erection, operation or maintenance of said television system pursuant to the authority of the permit granted hereunder, in limits of not less than \$1,000,000.00 for personal injury or death of any one person and \$300,000.00 for damage to property resulting from any one occurrence. Permittee shall provide Workers' Compensation Insurance as provided by the laws of the State of Michigan, as amended.

All of said insurance coverage shall provide a thirty (30) day notice to the Village in the event of material alteration or cancellation of any coverage afforded in said policies prior to the date said material alteration or cancellation shall become effective. Copies of all certificates of insurance required hereunder shall be furnished to and filed with the Village Clerk prior to the commencement of operations or the expiration of prior policies as the case may be. The Permittee shall pay and by the acceptance of this permit specifically agrees, that it will pay all reasonable expenses incurred by the Village in defending itself with regard to all damages, penalties, or other claims resulting from the acts of Permittee, its assigns, employees, agents, invitees, or other persons. Said expenses shall include all out-of-pocket expenses such as attorney fees, and shall include the value of any services rendered by the Village attorney or any other officers or employees of the Village.

**25.007 Rights of permittee in streets.**

Sec. 7. Permittee shall have the right, so long as its permit is in force and effect, to utilize the streets of the Village to the extent set forth in its application, or as otherwise provided by the Council in its permit for the transmission of television and radio and other signals as herein authorized from its antenna location or locations to the premises of subscribers. Permittee may erect all such wires, cables and appurtenances in the said streets, subject to approval of the Village Council of the placement of any such poles, or Permittee may, at its option, authorize, subject to the same conditions as to the placement of poles, the installation of such cables and appurtenances by others on a lease, rental, fee or other basis, and all such wires, cables, conduits, appurtenances and poles placed or installed by others for the use of Permittee shall exist and continue to exist solely by authority of the permission granted to said Permittee.

**25.008 Conditions of street occupancy.****Sec. 8.**

- a. *Use.* All transmission and distribution structures, lines and equipment erected by the Permittee or on its behalf within the Village shall be so located as to cause minimum interference with the reasonable use of streets, and to cause minimum interference with the rights and reasonable convenience of property owners who adjoin any of said streets.
- b. *Restoration.* In case of any disturbance of pavement, sidewalk, driveway or other surfacing, Permittee shall, at its own cost and expense and in a manner approved by the Village Council, replace and restore all paving, sidewalk, driveway or surfacing of any street or alley disturbed, in as good condition as before said work was commenced.

- c. *Relocation.* In the event that any time during the existence of a permit granted hereunder, the Village shall lawfully widen, realign or otherwise alter the street right-of-way, or construct, reconstruct, realign, change the grade of or otherwise alter pavement of any watermain, fire hydrant, sewer or appurtenance, the Permittee and anyone acting for it in connection with the use of the streets, upon reasonable notice by the Village shall remove, relay and relocate its poles, wires, cables, underground conduits, manholes and other fixtures at its own expense.
- d. *Conduit districts.* In areas of the Village in which telephone lines and electric lines are underground, all Permittee's lines, cables and wires shall be underground.
- e. *Construction standards.* Permittee's distribution system in the public streets shall comply with all applicable laws and regulations and ordinances and all its wires and cables suspended from poles in the streets shall comply with the minimum clearances above ground required for telephone lines, cables, wires and conduits.

**Cross reference**—Excavations on public streets, Pt. 88.

## **25.009 Operation of Cable Television system.**

### **Sec. 9.**

- a. Permittee's receiving and distribution equipment and facilities shall be constructed, operated and maintained so as to provide usable signals at subscribers' television receivers essentially of the same quality as received at the antenna site.
- b. Permittee shall in the operation of its Cable Television system, comply with all applicable laws, ordinances, and rules, regulations and requirements of regulatory agencies.



**25.010 Duty to provide service.**

Sec. 10. Permittee shall make its Cable Television service available to all residents of the Village who can be reached by its distribution system as mutually agreeable between the Board and Permittee.

**25.011 Granting of permit.**

Sec. 11. The Council shall grant a Cable Television permit hereunder to each applicant who makes proper application, establishes its qualifications as herein set forth, furnishes the required insurance and assurances and who established that its operations will not impose an unreasonable burden on Village streets. No permit granted hereunder shall be exclusive. An agreement to provide Cable Television service entered into by the Council and an applicant shall be considered the permit.

**25.012 Term of permit.**

Sec. 12. Each permit issued hereunder shall be for a term of not to exceed twenty (20) years, as agreed to by the Village and the Permittee or until terminated as herein provided if termination occurs sooner. The permit granted hereunder shall be deemed to constitute a contract between the Village and the Permittee. Nothing in this section shall prohibit Permittee from seeking a renewal or extension of a permit.

**25.013 Transfer.**

Sec. 13. Permits granted hereunder are not transferable except upon approval of the Council. The proposed transferee shall file an application in form approved by the Village President and shall satisfy all other requirements of this Ordinance. Any transfer of this permit by the Permittee to one of its subsidiaries shall not be considered transferred with respect to this section.

**25.014 Termination.**

## Sec. 14.

- a. Permittee may surrender its permit at any time, in which event it shall refund to subscribers all prepaid and unearned service and other charges collected from subscribers.
- b. In addition to all other rights and powers pertaining to the Village by virtue of this franchise or otherwise, the Village preserves the right to terminate and cancel this permit and all rights and privileges of the Permittee hereunder in the event that the Permittee:
  - (1) Violates any provision of this permit or any rule, order or determination of the Village, Council or their agents made pursuant to this permit, except where such violation is without fault or through excusable neglect;
  - (2) Becomes insolvent, unable or unwilling to pay its debts, or is adjudged as bankrupt;
  - (3) Attempts to evade any of the provisions of this franchise or practices any fraud or deceit upon the Village; or
  - (4) Unless otherwise agreed to, fails to begin the design of the system within ninety (90) days after necessary governmental approvals and pole-leasing agreements from utilities owning said poles, or fails to begin construction within six (6) months thereafter, or fails to make reasonable efforts to complete construction within eighteen (18) months after commencement of such construction, or fails to complete such construction substantially within two (2) years from the effective date of this franchise. Permittee shall be given sixty (60) days written notice to correct any such default or noncompliance before the Council may proceed to terminate the permit as above provided for under this

section. Permittee shall be entitled to a hearing before the Council to determine the findings of fact and the propriety of the termination of the permit. The determination of the Council and its decision shall be final.

- c. Upon termination of its permit, Permittee shall at its own expense remove from the streets in the Village all its facilities and equipment therein utilized by it in its Cable Television operation, unless the Council shall specifically authorize it to leave all or part of such facilities and equipment in place.

**25.015 Public service and public broadcasting.**

Sec. 15. Permittee shall make available for public use a number of channels as mutually agreeable between the Council and the Permittee.

**25.016 Service to public buildings.**

Sec. 16. The Permittee shall furnish free, without monthly fees, installation or service charges, a single television outlet to all schools, fire and police stations in the Village of Hopkins provided such building is within 400 feet of an existing line of the system, and provided further that Permittee will not have any responsibility or cost as to any wiring inside the public buildings.

**25.017 Cablecasting commission.**

Sec. 17. The Council may create a Cablecasting Commission hereinafter referred to as the "Commission" which will be composed of five (5) members who serve for five (5) year staggered terms, said members to be appointed by the Village President with the consent and approval of the Council. The Council may delegate to the Commission such duties as it may from time to time deem necessary.

**25.018 Penalty.**

Sec. 18. Any person who shall violate any of the provisions of this Ordinance shall be subject to a fine of not more than \$500.00, such fine in the discretion of the Court.

**25.019 Severability.**

Sec. 19. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**25.020 New rules.**

Sec. 20. This permit is granted subject to the right of the Village or the Permittee to re-negotiate the terms of this permit at any time after the effective date of this permit upon thirty (30) days notice to the Permittee if Federal or State regulations substantially alter the service, conditions or standards upon which the Cable Television system is to operate.

**25.021 Ordinances and permits repealed.**

Sec. 21. All ordinances or parts of ordinances or permits in conflict with the provisions of this Ordinance are hereby repealed and altered to conform with the provisions of this Ordinance.

Part 26

**26.000**

**ELECTRIC FRANCHISE; CONSUMERS  
POWER COMPANY  
Ord. No. 46 (1 of 1981)**

An ordinance granting to Consumers Power Company, its successors and assigns, the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges and other public places, and to do a local electric business in the Village of Hopkins, Allegan County, Michigan, for a period of thirty years.

THE VILLAGE OF HOPKINS ORDAINS:

**26.001**

**Grant of franchise.**

Sec. 1. That wherever the word "Grantee" appears in this ordinance, it is hereby intended to designate, and shall be held to refer to the Consumers Power Company, a Michigan corporation, its successors and assigns. The right, power and authority is hereby granted and vested in said Grantee to construct, maintain and commercially use electric lines, consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges and other public places, and to do a local electric business in the Village of Hopkins, Allegan County, Michigan, for a period of thirty years.

(Adopted: 3-9-81)

**26.002**

**Responsibility of Grantee.**

Sec. 2. In consideration of the rights, power and authority hereby granted, all of which shall vest in the Grantee for a period of thirty (30) years as aforesaid, said Grantee shall faithfully perform all things required by the terms hereof.

(Adopted: 3-9-81)

**26.003 Conditions of work.**

Sec. 3. No highway, street, alley, bridge or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair and shall be restored to the same good order and condition as when such work was commenced. All towers, masts, poles and other supports shall be set and all wires shall be suspended or buried in a careful and proper manner so as not to injure persons or property. The Grantee shall have the right to trim trees if necessary in the conducting of such business, subject, however, to the supervision of the Council of the Village. (Adopted: 3-9-81)

Cross reference—Excavation of public streets, Pt. 88.

**26.004 Indemnification.**

Sec. 4. The Grantee shall at all times keep and save the Village free and harmless from all loss, costs and damage to which it may be subject by reason of the negligent construction and maintenance of the towers, masts, poles, wires and other structures and appliances, the erection, burial and maintenance of which are hereby authorized.

(Adopted: 3-9-81)

**26.005 Rates and charges.**

Sec. 5. The Grantee shall be entitled to charge the inhabitants of said Village for electric energy for light, heat and power, the rates as approved by the Michigan Public Service Commission. Said rates shall be subject to review and change at any time by the Michigan Public Service Commission or its successors, upon proper application by either said Grantee or the Village, acting by the Village Council, being made thereto, and the regularly filed rates as approved by said Michigan Public Service Commission or its successors, as applicable to said Village of Hopkins, shall at all times be the lawful rates.

All bills for electric energy shall be payable monthly. The Grantee may collect the minimum, charge as

specified in said schedule. It shall also furnish and maintain commercially accurate meters to measure the energy furnished. Said Grantee shall at all reasonable times have access to the premises of its customers, for the purpose of reading, inspecting, removing and replacing such meters.

(Adopted: 3-9-81)

**26.006 Rights not exclusive.**

Sec. 6. The rights, power and authority herein granted, are not exclusive.

(Adopted: 3-9-81)

**26.007 Rules and regulations.**

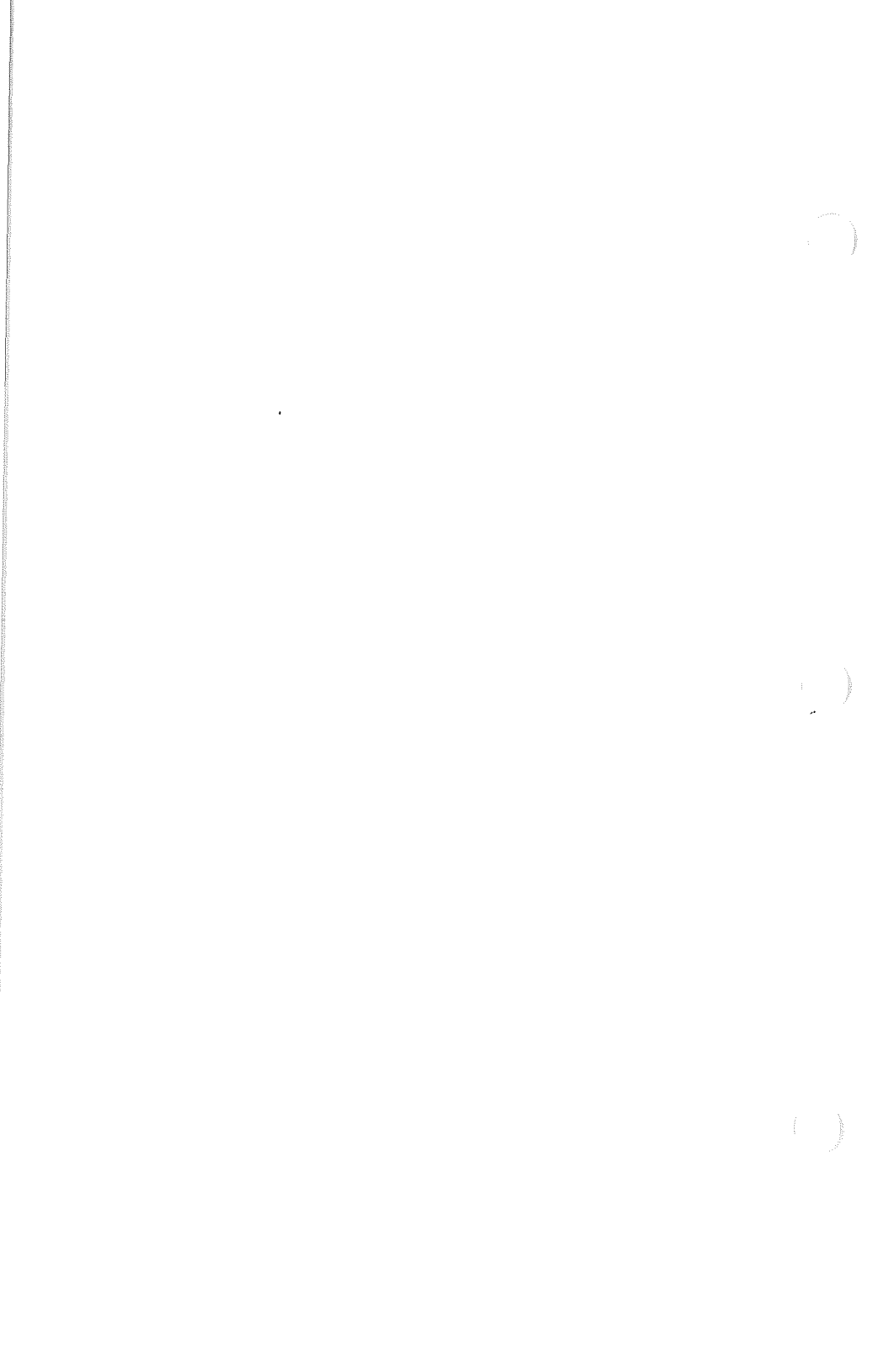
Sec. 7. Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to electric service in said Village.

(Adopted: 3-9-81)

**26.008 Ratification and acceptance.**

Sec. 8. The franchise granted by this ordinance is not subject to revocation, and shall be and become valid and binding only upon its ratification by the affirmative vote of at least three-fifths of the electors of said Village voting thereon at a regular or special municipal election to be held in the manner provided by law. This ordinance shall not be submitted to the electors unless the Grantee shall, within thirty days after the adoption hereof, file with the Village Clerk its written acceptance, subject to the ratification by the electors of the Village. Upon the acceptance hereof and the ratification by the electors as aforesaid, this ordinance shall constitute a contract between the Village and the Grantee for the full term of thirty (30) years from and after the date of such ratification by the electors.

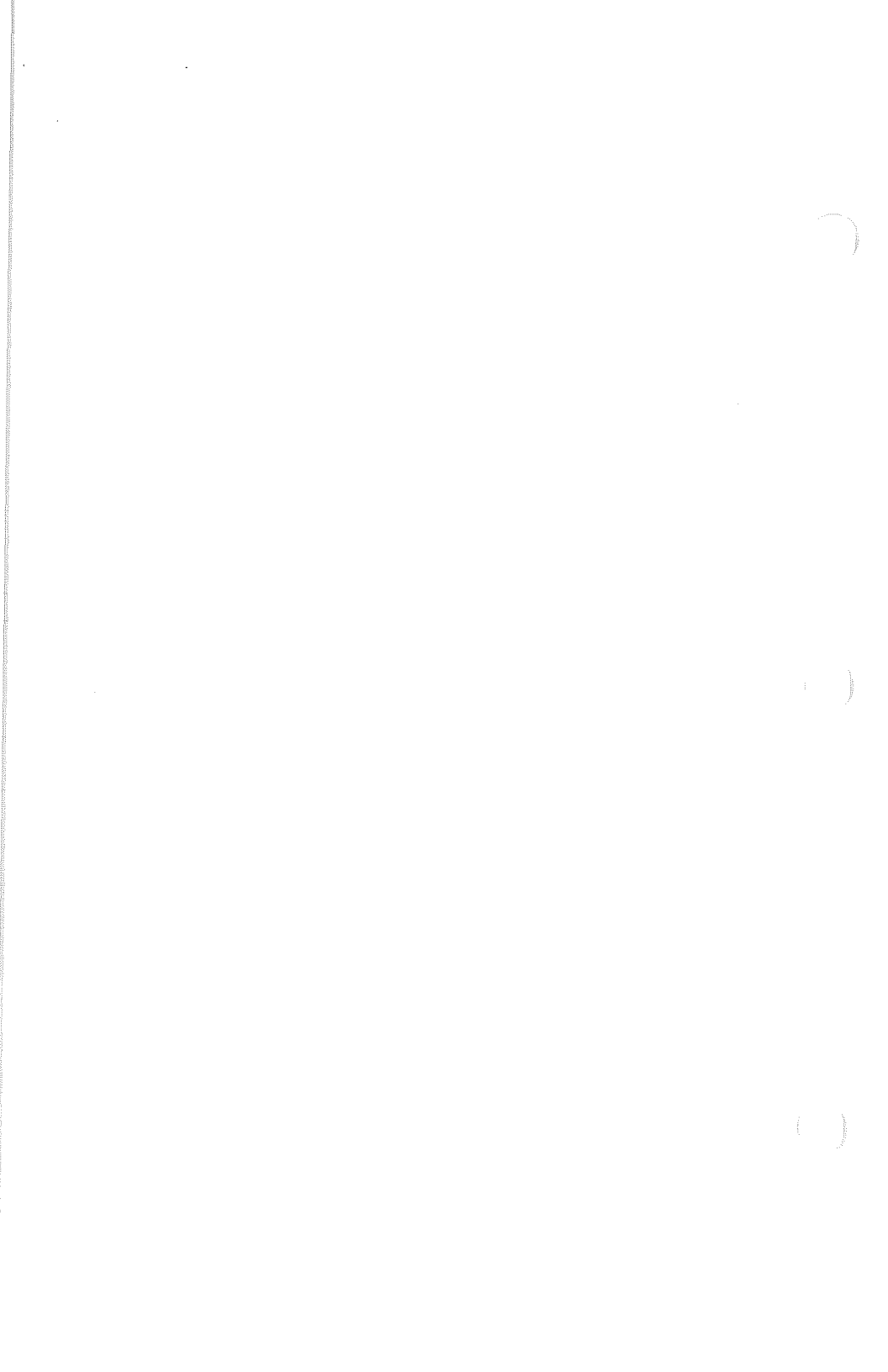
(Adopted: 3-9-81)





Parts 27—34. Reserved.

[The next page is 185]



Part 35

**35.000**

**UNIFORM TRAFFIC CODE  
Ord. No. 39 (1 of 1974)**

An ordinance to adopt by reference, the Uniform Traffic Code for Michigan cities, townships and villages.

THE VILLAGE OF HOPKINS ORDAINS:

**35.001 Code adopted.**

Sec. 1. The Uniform Traffic Code for Cities, Townships and Villages promulgated by the Commissioner of State Police on February 14, 1958 and published in supplement no. 13 as most recently amended on January 27, 1981, and published in quarterly supplement no. 5 to the 1979 edition of the Michigan Administrative Code, in accordance with Public Act 62 of 1956, State of Michigan, is hereby adopted by reference as in this Ordinance modified.

**35.002 References in code.**

Sec. 2. References in the Uniform Traffic Code for Michigan Cities, Townships and Villages to "governmental unit" shall mean the Village of Hopkins.  
(Adopted: 4-8-74)

**35.003 Notice to be published.**

Sec. 3. The Village Clerk shall publish this Ordinance in the manner required by law and shall at the same time publish a supplementary notice setting forth the purpose of the said Uniform Traffic Code and of the fact that complete copies of the Code are available at the office of the Clerk for inspection and distribution to the public at all times.  
(Adopted: 4-8-74)

**35.004 Conflicting ordinances repealed.**

Sec. 4. Ordinance No. 16 adopted January 14, 1952, relating to traffic is hereby specifically repealed. All

other ordinances inconsistent with the provisions of the Uniform Traffic Code are, to the extent of such inconsistency, hereby repealed.

(Adopted: 4-8-74)

**35.005 When effective.**

Sec. 5. The Uniform Traffic Code will be in effect in this governmental unit 30 days after the passage of this adopting Ordinance.

(Adopted: 4-8-74)

Published: April 16, 1974

Part 36

**36.000**

**SCHOOL BUSES AND TRAFFIC**

**Ord. No. 38 (1 of 1973)**

An ordinance regulating traffic meeting or overtaking from either direction any school bus which has stopped on any street in the Village for the purpose of receiving or discharging any school children.

THE VILLAGE OF HOPKINS ORDAINS:

**36.001**

**Traffic regulation upon meeting or overtaking school buses.**

Sec. 1. The driver of any vehicle upon any street or highway within the Village of Hopkins, Allegan County, Michigan, upon meeting or overtaking from either direction any school bus which has stopped upon such street or highway for the purpose of receiving or discharging any school children, shall stop such vehicle before reaching such school bus when there is in operation on such school bus a visual signal as required by statute for operation while the said school bus is receiving or discharging said school children.

(Adopted: 9-8-73)

**36.002**

**Penalty provision.**

Sec. 2. Any person violating the provisions of this Ordinance shall be guilty of a misdemeanor and shall be punishable by a fine not to exceed One Hundred (\$100.00) Dollars or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment, in the discretion of the Court.

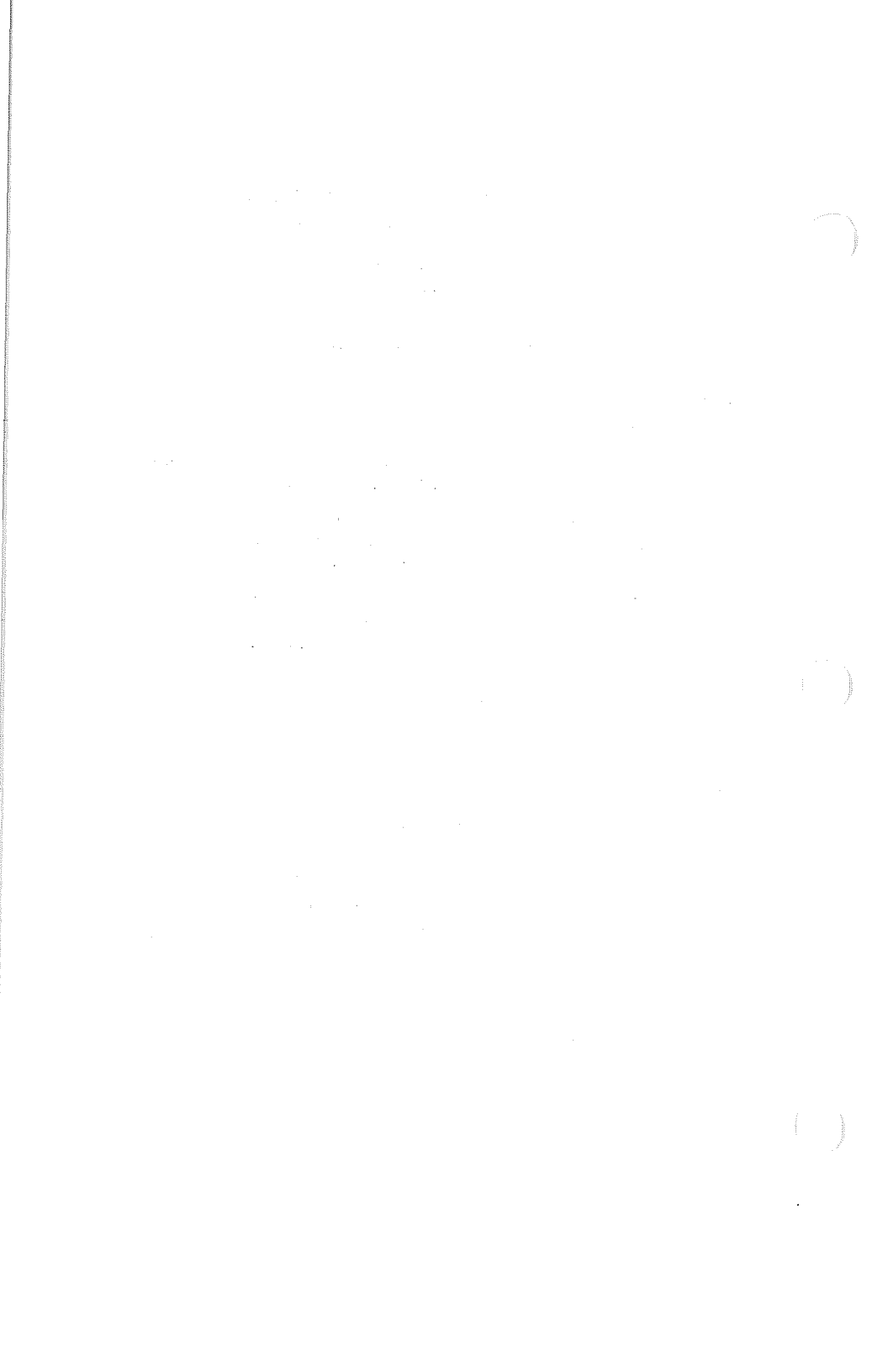
(Adopted: 9-8-73)

**36.003**

**Effective date.**

Sec. 3. The within Ordinance shall take effect on February 10, 1973.

(Adopted: 9-8-73)



**37.000**

**PARKING REGULATIONS\***

**Ord. No. 57**

**37.001 Definitions.**

Sec. 1.

- (a) *Motor vehicle.* "Motor vehicle" means every vehicle which is self-propelled.
- (b) *Camper.* A separate vehicle designed for human habitation and which can be attached or detached from a pickup truck.
- (c) *Motor home.* A self-contained vehicle designed for human habitation, with its own motive power, and with a passageway from the body of the home to the driver's and front passenger's seat.
- (d) *Trailer.* A vehicle without motive power designed for carrying persons or property on its own structure and to be drawn by a vehicle with motive power. The term trailer shall include but not be limited to coach, semitrailer, travel trailer, utility trailer or boat trailer.

**37.002 Overnight parking.**

Sec. 2. It shall be unlawful to park a motor vehicle on any streets or alleys within the corporate limits of the Village of Hopkins between the hours of 2:00 o'clock a.m. and 6:00 a.m. of each day from November 15th of each year to April 1st of the succeeding year, except physicians on emergency calls.

**37.003 Parallel parking.**

Sec. 3. Parallel parking shall be allowed on all streets and alleys except where prohibited.

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\*Cross reference—Parking near mailbox, § 53.001(49).

**37.004 Trailers in municipal parking lot.**

Sec. 4. No motive power drawn trailers of any type, whether attached to or detached from a vehicle with motive power shall be parked in a Municipal Parking Lot.

**37.005 Camping, sleeping or living in vehicles.**

Sec. 5. It shall be unlawful to park a motor vehicle, camper, motor home, or trailer on any street, alley, park or parking lot in the Village of Hopkins for the purpose of camping, sleeping or living in a motor vehicle, camper, motor home or trailer, except by written permission from the Village Council.

**37.006 Registration of vehicle.**

Sec. 6. The fact that any defined vehicle or trailer which is illegally parked is registered in the name of a person shall be considered prima facie proof that such person was in control of the defined vehicle or trailer at the time of such parking.



Part 38

38.000

**BICYCLES**  
**Ord. No. 56**

An ordinance to regulate the use of bicycles.

BE IT ORDAINED BY THE VILLAGE OF HOPKINS:

**ARTICLE I**

38.010

**DEFINITIONS**

**Definitions.**

Sec. 1. Whenever in this Ordinance the following terms are used they shall have the meanings respectively ascribed to them in this section:

- (a) *Bicycle.* The word "bicycle" shall mean and include a vehicle with two or more wheels, neither of which are less than twenty inches in diameter, with solid or pneumatic tires, having a steering bar or wheel, a saddle seat, and propelled by human power.
- (b) *Operate.* The word "operate", or any form thereof, shall mean and refer to the use, putting into action or causing to function, of a bicycle by a person mounted thereon.

**ARTICLE II**

38.020

**RULES FOR RIDING AND OPERATING**

38.021

**Riding abreast.**

Sec. 1. When more than two persons in a group are operating bicycles on a roadway, they shall ride single file.

**38.022 Clinging to vehicles.**

Sec. 2. No person operating a bicycle shall cling or attach himself, or the bicycle, to any other moving vehicle.

**38.023 Extra passenger.**

Sec. 3. No person operating a bicycle shall carry another person on the handlebars of said bicycle.

**38.024 Emerging from alley, driveways and garages.**

Sec. 4. The operator of a bicycle emerging from an alley, driveway, garage or private sidewalk, shall stop the bicycle immediately prior to driving onto or across a public sidewalk, or onto or across a public sidewalk line projected across an alley, and shall exercise extreme care in making such movements.

**38.025 Intoxication; drugs; physical inability.**

Sec. 5. No person shall operate a bicycle while under the influence of liquor or drugs, or while physically or mentally unfit to safely operate the same.

**38.026 Lights.**

Sec. 6. No bicycle shall be operated within the period from sunset to sunrise without having a properly lighted headlight attached to the front of the bicycle, visible under normal atmospheric conditions from the front thereof, a distance of not less than three hundred feet, nor without having a red light or a reflector attached to the rear of the bicycle, which is clearly visible in the headlight beam of a motor vehicle for a distance of not less than two hundred feet to the rear of the bicycle.

**38.027 Mechanical condition.**

Sec. 7. No person shall operate a bicycle which is not in such mechanical condition so that it can be safely operated.

**38.028 Operating on sidewalks.**

Sec. 8. Bicycles may be operated on sidewalks in public parks and in residential districts, but in single file only. Under all circumstances, the rider shall yield the right-of-way to pedestrians using the sidewalk, and due and proper care shall at all times be exercised by the rider for the pedestrian. When approaching a pedestrian on the sidewalk, the speed of a bicycle shall be reduced to a speed which is no greater than necessary to continue the operating of the bicycle without the rider dismounting, and shall not be increased until the pedestrian has been passed. No bicycle shall be operated upon any sidewalk in the business portion of the Village.

**38.029 Parking bicycles.**

Sec. 9. It shall be unlawful to park any bicycle along the building in such a manner as to interfere with pedestrians, or along roadways where they may interfere with traffic, or with persons getting into or out of motor vehicles. No person other than the owner or operator shall move, or in any manner interfere with, any bicycle properly parked, nor shall any person interfere or in any manner hinder any person from properly parking a bicycle, except that, members of the police and fire department may move, or in proper cases, prevent the parking of the bicycle, when, in the judgment of the policeman or fireman, his action is necessary in order to properly safeguard persons or property.

**38.030 Right (keep to).**

Sec. 10. All bicycles when operated on roadways shall be kept to the right and shall be operated as near as possible to the right-hand edge of the roadway.

**38.031 Speed.**

Sec. 11. No bicycle shall be operated at any time faster than is reasonable or proper to the safety of the rider and of other persons and property.

**38.032 Traffic regulations.**

Sec. 12. Every person operating a bicycle shall strictly observe all traffic signs and signals and all other traffic rules and regulations, and shall obey the orders and direction of every officer of the Village authorized to direct or regulate traffic.

**38.033 Trick riding.**

Sec. 13. No person shall, while operating a bicycle, indulge or engage in any kind of trick or unsafe riding.

**38.034 Turns (starting and stopping).**

Sec. 14. The operator of a bicycle on a roadway, when making a right turn, shall follow the right-hand edge of the roadway, and the operator of a bicycle on a roadway when making a left turn shall approach the point of turning in the traffic lane nearest the center of the roadway. No operator of a bicycle shall start, slow down, stop or attempt to turn without first indicating such movement as provided by law.

**ARTICLE III****38.050 ADDITIONAL REGULATIONS FOR RIDING AND OPERATING BICYCLES****38.051 Yield right-of-way.**

Sec. 1. Any person riding a bicycle shall yield the right-of-way in the following circumstances:

- (a) When a pedestrian is crossing or about to cross a roadway;

- (b) When a pedestrian is in a crosswalk or in an intersection when the signal light changes;
- (c) When a vehicle is stopped to yield right-of-way to a pedestrian;
- (d) When a blind person, using a cane or guide dog, is crossing any highway or intersection;
- (e) When traffic is so close as to be a hazard.

**38.052 Racing on roadways.**

Sec. 2. It shall be unlawful for any person riding or operating a bicycle to race any other bicycle, person or vehicle along any highway or roadway, or to try to set a speed record along any highway, roadway, or street.

**38.053 Obstructing view of rider.**

Sec. 3. No person shall ride a bicycle which is so loaded as to obstruct the view of the rider.

**38.054 Crossing sidewalks—Emerging from driveways, alleys, garages.**

Sec. 4. Any person riding a bicycle shall stop before crossing a crosswalk, sidewalk or intersection, or when emerging from an alley, garage, or driveway.

**38.055 Blocking road or intersection.**

Sec. 5. No person riding or operating any bicycle shall block any road or intersection so as to interfere with other vehicle or pedestrians.

**ARTICLE IV**

**38.060 MISCELLANEOUS PROVISIONS**

**38.061 Use of bicycle without consent of owner.**

Sec. 1. It shall be unlawful for any person to use or operate any bicycle within the Village without the consent of the owner.

**38.062 Suspension; revocation.**

Sec. 2. The Chief of Police may, for repeated violations of any provision to this Ordinance, or any applicable provisions of the statutes relating to traffic, impound a bicycle for a period not to exceed thirty (30) days.

**38.063 Penalties.**

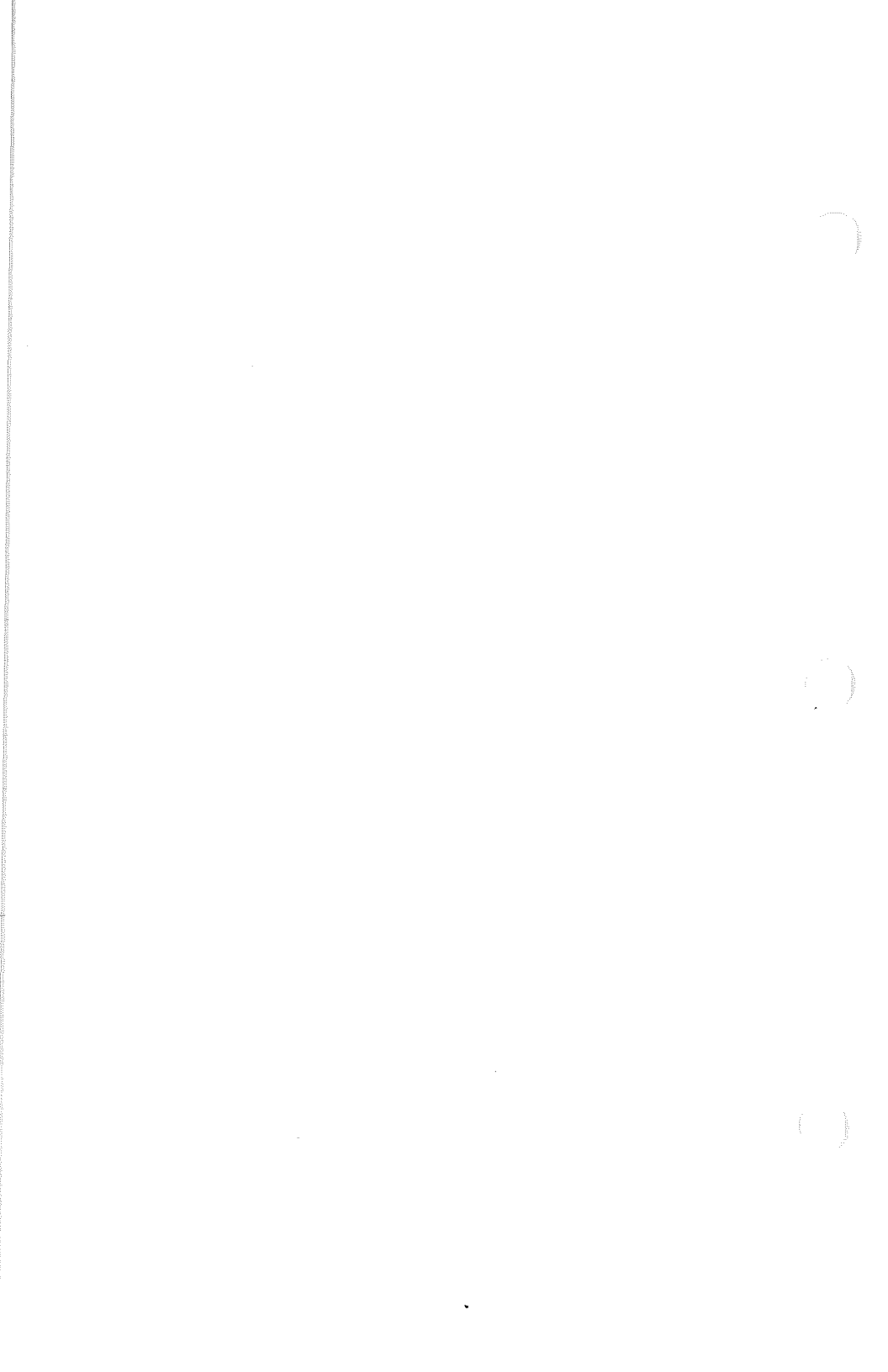
Sec. 3. A violation of any provision of this Ordinance shall be a civil infraction. Every person found in violation of any provision of this Ordinance shall be subject to a fine of not more than one hundred (\$100.00) dollars.

**38.064 Disposal of impounded or seized bicycles.**

Sec. 4. Any impounded or seized bicycle held after six months and the owner has been notified, shall be disposed of by the discretion of the Village.

Parts 39—49. Reserved.

[The next page is 247]





Part 65

**65.000**

**KEEPING OF ANIMALS**  
**Ord. No. 7 (7 of 1921)**

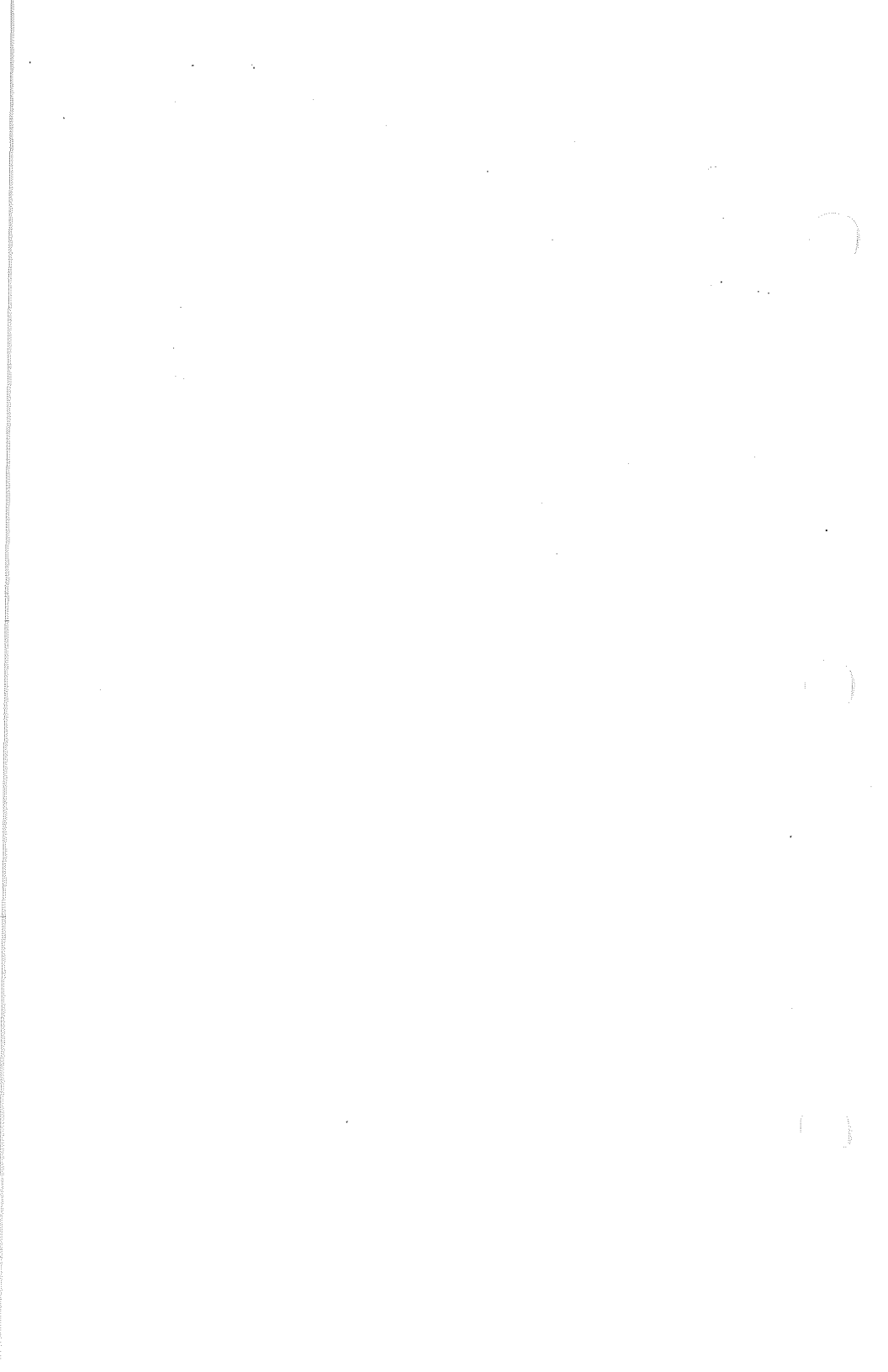
THE VILLAGE OF HOPKINS ORDAINS:

**65.001 Keeping of animals, livestock and poultry.**

Sec. 1. The keeping of customary household pets such as domestic cats, dogs, birds and fish shall be permitted. The keeping of any other animals, livestock, or poultry for any purpose is not permitted.

**65.002 Penalty.**

Sec. 2. Any person violating any of the provisions of this Ordinance shall be punished by a fine not exceeding 10 dollars and the cost of prosecution or be imprisoned in the county jail at Allegan for a period not exceeding 10 days or both such fine and imprisonment in the discretion of the court.



Part 66

66.000

**ANIMAL CONTROL**  
**Ord. No. 30 (3 of 1960)**

An ordinance to prohibit owners or other persons to allow dogs or animals in their possession or under their control to stray within the Village of Hopkins; to provide for the impounding of such stray dogs, and to provide a penalty for violation thereof.

THE VILLAGE OF HOPKINS ORDAINS:

**66.001 Dog control.**

Sec. 1. It shall be unlawful for any owner or other person in control or possession of any dog to allow such animal to stray beyond the boundaries of the property owned by or in possession of such dog owner or other persons, within the Village of Hopkins, except when under the control of some person charged therewith.  
(Adopted: 5-9-60)

**66.002 Damages.**

Sec. 2. All persons shall be liable for damages for any and all injuries to persons or property that may be caused by any animal or fowl owned by them, which damages may be determined and collected in appropriate civil proceedings therefor, in which proceedings the proof of the failure or refusal by such owner to comply with the provisions of this Ordinance shall constitute prima facie evidence of negligence on the part of such owners.

**66.003 Penalty.**

Sec. 3. Any person violating any provision of this Ordinance shall, upon conviction thereof, be punished by a fine not to exceed one hundred (\$100.00) dollars plus costs of prosecution, or by imprisonment not to exceed ninety (90) days in the Allegan County Jail, or by both such fine and imprisonment in the discretion of the Court.  
(Adopted: 5-9-60)

**66.004 Repeal.**

Sec. 4. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.  
(Adopted: 5-9-60)

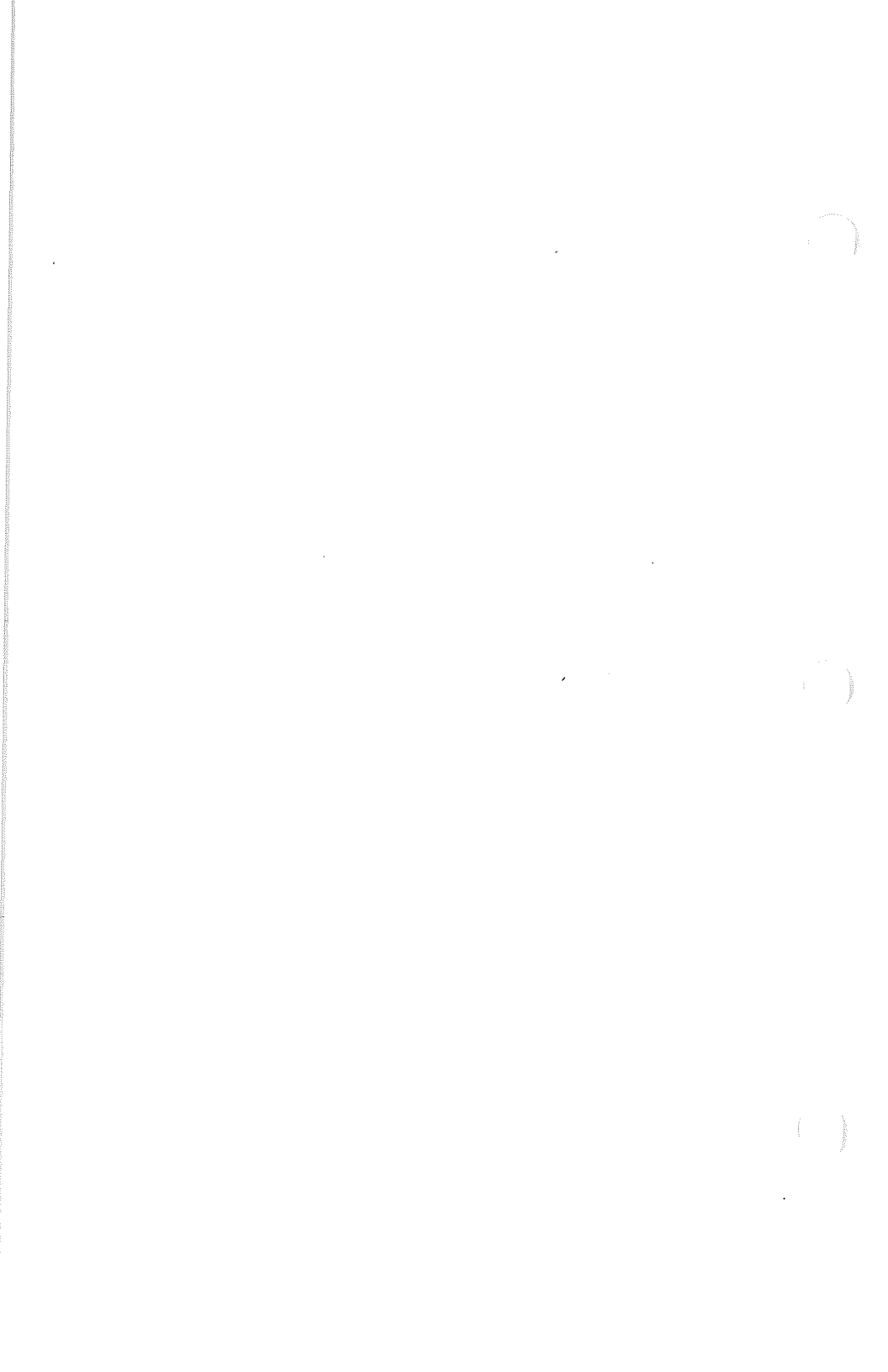
**66.005 Effective date.**

Sec. 5. This Ordinance shall take effect twenty (20) days after its passage.  
(Adopted: 5-9-60)

Posted: May 11, 1960

Parts 67—74. Reserved.

[The next page is 417]



Part 75

75.000

**DISMANTLED CAR ORDINANCE\***  
**Ord. No. 33 (1 of 1965)**

An ordinance to secure the public peace, health, safety and welfare of the residents and property owners of the Village of Hopkins, Allegan County, Michigan, a municipal corporation. By the regulation of the outdoor parking and storage of motor vehicles, tractor trailers, house trailers, and new or used parts or junk therefrom, within the Village of Hopkins; to provide penalties for the violation of this ordinance and to repeal any ordinances or parts of ordinances in conflict herewith.

THE VILLAGE OF HOPKINS ORDAINS:

**75.001 Name.**

Sec. 1. This Ordinance shall be known and cited as the Village of Hopkins Dismantled Car Ordinance.  
(Adopted: 8-29-65)

**75.002 Purpose.**

Sec. 2. The purpose of this Ordinance is to limit and restrict the outdoor storage, parking or unreasonable accumulation of junk, unused, partially dismantled or nonoperating motor vehicles, house trailers, or new or used parts thereof upon premises primarily used or zoned for any type of residential purpose within the Village; to thereby avoid injury and hazards to children and others attracted to such vehicles or trailers; the devaluation of property values and the psychological ill effect of the presence of such vehicles or trailers upon adjoining residents and property owners.  
(Adopted: 8-29-65)

**75.003 Regulations.**

Sec. 3.

- a. No person, firm, or corporation shall park, store, or place upon any public right-of-way or public property, or upon any premises that is primarily

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\*Cross reference—Abandoned vehicles, § 77.001.

used or is zoned for any type of residential purpose within the Village, any motor vehicle, house trailer, or tractor trailer or new or used parts or junk therefrom, unless the same is wholly contained within a fully enclosed building and does not violate any zoning or building laws of the Village, County, or State of Michigan, except for the following:

1. Duly licensed and operable vehicles or trailers with substantially all main component parts attached.
  2. Vehicles or trailers that are temporarily inoperable, because of minor mechanical failure, but which are not in any manner, dismantled and have substantially all main component parts attached, which may remain upon such private property for not to exceed 14 days.
  3. Occupied house trailers at a specific location authorized by permit of the Village Council.
- b. No repairing, re-designing, modifying or dismantling work or operations shall be allowed upon any vehicle or trailer or parts thereof upon any public right-of-way or public property or on any property primarily used or zoned for any type of residential purpose for a period in excess of 24 hours except such as shall be accomplished within fully enclosed buildings and will not constitute a nuisance or annoyance to adjoining property owners or occupants. Any such work within such 24-hour period heretofore allowed shall not, however consist of any major repair, re-designing, modifying or dismantling work, but only such occasional minor work as may infrequently be required to maintain a vehicle or trailer or parts thereof in normal operating condition.
- c. In the event the foregoing regulations create any special or peculiar hardship beyond the control of



a particular violator thereof because of unforeseen circumstances, the President of the Village is hereby given the authority to grant permission to an applicant to operate contrary to the provisions hereof for a limited period of not to exceed 14 days provided no adjoining property owner or occupant is unreasonably adversely affected thereby and the spirit and purpose of the Ordinance are still substantially observed.

(Adopted: 8-29-65)

**75.004 Nuisance.**

Sec. 4. Any parking, storage, placement, or operation in violation of the provisions of this Ordinance are hereby declared to be a public nuisance which may be enjoined or which may subject the violator to civil damages and the fines and penalties herein provided for.

(Adopted: 8-29-65)

**75.005 Construction.**

Sec. 5. This Ordinance shall not prevent the operation of any licensed junk yard, salvage yard, garage, body, or paint shop legally operating and shall be in addition to any other laws or ordinances respecting rubbish, refuse, litter, trash, or junk control and regulations.

(Adopted: 8-29-65)

**75.006 Saving clause.**

Sec. 6. The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this Ordinance other than said part or portion thereof.

(Adopted: 8-29-65)

**75.007 Penalty.**

Sec. 7. Any person, firm, or corporation who violated any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$100.00, or by imprisonment in the County Jail for not to exceed 90 days, or by both such fine and imprisonment. Each day that a violation continues to exist shall constitute a separate offense.

In addition to the imposition of the foregoing fines and penalties, the President of the Village, any Village police officer, or such other officer as the Village may designate, may cause any vehicle, trailer, or parts thereof, which violate the provisions of this Ordinance to be removed from the premises, impounded and destroyed or sold for junk, in the discretion of said officer, and the cost thereof, assessed against the owner of such vehicle, trailer or parts thereof, or of the premises on which the same are located. Any sums realized on the sale of the same may be retained by the Village to reimburse it for the costs incurred in such removal and sale, to the extent of such costs. Any balance of such sums remaining after such reimbursement shall be returned to the owner of such vehicle, trailer, or parts thereof.

(Adopted: 8-29-65)

**75.008 Effective date; repeal.**

Sec. 8. This Ordinance shall take effect on August 29, 1965. All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

(Adopted: 8-29-65)

Part 76

**76.000 TREES, SHRUBS AND PLANTS\***  
**Ord. No. 53**

THE VILLAGE OF HOPKINS ORDAINS:

**76.001 Control.**

Sec. 1.

- (a) The Council shall have control over all trees, shrubs, and plants planted or to be planted in the public highways, parks, or other public places of the Village. It shall have power to plant, prune, spray, and otherwise maintain such trees, plants, and shrubs, and to determine the type or kind of trees to be planted.
- (b) The words "public highway" shall be deemed to include all of the land lying between property lines on either side of all the public streets, boulevards and alleys in the Village.

**76.002 Planting of trees.**

Sec. 2.

- (a) No tree, shrub, or plant shall be placed in any public street, park, or public place except under the supervision of the Council and in accordance with the provisions of this Ordinance.
- (b) No poplar, box elder, or willow tree shall hereafter be planted in the public highways, parks, or other public places of the Village.

**76.003 Destruction.**

Sec. 3.

- (a) No person shall cut down, deface, destroy, damage or injure any tree, shrub, or plant upon the

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\*Cross reference—Noxious vegetation, § 77.001(10).

public highways or parks or other public places of the Village without first obtaining permission from the Council.

- (b) No person shall fasten any wire, rope, chain, or cable to any tree or shrub for the purpose of anchorage without a written permit from the Council.
- (c) No person shall nail, tie, or in any other manner fasten any cards, signs, posters, boards, or other article to any tree, shrub, or plant growing upon any public highway, park, or other public place in the Village.

#### **76.004 Overhanging trees and shrubs.**

##### **Sec. 4.**

- (a) Every owner of any tree, shrub, or plant overhanging the streets or highways within the Village shall trim the branches so that such branches shall not obstruct the light from any street lamp, or obstruct the view of any street intersection, and so that there shall be a clear space of 12 feet above the surface of the street or highway.
- (b) Said owner shall remove all dead, diseased, or dangerous trees, or broken or decayed limbs of trees which constitute a menace to the safety of the public.

#### **76.005 Corner lots.**

Sec. 5. All bushes, shrubs, or plants located on any corner lot within the Village shall not be permitted to grow to a height of more than three feet above the surface of the roadway, in order that the view of the driver of a vehicle approaching the street intersection shall not be obstructed; provided, however, that if in the opinion of the Council the view of the driver would not be appreciably obstructed thereby, bushes, shrubs or plants located as above shall be permitted to grow more than three feet in height.

**76.006 Noxious weeds.**

## Sec. 6.

- (a) No person who is the owner, possessor, or occupier of lands within the corporate limits shall fail to cut down all noxious weeds, including ragweed, Canada thistles, milkweed, wild carrot, oxeye daisies, poison ivy, dodders, mustards, bindweed, perennial sow ivy, thistles, or hoary alyssum, growing thereon, so often in each year as shall be sufficient to prevent them from going to seed, or on that portion of the public street or alley abutting said property and bounded by the established curb or gutter line.
- (b) Any tree, shrub, or plant, which endangers public property or the health or safety of the public is hereby declared to be a public nuisance. The Council shall give notice to the owner or occupier of the premises upon which such nuisance is located or adjoins that portion of the street or alley where such nuisance is located, to remove, trim or dispose of the same within five days after service of said notice.
- (c) If at the expiration of the time limit in said notice the owner or occupier has not complied with the requirements thereof, the Village Council or its Police Officer shall carry out the requirements of said notice.

**76.007 Failure to trim.**

Sec. 7. In all cases of violation, the Council shall by written notice order the owner of any tree, shrub, or plant, to trim or cut the same so as to comply with the provisions of this Ordinance. Such order shall be complied with within a period of 5 days.

Should the owner refuse or neglect to comply with such order within the 5-day period, the Council shall cause to be performed the necessary work. In such case the Village shall have an action at law against the

owner of such premises for the cost and expenses incident to such work and shall be entitled to a judgment for the same.

Any failure to comply with the provisions of this Ordinance, or with any lawful order of the Council after due notice thereof, shall be a violation of this Ordinance and punishable as provided herein.

Part 77

77.000

**NUISANCE ORDINANCE\***  
**Ord. No. 52**

An ordinance to prevent the creation and maintenance of nuisances; to preserve the public health, provide fire protection, to protect public safety, to preserve and protect property values, to eliminate blight and neighborhood deterioration, to protect public morals and decency, to promote good government, general welfare and the comfort and repose of the public by regulating matters pertaining to nuisances.

THE VILLAGE OF HOPKINS, ALLEGAN COUNTY, MICHIGAN,  
ORDAINS:

**77.001 Nuisances defined and prohibited.**

Sec. 1.

- (a) *Nuisances defined.* A nuisance shall be deemed whatever annoys, injures or endangers the safety, health, comfort, repose or tranquility of the public; offends public decency; interferes with or obstructs and renders dangerous any street, highway, lake or stream; or in any way renders the public insecure in life or property.
- (b) *Nuisances prohibited.* It is hereby declared to be unlawful for any owner, land contract vendee or occupant of any premises to maintain a public nuisance on either public or private property anywhere in the Village of Hopkins. The Village Council of the Village of Hopkins and the duly authorized attorney for the Village, may, in the name of the Village, prosecute violators under the provisions of this Ordinance, and/or obtain an order for the abatement of such nuisances or proceed in any court of competent jurisdiction for injunction, mandamus, abatement or take any other appropriate action for the enforcement of the provisions of

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\*Cross references—Offensive matter, Pt. 50; dangerous buildings, Pt. 100; dismantled cars, Pt. 75; building regulations, Pt. 115; plants and noxious weeds, Pt. 76; drilling of oil/gas, § 10.013; outdoor gatherings, Pt. 12.

this section. The following acts, equipment, apparatus and structures are hereby declared to be a nuisance per se, however, this enumeration shall not be deemed to be exclusive:

- (1) *Barking dogs—Unnecessary noises.* It shall be unlawful to permit in the Village of Hopkins any dog to continue any loud, incessant and unnecessary barking or keep any animal or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity; the making or causing of such disturbance or any other loud, unusual and unnecessary noise is declared to be a public nuisance.
- (2) *Storing abandoned vehicles.* The storing or parking of any motor vehicle, body or chassis of a motor vehicle, not bearing a currently valid motor vehicle license registration plate, in any district is hereby declared to be a nuisance and prohibited, unless such vehicle, body or chassis is enclosed in a building or other enclosure so as not to be visible from surrounding property, and the owner or occupant of any property upon which such storage or parking exists shall be deemed to have permitted the same. Provided, however, that such vehicles may be kept in commercial zones on the lots of dealers regularly engaged in the sale of new or used vehicles, and may also be stored for a reasonable time in such zone by those places of business regularly engaged in body and vehicle repairs.
- (3) *Owners and occupants responsible for premises being kept clean.* All owners, land contract vendees or persons who manage, lease, rent or occupy any premises whatsoever shall be equally responsible for keeping said premises in a clean and habitable condition and



shall take all necessary precautions to prevent any nuisance as herein declared, or condition detrimental to public health from arising thereon, and particularly to take all reasonable precautions to prevent the throwing, placing, depositing or leaving on any street, highway, alley, public place, or on any private place or premises any garbage, refuse, papers, tin cans, bottles, glass, rubbish, ashes, junk, inoperable machinery, or abandoned household goods or effects, where such throwing, placing or depositing is likely to be dangerous or detrimental to public health, or likely to cause sickness or attract flies, insects or rodents.

- (4) *Littering of streets, parks and playgrounds.* The littering of public streets, alleys, roadways, parking areas, playgrounds, school and church yards, cemeteries, parks, beaches, camping areas or other public places is hereby expressly prohibited. No person shall throw, place, deposit or leave any garbage, refuse, papers, tin cans, bottles, glass, rubbish, ashes, junk, inoperable machinery or abandoned household goods or effects in any of the aforementioned places or in any public place, except in a duly designated public dumping ground or in trash containers expressly provided for that purpose.
- (5) *Smoke, soot, cinders, noxious acids, fumes, fly-ash and gases prohibited.* No person, firm or corporation shall permit or cause the escape of such quantities of smoke, soot, cinders, noxious acids, fly-ash, fumes and gases in such place or manner as to be detrimental to any person or to the public or to endanger the health, comfort and safety of any such person or of the public or in such manner as to cause or have a tendency to cause injury or damage to property or business.

- (6) *Blocking of street or sidewalks.* Any use of the public streets or sidewalks, without first obtaining a permit for such purpose from the Village Council, which causes large crowds to gather or obstructs the free use of the streets or sidewalks is prohibited.
- (7) *Dangerous or damaged structures, excavations, stagnant ponds or pools of water.* All buildings, walls and other structures which have been damaged by fire, decay or otherwise, all excavations remaining unfilled or uncovered for a period of thirty (30) days or longer and all ponds and pools of stagnant water which are situated so as to endanger the safety of the public and to attract or endanger children are deemed to be a public nuisance.
- (8) *Open storage.* The open storage of building materials, supplies, construction machinery and equipment of any kind or sort whatsoever on any occupied or unoccupied lot in a residential zone is prohibited, except as may be permitted during a specified construction period as shown by a valid and existing building permit given for the erection, alteration or repair of a building on the site where such materials and equipment are stored. The open storage of goods, supplies, furnishings, furniture, except for lawn or patio furniture during the season, household equipment or household goods and effects of whatever kind is also expressly prohibited on any occupied or unoccupied lot in the residential zone.
- (9) *Unfinished buildings or structures.* It shall be unlawful to permit any unfinished building or structure for which a certificate of occupancy and compliance has not been given wherein construction, alteration or repair was begun under a valid building permit, or where such construction, alteration or repair was

begun in an unauthorized manner or where such structures were begun before the enactment of this Ordinance or were moved upon the premises to stand unfinished and uncompleted where such use shall constitute a menace to public health and safety or create an unreasonable detraction from the quality of the neighborhood so as to result in blight, deterioration and the depressing of property values in the district. After written notice that such a violation exists is given to the person who is the owner of record or land contract vendee of such property, such owner shall within thirty (30) days begin completion of construction or undertake the completion of repairs to such unfinished structure or raze the structure and clear and clean up the site, and proceed to the final abatement of such use within a reasonable time. Compliance with all existing building codes and sanitary requirements of the Village of Hopkins sanitary regulations of Allegan County, and applicable State regulations are a prerequisite to the completion or restoration of any building under this section.

- (10) *Owner to keep buildings in habitable condition.* Every building, dwelling or structure, including garages and outbuildings, shall be kept by the owner, land contract vendee or occupant thereof in a clean, neat, sanitary, structurally sound, usable and habitable condition in order to prevent the premises from becoming a nuisance. It shall be unlawful for any such owner, land contract vendee or occupant to allow a building to become abandoned and dilapidated or permit weeds or other noxious vegetation to grow, and trash, rubbish or refuse to accumulate on the property. Such owner or occupant shall be responsible for maintaining suitable and safe

means of ingress or egress, for preventing fire hazards, for adequate sanitary facilities on the premises, for preventing over-crowding and for providing proper ventilation and light. Whenever any such dwelling shall be deemed uninhabitable or unusable or the Village Building Inspector, the Village Fire Chief, the Allegan County Sanitarian or any or all such public officials, it shall thereupon be deemed a public nuisance and it shall thereafter be unlawful for any person to use or occupy the premises until put into a safe, structurally sound, sanitary, habitable and usable condition. After written notice that such violation exists is given to the owner of record, land contract vendee, or occupant of such property, such owner shall within thirty (30) days thereof, restore, and repair such structure so that it complies with the requirements of all existing building codes and sanitary regulations of the Village of Hopkins, applicable sanitary regulations of Allegan County, and all State laws and regulations relating to fire protection, safety and sanitation; or raze the structure and clear and clean up the site, and proceed to the final abatement of such use within a reasonable time.

- (11) *Vacant commercial buildings—Duty to maintain.* The owner or other person legally responsible shall have the duty to maintain any empty, unused, or unrented commercial or industrial buildings in a neat, clean and structurally sound manner to prevent the premises from becoming a nuisance; such vacant buildings shall have all windows glazed or neatly boarded up and shall be kept securely locked at all times. It shall be the owner's responsibility to keep the building free from all signs and posters not specifically authorized by such owner.

- (12) *Other nuisances.* All other acts, equipment, apparatus or structures that may be deemed to be a nuisance by virtue of interference with public health, safety, morals and general welfare; or shall disturb the peace, comfort or tranquility of any person or the public; or interfere with the use, enjoyment and benefit of property so as to depress property values and result in blight and deterioration; or interfere with the normal conduct of business, shall be deemed a public nuisance. The abatement of all such nuisances may be ordered as hereinbefore provided.

**77.002 Penalties for violation.**

Sec. 2.

- (a) *Penalties.* Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, punished by a fine of not to exceed One Hundred Dollars (\$100) and the costs of prosecution; or in default of payment thereof by imprisonment in the County Jail for not to exceed ninety (90) days, or both such fine and imprisonment in the discretion of the Court. Each day that a violation of this Ordinance is permitted to exist shall constitute a separate offense. The imposition of any fine or sentence shall not exempt the offender from compliance with the requirements of this Ordinance.
- (b) *Other procedures.* The Village of Hopkins and the duly authorized Attorney for the Village, or any owners of property affected by a public nuisance may institute injunction, mandamus, abatement or any other appropriate action or proceedings to prevent, enjoin, or abate any unlawful nuisance. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

**77.003 Repeal of conflicting ordinances.**

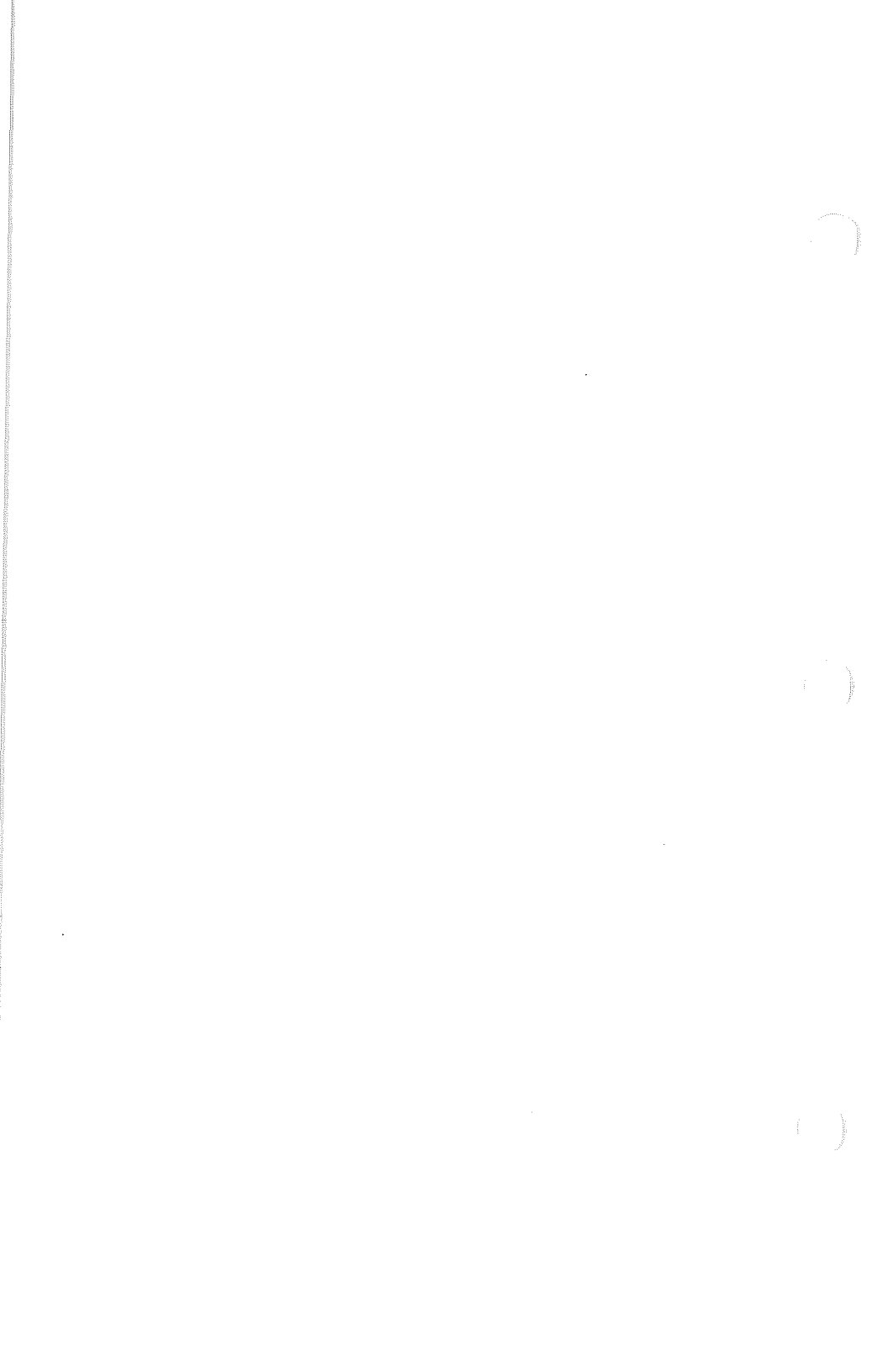
Sec. 3. All other Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed except those that are held to be more restrictive.

**77.004 Validity.**

Sec. 4. This Ordinance and the various parts, sections, sub-sections, phrases and clauses are hereby declared to be severable. If any such part, section or sub-section is declared unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

Parts 78—84. Reserved.

[The next page is 483]





Part 85

85.000

**SEWER USE AND INSTALLATION\***  
**Ord. No. 34 (1 of 1969)**

An ordinance regulating the use of public and private sewers and drains; the installation and connection of building sewers and the discharge of waters and wastes into the public sewer system; and providing penalties for the violations of sections thereof; in the Village of Hopkins, Michigan.

THE VILLAGE OF HOPKINS ORDAINS:

**85.001 Definitions.**

Sec. 1. Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- A. *Sewage works* shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
- B. *Superintendent* shall mean the Superintendent of the Municipal Sewage Works of the Village of Hopkins, Michigan, or his authorized deputy, agent, or representative.
- C. *Inspector* shall mean any person or persons duly authorized by the Village to inspect and approve the installation of building sewers and their connection to the public sewer system.
- D. *Sewage* shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
- E. *Sewer* shall mean a pipe or conduit for carrying sewage.
- F. *Public sewer* shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

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\*Cross references—Sewer operation and maintenance, Pt. 86; outdoor gatherings, Pt. 12.

- G. *Combined sewer* shall mean a sewer receiving both surface runoff and sewage.
- H. *Sanitary sewer* shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
- I. *Storm sewer* or *storm drain* shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.
- J. *Industrial wastes* shall mean the liquid wastes from industrial processes as distinct from sanitary sewage.
- K. *Garbage* shall mean solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.
- L. *Properly shredded garbage* shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than  $\frac{1}{2}$  inch in any dimension.
- M. *Building drain* shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.
- N. *Building sewer* shall mean the extension from the building drain to the public sewer or other place of disposal.
- O. *B.O.D. (denoting Biochemical Oxygen Demand)* shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under stan-

standard laboratory procedure in 5 days at 20 degrees C, expressed in parts per million by weight.

- P. *pH* shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- Q. *Suspended solids* shall mean solids that either float on the surface of, or are suspended in water, sewage, or other liquid; and which are removable by laboratory filtering.
- R. *Natural outlet* shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.
- S. *Watercourse* shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- T. *Person* shall mean any individual, firm, company, association, society, corporation, or group.
- U. *Shall* is mandatory; *May* is permissive.  
(Adopted: 12-3-69)

## **85.002 Use of public sewers required.**

### **Sec. 2.**

- A. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner upon public or private property within Hopkins, Michigan, or in any area under the jurisdiction of said Village, any human or animal excrement, garbage, or other objectionable waste which ordinarily would be regarded as sewage or industrial wastes.
- B. It shall be unlawful to discharge to any natural outlet within said Village, or in any area under the jurisdiction of said Village any sanitary sewage, industrial waste, or other polluted waters, except where suitable treatment has been provided

in accordance with subsequent provisions of this Ordinance.

- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facilities intended or used for the disposal of sewage.
- D. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the Village and abutting any street, alley, or right-of-way in which there is now located or may in the future be located a public sewer or combined sewer of the Village, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance, within sixty (60) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line. Said owner shall in any event, however, so connect to said proper public sewer within 6 months after the completion of the installation thereof.

(Adopted: 12-3-69)

**85.003 Public sewage disposal.**

Sec. 3.

- A. Where a public sanitary or combined sewer is not available under the provisions of Sec. 2-D, the building sewer shall be connected to a private sewage disposal system complying with all requirements of the State Board of Health.
- B. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Village.
- C. At such times as a public sewer becomes available to a property served by a sewage disposal

system as provided in Sec. 2-D, a direct connection shall be made to the public sewer in compliance with this Ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned, and filled with suitable material.

- D. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the State Board of Health.

(Adopted: 12-3-69)

**85.004 Building sewers and connections.**

Sec. 4.

- A. No unauthorized person shall uncover, make any connections with, or opening into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the Village. Before a permit may be issued for excavating for plumbing in any public street, way, or alley, the person applying for such permit shall have executed unto the Village of Hopkins and deposited with the Treasurer a corporate surety bond in the sum of \$1000.00 conditioned that he will perform faithfully all work with due care and skill, and in accordance with the laws, rules, and regulations established under the authority or any Ordinances of the Village of Hopkins pertaining to plumbing. This bond shall state that the person will indemnify and save harmless the Village of Hopkins and the owner of the premises against all damages, costs, expenses, outlays, and claims of every nature and kind arising out of unskillfulness or negligence on his part in connection with plumbing as prescribed in this Ordinance. Such a bond shall remain in force and must be executed for a period of one year except that on such expiration it shall remain in force as

to all penalties, claims, and demands that may have accrued thereunder prior to such expiration.

- B. There shall be two classes of building sewer permits:
1. For residential service, and
  2. For service establishments producing industrial waste.

In either case, the owner or his agent shall make application on a special form furnished by the said Village. The permit applications shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the inspector. A permit and inspection fee of \$20.00 (TWENTY AND NO/100 DOLLARS) for a residential or commercial building sewer permit and \$50.00 (FIFTY AND NO/100 DOLLARS) for an industrial building sewer permit shall be paid to the Village Clerk at the time the application is filed.

- C. All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner. The owner or the person installing the building sewer for said owner shall indirectly be occasioned by said installation.
- D. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Other exceptions will be allowed only by special permission granted by the Superintendent.
- E. Old building sewers or portions thereof may be used in connection with new buildings only when they are found on examination and test by the

said Inspector to meet all requirements of this Ordinance.

- F. The building sewer shall be constructed of either Vitrified Clay Sewer Pipe and Fittings meeting the Current A.S.T.M. Specifications for Standard Extra Strength Clay Sewer Pipe, Asbestos Cement meeting the current A.S.T.M. Specifications, or the Department of Commerce Commercial Standards for Extra Heavy Cast Iron Soil Pipe and Fittings or Concrete Sewer Pipe and Fittings meeting the current A.S.T.M. Specifications for Standard or Extra Strength Concrete Sewer Pipe. The use of schedule 40 plastic pipe and fittings that meet the standards are also permitted for building sewer materials - commercial standard 270-65 for ABS, commercial standard 272-65 for PVC. The plastic pipe fittings and solvent cements must be approved by the National Sanitation Foundation Testing Laboratory, Ann Arbor, Michigan, and bear the NSFC seal of approval to assure compliance with the standards. PVC and ABS pipe fitting and solvent cements shall not be used interchangeably.

If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that vitrified clay pipe or asbestos cement or plastic or concrete pipe may be accepted if laid on a suitable improved bed or cradle as approved by said Inspector.

- G. All joints and connections shall be made gas tight and water tight. Vitrified clay sewer pipe shall be fitted with factory made Resilient Compression Joints meeting the current A.S.T.M. "Specifications for Vitrified Clay Pipe Joints Having Resilient Properties" (Designation C 425). Asbestos cement or concrete sewer pipe joints shall be of the rubber ring, flexible compression type, similar and equal to joint specified for vitrified clay

pipe. The joints and connections shall conform to the manufacturer's recommendations.

- H. The size and slope of the building sewers shall be subject to the approval of the said Inspector, but in no event shall the diameter be less than six (6) inches. The slope of such six (6) inch pipe shall not be less than one-eighth inch per foot.
- I. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the said Inspector. Pipe laying and backfill shall be performed in accordance with current A.S.T.M. Specifications except that no back fill shall be placed until the work has been inspected by the Inspector or his representative.
- J. In all buildings in which any building drain is too low to permit gravity to flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer.
- K. The connection of the building sewer into the public sewer shall be made at the "Y" branch designated for that property, if such branch is available at a suitable location. Any connection not made at the designated "Y" branch in the main sewer shall be made only as directed by the said Inspector.
- L. The applicant for the building sewer shall notify the said Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the



supervision of the said Inspector or his representative.

- M. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the said Village.

(Adopted: 12-3-69; amended: Ord. No. 36 (2 of 1970), 9-14-70)

**Editor's note**—Subsection B. regarding permit and inspection fees will be amended pursuant to the Code Adoption Ordinance.

**Cross reference**—Excavations of public highway, Pt. 88.

## **85.005 Use of the public sewers.**

### **Sec. 5.**

- A. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.
- B. No person shall discharge or cause to be discharged to any public sewer any harmful waters or wastes, whether liquid, solid or gas, capable of causing obstruction to the flow in sewers, damage or hazard to structures, equipment, and personnel of the sewage works, or other interference with the proper operation of the sewage works.
- C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the said Inspector, they are necessary for the proper handling of liquid wastes, containing grease in excessive amount, or any flammable wastes, sand, and other harmful ingredients except that such interceptors shall not be required for private living quarters or dwelling units. Where installed, they shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

- D. The admission into the public sewers of any waters or wastes having harmful or objectionable characteristics shall be subject to the review and approval of the Superintendent, who may prescribe limits on the strength and character of these waters or wastes. Where necessary, in the opinion of the Superintendent, the owner shall provide, at his expense, such preliminary treatment as may be necessary to treat these wastes prior to discharge to the public sewer. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the said Superintendent and of the Michigan State Board of Health, and no construction of such facilities shall be commenced until said approval is obtained in writing. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- E. When required by the Superintendent, the owner of any property served by a building sewer carrying industrial wastes shall install and maintain at his expense a suitable control manhole in the building sewer to facilitate observation, sampling, and measurement of the wastes. All measurements, tests, and analyses of the characteristics of waters and wastes shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage", and shall be determined at the control manhole or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

(Adopted: 12-3-69)

**Cross references**—Swimming pool waste disposal, § 116.008; drains, Pt. 89.

**85.006 Protection from damage.**

Sec. 6. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(Adopted: 12-3-69)

Cross reference—Destruction of public property, § 53.001(10).

**85.007 Powers and authority of inspectors.**

Sec. 7. The superintendent, inspector, and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of this Ordinance.

(Adopted: 12-3-69)

**85.008 Penalties.****Sec. 8.**

- A. Any person found to be violating any provision of this Ordinance except Sec. 7, shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Any person who shall continue any violation beyond the time limit provided for in Sec. 8-A, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not less than ten (\$10.00) dollars and not more than ninety-nine (\$99.00) dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

- C. Any person violating any of the provisions of this Ordinance shall become liable to the Village for any expense, loss, or damage occasioned the Village by reason of such violation.

(Adopted: 12-3-69)

**85.009 Conditions of service.**

Sec. 9. At the time of construction of the public sewer, the Village may install the lateral service to the lot or easement line and thereupon assess the cost of same to the owner of the respective premises. The owner shall install and maintain at his expense that portion of the service from the main to the lot or easement line, and the customer shall install and maintain at his expense that portion of the service from said lot or easement line to his premises. The size and slope of the building sewers shall be subject to the approval of the authorized personnel of the Village but in no event shall the diameter be less than six (6) inches. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor.

The Village, after the completion of said construction and installation, shall thereupon furnish sewer service to the said premises in accordance with the conditions as stated below and shall charge such rate for such service as shall be in accordance with the obligations of said Village for the construction of the said sewer system as specified above and for the maintenance of same including the furnishing of said sewer service.

- A. [Reserved for future use.]
- B. Applications may be cancelled and/or sewer service discontinued by the Village for any violation of any rule, regulation, or condition of service, and especially for any of the following reasons:
1. Misrepresentation in the application as to the property or fixtures to be serviced by the sanitary sewer system.

2. Nonpayment of bills for said sewer service or nonpayment of other charges properly due the Village in connection with the said sewer works.
  3. Improper or imperfect service pipes and fixtures or failure to keep same in suitable state of repair.
- C. Bills and notices relating to the conduct of the business of the Village will be mailed to the customer at the address listed on the application, unless a change of address has been filed in writing at the business office of the Village; and the Village shall not otherwise be responsible for delivery of any bill or notice, nor will the customer be excused from nonpayment of a bill or from any performance required in said notice.
- D. 1. Bills for sewer service are due and payable at the business office of the Village or to any designated agent, on their date of issue. The past due date shall be the fifteenth day of the month after the period of service. Bills will be dated and mailed every three months.
2. All bills not paid on or before the past due date shall be termed delinquent, and the Village shall serve on the customer a written final notice of said delinquency. If a delinquent bill is not paid within 30 days after date due, the water and/or sewer service to the user will be subject to discontinuance, or other measures as State Law will allow.
- E. Where the water or sewer service supplied to a customer has been discontinued for nonpayment of delinquent bill, the Village reserves the right to request a nominal sum be placed on deposit with the Village for the purpose of establishing or maintaining any customer's credit. The reconnection will not be made until after all delinquent bills and other charges, if any, owed by the customer to the Village have been paid.

- F. The Village shall make all reasonable efforts to eliminate interruption of service, and when such interruption occurs, will endeavor to re-establish service with the shortest possible delay. Whenever service is interrupted for purpose of working on the collection system or the treatment equipment, all consumers affected by such interruption will be notified in advance whenever it is possible to do so.
- G. The Village shall, in no event, be held responsible for claim made against it by reason of the breaking of any mains or service pipes, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.
- H. The premises receiving sanitary sewer service shall at all reasonable hours be subject to inspection by duly authorized personnel of the Village.
- I. Special terms and conditions may be made where sewer service is used by the Village or community for public purposes such as public parks, etc.
- J. These rules may be changed or amended.  
(Adopted: 12-3-69)

**85.010 Repeal.**

Sec. 10. All ordinances or parts of ordinances in conflict herewith are hereby repealed.  
(Adopted: 12-3-69)

**85.011 Ordinance in force.**

Sec. 11. This Ordinance to be in full force and effect from and after its passage, approval, and publication according to the law of the State of Michigan.  
(Adopted: 12-3-69)

Part 86

**86.000 SEWER OPERATION AND MAINTENANCE  
Ord. No. 35 (1 of 1970)**

An ordinance to provide for the operation and maintenance of the Allegan County Sanitary Sewage Disposal System No. 1 (Village of Hopkins) on a public utility basis under the provisions of Act 94, Public Acts of Michigan, 1933, as amended.

THE VILLAGE OF HOPKINS ORDAINS:

**86.001 Lessee and agent, Village of Hopkins.**

Sec. 1. It is hereby determined to be desirable and necessary, for the public health, safety and welfare of the Village of Hopkins, that the Allegan County Sanitary Sewage Disposal System No. 1 (Village of Hopkins) be operated by said Village as lessee and agent of Allegan County and the Allegan County Board of Public Works on a public utility rate basis in accordance with the provisions of Act 94, Public Acts of Michigan, 1933, as amended.

(Adopted: 1-29-70)

**86.002 Definitions.**

Sec. 2. Whenever the words "*the System*" are referred to in this Ordinance, they shall be understood to mean the complete Allegan County Sanitary Sewage Disposal System No. 1 (Village of Hopkins), including all sewers, pumps, lift stations, treatment facilities, and all other facilities used or useful in the collection treatment and disposal of domestic, commercial or industrial wastes, including all appurtenances thereto and including all extensions and improvements thereto, which may hereafter be acquired.

Whenever the words "*revenues*" and "*net revenues*" are used in this Ordinance, they shall be understood to have the meanings as defined in Section 3, Act 94, Public Acts of Michigan, 1933, as amended.

(Adopted: 1-29-70)

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\*Cross reference—Sewer use and installation, Pt. 85.

**86.003 Operation and maintenance.**

Sec. 3. The operation, maintenance, alteration, repair, and management of the System shall be under the supervision and control of the Village Council, subject to the terms of the contract dated December 16, 1969, between the County of Allegan and the Village of Hopkins. Said Council may employ such person or persons in such capacity or capacities as it deems advisable to carry on the efficient management and operation of the System and may make such rules, orders and regulations as it deems advisable and necessary to assure the official management and operation of the System.

(Adopted: 1-29-70)

**86.004 Rates and charges.**

Sec. 4. Rates to be charged for service furnished by the System shall be as follows:

*Sewer Use Charges*

Sewer charges to each single-family residential premises served by the System shall be in the flat amount of \$8.50 per month. Each premises other than a single-family residence shall pay a monthly charge of \$8.50 multiplied by a factor representing a ratio of sewage use by such class of premises to normal single-family residential sewage use. The Village Council shall adopt and revise from time to time a schedule of such single-family residence equivalents or ratios; provided, however, that the minimum monthly charge to any premises shall be \$8.50.

*Tap Charge*

Each single-family residential premises tapping into the System and securing therefrom sewer service shall pay, in cash, at the time of application for the tap a charge for the privilege of using the facilities and receiving the service of the System the amount of \$400.00, plus such sums as will compensate the Village for the



cost of making and inspecting the tap. In the alternative, agreement may be made at the time of application for a tap permit to satisfy said charge over a period of five (5) years, in which event the charge shall be in the amount of \$450.00, payable at the rate of \$22.50 quarterly on the regular bill; provided, however, that in the event of such choice, the cost of making and inspecting the tap shall be paid in cash before application for the tap permit, and provided further that premises other than single-family residential shall pay such charge, either in cash or over a five-year period, in the appropriate amount multiplied by the ratio factor for such class of premium as established for sewer charges above.

#### *Special Rates*

For miscellaneous or special services for which a special rate shall be established, such rates shall be fixed by the Village Council.

#### *Billing*

Bills will be rendered quarterly, payable without penalty within fifteen (15) days after the date thereon. Payments received after such period shall bear a penalty of ten per cent (10%) of the amount of the bill.

#### *Enforcement*

The charges for services which are under the provisions of Section 21, Act 94, Public Acts of Michigan, 1933, as amended, made a lien on all premises served thereby, unless notice is given that a tenant is responsible, are hereby recognized to constitute such lien, and whenever any such charge against any piece of property shall be delinquent for six (6) months, the Village official or officials in charge of the collection thereof shall certify annually, on March 1st of each year, to the tax-assessing officer of the Village the facts of such delinquency, whereupon such charge shall be by him entered upon the next tax roll as a charge against such premises and shall be collected and the

lien thereof enforced, in the same manner as general Village taxes against such premises are collected and the lien thereof enforced: Provided, however, where notice is given that a tenant is responsible for such charges and service as provided by said Section 21, no further service shall be rendered such premises until a cash deposit in the amount of \$25.00 shall have been made as security for payment of such charges and service.

In addition to the foregoing, the Village shall have the right to shut off sewer service to any premises for which charges for sewer service are more than three (3) months delinquent, and such service shall not be reestablished until all delinquent charges and penalties and a turn-on charge, to be specified by the Village Council, have been paid. Further, such charges and penalties may be recovered by the Village by Court action.

(Adopted: 1-29-70; amended: Ord. No. 43 (1 of 1978), 2-13-78)

**86.005 No free service.**

Sec. 5. No free service shall be furnished by said System to any person, firm or corporation, public or private, or to any public agency or instrumentality.

(Adopted: 1-29-70)

**86.006 Rate sufficiency.**

Sec. 6. The rates hereby fixed are estimated to be sufficient to provide for the payment of the expenses of administration and operation, such expenses for maintenance of the said System as are necessary to preserve the same in good repair and working order, to provide for the payment of the contractual obligations of the Village to the County of Allegan pursuant to the aforesaid contract between said County and the Village of Hopkins as the same become due, and to provide for such other expenditures and funds for said

System as this Ordinance may require. Such rates shall be fixed and revised from time to time as may be necessary to produce these amounts.

(Adopted: 1-29-70)

**86.007 Operating year.**

Sec. 7. The System shall be operated on the basis of an operating year corresponding with that of the Village.

(Adopted: 1-29-70)

**86.008 Funds; flow of funds.**

Sec. 8. The revenues of the system shall be set aside, as collected, and deposited in a separate depository account in a federally insured banking institution with a branch located in the County of Allegan, State of Michigan, and in an account to be designated SEWAGE DISPOSAL SYSTEM RECEIVING FUND (hereinafter referred to as the "Receiving Fund"), and said revenues so deposited shall be transferred from the Receiving Fund from time to time in the manner hereinafter specified.

- A. *Operation and maintenance fund.* Out of the revenues in the Receiving Fund there shall be first set aside quarterly into a depository account, designated OPERATION AND MAINTENANCE FUND, a sum sufficient to provide for the payment of the next quarter's current expenses of administration and operation of the System and such current expenses for the maintenance thereof as may be necessary to preserve the same in good repair and working order.
- B. [Deleted]
- C. *Replacement fund.* There shall next be established and maintained a depository account, designated REPLACEMENT FUND, which shall be used solely for the purpose of making major repairs and replacements to the System if needed. There shall

be set aside into said fund, after provision has been made for the Operation and Maintenance Fund, such revenues as the Village Council shall deem necessary for this purpose.

- D. *Improvement fund.* There shall next be established and maintained an Improvement Fund for the purpose of making improvements, extensions and enlargements to the System. There shall be deposited into said fund, after providing for the foregoing fund, such revenues as the Village Council shall determine.
- E. *Surplus moneys.* Moneys remaining in the Receiving fund at the end of any operating year, after full satisfaction of the requirements of the foregoing funds, may, at the option of the Village Council, be transferred to the Improvement Fund or used in connection with any other project of the Village reasonably related to purposes of the System.
- F. *Bank accounts.* All moneys belonging to any of the foregoing funds or accounts may be kept in one bank account, in which event the moneys shall be allocated on the books and records of the Village within this single bank account, in the manner above set forth.

**86.009 Transfer of funds.**

Sec. 9. In the event the moneys in the Receiving Fund are insufficient to provide for the current requirements of the Operation and Maintenance Fund, any moneys and/or securities in other funds of the System shall be transferred to the Operation and Maintenance Fund, to the extent of any deficit therein.

**86.010 Investment of funds.**

Sec. 10. Moneys in any fund or account established by the provisions of this Ordinance may be invested in obligations of the United States of America in the manner and subject to the limitations provided in Act

94, Public Acts of Michigan, 1933, as amended. In the event such investments are made, the securities representing the same shall be kept on deposit with the bank or trust company having on deposit the fund or funds from which such purchase was made. Income received from such investments shall be credited to the fund from which said investments were made.

(Adopted: 1-29-70)

**86.011 Validity.**

Sec. 11. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause, or provision shall not affect any of the other provisions of this Ordinance.

(Adopted: 1-29-70)

**86.012 Repeal.**

Sec. 12. All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

(Adopted: 1-29-70)

**86.013 Publication.**

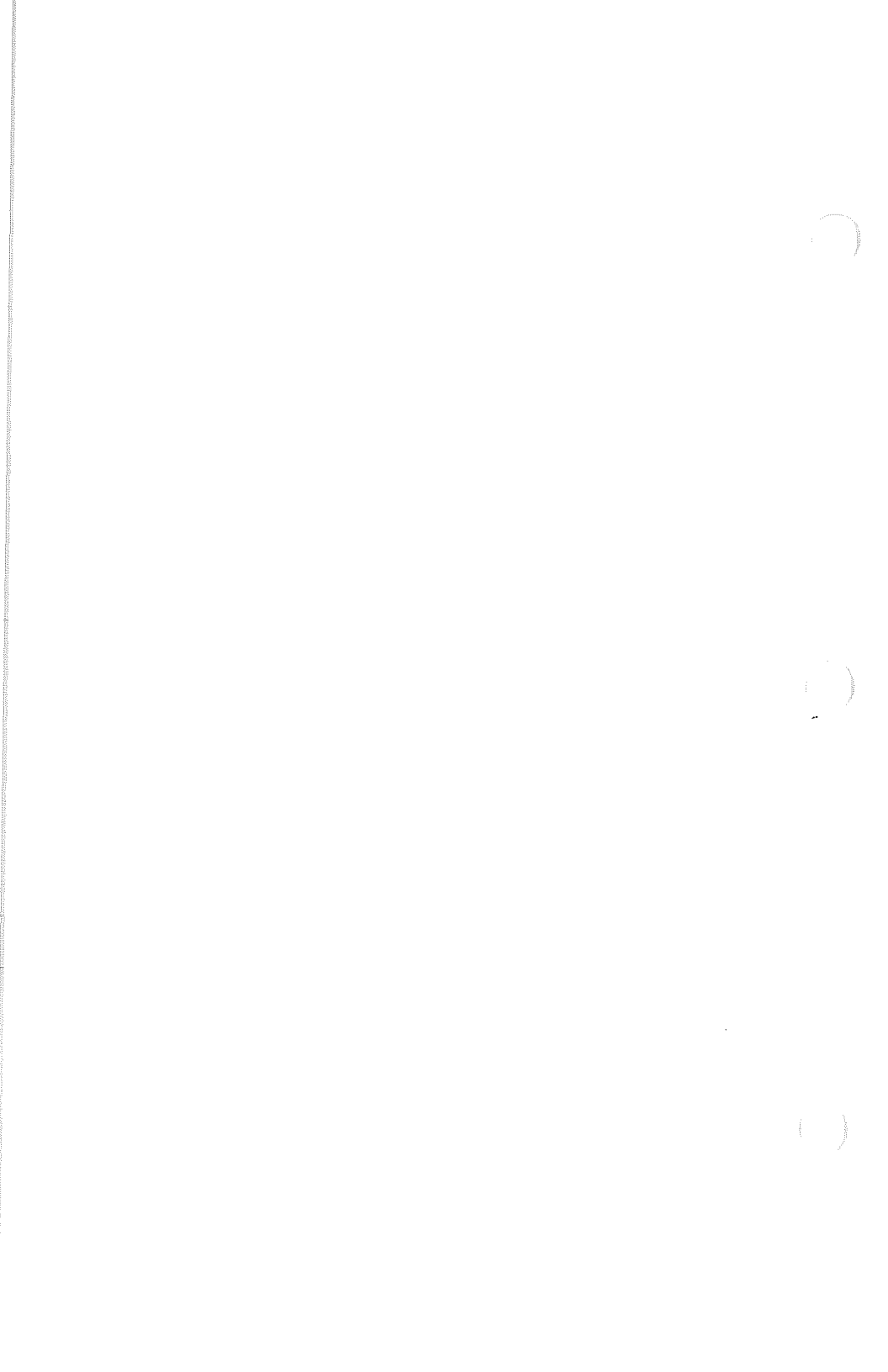
Sec. 13. This Ordinance shall be published once, in full, in the *Penasee Globe*, a newspaper of general circulation within the boundaries of the Village and qualified under State law to publish legal notices, within two (2) weeks after its adoption, and the same shall be recorded in the Ordinance Book of the Village and such recording authenticated by the signatures of the President and Village Clerk.

(Adopted: 1-29-70)

**86.014 Effective date.**

Sec. 14. This Ordinance shall become effective immediately upon its adoption.

(Adopted: 1-29-70)



Part 87

87.000

**SIDEWALK CONSTRUCTION**  
**Ord. No. 5 (5 of 1921)**

THE VILLAGE OF HOPKINS ORDAINS:

**87.001 Specifications.**

Sec. 1. That hereafter all cement sidewalks constructed within the Village of Hopkins shall not be less than 4 feet in width and built of material and a grade approved by Council of said Village.  
(Adopted: 7-19-21)

**87.002 Payment of cost.**

Sec. 2. Any cement sidewalk so constructed as provided for in Sec. 1 of this Ordinance shall be constructed by the Village, one-half of said cost of construction to be paid by the owners of the land adjacent to and abutting said sidewalk, or upon his or her refusal to do so said costs shall be assessed and collected in the regular Village taxes. Payment schedule to be at Village Council discretion.





Part 88

**88.000**

**PUBLIC HIGHWAYS; EXCAVATIONS\***  
**Ord. No. 22 (101)**

An ordinance to control the use of public highways within the corporate limits of the Village of Hopkins.

THE VILLAGE OF HOPKINS ORDAINS:

**88.001 Permit required.**

Sec. 1. No person or corporation shall lay or cause to be layed any pipe, tile, drains or pipelines for the carrying or transportation of any fluid or gas in any of the public streets of the Village of Hopkins without first obtaining a permit from the Village Council.

**88.002 Application for permit.**

Sec. 2. Any person or corporation desiring to lay any pipeline, drain, sewer, or other means for the transportation of any fluid or gas in any of the streets within the corporate limits of the Village of Hopkins shall make application in writing directed to the Village Council for a permit so to do. Each application for permit herein provided shall be accompanied by a detailed drawing of the location of the proposed pipeline or sewer together with detailed construction plans and a statement of the proposed use.

**88.003 Bond; fee.**

Sec. 3. Each person making application for a permit as herein provided shall post a bond payable to the Village of Hopkins in the amount of one thousand dollars which bond shall be conditioned upon the restoration of the street surface to its original condition and the full compliance with the terms of this Ordinance. Each application shall be accompanied by payment of the sum of ten dollars which sum shall be

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\*Cross reference—Street excavations, §§ 25.008, 26.003, 85.004(m).

retained by the Village and used for the purpose of enforcing this Ordinance.

**88.004 Certificate of insurance.**

Sec. 4. Before the Council in the Village of Hopkins shall issue any permit under the terms of this Ordinance of the contractor or person making application for permit herein provided shall post a certificate of insurance with the Village Clerk indicating that such person or contractor is carrying public liability insurance in a sum of not less than ten thousand dollars.

**88.005 Excavation, depth.**

Sec. 5. All pipes, drains, or sewers laid in the public streets shall be buried to a depth of 18 inches or more below the normal surface of the street and the trench refilled and repacked so as not to constitute a hazard to the normal street traffic.

**88.006 Barricades, lights, warning signals.**

Sec. 6. During the excavation, the laying, and refilling the trench for the laying of pipes in the public streets, barricades, lights and warning signs shall be erected and maintained by the person or persons undertaking this work, which barricades, lights, and warning signs shall reasonably protect the public in the use of the street.

**88.007 Conditions for construction.**

Sec. 7. No construction shall be undertaken under the permit herein provided which shall unreasonably interfere with normal street traffic and shall be completed within a reasonable time.

**88.008 Application of ordinance.**

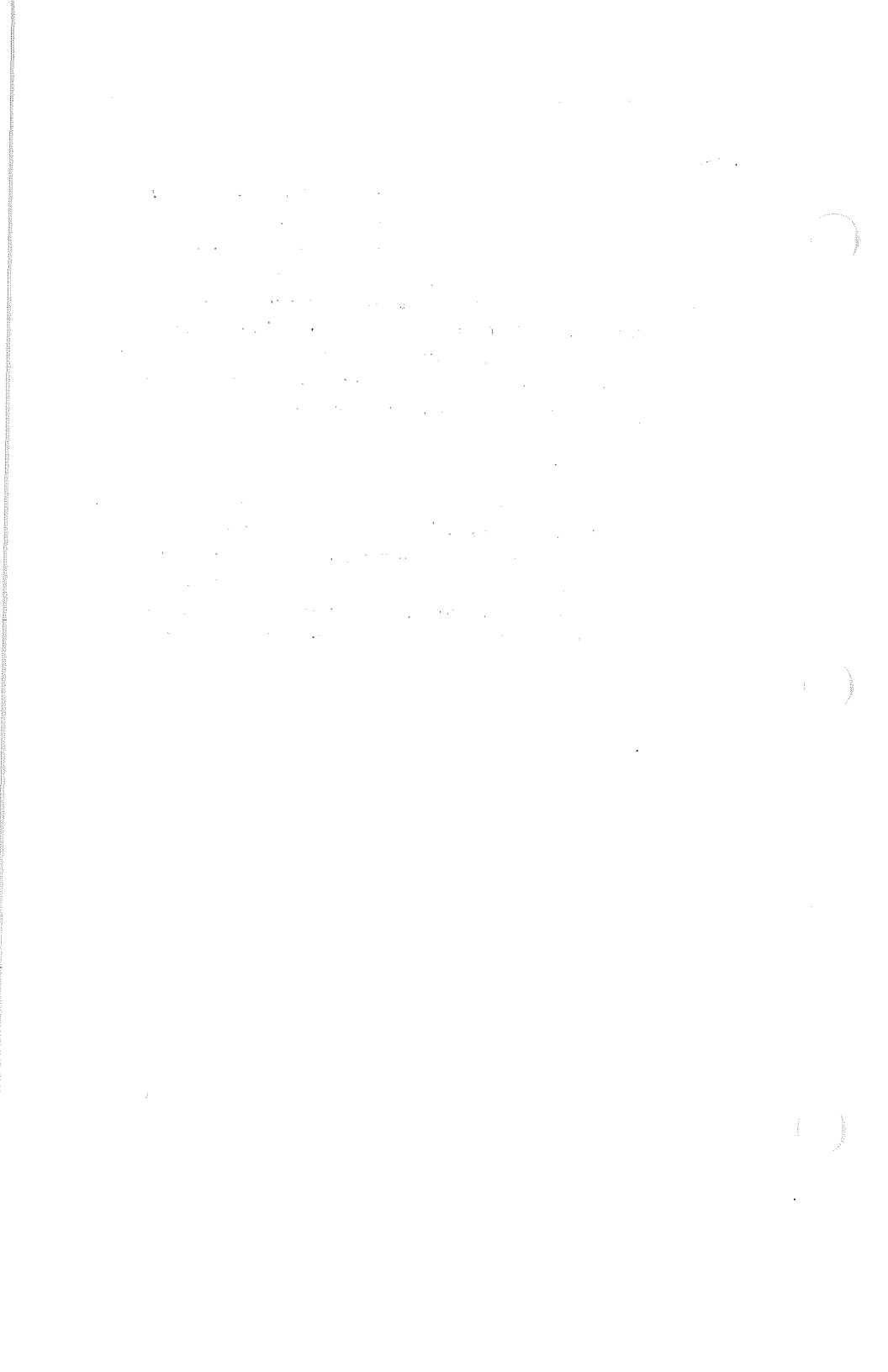
Sec. 8. Terms of this Ordinance shall not apply to the usual municipal functions in the Village of Hopkins.

**88.009      Enactment; violation, abatement.**

Sec. 9. This Ordinance is enacted under the Police Power of the Village as set forth in Chapter 7 of the Charter of the Village of Hopkins and under the authority of Section 5.1404 Michigan Statutes Annotated and is hereby declared to be necessary to protect the public health, welfare, and safety. Any violations of the terms of this Ordinance is hereby declared to be a nuisance which may be abated by any appropriate means by the Council of the Village of Hopkins.

**88.010      Effective date.**

Sec. 10. This Ordinance because of the urgency of the situation and of the need to protect the public health, welfare, and safety is hereby declared to be immediately effective. It is directed that publication of this Ordinance be made in compliance with Section 4 of Chapter 6 of the Charter of the Village of Hopkins.



Part 89

89.000

**DRAINS\***  
**Ord. No. 58**

An ordinance to control the emptying of surface water into drains other than storm drains, and for the prevention of the emptying of storm water into drains leading into sanitary sewage drains; and to prevent the draining of storm water through conduits or in other concentrated form unto sidewalks within the Village of Hopkins.

THE VILLAGE OF HOPKINS ORDAINS:

**89.001 Surface water; prohibited.**

Sec. 1. It shall be unlawful for any person, firm or corporation to empty by conduit, eavestrough, conductor pipe, or other manner, any surface water into any drain that leads directly or indirectly to a drain containing sanitary sewerage.

**89.002 Conduit accoutrements; connection; permit.**

Sec. 2. No downspout, eavestrough, or any conduit from any building in the Village of Hopkins shall be connected into any drain without having first made application to the Village Clerk on forms to be provided in the office of the Village Clerk by the Village of Hopkins, which application shall be accompanied by the fee of \$50.00 to defray in part, the expenses of having the Village Representative examine the proposed drain connection to see that it complies with this Ordinance. On the Representative so certifying to the Clerk, the Village Clerk shall then issue a permit for the connection of such drain to a proper drain handling only surface water.

**89.003 No water to run on sidewalks.**

Sec. 3. No water from any building shall be run from such building through any conduit, conductor pipe or eavestrough and cast upon any sidewalk within the Village of Hopkins.

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\*Cross reference—Discharging storm or surface water, § 85.005(A).

**89.004      Unauthorized water flow to sewer to be disconnected.**

Sec. 4. Any drain presently taking surface water from any premises or building within the Village of Hopkins by downspout, eavestrough, conductor pipe or other means so that surface water from any premises or building is emptied into any drain other than those approved by the Village Representative shall be disconnected within thirty days from the passage of this Ordinance.

**89.005      Violations and penalties.**

Sec. 5. Any person, firm or corporation who shall violate this Ordinance shall be subject to a fine not exceeding \$100.00 or to imprisonment not exceeding ninety days at the discretion of the Court together with costs of prosecution.

Parts 90—99. Reserved.

[The next page is 613]





Part 100

**100.000 DANGEROUS BUILDINGS ORDINANCE\***  
**Ord. No. 63**

An ordinance to secure the public peace, health, safety, and welfare of the residents and property owners of the Village of Hopkins, Allegan County, Michigan, by the regulation of dangerous buildings injurious to life or health; to provide for the means by way of hearings for the making safe or demolition of such dangerous buildings; to provide for the appointment of a hearing officer; to provide penalties for the violation of said ordinance; to provide for assessment of the cost of said making safe or demolition of dangerous buildings; and to repeal all ordinances and parts of ordinances in conflict therewith.

THE VILLAGE OF HOPKINS ORDAINS:

**100.001 Short title.**

Sec. 1. This Ordinance shall be known and cited as the Village of Hopkins Dangerous Buildings Ordinance.

**100.002 Definitions.**

Sec. 2. As used in this ordinance, the term "dangerous building" means any building or structure, residential or otherwise, which has any of the following defects or is in any of the following conditions:

- a. Whenever any door, aisle, passageway, stairway or other means of ingress or egress does not conform to the Building Codes or fire codes effective within the Village, it shall be considered that such building does not meet the requirements of this ordinance.
- b. Whenever any portion has been damaged by fire, wind, flood, or by any other cause in such a manner that the structural strength or stability is appreciably less than it was before such catastrophe and is less than the minimum requirements for a new building or similar structure, purpose or location.

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\*Cross references—Building code, Pt. 115; dangerous structures, § 77.001(7).

- c. Whenever any portion of a member or appurtenance is likely to fall or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- d. Whenever any portion has settled to such an extent that walls or other structural portions have materially less resistance to winds than is required in the case of new construction by the Building Codes of the Village.
- e. Whenever the building or structure or any part, because of dilapidation, deterioration, decay, faulty construction, or because of the removal or movement of some portion of the ground necessary for the purpose of supporting such building or portion thereof, or for other reason, is likely to fall or give way.
- f. Whenever for any reason whatsoever the building or structure or any portion is manifestly unsafe for the purpose for which it is used.
- g. Whenever the building or structure has been so damaged by fire, wind or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children or others who might play or enter therein to their danger, or as to afford a harbor for vagrants, or criminals, or as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful acts.
- h. Whenever a building or structure, because of dilapidation, decay, damage, or faulty construction or arrangement or otherwise, is unsanitary or unfit for human habitation or is in a condition that is likely to cause sickness or disease when so determined by the health officer of the County of Allegan, or is likely to work injury to the health, safety or general welfare of those living or working within.

- i. Whenever any building becomes vacant, dilapidated and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

### **100.003 Prohibition.**

Sec. 3. It shall be unlawful for any owner or agent thereof to keep or maintain any building or part thereof which is a dangerous building as defined in this ordinance.

### **100.004 Notice.**

Sec. 4.

- a. When the whole or any part of any building or structure is found to be in a dangerous condition, the Village Council shall issue a notice of the dangerous condition.
- b. Such notice shall be directed to the owner of or party in interest in the building in whose name the property appears on the last local tax assessment records of the Village.
- c. The notice shall specify the time and place of a hearing on the condition of the building or structure at which time and place the person to whom the notice is directed shall have the opportunity to show cause why the building or structure should not be ordered to be demolished or otherwise made safe.
- d. All such notices required by this ordinance shall be in writing and shall be served upon the person to whom they are directed personally, or in lieu of personal service, may be mailed by Certified Mail—Return Receipt Requested, addressed to such owner or party in interest at the address shown on the tax records, at least ten (10) days before the date of the hearing described in the notice. If any person to whom a notice is directed is not personally served, in addition to mailing the notice, a copy

thereof shall be posted upon a conspicuous part of the building or structure at least ten (10) days prior to the hearing date.

**100.005 Hearing officer.**

Sec. 5.

- a. The Village President is hereby designated as the Hearing Officer to conduct the identified hearing.
- b. The Village Council shall file a copy of the notice of the dangerous condition of any building with the hearing officer.
- c. At any hearing held, the hearing officer shall take testimony of the Village Council, the owner of the property, and any other interested party. Upon the taking of such testimony the hearing officer shall render his/her decision either closing the proceedings or ordering the building to be demolished or otherwise made safe. A report of the proceedings shall be provided to the Village Council at the next regularly scheduled meeting.
- d. If it is determined by the hearing officer that the building or structure should be demolished or otherwise made safe, he/she shall so order, fixing a time in the order for the owner or party in interest to comply therewith.
- e. If the owner or party in interest fails to appear or neglects or refuses to comply with the order, the hearing officer shall file a report of his/her findings and a copy of the order with the Village Council and request that the necessary action be taken to demolish or otherwise make safe the building or structure. A copy of such findings and order of the hearing officer shall be served on the owner or party in interest in the manner prescribed in Section 4d.

**100.006 Hearing.**

Sec. 6. Upon receiving the findings and order of the hearing officer, the Village Council shall fix a date for hearing, reviewing the findings and order of the hearing officer and shall give notice to the owner or party in interest in the manner prescribed in Section 4d. of the time and place of the hearing. At the hearing, the owner or party in interest shall be given the opportunity to show cause why the building should not be demolished or otherwise made safe and the Village Council shall either approve, disapprove or modify the order for demolition or making safe of the building or structure.

**100.007 Failure or refusal of owner to comply.**

Sec. 7. In the event of the failure or refusal of the owner or party in interest to comply with the decision of the Village Council, the Village Council may, in its discretion, contract for the demolition or making safe of the dangerous building. The cost of the demolition or making the building safe shall be a lien against the real property and shall be reported to the Village Assessor who shall assess the cost against the property on which the building or structure is located. The owner or party in interest in whose name the property appears upon the last local tax assessment records of the Village shall be notified of the amount of such cost by first class mail at the address shown on the records. If the owner or party of interest fails to pay the same within thirty (30) days after mailing by the assessor of the notice of the amount thereof, the assessor shall add the same to the next tax roll of the Village and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the Village.

**100.008 Appeal.**

Sec. 8. An owner or party in interest aggrieved by any final decision of the Village Council may appeal

the decision or order to the Circuit Court for the County of Allegan, by filing a petition for an order of superintending control within twenty (20) days after the date of such decision.

**100.009 Repeal.**

Sec. 9. All ordinances or parts thereof in conflict with the provisions of this ordinance are to the extent of any such conflict hereby repealed.

Part 101

101.000

**BURNING OF TRASH AND WASTE  
Ord. No. 62**

An ordinance to regulate and control the burning of waste material, refuse, and debris, to regulate and control the placement of trash burning containers within the Village of Hopkins, and providing for penalties for the violation thereof.

THE VILLAGE OF HOPKINS ORDAINS:

**101.001 Definitions.**

Sec. 1.

- a. "*Person*" shall mean any legal entity, including an individual, corporation, or association.
- b. "*Incinerator*" shall mean any metal can, wire frame container or device used in connection with the destruction or disposal of trash by fire.
- c. "*Garbage*" is waste resulting from the processing, handling, preparation, sale, or consumption of food.
- d. "*Trash*" is all waste material, refuse, debris, including but not limited to grass and leaves, twigs, tree branches or shrubs, but does not include material to be burned for the purpose of cooking food.

**101.002 Burning of waste material, etc.—Unlawful.**

Sec. 2. It shall be unlawful for any person, firm, or corporation to burn or cause to be burned any waste material, refuse, or debris within the Village of Hopkins unless done in accordance with the provisions hereof.

**101.003 Burning prohibited outside of buildings.**

Sec. 3. The burning of garbage upon any premises outside of buildings within the Village of Hopkins is prohibited.

**101.004 Approved incinerators and containers.**

Sec. 4. Burning is permitted in incinerators of 55 gallon capacity or less having suitable metal covers or screening so as to prevent the dispersal of sparks and burning materials to neighboring buildings or property. Incinerators larger than 55 gallon capacity are permitted providing that:

- a. The combustion chamber of the incinerator is completely enclosed and vented through a chimney or stack;
- b. The incinerator is designed and constructed to prevent the emission of noxious odors;
- c. The incinerator will not emit contaminants to such an extent as to be detrimental to the health or welfare of the community.

**101.005 Location.**

Sec. 5. Burning is prohibited within twenty (20) feet of any building or public roadway.

**101.006 Time.**

Sec. 6. Burning is prohibited between the hours of 9 P.M. and 7 A.M.

**101.007 Nuisances.**

Sec. 7. No burning is permitted at any time or place of any materials which when burning gives off foul or obnoxious odors or a dense smoke or when wind conditions will create or be apt to create a nuisance to anyone or the property of anyone in the vicinity thereof.

**101.008 Limited burning of leaves.**

Sec. 8. The burning of leaves is permitted during the months of October, November, April and May of each calendar year if such burning is done on the premises and not on paved streets or in public road-



ways and if such burning is conducted in such a manner that it is not detrimental to the health and welfare of others.

**101.009 Violation; penalty.**

Sec. 9. Any person, firm or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor and shall be punishable by a fine of not more than One Hundred (\$100.00) Dollars or imprisonment for a period of ninety (90) days, or both such fine and imprisonment in the discretion of the court.

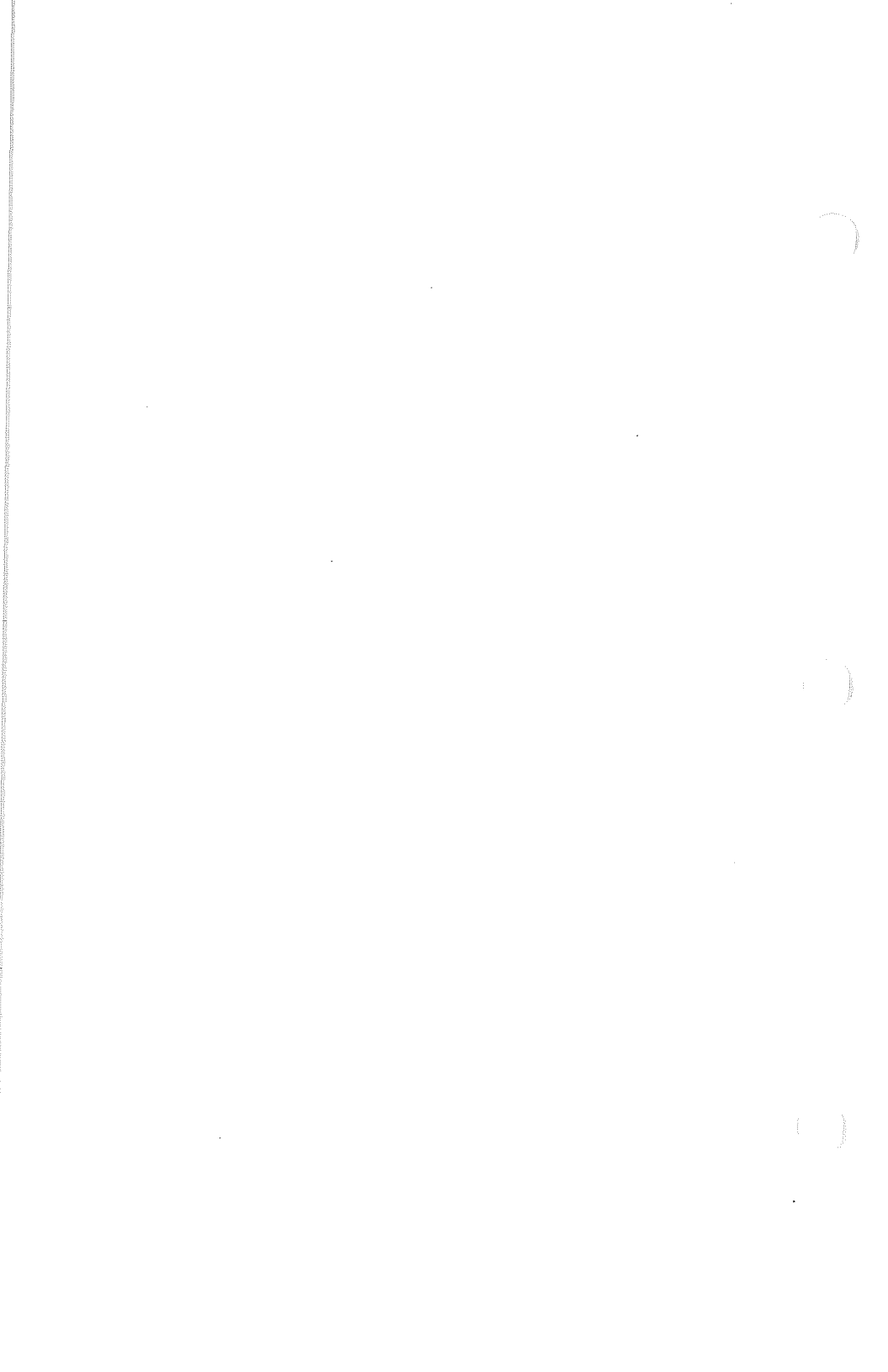
**101.010 Severability.**

Sec. 10. Should any section, clause, or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.



Parts 102–114. Reserved.

[The next page is 673]



Part 115

115.000

**BUILDING CODE\***  
**Ord. No. 59**

An ordinance adopting the BOCA Basic National Building Code, 1987 Edition, providing for a schedule of fees, for plan examination, building permits and inspections, providing for insertions where necessary under the code, providing penalties for the violation thereof, and repealing all ordinances in conflict herewith.

THE VILLAGE OF HOPKINS ORDAINS:

**115.001 Code adopted.**

Sec. 1. The BOCA Basic National Building Code, 1987 Edition, as published by the Building Officials Conference of America, Inc., is hereby adopted as the Building Code of the Village of Hopkins for the control of buildings and structures as herein provided, and each and all of the regulations, provisions, penalties, conditions and terms thereof, are hereby referred to, adopted and made a part hereof, as though fully set out in this Ordinance with insertions hereinafter set forth.

**115.002 References in code.**

Sec. 2. References in said Code to the "State" shall mean the State of Michigan; references to "Municipality" shall mean the Village of Hopkins and references to "Building Official" shall mean the Village Council or its representative.

**115.003 Enabling legislation.**

Sec. 3. This ordinance is enacted pursuant to the statutory authority granted by Act 230, Public Acts of 1972 known as the "Michigan State Construction Code Act of 1972."

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\*Cross references—Dangerous buildings, Pt. 100; unfinished buildings or structures, § 77.001(9).

**115.004 Repeal.**

Sec. 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Part 116

116.000

**SWIMMING POOL ORDINANCE**  
**Ord. No. 64**

An ordinance of the Village of Hopkins to regulate the construction and installation of swimming pools; to provide for the issuance of permits for the construction of swimming pools; to require and regulate fences surrounding swimming pools; and to provide for safety and health standards for swimming pools.

THE VILLAGE OF HOPKINS ORDAINS:

**116.001 Short title.**

Sec. 1. This ordinance shall be known and may be cited as: "The Village of Hopkins Private Outdoor Swimming Pool Ordinance."

**116.002 Definitions.**

Sec. 2. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- a. The term "*swimming pool*" shall mean any artificially constructed, nonportable, outdoor pool, capable of being used for swimming or bathing, having a depth of two (2) feet or more at any point.
- b. The term "*private*" shall mean that the swimming pool is not open to the public; that it is not publicly owned; or not otherwise regulated by the State of Michigan, either by statute or by rules and regulations of one of its administrative bodies.
- c. The term "*swimming pool type 1*" shall mean any swimming pool constructed wholly or partially below the natural or graded surface of the surrounding area.
- d. The term "*swimming pool type 2*" shall mean any swimming pool constructed wholly above the surface of the surrounding terrain.

- e. The term "*wading pool*" shall mean any small pool designed for the use of small children, with a water depth not to exceed two (2) feet, constructed entirely above ground and designed to be portable.

### **116.003 Permits.**

#### Sec. 3.

- a. A permit shall be applied for and issued by the Village Council before construction shall begin on any private swimming pool. The application for the permit shall be accompanied by a complete and detailed set of plans and specifications of said pool. Before any permit shall be issued, such plans and specifications shall be approved by the Village Council, and no such pool shall be used without its having obtained a final inspection and approval by said Council.
- b. All applications for permits shall be accompanied by a permit fee of \$5.00.

### **116.004 Fences, enclosures, safety precautions.**

#### Sec. 4.

- a. All private swimming pools type 1 shall be enclosed by a fence which shall be at least four (4) feet in height above the grade and which shall be of a type not readily climbed by children. Such fence shall be so constructed as not to have any openings, holes, or gaps large enough for a child to use such fence as a ladder, except for doors and gates; and if a picket fence is erected or maintained, the horizontal dimension of the space between pickets shall not exceed four (4) inches. A dwelling house, or other building may be used as part of such enclosure. Each gate or door in said fence, except a door or gate opening directly into a house used as part of the enclosure, shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed



at all times when not in actual use. Swimming pools constructed prior to the adoption of this ordinance shall comply with this Section within sixty (60) days after the effective date hereof.

- b. All swimming pools type 2 above ground shall be so constructed that the ladder, steps, or other means of access to the pool shall be removed or raised and firmly fastened in such a manner as to prevent use by children not under authorized supervision.
- c. Swimming pools type 2, where the sides are less than 48 inches at any given point, above the graded surface of surrounding area, shall be fenced in the same manner as swimming pools type 1, as provided in Section 4a.
- d. *Vacant houses.* When a house has become vacated, the fence shall be securely locked where a swimming pool type 1 exists. The ladder or other means of entrance to the pool shall be securely locked in a safe position on swimming pools type 2. If pools are abandoned and not made safe as provided in this Section, the Village will hereby have the authority to enter the property and make such pool safe. All cost of making such pool safe shall be a lien against the property on which said pool is located.

#### **116.005 Supervision.**

Sec. 5. A skilled swimmer of suitable age and discretion shall be present at all times when private swimming pools are in use.

#### **116.006 Life saving devices.**

Sec. 6. Every private swimming pool shall be equipped with one or more throw ring buoys, not more than eighteen (18) inches in diameter and fitted with a ¼ inch manilla line of equivalent width, sufficient length

and equal to the diagonal distance of the pool as taken from the corners at opposite ends, and at least one (1) light weight strong pole with blunted ends not less than twelve (12) feet in length for making each assists or rescues.

**116.007 Water supply.**

Sec. 7. There shall be no cross connection of the Village water supply with any other source of water supply for the pool. The line from the Village water supply to the pool shall be protected against back flow of polluted waters by means of an air gap and shall discharge at least six (6) inches above the maximum high water level of the makeup tank or the pool.

**116.008 Waste disposal.**

Sec. 8. Any drainage shall be made in an indirect method. Water drained from the pool shall not be discharged into the sewer system during periods of storm, rains or floods.

Cross reference—Sewer use, Pt. 85.

**116.009 Construction standards.**

Sec. 9. Swimming pools shall be constructed in compliance with the applicable provisions of this ordinance.

**116.010 Electrical wiring and fixtures.**

Sec. 10. No electrical wires or conductors shall cross, either overhead or underground, any part of a private swimming pool, nor shall any electric wiring be installed parallel to any pool wall closer than five (5) feet, if underground, unless enclosed in rigid conduit, or within five (5) feet, if overhead.

All underwater lights must be watertight, self-contained units with their own ground connections running from waterproof junction boxes to proper grounding facilities or mediums. All underground electric wires supplying current to said light or lights, within a distance

of five (5) feet of the pool wall or walls, must be enclosed in rigid conduit.

All metal fences, enclosures or railings, near or adjacent to private swimming pools, which might become electrically alive as a result of contact with broken overhead conductors, or from any other cause, shall be effectively grounded.

**116.011 Disinfection.**

Sec. 11. Adequate provision shall be made for positive germicidal or bacterial control by the use of chlorine, bromine or such other disinfecting agents as may be approved by the Health Officer of Allegan County. Such disinfecting agents shall be applied to the pool water at a uniform rate. Provision shall be made for adjusting the application of the water in the pool equal to a standard of 0.5 parts per million to 1.0 parts per million chlorine residual. Testing devices capable of accurately measuring such residual shall be provided.

**116.012 Recirculation system and appurtenances.**

Sec. 12.

- a. Each private swimming pool shall be equipped with a recirculating system which shall consist of pumping equipment, hair and lint catcher, filters, together with the necessary pipe connections necessary for backwashing filters or cleaning them.
- b. The entire recirculation system shall be capable of producing at least an eighteen (18) hour turnover of the entire pool water volume content.
- c. The recirculating system pump shall have sufficient capacity to discharge the volume of water required for an eighteen (18) hour turnover of the pool against the maximum head in a recirculating system.
- d. The pump used in any filtration system shall have sufficient capacity to provide a filter flow and

backwash rate so as to meet the requirements set forth in Subsection e1, e2, e3(a) and e3(b), of this section.

- e. Recirculating systems shall contain a filter capable of meeting the following requirements:
  1. Sufficient filter area to adequately filter the entire contents of the pool in eighteen (18) hours.
  2. To furnish water of such chemical and physical quality that when in the pool the following clarity criterion is met: A black disc, six (6) inches in diameter on a white field, when placed on the bottom of the deepest point, is clearly visible from the side of the pool at all distances up to ten (10) yards measured from a line drawn across the pool through the center line of the disc.
  3. (a) Filters used shall have the following backwash rate:

<i>Type of Filter Media</i>	<i>Flow Rate, Gallons per Minute per Sq. Ft.</i>	<i>Backwash Rate, Gallons per Minute per Sq. Ft.</i>
Rapid sand and gravel	6	10
Diatomite:		
Pressure Type	3	See Sec. 3(b)
Vacuum Type	4	See Sec. 3(b)

- (b) The filter bed shall have an adequate and simple means for cleaning either by backwash, "spray off" or by manually cleaning same. The differential available for dirt collection between a clean and dirty filter to meet turnover rates shall be a minimum of thirty (30)

- feet and provide water to meet the clarity test hereinafter set forth.
- (c) All backwash water and effluents shall be discharged to the sewer through an indirect connection and provide adequate visible inspection.
  - (d) Pressure filters shall be equipped with readily accessible air relief valves, loss of head shown by pressure gauges on the outlet lines and access head or hole large enough to permit inspection, maintenance and repair work.
  - (e) A hair and lint catcher or strainer shall be installed on the suction side of the circulation pump to prevent hair, lint and other extraneous matter from reaching the pump and filters. Hair and lint catcher shall be designed so that it can be easily dismantled for cleaning and inspection and shall be located as to be easily accessible for cleaning. The design features shall be as follows: Water passes through the strainer from the inside, the strainer is to be made of noncorrosive material; the width or diameter of strainer openings is not more than one-eighth ( $\frac{1}{8}$ ) inch; the area of the strainer openings shall be at least five (5) times the cross sectional area of the inlet pipe to the strainer.

### **116.013 Penalties.**

Sec. 13. Any person who violates any provision of this ordinance shall upon conviction be punished by a fine of not more than One Hundred and 00/100ths (\$100.00) Dollars or by imprisonment for not more than ninety (90) days in jail or both such fine and imprisonment in the discretion of the Court. Each day's failure of compliance with any provision of this ordinance shall constitute a separate offense.

Legal proceedings to enjoin the violation of any of the provisions of this ordinance may be brought in any Court of competent jurisdiction in the name of the Village of Hopkins. Such action or injunction relief shall be brought when authorized by the Village Council. The enforcement and administration of the provisions of the ordinance shall otherwise be under and by the Village building Inspector.

**116.014 Severability.**

Sec. 14. If any section, paragraph, sentence, clause, phrase or part of this ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of this ordinance which shall remain in full force and effect and to this end, the provisions of this ordinance are hereby declared to be severable.

**116.015 Copies of ordinance to be available.**

Sec. 15. The Village Clerk and the Village Building Inspector shall have at all times available in their respective offices, the Village of Hopkins Private Outdoor Swimming Pool Ordinance herein referred to available for interested parties to examine.

Parts 117—129. Reserved.

[The next page is 783]





Part 130

130.000

**PLANNING COMMISSION**  
**Ord. No. 41 (- of 1975)**

A resolution to establish a Planning Commission for the Village of Hopkins, pursuant to the Public Acts of Michigan for 1931, No. 285, effective September 18, 1931, as amended.

THE VILLAGE OF HOPKINS ORDAINS:

**130.001 Definitions.**

Sec. 1.

- A. The term "*Planning Commission*", as used in this Resolution shall mean Village Planning Commission.
- B. "*Master Plan*", shall mean that plan as designated under the provisions of Act 285 of 1931, as amended, being set forth in MSA 5.2996.

**130.002 Purposes.**

Sec. 2. To promote public health, safety, and general welfare; to encourage the use of resources in accordance with their character and adaptability; to avoid the overcrowding of land by buildings or people; to lessen congestion on public roads and streets; to facilitate provisions for a system of transportation, sewage disposal, safe and adequate water supply, recreation and other public improvements; and to consider the character of the Village and its suitability for particular uses judged in the terms of such factors as the trend in land and population development.

**130.003 Membership of commission.**

Sec. 3. The Planning Commission shall consist of nine members, who shall represent the major interests as they exist in the Village. The membership shall consist of three (3) members being specifically the Village President and two members of the Village Council. The other six members shall be from the commu-

nity at large appointed under the criteria set forth above by the President of the Village, which appointment is subject to the approval of the Village Council as a whole.

- A. Members as appointed by the President with the approval of the Village Board, may be removed by the President of the Village after a public hearing and with approval of the Village Council.
- B. Each member shall be appointed for a term of three (3) years except the first members appointed shall be for staggered terms of one-third for one (1) year; one-third for two (2) years; and one-third for three (3) years. Vacancies shall be filled within one month after occurrence by appointment as above.
- C. Compensation of members shall be set by the Village Council.
- D. The Planning Commission shall make and submit a detailed budget each year to the Village Council for approval or disapproval. The Village Council shall appropriate funds for purposes of the Commission, and may accept funds from other governmental agencies or private grants. Those received from the donor shall be placed in a special nonreverting Planning Commission Fund to be used for the purposes designated by the donor, and the Village Treasurer shall expend such funds upon voucher of the Chairman and Secretary of the Commission or order of the Village Clerk. The Commission shall not expend beyond the Village Council appropriations except for grants or gifts.
- E. The Commission may make and administer regulations relative to compensation of members for expenses when engaged in Commission business, subject to the Village Council approval.

- F. The Commission shall elect a Chairman and Secretary from its members and create themselves such other offices or committees as it may deem advisable, the Planning Commission may appoint advisory committees outside of its membership. The term of all officers shall be one (1) year.

**130.004 Meetings.**

Sec. 4. The Commission shall hold at least one (1) meeting each month at a time and place to be determined by resolution. Any two (2) members, in writing to the Secretary of the Commission, may request a special meeting, or a special meeting may be called by the Chairman of the Commission. At least forty-eight (48) hours notice of special meetings must be given to all members of the Commission. All meetings are public.

**130.005 Hiring of professional personnel.**

Sec. 5. The Planning Commission may hire full or part-time professional planning personnel as they deem necessary, so long as budgeted funds allow.

**130.006 Rules of procedure, public record, annual report.**

Sec. 6. The Commission shall adopt rules of procedure, and keep a public record of all transactions before it, and shall make an annual report of its activities during the year, including recommendations as to planning and development, to the Village Council at least annually.

**130.007 Master Plan.**

Sec. 7. The Planning Commission shall prepare a Master Plan as prescribed by Act 285 of the Public Acts of 1931, as amended. The Commission shall consider the relevant criteria set forth in the Act in terms of developing the Plan.

**130.008 Adoption of procedure.**

Sec. 8. The Master Plan shall be adopted by resolution of the Commission pursuant to the statutory authority, and may be adopted at such another time or as a whole at the discretion of the Commission. Upon adoption the same shall be certified to the Council and the County Register of Deeds.

**130.009 Approval for public construction.**

Sec. 9. Public construction after the date of approval of the Master Plan as provided by law shall be upon approval of the Planning Commission, which Commission shall communicate its reasons for disapproval to the Council which Council pursuant to the Act as herein quoted, shall have the right of override, or if public way, structure or utility shall fall under the province of any other body, such communication shall be to that body and that body shall have the rights of overriding said recommendation as provided by the Act. The failure of the Commission to act within sixty days upon any request shall be deemed an approval.

**130.010 Transfer of zoning board—Dissolution thereof.**

Sec. 10. The functions of the Hopkins Village Zoning Board as it now exists are hereby transferred to the Planning Commission, created hereunder, on the date of the first meeting of said Commission, at which time the present zoning board shall cease to exist. The Chairman of the Planning Commission shall be the first member of the Zoning Board of Appeals.

**130.011 Flats.**

Sec. 11. The Planning Commission upon completion of its Master Plan as provided by law, shall thereafter approve all plats prior to their being filed or recorded as provided by law.

**130.012 Validity.**

Sec. 12. Should any section, sub-section, clause or provision of this Ordinance be declared by the Courts to be invalid, such decision shall not affect the validity of the Ordinance in its entirety or any part thereof, other than the portion so declared to be invalid.

**130.013 Amendments.**

Sec. 13. This Ordinance may be amended as provided by law.

**130.014 Effective date.**

Sec. 14. This Ordinance shall become effective sixty (60) days after its passage, publication and recording by the Village Clerk.



Part 131

**131.000 DOWNTOWN DEVELOPMENT AUTHORITY  
Ord. No. 47 (1 of 1983)**

An ordinance to establish a downtown development authority in the Village of Hopkins pursuant to Act 197, Public Acts of Michigan, 1975; to provide for establishment of a board of directors for the authority; to define the boundaries of the downtown district constituting the downtown development authority; and to provide for all other matters necessary and related thereto.

THE VILLAGE OF HOPKINS ORDAINS:

**131.001 Title of ordinance.**

Sec. 1. This ordinance shall be known and may be cited as the "Downtown Development Authority Ordinance."

**131.002 Definitions.**

Sec. 2. The terms used in this ordinance shall have the same meaning as given to them in Act 197 or as hereinafter in this section provided unless the context clearly indicates to the contrary. As used in this ordinance:

*Act 197* means Act No. 197 of the Public Acts of Michigan of 1975, as now in effect or hereafter amended.

*Authority* means the downtown development authority of the Village of Hopkins created by this ordinance.

*Board* or *Board of directors* means the board of directors of the authority, the governing body of the authority.

*Chief executive officer* means the president of the Village.

*Council* or *Village Council* means the Village Council of the Village.

*Downtown district* means the downtown district designated by this ordinance as now existing or hereafter amended.

*Village* means the Village of Hopkins, Michigan.

**131.003 Determination of necessity.**

Sec. 3. The Village Council of the Village hereby determines that it is necessary for the best interests of the Village to halt property value deterioration and increase property tax valuation where possible in the business district of the Village to eliminate the causes of that deterioration and to promote economic growth by establishing a downtown development authority pursuant to Act 197.

**131.004 Creation of authority.**

Sec. 4. There is hereby created pursuant to Act 197 a downtown development authority for the Village. The authority shall be a public body corporate and shall be known and exercise its powers under the title of "Downtown Development Authority of the Village of Hopkins." The authority may adopt a seal, may sue and be sued in any court of this state and shall possess all of the powers necessary to carry out the purpose of its incorporation as provided by this ordinance and Act 197. The enumeration of a power in this ordinance or in Act 197 shall not be construed as a limitation upon the general powers of the authority.

**131.005 Description of downtown district.**

Sec. 5. The downtown district in which the authority shall exercise its powers as provided in Act 197 shall consist of the described territory in the Village, subject to such changes as may hereinafter be made pursuant to this ordinance and Act 197, as set forth in Exhibit A, attached hereto and made a part hereof.

**131.006 Board of directors.**

Sec. 6. The authority shall be under supervision and control of a board of directors consisting of the chief executive officer of the Village and six (6) members as provided by Act 197. The members shall be appointed by the chief executive officer subject to approval by the



commission and shall hold office for the terms provided in Act 197. All members shall hold office until the member's successor is appointed.

**131.007 Powers of the authority.**

Sec. 7. Except as specifically otherwise provided in this ordinance the authority shall have all powers provided by law subject to the limitations imposed by law and herein.

**131.008 Fiscal year; adoption of budget.**

Sec. 8.

- (a) The fiscal year of the authority shall begin on January first of each year and end on December thirty-first of the following year, or such other fiscal year as may hereafter be adopted by the city.
- (b) The board shall annually prepare a budget and shall submit it to the Council on the same date that the proposed budget for the Village is required by the Village Charter to be submitted to the commission. The board shall not finally adopt a budget for any fiscal year until the budget has been approved by the Council. The board may, however, temporarily adopt a budget in connection with the operation of any improvements which have been financed by revenue bonds where required to do so by the ordinance authorizing the revenue bonds.
- (c) The authority shall submit financial reports to the Council at the same time and on the same basis as departments of the Village are required to submit reports. The authority shall be audited annually by the same independent auditors auditing the Village and copies of the audit report shall be filed with the commission.

**131.009 Section headings; severability; repealer.**

Sec. 9. Section headings are provided for convenience only and are not intended to be part of this ordinance. If any portion of this ordinance shall be held to be unlawful, the remaining portions shall remain in full force and effect. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

**131.010 Publication, recording and filing.**

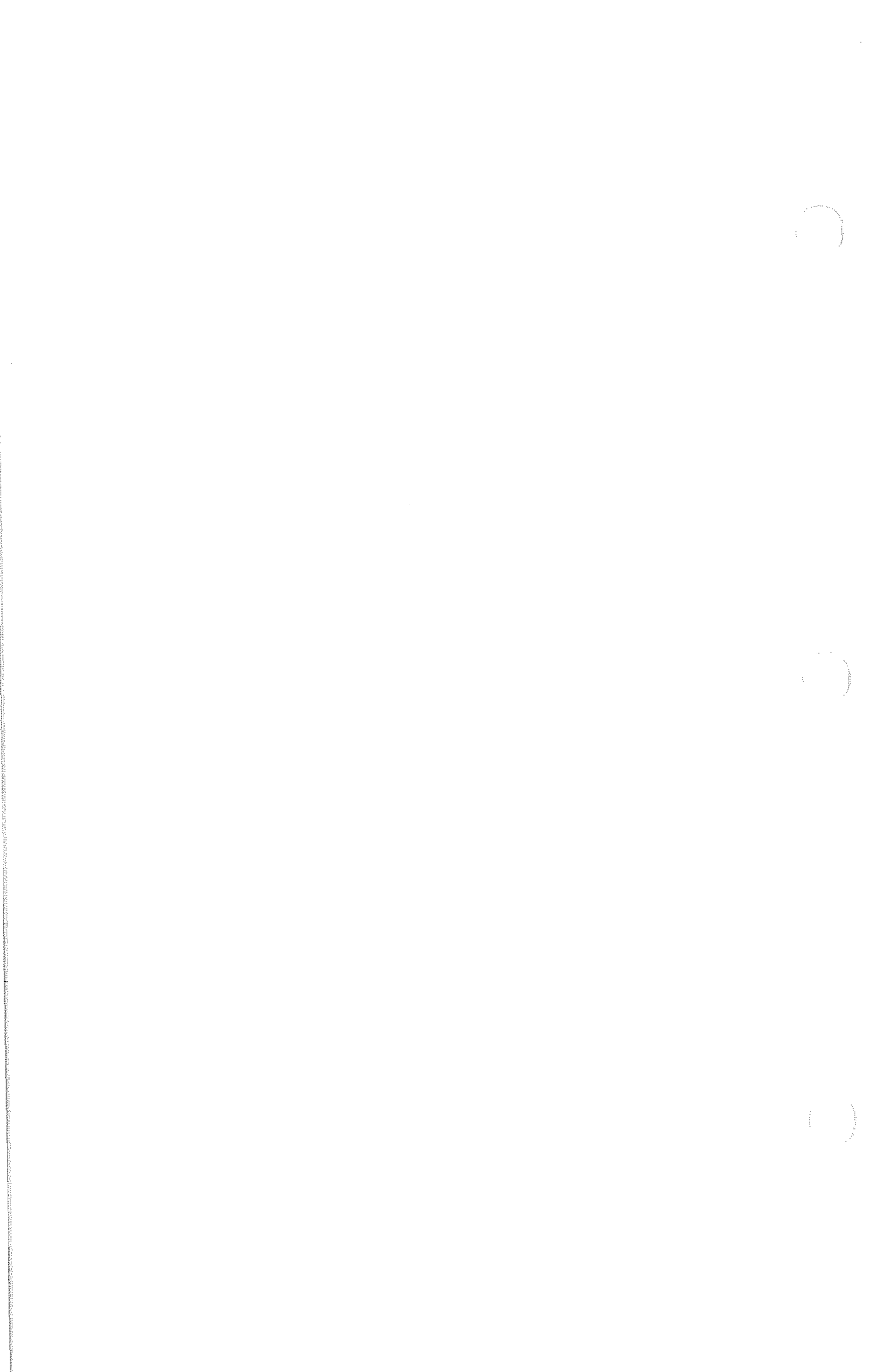
Sec. 10. This ordinance shall be published once after its adoption in full in the *Panacee Globe*, a newspaper of general circulation in the Village of Hopkins and the Village clerk shall file a certified copy of the ordinance with the Michigan Secretary of State promptly after its adoption.

This ordinance shall be effective from and after ten (10) days from the date of its adoption.

**131.020 EXHIBIT A—DOWNTOWN DEVELOPMENT AUTHORITY.****PROPOSED BOUNDARIES**

Beginning at the intersection of the centerline of Center Street with the centerline of Fulton Street; thence East along said centerline of Fulton Street to the intersection with the centerline of Maple Street, thence North along said centerline of Maple Street to the intersection with the centerline of Main Street; thence East along said centerline of Main Street to the intersection with the centerline of Cherry Street; thence North along said centerline of Cherry Street to the intersection with the centerline of Elm Street; thence East along said centerline of Elm Street to the intersection with the centerline of Jefferson Street; thence North along said centerline of Jefferson Street to the intersection with the Northern Hopkins Village limits; thence East along said Vil-

lage limits to a point intersecting due North of the centerline of Hoffmaster Street; thence South along said point due North of the centerline of Hoffmaster Street to the intersection with the centerline of North Street; thence West along said centerline of North Street to the intersection with the centerline of Franklin Street; thence South along said centerline of Franklin Street to the intersection with the centerline of Wise Street; thence West along said centerline of Wise Street to the intersection with the Eastern bank of Bear Creek; thence Southerly along the Eastern bank of Bear Creek to its intersection with the Southern Village Limit of the Village of Hopkins; thence West along said Village Limit to a point intersecting due South of the centerline of Center Street; thence North along said point South of said centerline of Center Street to the intersection with the centerline of Fulton Street and the point of beginning.



Part 132

**132.000 DEVELOPMENT AREA PLAN ORDINANCE  
Ord. No. 48 (1 of 1984)**

An ordinance approving the development area plan proposed by the authority within the downtown development area proposed and submitted by the downtown development authority for the Village of Hopkins pursuant to Act 197, Public Acts of Michigan, 1975; to define the boundaries of the development area, and to provide for all other matters necessary and related thereto.

THE VILLAGE OF HOPKINS ORDAINS:

**132.001 Title of the ordinance.**

Sec. 1. This Ordinance shall be known and may be cited as the "Development Area Plan Ordinance".  
(Adopted: 5-14-84)

**132.002 Definitions.**

Sec. 2. The terms used in this ordinance shall have the same meaning as given to them in Act 197 or as hereinafter in this section provided unless the context clearly indicates to the contrary. As used in this ordinance:

*Act 197* means Act No. 197 of the Public Acts of Michigan of 1975, as now in effect or hereafter amended.

*Authority* means the downtown development authority of the Village of Hopkins created in Ordinance No. 47 (1 of 1983).

*Board* or *Board of directors* means the board of directors of the authority, the governing body of the authority.

*Council* or *Village Council* means the Village Council of the Village of Hopkins.

*Downtown district* means the downtown district designated by this Ordinance as now existing or hereafter amended.

*Development plan or proposed development plan* means that information and those requirements for a development set forth in Act 197.

*Development area* means that area to which a development plan is applicable.

*Village* means the Village of Hopkins.  
(Adopted: 5-14-84)

**132.003 Determination of public purpose.**

Sec. 3. The Village Council of the Village hereby determines that the proposed development plan submitted by the authority as set forth in Exhibit A, [not printed; a copy is available in the Village clerk's office] attached hereto and made a part hereof, constitutes and will serve a public purpose to the citizens and taxpayers of the Village and further that such development plan is consistent with the purpose for which the authority was created. It is further determined that the proposed plan meets the requirements of Section 17(2) of Act 197.

(Adopted: 5-14-84)

**132.004 Approval of development plan.**

Sec. 4. The Village Council hereby approves and adopts the proposed development plan, Exhibit A [not printed; a copy is available in the Village clerk's office] attached, which shall be hereafter known as the Development Plan, the provisions of such Development Plan being reasonable and necessary to carry out the purpose for which the authority was created, consistent with the planned future of the Village, and the land included within the development area being reasonably necessary to carry out the purpose of the plan in an efficient and economically satisfactory manner. Further, the Village Council believes that fire and police protection as well as public utilities are adequate to service the project area and that the proposed changes in zoning and streets are reasonably neces-

sary for the development area to succeed and in the municipalities best interest.

(Adopted: 5-14-84)

**132.005 Description of development area.**

Sec. 5. The Development Area within the Village of Hopkins shall be designated as encompassing the Railroad right-of-way and station grounds currently owned by United Railroad Corporation and running through the Village of Hopkins from the Southern border of the Village limits South of Mill Street and continuing in a Northeastern direction to the Northern Village limit, northeast of Clark Street, comprising a total area of approximately 14.5 acres.

(Adopted: 5-14-84)

**132.006 Section heading; severability; repealer.**

Sec. 6. Section headings are provided for convenience only and are not intended to be a part of this Ordinance. If any portion of this Ordinance shall be held to be unlawful, the remaining portions shall remain in full force and effect. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

(Adopted 5-14-84)

**132.007 Publication, recording and filing.**

Sec. 7. This Ordinance shall be published once after its adoption in full in *Panacee Globe*, a newspaper of general circulation in the Village of Hopkins and the Village Clerk shall file a certified copy of this Ordinance with the Michigan Secretary of State promptly after its adoption.

This Ordinance shall be effective from and after 10 days from the date of its adoption.

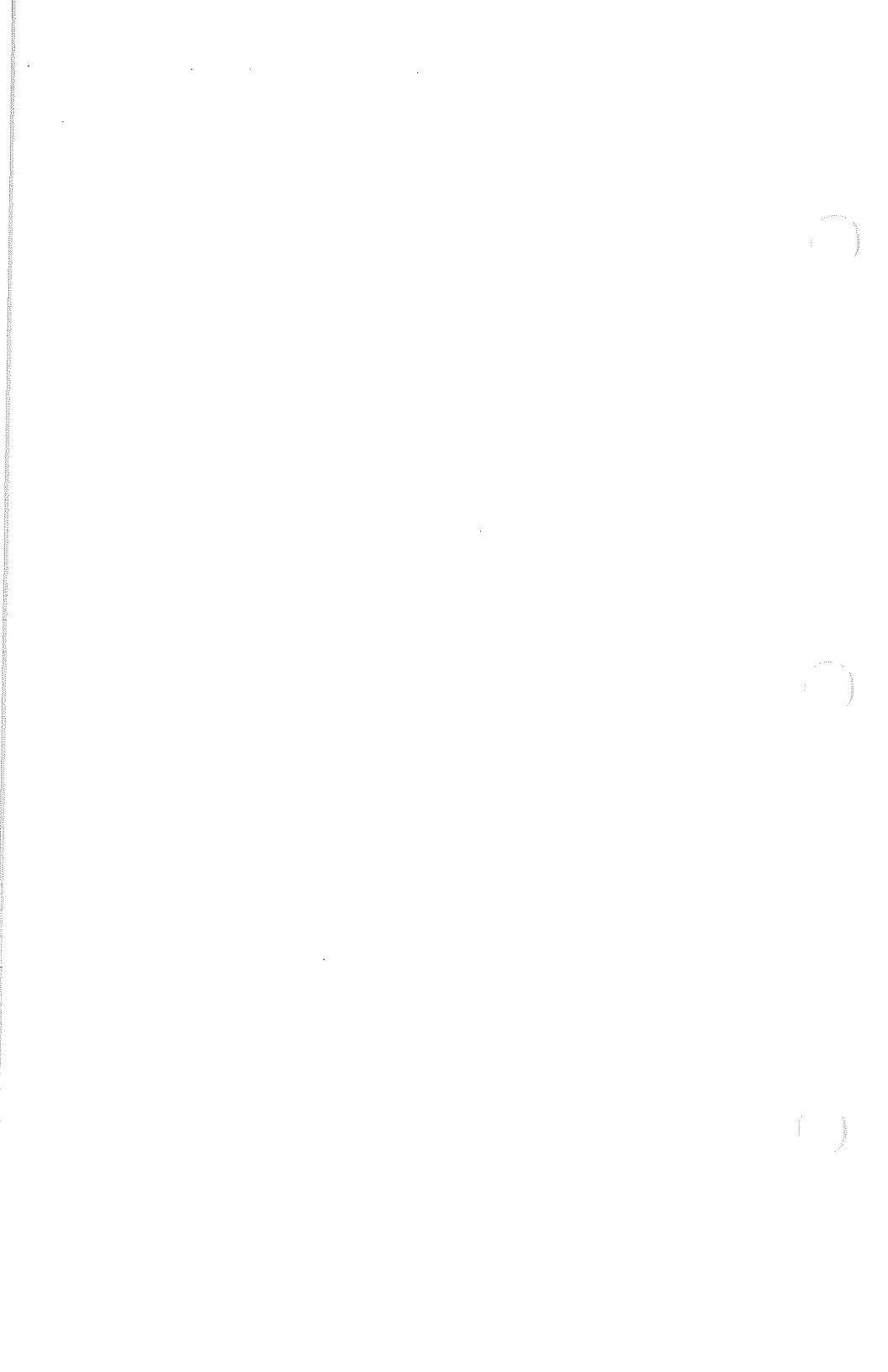
(Adopted: 5-14-84)





Parts 133—135. Reserved.

[The next page is 849]



Part 136

**136.000      MOBILE HOMES DEFINED AS DWELLING**  
**Ord. No. 49**

Village of Hopkins zoning ordinance on mobile homes within the Village.

The definition of dwelling in the Ordinance has been changed to include mobile homes. The definition of mobile homes has been amended to match the definition found in the Mobile Home Commission Act.

Mobile homes must obtain a zoning permit and building permit before they can be placed in the Village outside of a mobile home park and must among other requirements abide by the following:

- (A) Have the same minimum square foot living area as required for conventionally built homes as in the building code.
- (B) Mobile homes shall have a minimum ceiling height of seven and one-half (7½) feet.
- (C) Mobile homes shall have all wheels and towing mechanisms removed completely.
- (D) The mobile homes shall be connected to public sewer and/or water supply as provided by Village Ordinance and State Ordinances or to such private facilities approved by the Health Department.
- (E) Mobile homes shall have a frost-free footing with slab positioned lengthwise of the said unit and must extend three (3) feet past each end and six (6) inches beyond the outside dimension of sides of said unit. Minimum depth of slab will be at least three (3) inches.
- (F) Mobile homes shall be anchored to said slab in accordance with Mobile Home Manufacturers Specifications.
- (G) Mobile homes may also be installed on a basement foundation, complying with code requirements.

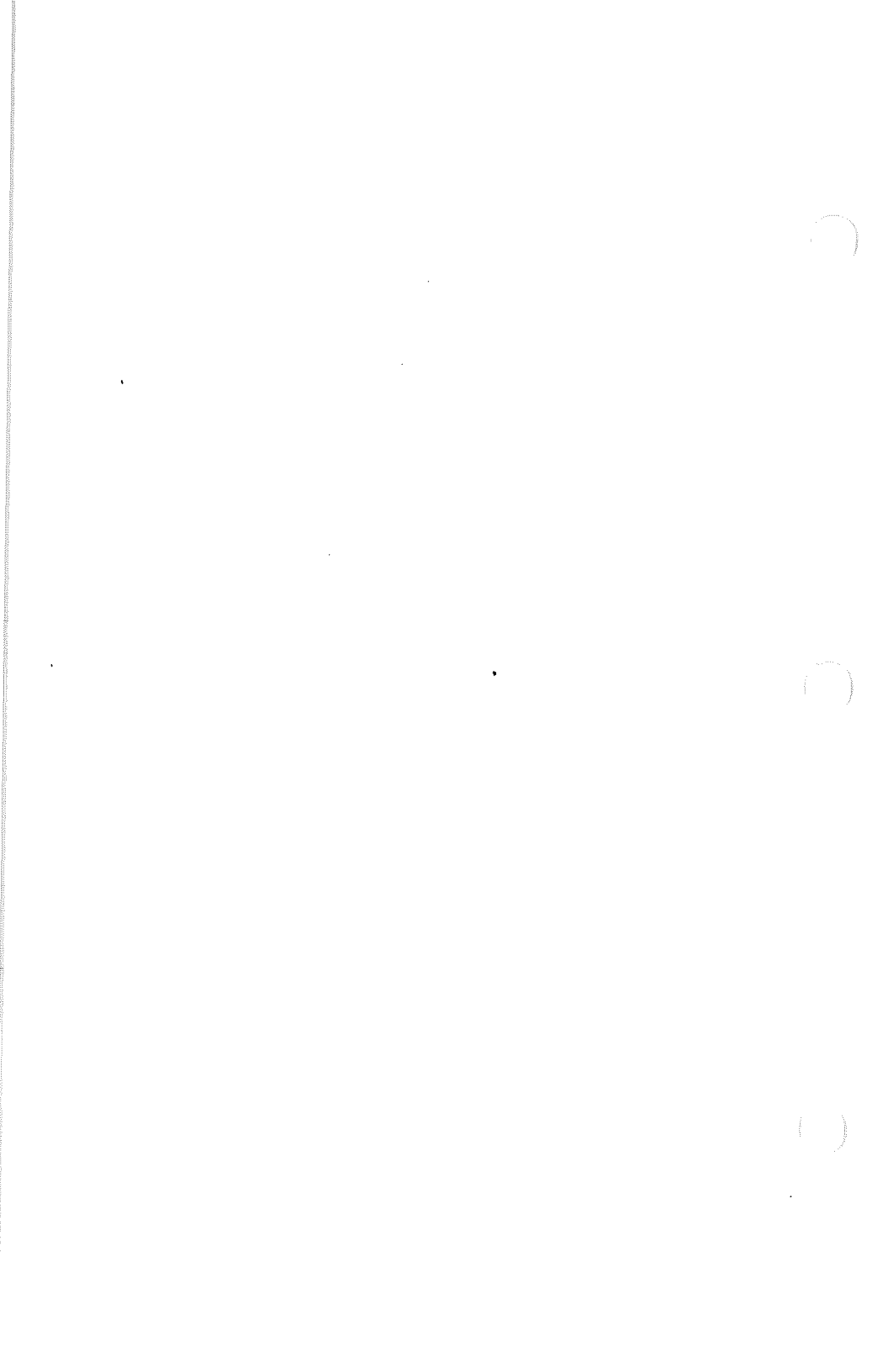
- (H) All mobile homes without basements must have a masonry or metal or fiberglass skirting erected between slab and bottom of home on all sides. An access panel of sufficient size to allow full access to area below dwelling be available.
- (I) The dwelling is aesthetically compatible in design and appearance with other conventional on-site homes, with either a roof overhang of not less than six (6) inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides; and has not less than two (2) exterior doors with the second one being in either the rear or side of dwelling and contains steps connected to said door areas where a difference in elevation requires the same.
- (J) Mobile homes must meet all standards of the United States Department of Housing and Urban Development of Mobile Home Construction and Safety Standards. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements. All mobile homes shall bear the Michigan State Construction Seal. No person may occupy any mobile home as a dwelling until a certificate of approval is issued by the building inspector.
- (K) All additions to mobile homes must meet either HUD standards or constructed similar quality workmanship as the original structure, including permanent attachment to the principal structure. All additions must have a description and design shown to Building Inspector before permit is issued.
- (L) The dwelling shall contain a storage capability area in a basement located under the dwelling, in an attic, in a closed area or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which the storage area shall be equal to 10% of the square

footage of the dwelling or 100 square feet, which ever shall be less.

- (M) All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Village building code.
- (N) Applications for special use permits must be filed with the Hopkins Village Council. The Council will make decisions for the issuance or denial of special use permits.
- (O) The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by State or Federal law or otherwise specifically required by any other ordinances pertaining to such parks.
- (P) All mobile homes erected or installed pursuant to this ordinance shall be placed in such a manner so that the longest side is parallel to or facing a public street or roadway. In the event that a lot has frontage on more than one public street or roadway then the Village Council shall decide which street said mobile home shall face.

(Adopted: 8-19-85)

HOPKINS PUBLIC LIBRARY  
118 E. MAIN STREET  
HOPKINS, MI 49328





**137.003 Satellite receivers and dish antennas.**

Sec. 3. Any exterior audio-visual dish antenna or receiver (a "satellite-dish antenna") being three feet or larger in diameter, to be placed upon a lot, parcel or building shall be deemed an accessory structure (building) in the applicable zoning district, and the location thereof shall comply with the regulations applicable thereto in the particular zoning district. Further, such "satellite-dish antennas" shall conform to all building height restrictions in the applicable zoning district and be so located to be as obscure as possible to public view.

[The next page is 905]



AN ORDINANCE ADOPTING AND ENACTING A RE-CODIFICATION FOR THE VILLAGE OF HOPKINS; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES TO INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH RE-CODIFICATION; AND PROVIDING WHEN SUCH RE-CODIFICATION AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

THE VILLAGE OF HOPKINS ORDAINS:

Section 1. The Re-Codification entitled "Re-Codification of Ordinances" which consists of Parts 1 through 137, each inclusive concerning the following subjects are adopted: Administration, Business REgulation, Franchise, Traffic and/or Vehicle Codes, Criminal Offenses, Building Regulation, Environmental Protection, Nuisances, Junk Cars, Animal Control, Public Works and Utilities, Public Safety, Dangerous Buildings, Planning and Zoning, and Downtown Development Authority.

Section 2. All ordinances of a general and permanent nature enacted on or before May 14, 1984 , and not included in the Re-Codification or recognized and continued in force by reference therein, are repealed.

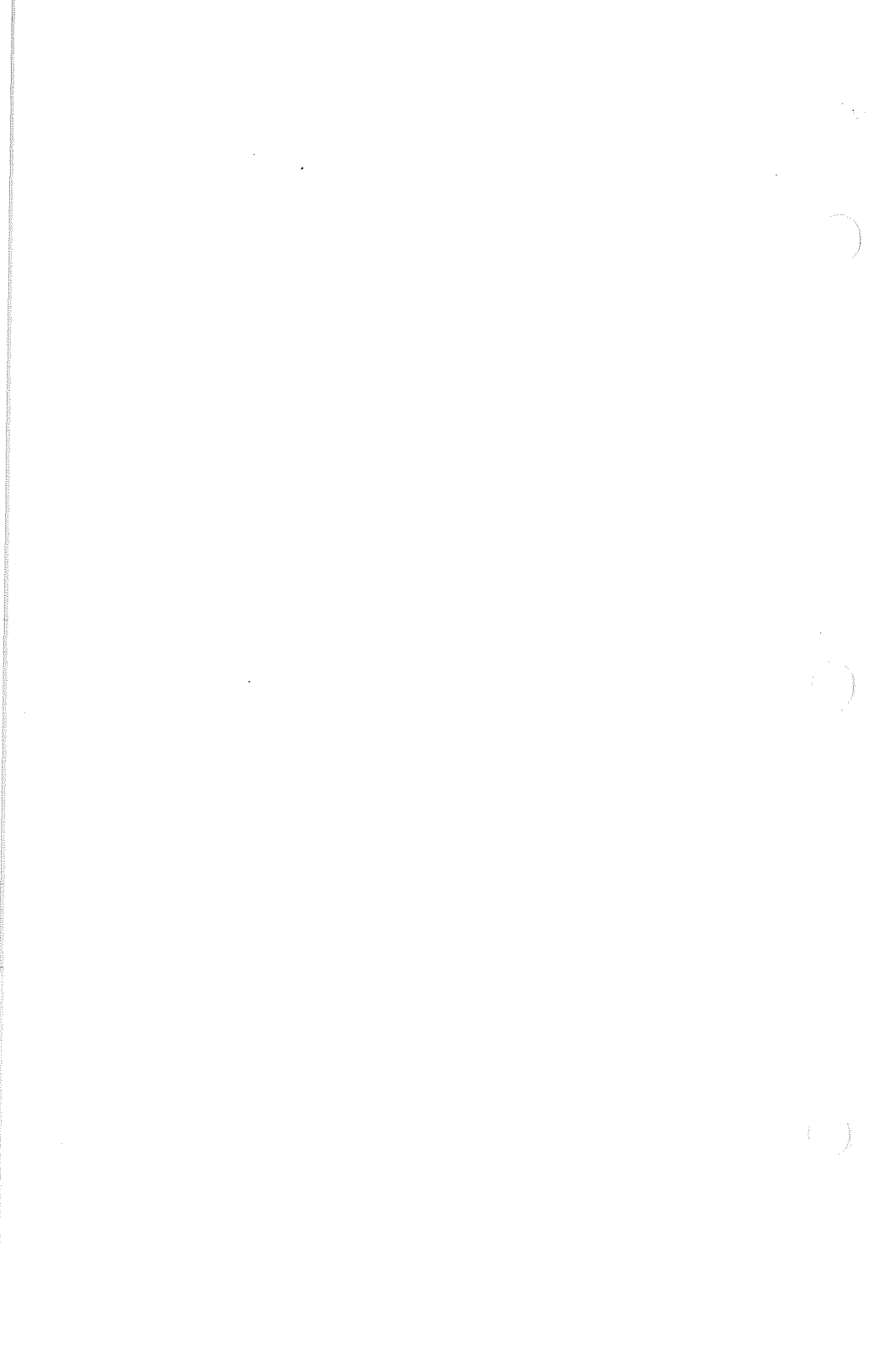
Section 3. The repeal provided for in Section 2 hereof shall not be construed to have any effect upon the Zoning Ordinance of 1954, which is saved hereby from repeal. The repeal provided for in Section 2 shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance or part thereof that has been repealed by a subsequently ordinance that is repealed by this ordinance.



Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Compilation or any ordinance, rule or regulation adopted to exceed one hundred dollars (\$100.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Compilation section whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the Village may pursue other remedies such as abatement of nuisances, injunctive relief, and revocation of licenses or permits.

Section 5. Additions or amendments to the Re-Codification when passed in the form as to indicate the intention of the Village to make the same a part of the Re-Codification shall be deemed to be incorporated in the Re-Codification, so that reference to the Re-Codification includes the additions and amendments.

Section 6. Ordinances adopted after May 14, 1990 that amend or refer to ordinances that have been included in the Re-Codification, shall be construed as if they amend or refer to like provisions of the Re-Codification.



Section 7. This ordinance shall become effective  
May 14, 1990.

Passed and adopted by the Village of Hopkins this 14th  
day of May, 1990.

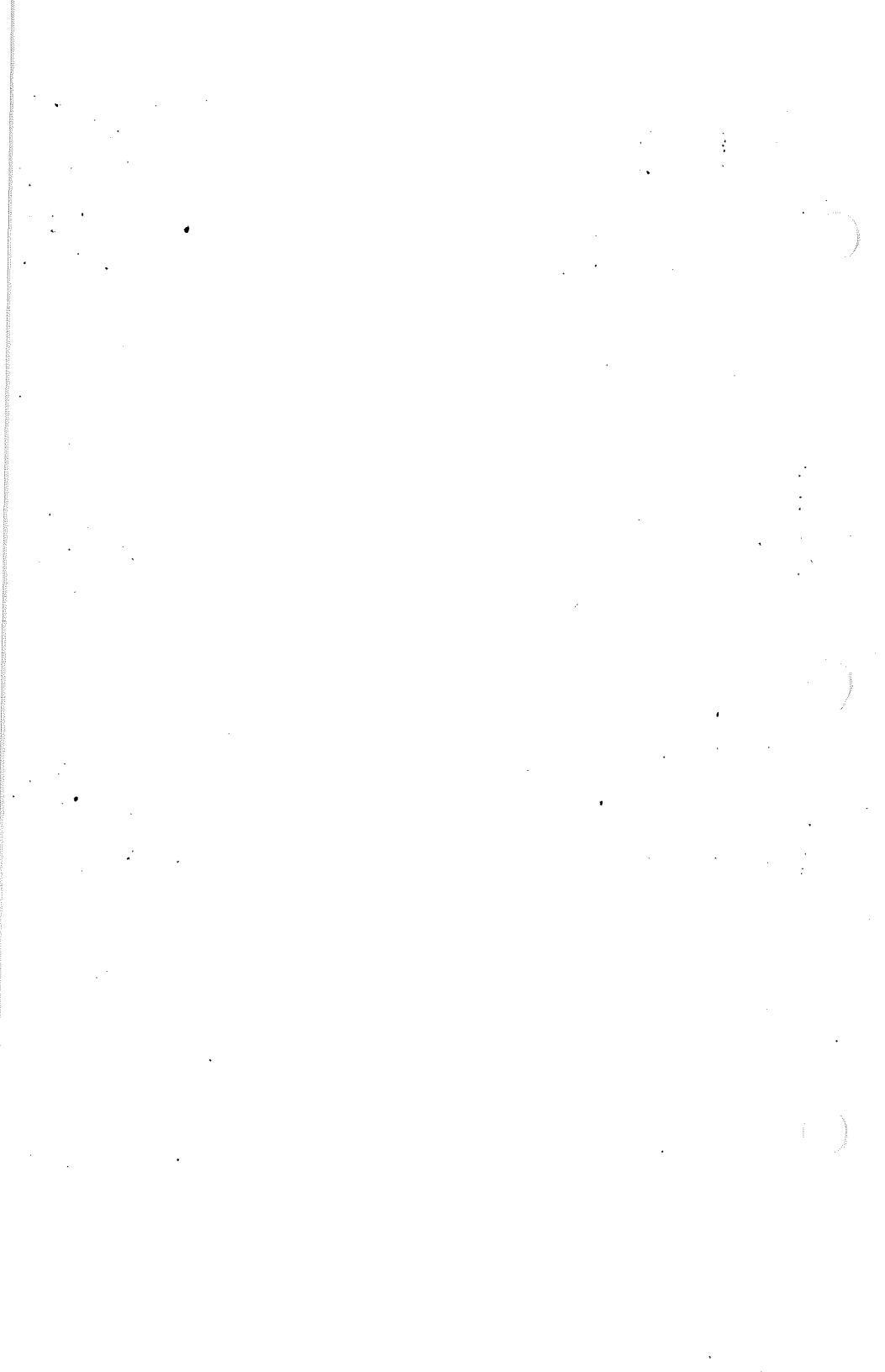
Steven A. Stearns  
President

Sandra Morris  
Clerk

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing is a true copy of the  
ordinance passed at the regular meeting of the Village Council of  
the Village of Hopkins held on the 14th day of May,  
1990.

Sandra Morris  
Clerk



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**NOTICE OF ORDINANCE ADOPTION  
VILLAGE OF HOPKINS  
ALLEGAN COUNTY, MICHIGAN**

PLEASE TAKE NOTICE that the Hopkins Village Council adopted Ordinance 2021-1 at a special Village Council meeting held on January 25, 2021 to take effect eight (8) days following this publication of summary of said Ordinance as found below.

**Ordinance No. 2021-1  
An ordinance to amend Section 9.02 of the Hopkins Village Zoning Ordinance**

**ARTICLE I. TITLE:** Amend Section 9.02 of the Hopkins Village Zoning Ordinance for the purpose of including the following provision:

9.02.AAA. Manufacturing and processing of food products where a retail sales component exists upon the same site.

**ARTICLE II. SEVERABILITY**

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby and shall remain valid and in effect.

**SECTION III. REPEAL:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION IV. EFFECTIVE DATE:** This Ordinance shall take effect on the eighth day following publication of notice of its adoption in accordance with the Michigan Public Act 110 of 2006 as amended.

**PLEASE TAKE FURTHER NOTICE** that a true copy of this Ordinance is on file in the Office of the Clerk of the Village of Hopkins at the address set forth below and that a copy of this Ordinance may be inspected, reviewed or purchased by contacting the undersigned during regular business hours on regular working days.

**MIKE ALBERDA, CLERK  
VILLAGE OF HOPKINS  
PO BOX 337  
HOPKINS, MI 49328  
269-823-5210**

VILLAGE OF HOPKINS, ALLEGAN COUNTY, MICHIGAN

AMENDMENT TO THE HOPKINS VILLAGE ZONING ORDINANCE - Ordinance No. 2021-1

Adopted: 01-25-2021

Effective: 02-12-2021

AN ORDINANCE TO AMEND SECTION 9.02 OF THE VILLAGE OF HOPKINS ZONING ORDINANCE TO ALLOW FOR AN ADDITIONAL USE.

**VILLAGE OF HOPKINS, ALLEGAN COUNTY, MICHIGAN, ORDAINS:**

At a properly scheduled special meeting of the Village Council for the Village of Hopkins, Allegan County, Michigan, held at the Village Hall & Virtual on 01-25-2021, the following amendment to the Hopkins Village Zoning Ordinance was offered for adoption by Village Council Member Buist and seconded by Village Council Member Osborn.  
Yeas: Osborn, Buist, VanderWall, Sebright, Kennedy and Williams.

Nays: None.

Motion Passed

**ARTICLE I.** Amend Section 9.02, Principal Uses Allowed by Right (within the C-1 Zoning District), Of the Village of Hopkins Zoning Ordinance by Adding the Following Provision:

Section 9.02.AAA. *Manufacturing and Processing of Food Products where a retail sales component exists upon the same site.*

**ARTICLE II. SEVERABILITY:**

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby and shall remain valid and in effect.

**ARTICLE III. REPEAL AND EFFECTIVE DATE:**

This Ordinance is ordered to take effect the eighth day following publication of notice of its adoption in accordance with the Michigan Public Act 110 of 2006 as amended. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Michael Alberda Clerk Date: 01-25-2021  
Michael Alberda, Clerk, Village of Hopkins

Publication date: 02-04-2021

Effective date: 02-12-2021