

# UNION CITY, MICHIGAN

  

## CODE OF ORDINANCES

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## VILLAGE OF UNION CITY

### OFFICIALS PAGE

|                  |                                     |
|------------------|-------------------------------------|
| William Avery    | Village President                   |
| James Hurley     | Pro Tem                             |
| Ralph Gottschalk | Trustee                             |
| Jill McCombs     | Trustee                             |
| LeAndra Otis     | Trustee                             |
| Steve Searls     | Trustee                             |
| Troy Tennyson    | Trustee                             |
| Chris Mathis     | Village Manager/Police Chief/Clerk  |
| Jennifer Nagel   | Assistant Village Manager/Treasurer |

## TITLE I: GENERAL PROVISIONS

### Chapter

## 10. GENERAL PROVISIONS

### CHAPTER 10: GENERAL PROVISIONS

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#### **§ 10.01 TITLE OF CODE.**

This codification of ordinances by and for the Village of Union City shall be designated as the “Union City Code”, and may be so cited.

#### **§ 10.02 INTERPRETATION.**

Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this code as those governing the interpretation of state law.

#### **§ 10.03 APPLICATION TO FUTURE ORDINANCES.**

All provisions of Title I compatible with future legislation shall apply to ordinances hereafter adopted amending or supplementing this code, unless otherwise specifically provided.

#### § 10.04 CAPTIONS.

Headings and captions used in this code other than the title, chapter, and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

#### § 10.05 DEFINITIONS.

(A) *General rule.* Words and phrases shall be taken in their plain, or ordinary and usual sense, however, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(B) *Definitions.* For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CODE, THIS CODE, THIS CODE OF ORDINANCES, VILLAGE CODE, or UNION CITY VILLAGE CODE.** This municipal code as modified by amendment, revision, and adoption of new titles, chapters, or sections.

**COUNTY.** Branch County, Michigan and Calhoun County, Michigan.

**MAY.** The act referred to is permissive.

**MONTH.** A calendar month.

**OATH.** An affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words **SWEAR** and **SWORN** shall be equivalent to the words **AFFIRM** and **AFFIRMED**.

**OFFICER, OFFICE, EMPLOYEE, COMMISSION, or DEPARTMENT.** An officer, office, employee, commission, or department of this municipality unless the context clearly requires otherwise.

**PERSON.** Extends to and includes person, persons, firm, corporation, copartnership, trustee, lessee, legal entity, or receiver. Whenever used in any clause prescribing and imposing a penalty, the terms **PERSON** or **WHOEVER** as applied to any unincorporated entity shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.

**PRECEDING or FOLLOWING.** Next before or next after, respectively.

**SHALL.** The act referred to is mandatory.

**SIGNATURE or SUBSCRIPTION.** Includes a mark when the person cannot write.

**STATE.** The State of Michigan.

**SUBCHAPTER.**

(a) A division of a chapter, designated in this code by a heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading.

(b) Not all chapters have **SUBCHAPTERS**.

**VILLAGE.** The Village of Union City, Michigan.

**VILLAGE COUNCIL.** The Council for the Village of Union City, Michigan.

**WRITTEN.** Any representation of words, letters, or figures, whether by printing or otherwise.

**YEAR.** A calendar year, unless otherwise expressed.

## § 10.06 RULES OF INTERPRETATION.

The construction of all ordinances of this municipality shall be by the following rules, unless such construction is plainly repugnant to the intent of the legislative body or of the context of the same ordinance.

(A) **ANDorOR.** Either conjunction shall include the other as if written “and/or”, if the sense requires it.

(B) *Acts by assistants.* When a statute or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, such requisition shall be satisfied by the performance of such act by an authorized agent or deputy.

(C) *Gender; singular and plural; tenses.* Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

(D) *General term.* A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

## § 10.07 SEVERABILITY.

If any provision of this code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

## § 10.08 REFERENCE TO OTHER SECTIONS.

Whenever in one section reference is made to another section hereof, such reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

## § 10.09 REFERENCE TO OFFICES.

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of this municipality exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

## § 10.10 ERRORS AND OMISSIONS.

(A) If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express such intent, such spelling shall be corrected and such word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published.

(B) No alteration shall be made or permitted if any question exists regarding the nature or extent of such error.

## § 10.11 OFFICIAL TIME.

The official time, as established by applicable state or federal laws, shall be the official time within this municipality for the transaction of all municipal business.

#### **§ 10.12 REASONABLE TIME.**

(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, **REASONABLE TIME OR NOTICE** shall be deemed to mean the time which is necessary for a prompt performance of such act or the giving of such notice.

(B) (1) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last.

(2) If the last day be Sunday, it shall be excluded.

#### **§ 10.13 ORDINANCES REPEALED.**

This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code.

#### **§ 10.14 ORDINANCES UNAFFECTED.**

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

#### **§ 10.15 EFFECTIVE DATE OF ORDINANCES.**

All ordinances passed by the legislative body requiring publication shall take effect from and after the due publication thereof, unless otherwise expressly provided. Ordinances not requiring publication shall take effect from their passage, unless otherwise expressly provided.

#### **§ 10.16 REPEAL OR MODIFICATION OF ORDINANCE.**

(A) Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the ordinance repealing or modifying it takes effect.

(B) No suit, proceedings, right, fine, forfeiture, or penalty instituted, created, given, secured, or accrued under any ordinance previous to its repeal shall in any way be affected, released, or discharged, but may be prosecuted, enjoyed, and recovered as fully as if the ordinance had continued in force unless it is otherwise expressly provided.

(C) When any ordinance repealing a former ordinance, clause, or provision shall be itself repealed, the repeal shall not be construed to revive the former ordinance, clause, or provision, unless it is expressly provided.

#### **§ 10.17 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.**

(A) If the legislative body shall desire to amend any existing chapter or section of this code, a new chapter or section, containing the desired amendment, shall be substituted in its place.

(B) (1) Any ordinance which is proposed to add to the existing code a new title, chapter, or section shall indicate, with reference to the arrangement of this code, the proper number of such chapter or section.

(2) In addition to such indication thereof as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

## § 10.18 SECTION HISTORIES; STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance, if any, are listed following the text of the code section. Example: (Ord. 10, passed 5-13-1960; Ord. 15, passed 1-1-1970; Ord. 20, passed 1-1-1980; Ord. 25, passed 1-1-1985)

(B) (1) If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statute. Example: (M.C.L.A. § 15.231) (Ord. 10, passed 1-17-1980; Ord. 20, passed 1-1-1985)

(2) If a statutory cite is set forth as a “statutory reference” following the text of the section, this indicates that the reader should refer to that statute for further information. Example:

### § 39.01 PUBLIC RECORDS AVAILABLE.

This municipality shall make available to any person for inspection or copying all public records, unless otherwise exempted by state law.

#### **Statutory reference:**

*For provisions concerning the inspection of public records, see Public Act 442 of 1976, being M.C.L.A. §§ 15.231 et seq.*

## § 10.99 GENERAL PENALTY.

(A) Unless another penalty is expressly provided by this code for any particular provision or section, every person convicted of a violation of any provision of this code or any rule or regulation adopted or issued in pursuance thereof, shall be punished by a fine of not more than \$500 and costs of prosecution or by imprisonment for not more than 90 days, or by both such fine and imprisonment; unless there is a fine or penalty specifically set forth in the ordinance which provides for a greater penalty, and in that event, such greater penalty shall control.

(B) Each act of violation and every 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 section of this code whether or not such penalty is re-enacted in the amendatory ordinance.

#### **Cross-reference:**

*Municipal Civil Infractions and Municipal Civil Infractions Bureau, see Ch. 34*

#### **Statutory reference:**

*Maximum penalty established, see M.C.L.A. § 117.4i(k)*

## TITLE III: ADMINISTRATION

### Chapter

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#### **31. VILLAGE OFFICERS AND EMPLOYEES**

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30.02 Council meetings

***Election of Village Trustees and Village President***

30.15 Bi-annual village election

30.16 Election of Village Trustees; term of office

30.17 Election of Village President; term of office

30.18 Effective date

**GENERAL REGULATIONS****§ 30.01 VILLAGE FREEDOM OF INFORMATION ACT APPROVAL.**

The Village Council hereby approves the village Freedom of Information Act policy, which includes the following parts:

- (A) The policy summary entitled, “Village of Union City Freedom of Information Act Policy”;
- (B) Form entitled, “FOIA Request for Public Records”;
- (C) Form entitled, “Notice to Extend Response Time for FOIA Request”;
- (D) Form entitled, “Notice of Denial of FOIA Request”;
- (E) Form entitled, “Freedom of Information Act Request Detailed Cost Itemization”;
- (F) Form entitled, “FOIA Appeal Form—To Appeal an Excess Fee”; and
- (G) Form entitled, “FOIA Appeal Form—To Appeal a Denial of Records”.

(Res. 2015-03, passed 7-13-2015)

**§ 30.02 COUNCIL MEETINGS.**

(A) *Regular meetings.* The regular meetings of the Council shall be held on the second Monday evening of each month, and all meetings shall be held in the Council Room used by said village, but the Council may adjourn to any other place.

(2005 Code, § 1.001)

(B) *Special meetings.* Special meetings of the Council may be called at any time by the President, or any three members of the Council may appoint special meetings thereof, notice of which in writing shall be left at his or her place of residence at least 18 hours before the meeting.

(2005 Code, § 1.002)

(C) *Business transacted at special meeting; limit.* No business shall be transacted at any special meeting except the business referred to in the notice.

(2005 Code, § 1.003)

(D) *Officers; request to attend.* In case the presence of any officer of said village shall be deemed by the President to be necessary at any meeting of the Council, such officer shall attend upon the request of the President or the Chairperson of any committee of the Council.

(2005 Code, § 1.004)

(E) *Disruption of meeting.* No person shall wilfully interrupt or disturb any meeting of the Council.

(2005 Code, § 1.005)

(F) *Presiding officer to be obeyed.* No person shall refuse or neglect to obey any lawful order of the presiding officer while presiding over any meeting of the Council made for the purpose of preserving order in the Council.

(2005 Code, § 1.006)

(Ord. 1, passed - -; Ord. passed 7-9-1947; Ord. 4-81, passed 9-14-1981)

## **ELECTION OF VILLAGE TRUSTEES AND VILLAGE PRESIDENT**

### **§ 30.15 BI-ANNUAL VILLAGE ELECTION.**

The regular bi-annual village election for the village shall be on the first Tuesday of November of each even numbered year beginning on November 7, 2006.

(2005 Code, § 11.002) (Ord. 2004-02, passed 12-13-2004)

### **§ 30.16 ELECTION OF VILLAGE TRUSTEES; TERM OF OFFICE.**

Beginning with the village bi-annual election on November 7, 2006, three of the Village Trustees shall be elected at each bi-annual village election and shall serve for a term of four years and until their successors are qualified.

(2005 Code, § 11.003) (Ord. 2004-02, passed 12-13-2004)

### **§ 30.17 ELECTION OF VILLAGE PRESIDENT; TERM OF OFFICE.**

Beginning with the village bi-annual election on November 7, 2006, the Village President shall be elected at every other bi-annual village election and shall serve for a term of four years and until his or her successor is qualified.

(2005 Code, § 11.005) (Ord. 2004-02, passed 12-13-2004)

### **§ 30.18 EFFECTIVE DATE.**

This subchapter shall take effect 45 days after the date of adoption, unless a petition signed by not less than 10% of the registered electors of the village is filed with the Village Clerk within the 45-day period, in which case this subchapter takes effect upon approval at an election held on the question.

(2005 Code, § 11.008) (Ord. 2004-02, passed 12-13-2004)

## **CHAPTER 31: VILLAGE OFFICERS AND EMPLOYEES**

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***Marshal***

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**GENERAL PROVISIONS****§ 31.01 PRESIDENT.**

The Village President shall receive a fee of \$100 per month; and in addition to said fee, he or she shall receive the sum of \$50 for the regular Village Council meeting and \$20 per two extra Village Council meetings attended by the Village President; provided, however, that in no event shall the

Village President receive more than \$90 per month. Payment shall be made from the General Fund of the Village Treasury.

(2005 Code, § 6.001) (Ord. 21, passed 3-24-1920; Ord. passed 4-11-1951; Ord. passed 10-12-1977; Ord. passed 4-10-1989)

### **§ 31.02 TRUSTEES.**

The Village Trustees shall each receive a fee of \$25 per month; and in addition to said fee, each Trustee shall receive the sum of \$20 for the regular Village Council meeting, with \$10 per two extra Village Council meetings; provided, however, that in no event shall the Village Trustees receive more than \$65 per month in payment. Payment shall be made from the General Fund of the Village Treasury.

(2005 Code, § 6.002) (Ord. 21, passed 3-24-1920; Ord. passed 4-11-1951; Ord. passed 10-12-1977; Ord. passed 4-10-1989)

## **OFFICERS, APPOINTMENT, AND DUTIES**

### **§ 31.15 OFFICERS TO BE APPOINTED.**

The officers appointed by the President, by and with the consent of the Council shall be a Marshal, an Attorney, a Street Commissioner, one Health Officer, one Fire Warden; provided, however, that this section shall not affect appointment of any said officers in force at this date.

(2005 Code, § 3.001) (Ord. 2, passed 9-13-1899; Ord. 5-86, passed 9-29-1986)

### **§ 31.16 POLICE OFFICERS; AUTHORITY.**

Police officers shall have authority to arrest all violators of any of the ordinances of this village, to make proper complaints against them, and to bring them before the Magistrate having cognizance of the case.

(2005 Code, § 3.002) (Ord. 2, passed 9-13-1899; Ord. 5-86, passed 9-29-1986)

### **§ 31.17 STREET COMMISSIONER; DUTIES.**

All labor performed in opening, grading, extending, and otherwise improving the streets, lanes, and alleys of the village shall be under the supervision of the Street Commissioner, subject to the direction of the Council.

(2005 Code, § 3.003) (Ord. 2, passed 9-13-1899)

### **§ 31.18 FIRE WARDEN; DUTIES.**

(A) The Fire Warden, with the Marshal, shall have general charge in cooperation with the Fire Department in case of fire, and he or she shall have authority to command the services of any citizen present to aid in extinguishing the fire or prevent its spreading, in such manner as he or she shall deem best. He or she shall have power to tear down or remove any building or structure when necessary to prevent the spread of any fire.

(B) The Warden shall, in the months of November and January in each year, and at such other times as the Council may direct, visit any dwelling, house, store, office, shop, or other building where a fire is kept, and examine the situation and condition of any fireplace, stove, stove pipe, furnace, or chimney to ascertain if they are safe against accident, and if not so safe, to order the owner or occupant to make it so, and shall report to the Council all neglects or refusals to comply with such order. He or she shall also see that all rules and ordinances relative to protection against fire are complied with, and shall report violations to the Council.

(2005 Code, § 3.004) (Ord. 2, passed 9-13-1899; Ord. 5-86, passed 9-29-1986)

### **§ 31.19 COMPENSATION.**

The several officers named in this subchapter shall receive such compensation for their services as the Council may from time to time allow.

(2005 Code, § 3.005) (Ord. 2, passed 9-13-1899; Ord. 5-86, passed 9-29-1986)

## **VILLAGE MANAGER**

### **§ 31.30 ESTABLISHMENT OF OFFICE.**

In accordance with the authority for the appointment of such village officers as the Council shall deem necessary for the execution of the powers granted to the village contained in § 2 of Ch. 11 and § 8 of Ch. V of Public Act 3 of 1895, being M.C.L.A. §§ 65.8 and 71.2, as amended, which is the Village Charter, there is hereby established the office of the Village Manager.

(2005 Code, § 2.001) (Ord. 2-99, passed 4-22-1999)

### **§ 31.31 APPOINTMENT OF VILLAGE MANAGER.**

(A) The President shall, with the concurrence of four or more Trustees, appoint a Village Manager for a period extending beyond the terms of the members of the Council, but not exceeding six years, and the Council may, by contract, enter into such other terms and conditions as the Manager and Council deem appropriate. The Manager shall serve at the pleasure of the Council and may be removed by the affirmative vote of four or more Trustees, but only after a hearing before the Council. The President may, for cause, suspend the Manager with full pay, until the hearing. The action of the Council in removing the Manager shall be final.

(B) The Manager shall be selected solely on the basis of administrative and executive abilities with special reference to training and experience.

(2005 Code, § 2.002) (Ord. 2-99, passed 4-22-1999)

### **§ 31.32 ACTING VILLAGE MANAGER.**

The President, with the concurrence of four or more Trustees, shall appoint or designate an acting Manager during a vacancy in the office of Village Manager and shall make a permanent appointment within 180 days from the effective date of the vacancy.

(2005 Code, § 2.003) (Ord. 2-99, passed 4-22-1999)

### **§ 31.33 COMPENSATION.**

The Village Manager shall receive such compensation as the Council shall determine annually by resolution or contract.

(2005 Code, § 2.004) (Ord. 2-99, passed 4-22-1999)

### **§ 31.34 DUTIES.**

(A) The Village Manager shall be Chief Administrative Officer of the village and shall be responsible to the Village Council for the efficient administration of all affairs of the village and shall exercise management supervision over all departments and over all public property belonging to the village.

(B) The Manager shall have the following functions and duties:

- (1) Attend all meetings of the Village Council and committees thereof and take part therein but without a vote; and
- (2) (a) Be responsible for personnel management and shall issue, subject to Council approval, personnel rules applicable to all village employees.
  - (b) The Manager shall have the following responsibilities:
    1. To appoint, suspend, or remove all appointed administrative officers and department heads, subject to Council approval. The Manager shall recommend to the Council the salary or wages to be paid each such office; and
    2. To appoint, suspend, or remove all other employees of the village. All such actions shall be based on merit and taken pursuant to personnel rules approved by the Council.
- (3) Exercise supervisory control over all departments including the Police Department, the Department of Public Works, and the Fire Department; and the Chief of Police, Street Commissioner, and Chief of the Fire Department shall be subject to the direction of the Manager;
- (4) Exercise supervisory responsibility over the accounting, budgeting, personnel, purchasing, and related management functions of the Village Clerk and Village Treasurer;
- (5) Shall be authorized to attend all meetings of village boards and commissions including the Village Planning Commission with the right to take part therein, but without a vote;
- (6) Prepare and administer the budget as provided for in the Uniform Budgeting and Accounting Act, being Public Act 2 of 1968, being M.C.L.A. §§ 141.421 et seq., as amended;
- (7) Be the purchasing agent of the village;
- (8) Prepare and maintain an administrative code defining the duties and functions of the several officers and departments of the village, subject to approval by the Council;
- (9) Investigate all complaints concerning the administration of the village, and shall have authority at all times to inspect the books, records, and papers of any agent, employee, or officer of the village;
- (10) Make recommendations to the Council for the adoption of such measures as may be deemed necessary or expedient for the improvement or betterment of the village; and
- (11) Perform other duties required from time to time by the Village Council.

(2005 Code, § 2.005) (Ord. 2-99, passed 4-22-1999)

### **§ 31.35 PURCHASING RESPONSIBILITIES.**

(A) The Village Manager shall act as purchasing agent for all village offices and departments. The Manager may delegate some or all of the duties as purchasing agent to another officer or employee; provided, that such delegation shall not relieve the Manager of the responsibility for the property conduct of those duties.

(B) (1) The Village Manager shall have the authority to purchase any product or service the cost of which does not exceed an amount as determined from time to time by Council resolution; provided, that funds have been appropriated.

(2) The cost of the product or service shall not exceed the unencumbered balance of the appropriation for that account. Except as herein after provided, the Village Manager shall not purchase any product or service the cost of which exceeds the above dollar amount without prior approval of the Village Council. The Village Manager may promulgate rules governing the purchase of products or services.

(C) The Village Manager shall have the authority to purchase any product or service regardless of its costs when such purchase is necessitated by an emergency condition. **EMERGENCY CONDITION** is defined to mean any event which presents an imminent threat to the public health or safety or any event which would result in the disruption of a village service which is essential to the public health or safety.

(2005 Code, § 2.006) (Ord. 2-99, passed 4-22-1999)

### **§ 31.36 DEALING WITH EMPLOYEES.**

Neither the Council nor the Village President shall attempt to influence the employment of any person by the Village Manager or in any way interfere in the management of departments under the jurisdiction of the Manager. Except for purpose of inquiry, the President and Council and its members shall deal with departments under the jurisdiction of the Village Manager through the Manager.

(2005 Code, § 2.007) (Ord. 2-99, passed 4-22-1999)

### **§ 31.37 EFFECTIVE DATE.**

This subchapter shall become effective 45 days after the date of option. If a petition, signed by not less than 10% of the registered electors of the village, is filed with the Village Clerk within the 45-day period, this subchapter shall not become effective until after this subchapter is approved at an election held on the question as provided by law.

(2005 Code, § 2.009) (Ord. 2-99, passed 4-22-1999)

## **VILLAGE CLERK AND TREASURER**

### **§ 31.50 OFFICERS TO BE APPOINTED.**

The Village President, by and with the consent of the Council, shall appoint a Village Clerk and Village Treasurer.

(2005 Code, § 4.001) (Ord. 1-98, passed 2-29-1997)

### **§ 31.51 TERM OF OFFICE.**

The Clerk and Treasurer shall hold their respective offices for the term of two years from the second Monday of March of the year when appointed and until their successors are elected and qualified.

(2005 Code, § 4.002) (Ord. 1-98, passed 2-29-1997)

### **§ 31.52 EFFECTIVE DATE.**

This subchapter shall become effective as follows:

(A) With respect to the Village Clerk, this subchapter shall become effective immediately, subject to the terms and provisions of division (B) below; and

(B) With respect to the Village Treasurer, this subchapter shall become effective on the second Monday of March in the year 2000; provided, however, that the effective date of this subchapter shall not be earlier than:

(1) Beginning with the first term the nomination deadline for which would have been not less than 30 days after the effective date of this subchapter or when the office of Clerk or Treasurer, or both, is vacated, whichever shall first occur; and

(2) No sooner than 45 days after the adoption hereof, unless a petition signed by not less than 10% of the registered electors of the village is filed with the Village Clerk with the 45-day period, in

which case the ordinance takes effect upon approval at an election held on the question, pursuant to M.C.L.A. § 62.1(4), as amended.

(2005 Code, § 4.003) (Ord. 1-98, passed 2-29-1997)

## **MARSHAL**

### **§ 31.65 ATTEND COUNCIL MEETINGS.**

The Marshal shall attend any meeting of the Council whenever ordered by the Village President to do so.

(2005 Code, § 5.001) (Ord. 5, passed 8-30-1899)

### **§ 31.66 ORDINANCE ENFORCEMENT.**

It shall be the duty of the Marshal to see to the proper enforcement of all the ordinances of the village.

(2005 Code, § 5.002) (Ord. 5, passed 8-30-1899)

### **§ 31.67 SERVE NOTICES.**

He or she shall serve all notices given him or her for service by the Health Officer or any other officer or Village Trustee, pertaining to any matter connected with said officer's official duties.

(2005 Code, § 5.003) (Ord. 5, passed 8-30-1899)

### **§ 31.68 ORDINANCE VIOLATIONS.**

It shall be his or her duty to him or her of the violation of the provisions of any ordinance, and to take the proper steps towards punishing the offender.

(2005 Code, § 5.005) (Ord. 5, passed 8-30-1899; Ord. 4-81, passed 9-14-1981; Ord. 5-86, passed 9-29-1986)

## **CHAPTER 32: FINANCE AND REVENUE**

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- 32.19 Purchases of \$20,000 or more

## **PURCHASING**

### **§ 32.01 PURCHASING AGENT.**

The Village Superintendent is hereby designated the purchasing agent for the village and it shall be the duty of the purchasing agent to purchase and contract for all supplies, materials, services, equipment, and other items required by any department, board, commission, or agency of the village, subject to the final approval of the Village Council.

(2005 Code, § 7.001) (Ord. 2-80, passed 7-9-1980)

### **§ 32.02 UNLAWFUL PURCHASES.**

Except as herein provided, it shall be unlawful for any village officer or using agency to order the purchase of any supplies or make any contract within the preview of this subchapter other than through the purchasing agent, or with his or her prior authorization, and the village shall not be bound by any purchase ordered or contract made contrary to the provisions hereof. For the purposes of this subchapter, the terms **USING AGENCY** includes all departments, boards, commissions, and agencies of the village.

(2005 Code, § 7.002) (Ord. 2-80, passed 7-9-1980) Penalty, see § 10.99

### **§ 32.03 ADDITIONAL DUTIES.**

In addition to the purchasing authority conferred above and in addition to any other powers and duties conferred by this subchapter, the purchasing agent shall:

(A) Act to procure for the village the highest quality in supplies and contractual services at the least expense to the village, and endeavor to obtain as full and open competition as possible on all purchases and sales;

(B) Establish rules and regulations for the administration of this subchapter, which rules and regulations shall be effective upon approval by the Village Council;

(C) Prescribe and maintain such forms as he or she shall find reasonably necessary to the operation of this subchapter;



(D) Endeavor when possible to buy in sufficient and substantial quantities so as to take full advantage of available discounts, and act so as to procure for the village all tax exemptions and discounts to which it is entitled; and

(E) Have authority to declare vendors who default on their quotations as irresponsible bidders and to disqualify them from bidding on or receiving any business from the village for a stated period of time.

(2005 Code, § 7.003) (Ord. 2-80, passed 7-9-1980)

#### **§ 32.04 REQUISITIONS.**

(A) All using agencies, either by or with the authorization of the head of the department under which the using agency operates, shall file with the purchasing agent detailed requisitions of their requirements for supplies, materials, services, and equipment in such manner, at such times and for such future periods as the purchasing agent shall prescribe.

(B) The purchasing agent shall examine each requisition and shall have the authority to revise as to quality, quantity, or estimated cost.

(2005 Code, § 7.004) (Ord. 2-80, passed 7-9-1980)

#### **§ 32.05 PURCHASES.**

The purchasing agent shall have the power to authorize purchases of supplies, materials, services, and equipment costing less than \$4,000 for each order. All supplies, materials, services, and equipment, when the estimated cost thereof shall exceed \$4,000, shall be purchased by a written purchase order or contract, after due notice inviting proposals has been given by the village as hereinafter provided. The purchasing agent, as a matter of procedure, shall notify, in writing, the Village Council of any purchases in excess of \$4,000.

(2005 Code, § 7.005) (Ord. 2-80, passed 7-9-1980; Ord. 5-83, passed 12-28-1983; Ord. 94-2, passed 5-9-1994)

#### **§ 32.06 NOTICE INVITING BIDS; PUBLICATION.**

Notice inviting bids shall be published at least once in one newspaper of general circulation in the village, which notice shall be published at least seven days preceding the last day set for receiving proposals or bids by the village.

(2005 Code, § 7.006) (Ord. 2-80, passed 7-9-1980)

#### **§ 32.07 SCOPE OF NOTICES.**

(A) When notices are to be published pursuant hereto, they shall include a general description of the articles or services to be purchased, shall state where the bid blanks and specifications may be secured, and the time and place for submitting and opening bids.

(B) All such notices, as well as all documents inviting bids and requesting proposals, shall provide that the village reserves the right to reject any or all bids or to waive or not waive informalities or irregularities in the bids or proposals, and that the village reserves the right to accept such bid or proposal as shall be determined to be in the best interest of the village regardless of whether such bid or proposal is the low bid.

(2005 Code, § 7.007) (Ord. 2-80, passed 7-9-1980)

#### **§ 32.08 BID DEPOSITS OR SURETY.**



When deemed necessary by the purchasing agent, bid deposits shall be required and shall be prescribed in any published notice inviting bids, as well as in the bidding documents. Unsuccessful bidders shall be entitled to the return of such deposit or surety. A successful bidder shall forfeit any surety or deposit required by the purchasing agent if he or she fails to enter into the contract within the time required in the specifications or bidding documents, unless said forfeiture is waived or the time is extended by the Village Superintendent or the Village Council.

(2005 Code, § 7.008) (Ord. 2-80, passed 7-9-1980)

### **§ 32.09 BID OPENING PROCEDURE.**

(A) *Sealed bids.* Sealed bids shall be submitted only to the office of the purchasing agent on the prescribed forms, on or before the date and time specified for the receipt of bids or proposals in the invitations to bid and bidding instructions. Bids shall be marked as to the time and date received at the office of the purchasing agent by him or her or someone in his or her office. Only bids marked “sealed bid” with the name of the article or proposal, and the vendor’s name on the outside of the envelope, shall be considered, unless waived as herein provided.

(B) *Opening.* Bids shall be publicly opened by the Village Clerk and the purchasing agent or his or her assistant at the time and place specified in the invitation to bid and bidding instructions. All persons interested shall be allowed permission to be present, and the total amount of each bid shall be read aloud by the Clerk, or purchasing agent, or their assistant, as well as, in appropriate cases, the unit cost of each substantial item making up the total amount of each bid. All bids and specifications and invitations to bid shall be preserved and available for public inspection at the office of the purchasing agent for a period of not less than one year from the date bids were submitted, with respect to any specific commodity or proposal.

(C) *Tabulation.* A tabulation of all bids shall be made by the purchasing agent and be available for public inspection.

(D) *Analysis.* The purchasing agent shall examine all bids to select the lowest responsible bidder.

(2005 Code, § 7.009) (Ord. 2-80, passed 7-9-1980)

### **§ 32.10 REJECTION OF BIDS.**

The Village Council shall have the authority to reject all bids, parts of all bids, or all bids for any one or more supplies or contractual services included in the proposed contract or bid, and to accept other than the lowest bid when the public interests will be served thereby, and such action shall be in the best interests of the village. When the public interest will be served thereby, the Village Council may authorize the purchase of the commodities in the open market, provided, the price paid in the open market shall not exceed any price on the bid submitted for the same commodity. The Village Council shall not accept the bid of a contractor who is in default to the village. The same provisions shall apply to the purchasing agent in the event bids are taken pursuant to the authority contained in § 32.05.

(2005 Code, § 7.010) (Ord. 2-80, passed 7-9-1980)

### **§ 32.11 AWARD OF CONTRACTS; AUTHORITY.**

The Village Council shall award all contracts when the cost of the purchase or service covered by such contract is in excess of \$2,000, after receiving the recommendations of the purchasing agent.

(2005 Code, § 7.011) (Ord. 2-80, passed 7-9-1980)

### **§ 32.12 LOWEST RESPONSIBLE BIDDER.**

(A) Contracts, except as otherwise provided herein, shall be awarded to the lowest responsible bidder.

(B) In determining the lowest responsible bidder, in addition to price, the purchasing agent shall consider:

- (1) The ability, capacity, and skill of the bidder to perform the contract or provide the service required;
- (2) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
- (3) The character, integrity, reputation, judgment, experience, and efficiency of the bidder;
- (4) The quality of performance of previous contracts or services;
- (5) The previous and existing compliance by the bidder with laws and subchapters relating to any contract or service;
- (6) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
- (7) The quality, availability, and adaptability of the supplies, or contractual services to the particular use required;
- (8) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract; and
- (9) The number and scope of the conditions attached to the bid.

(2005 Code, § 7.012) (Ord. 2-80, passed 7-9-1980)

### **§ 32.13 AWARD TO OTHER THAN LOW BIDDER.**

When the award is not given to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere shall be prepared by the purchasing agent and filed with the other papers relating to the transaction.

(2005 Code, § 7.013) (Ord. 2-80, passed 7-9-1980)

### **§ 32.14 TIE BIDS.**

If two or more low bids are received for the same total amount or unit price, quality, and service being equal, the contract shall be awarded to one of the tie bidders by drawing lots in public, except if one of the bidders is a taxpayer or resident of the village, then the taxpayer or resident shall be awarded the contract.

(2005 Code, § 7.014) (Ord. 2-80, passed 7-9-1980)

### **§ 32.15 ENDORSEMENT OF INVOICE.**

No voucher shall be issued for payment unless the invoice shall be endorsed as approved by the purchasing agent or by the Village Council.

(2005 Code, § 7.016) (Ord. 2-80, passed 7-9-1980)

### **§ 32.16 COOPERATIVE PURCHASE PLANS.**

The purchasing agent shall have the authority to join with other units of government in cooperative purchase plans when the best interests of the village would be served thereby.

(2005 Code, § 7.017) (Ord. 2-80, passed 7-9-1980)

### **§ 32.17 SALE OF OBSOLETE PLANS.**

Sale of unusable or obsolete personal property from any using agency shall be accomplished pursuant to public auction or by sealed competitive purchase bids upon a notice prepared and advertised by the purchasing agent, except in the following situations:

(A) Personal property under the value of \$1,000, which may be sold directly by the purchasing agent; and

(B) Personal property used as a trade-in for the purchase of new supplies or materials or equipment.

(2005 Code, § 7.018) (Ord. 2-80, passed 7-9-1980; Ord. 2005-02, passed 5-9-2005)

### **§ 32.18 EMERGENCY PURCHASES.**

In case of emergency or when purchasing agent deems it advisable, any department head, with the approval of the purchasing agent, may purchase directly any supplies, materials, or equipment, the immediate procurement of which is necessary to the continuation of the work of his or her department. Such purchases, and the emergency causing them, shall be reported in detail to the Village Council within a week from the time when made and such reports shall be preserved for a period of two years.

(2005 Code, § 7.019) (Ord. 2-80, passed 7-9-1980)

### **§ 32.19 PURCHASES OF \$20,000 OR MORE.**

(A) In the event of any purchase for which the purchasing agent, or the Village Council, anticipate a total village obligation of \$20,000 or more, sealed bids shall be solicited. This requirement for sealed bids shall not, unless the Village Council determines otherwise by motion or resolution, apply to inter-governmental contracts, contracts for professional services, contracts for emergency repairs, contracts for employment, or contracts for assessment on property appraisal services.

(B) (1) In addition to the requirements of § 32.07, any request for bids for purchases of \$20,000 or more, after having been developed by the department head responsible for the purchase or such other person as shall be designated by the Village Council, and shall be approved by the Village Superintendent and/or the Village Council.

(2) The request for bids shall contain the following information:

(a) Deadline to submit bids;

(b) Date, time, and place that bids will be opened;

(c) Address to which bids are to be submitted; and

(d) A statement that the Village Council reserves the right to accept or (reject any or all bids), to waive informalities or errors in the bidding process, and to accept any bid deemed to be in the best interest of the village, including bids that are not for the lowest amount.

(C) The request for bids shall require interested bidders to provide the following information as appropriate:

(1) Description of services or goods desired;

(2) Desired delivery or commencement date;

(3) Desired termination date;

- (4) Bidder's qualifications;
- (5) Warranties;
- (6) References;
- (7) Performance bond (where required);
- (8) Acquisition costs, fees, or other village financial obligations; and
- (9) Other information as deemed necessary and appropriate by the Village Superintendent and/or the Village Council.

(2005 Code, § 7.020) (Ord. 2-80, passed 7-9-1980; Ord. 94-1, passed 2-1-1994)

## **CHAPTER 33: SPECIAL ASSESSMENTS**

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## **GENERAL PROVISIONS**

### **§ 33.01 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**COST.** When referring to the cost of any public improvement, shall include the cost of services, plans, condemnation, spreading of rolls, notices, advertising, financing, construction, and legal fees and all other costs incident to the making of such improvement, the special assessments therefor, and the financing thereof.

**OWNER.** The last recorded titleholder of a lot or parcel of land, or the person whose name appears upon the most recent assessment roll as the owner thereof.

**PUBLIC IMPROVEMENT.** Any improvement upon public property which results in special benefit to the real property in the vicinity of such improvement.

(2005 Code, § 9.101) (Ord. 2-88, passed - -)

### **§ 33.02 AUTHORIZED.**

The entire cost and expense or any part thereof of all public improvements may be defrayed by special assessment upon the lands especially benefited by the improvement in the manner provided in this subchapter.

(2005 Code, § 9.102) (Ord. 2-88, passed - -)

### **§ 33.03 INITIATION OF PUBLIC IMPROVEMENTS GENERALLY.**

Proceedings for making public improvements may be initiated by resolution of the Council or by petition of a majority of the owners of land liable to be assessed in any proposed special assessment district. All public improvements shall be made at the discretion of the Council and a petition shall be mandatory upon the Council.

(2005 Code, § 9.103) (Ord. 2-88, passed - -)

### **§ 33.04 PETITIONS FOR PUBLIC IMPROVEMENTS GENERALLY.**

All petitions for public improvements shall be on a form supplied by the Village Clerk, and shall include an affidavit by one or more of the circulators that the signatures appearing thereon are genuine and that each signer declares himself or herself to be the owner of interest in the land indicated. All such petitions shall be filed with the Village Clerk and referred to the Village Superintendent and the Village Assessor for investigation and report, and that the Village Clerk shall report the receipt of all such petitions to the Village Council at the next regular meeting following receipt of any such petition.

(2005 Code, § 9.104) (Ord. 2-88, passed - -)

### **§ 33.05 INVESTIGATION OF PETITION BY VILLAGE ASSESSOR.**

All petitions for public improvements shall be investigated by the Village Assessor to determine whether a sufficient number of valid signatures has been obtained and, if such investigation discloses a deficiency, the said petition shall be returned to the circulator with notice of that fact.

(2005 Code, § 9.105) (Ord. 2-88, passed - -)

### **§ 33.06 REPORTS AND INVESTIGATIONS ON PROPOSED PUBLIC IMPROVEMENTS.**

(A) Whenever the Village Assessor shall determine that a petition for public improvements containing the required number of valid signatures shall be received, or whenever the Council shall by resolution so direct, the Village Superintendent and Village Assessor shall make an investigation of the proposed public improvement and report their findings to the Council.

(B) The said report shall include the following:

- (1) The estimated cost of the proposed project;
- (2) The necessity for the proposed improvement;
- (3) The portion of the cost to be borne by the special assessment district, and the portion, if any, to be borne by the village at large;
- (4) The extent of the improvement, and the boundaries of the district; and
- (5) Any other facts which will aid the Council in determining whether the improvement shall be made, and the manner in which the same shall be financed.

(2005 Code, § 9.106) (Ord. 2-88, passed - -)

### **§ 33.07 FILING OF REPORT; NOTICE OF HEARING; HEARING.**

(A) (1) Upon receipt of the report of the Village Superintendent and Village Assessor made pursuant to § 33.06, if the Council shall determine to proceed with the improvement, it shall order the said report filed with the Village Clerk for public examination and shall publish notice of its intention to make the said public improvement at least once in a newspaper published and generally circulated within the village. Said notice shall describe the property to be included in the proposed special assessment district, the nature of the improvement, the estimated cost of the same, and shall set a time not less than one week following the date of publication thereof, when the Council will meet and hear objections to the proposed improvement or to the inclusion of any property within the proposed district.

(2) In addition, notice of such hearing shall be given to each owner of or party in interest in property to be assessed, whose name appears upon the last local tax assessment records, by mailing by first-class mail addressed to such owner or party at the address shown on the tax records, at least



ten days before the date of such hearing. The **LAST LOCAL TAX ASSESSMENT RECORDS** means the last assessment roll for ad valorem tax purposes which has been reviewed by the local board of review, as supplemented by any subsequent changes in the names or the addresses of such owners or parties listed thereon.

(B) (1) Objections to the necessity of such improvement may be filed by owners of property within such special assessment district on or before the date set for hearing objections. Such objections or protests shall be in writing, shall state the owner's name and address; the lot, lots, or parcels of land within the district owned by him or her; and that he or she deems said improvement to be unnecessary.

(2) If protests as to the necessity of such improvement are made by owners of property which shall bear 50% or more of the estimated cost of the improvement, or by the owners of more than 50% of the frontage liable for such special assessment in cases where benefits are determined by frontage, no further action shall be taken by the Council until the objections have been reduced to less than 50% of the owners of such property within such special assessment district; provided, however, that by affirmative vote of five or more members of the Council, the Council may nevertheless determine such public improvement to be necessary and may proceed accordingly. The minutes of such meeting shall set forth the roll call vote taken upon such resolution.

(2005 Code, § 9.107) (Ord. 2-88, passed - -)

### **§ 33.08 MODIFICATION OF PROPOSED PUBLIC IMPROVEMENT AFTER HEARING.**

The Council may, at or after the required public hearing, modify the said proposed improvement or district in any respect which it shall deem in the best interests of the village at large; provided, that in the event the amount of work is increased or the boundaries of the district enlarged, then another hearing shall be held pursuant to notice required by § 33.07. Any hearing may be adjourned from time to time without further notice.

(2005 Code, § 9.108) (Ord. 2-88, passed - -)

### **§ 33.09 RESOLUTION DETERMINING TO MAKE PUBLIC IMPROVEMENTS.**

If, after hearing any objections, the Council shall determine to proceed with the improvement, it shall so determine by resolution. Such resolution shall include the determination of the necessity for the improvement, set forth the nature thereof, designate the limits of the special assessment district to be affected, describe the lands to be assessed, determine the parts or portion of the cost to be paid by the lands especially benefited thereby, and the part or proportion, if any, to be paid by the village at large, determine the number of installments in which the said assessment may be paid, not to exceed ten annual installments, the rate of interest, not exceeding 5% to be charged if the payment of any balance is to be deferred, and shall order the Village Superintendent to prepare plans, profiles, and specifications for the work to be done. The cost of all improvements for which a special assessment may be levied shall be borne in whole or in part by the property within the special assessment district to the extent specified by the Village Council in the resolution determining the necessity for such improvement.

(2005 Code, § 9.109) (Ord. 2-88, passed - -)

### **§ 33.10 ADVERTISEMENT OF BIDS FOR WORK; ESTIMATE IF VILLAGE IS TO WORK.**

(A) When the plans, profiles, and specifications for a proposed public improvement have been completed, the Village Superintendent shall return the same to the Council and the Council shall, if the work is to be done by independent contractors, order the advertisement for sealed bids for the work in accordance with the purchasing procedure.

(B) In addition, such advertisement shall specify that no contract shall be let until the special assessment roll has been confirmed and no bid may be withdrawn for 45 days after the opening thereof. In the event the work is to be done by the village, the Village Superintendent shall present a revised estimate of costs at the time the said plans, profiles, and specifications are returned to the Council.

(2005 Code, § 9.110) (Ord. 2-88, passed - -)

### **§ 33.11 DETERMINATION OF COSTS OF PUBLIC IMPROVEMENT; NOTICE OF HEARING.**

(A) After the opening of the bids, the Council for a public improvement shall revise the estimated cost of the improvement upon the basis of the bids received, or, where the work is to be done by the village, shall revise the estimated costs on the basis of the estimate of the Village Superintendent after receipt of such estimate, and shall direct the Village Assessor to make a special assessment roll for the part or proportion of the cost to be borne by the lands especially benefited according to the benefits received, and report the same to the Council, they shall order the same filed in the office of the Village Clerk for public examination and shall order publication of a notice of public hearing when the Council will meet and review the said roll.

(B) (1) Such notice shall be made by at least one publication in a newspaper printed and circulated in the village at least one week prior to the time set for the said hearing. In addition, notice of such hearing shall be given to each owner of or party in interest in property to be assessed, whose name appears upon the last local tax assessment records, by mailing by first-class mail addressed to such owner or party at the address shown on the tax records, at least ten days before the date of such hearing.

(2) The last local tax assessment records means the last assessment roll for ad valorem tax purposes which has been reviewed by the local board of review, as supplemented by any subsequent changes in the names or the addresses of such owners or parties listed thereon.

(2005 Code, § 9.111) (Ord. 2-88, passed - -)

### **§ 33.12 HEARING TO FINALIZE ROLL.**

The Council shall meet and review the said special assessment roll at the time and place appointed or at an adjourned meeting thereof and shall consider any objections thereto. The Council may correct said rolls as to any assessment or description of any lot or parcel of land or other errors appearing therein. Any changes made in such roll shall be noted in the Council's minutes. After such hearing and review, the Council may confirm such special assessment roll with such corrections as it may have made, if any, or may refer it back to the assessor for revision, or may annul it or any proceedings in connection therewith. No special assessment roll shall be finally confirmed, except by the affirmative vote of five Council members, if prior to said hearing written objections to the proposed improvement have been filed with the Village Clerk by the owners of property which will be required to bear 50% or more of the estimated cost of the improvement. The Clerk shall endorse the date of confirmation upon each assessment roll.

(2005 Code, § 9.112) (Ord. 2-88, passed - -)

### **§ 33.13 ROLL TO BE FINAL AND CONCLUSIVE; ALTERNATE PROCEDURE.**

The special assessment roll shall be, upon confirmation, final and conclusive. In lieu of the procedures as heretofore set forth in this subchapter for completion of plans, advertisement for bids and determination of costs, the Council shall have the right to determine, after reviewing the findings of the Village Assessor and the Village Superintendent together with such other information as Council may require, a fixed cost to be borne by the lands benefited by such improvements. In the event the Council shall determine a fixed cost for improvements as herein provided, the public hearings required in §§ 33.07 and 33.12 may be combined and held at the same time and place, and



the Council may at such time determine to make the said improvements and confirm the assessment roll in the same manner as set forth above in this subchapter.

(2005 Code, § 9.113) (Ord. 2-88, passed - -)

### **§ 33.14 DUE DATE; LIEN.**

(A) (1) All special assessments contained in any special assessment roll, including any part thereof to be paid in installments, shall from the date of confirmation of such roll, constitute a lien upon the respective lots or parcels of land assessed and until paid, shall be a charge against the respective owners of the several lots and parcels of land, and a debt to the village from the persons to whom they are assessed.

(2) Such liens shall be of the same character and effect as the lien created by the Village Charter for village taxes, and shall include accrued interest and fees.

(B) (1) No judgment or decree nor any act of the Council vacating a special assessment shall destroy or impair the lien of the village upon the premises assessed for such amount of the assessment as may be equitably charged against the same or as by a regular mode of proceeding might be lawfully assessed thereon.

(2) All special assessments shall become due upon confirmation of the special assessment roll or in annual installments, not to exceed ten in number, as the Council may determine at the time of confirmation, and if in annual installments, the Council shall determine the first installment to be due upon confirmation and the subsequent installments due on July 1 in each succeeding year.

(2005 Code, § 9.114) (Ord. 2-88, passed - -)

### **§ 33.15 TRANSMISSION OF FINALIZED SPECIAL ASSESSMENT ROLL TO VILLAGE TREASURER; TREASURER TO PAY PROPERTY OWNERS.**

Whenever any special assessment roll shall be confirmed and be payable, the Council shall direct the Village Clerk to transmit the assessment roll to the Village Treasurer for collection. The Village Treasurer shall mail statements of the several assessments to the respective owners of the several lots and parcels of land assessed, as indicated by the records of the Village Assessor, stating the amount of the assessment and the manner in which it may be paid; provided, however, that failure to mail any such statement shall not invalidate the assessment or entitle the owner to an extension of time within which to pay the assessment.

(2005 Code, § 9.115) (Ord. 2-88, passed - -)

### **§ 33.16 PAYMENT WITHOUT PENALTY OR INTEREST.**

The whole or part of any special assessment may be paid at any time after the date of confirmation of the special assessment roll until the tenth day of the second calendar month following such confirmation, without interest or penalty.

(2005 Code, § 9.116) (Ord. 2-88, passed - -)

### **§ 33.17 INSTALLMENT PAYMENTS, INTEREST THEREON, AND THE LIKE; DUE DATE OF ASSESSMENTS.**

(A) Upon the confirmation of any special assessment roll, the Council may direct that the total amount of such special assessment shall be divided into such number of annual installments as determined by the Council, but not to exceed ten in number, the first of which shall be due and payable on the tenth day of the second calendar month following such confirmation of the special assessment roll, and one of which installments shall be due and payable within a year thereafter, at a

time corresponding to the date of the confirmation of the assessment roll. In case the Council does not divide any special assessment into installments, then the whole of such special assessment shall be due and payable on the tenth day of the second calendar month after the date of the confirmation thereof; provided, however, that the Council may fix an earlier date when the entire assessment, or, if divided into installments, when the first installment shall be due and payable.

(B) All installments of any special assessment, except the first, shall bear interest from the date of the confirmation of the special assessment roll until their maturity at such rate, not exceeding 8% per annum, as may be fixed by the Council, payable annually; provided, however, that the entire assessment against any lot or parcel of land may be paid without interest on or prior to the tenth day of the second calendar month following the confirmation of said roll. Every special assessment, or installment thereof, one month in default because of nonpayment at maturity shall have added thereto a collection fee of 1% for each month or fraction thereof so in default. All collection fees shall belong to the village and shall be collected in the same manner as the collection fee for village taxes.

(2005 Code, § 9.117) (Ord. 2-88, passed - -)

### **§ 33.18 PREPAYMENT OF INSTALLMENTS.**

After the expiration of the period provided in § 33.16 for payment without interest or fees, any installment which has not been spread upon the tax rolls may be discharged by paying the face amount thereof together with interest thereon from the date of confirmation to date of payment; provided, however, that if the public improvement was financed by the sale of noncallable bonds or other evidences of indebtedness which are not payable, then the interest shall be computed from the date of confirmation to the date upon which such installment would have fallen due had it not been prepaid. The Village Treasurer shall report to the Village Assessor all advance payments on installments so that the assessor shall have such information before spreading installments on the next village tax roll.

(2005 Code, § 9.118) (Ord. 2-88, passed - -)

### **§ 33.19 COLLECTION BY COURT ACTION.**

In addition to any other remedies and without impairing the lien therefor, any delinquent special assessment, together with interest and penalties, may be collected in an action in assumpsit in the name of the village against the person assessed, in any court having jurisdiction of the amount. If in any such action it shall appear that by reason of any irregularities or informalities the assessment has not been properly made against the defendant or upon the premises sought to be charged, the court may, nevertheless, on satisfactory proof that expense has been incurred by the village which is a proper charge against the defendant or the premises in question, render judgment for the amount properly chargeable against such defendant or upon such premises.

(2005 Code, § 9.119) (Ord. 2-88, passed - -)

### **§ 33.20 CERTIFICATION OF COSTS AFTER FINAL PAYMENT.**

Upon completion of the improvement, the financing thereof, and the payment of the cost thereof, the Village Clerk shall certify to the Council the total cost of said improvement together with the amount of the original roll for said improvement.

(2005 Code, § 9.120) (Ord. 2-88, passed - -)

### **§ 33.21 DEFICIENCY IN ASSESSMENTS.**

Should the assessments in any special assessment roll, including the amount assessed to the village at large, prove insufficient for any reason, to pay the cost of the improvement for which they were made, then the Council may make additional assessments to supply the deficiency against the

village and the several lots and parcels of land in the same ratio as the original assessments; provided, however, if the additional assessment required shall be in an amount exceeding 10% of the original assessment, a special assessment roll shall be made therefor and shall be reviewed in the same manner and after the same notice, as is required for the original assessment. The total amount assessed against any lot or parcel of land shall not exceed the value of the benefits received from the improvements.

(2005 Code, § 9.121) (Ord. 2-88, passed - -)

### **§ 33.22 EXCESS OF ASSESSMENTS.**

The excess by which any special assessment proves larger than the actual cost of the improvement and expenses incidental thereto, may be placed in the General Fund of the village, if such excess is 5% or less of the assessment; but should the assessment prove larger than necessary by more than 5%, the entire excess shall be refunded on a pro-rata basis to the owners of the property taxes. Such refund shall be made by credit against future installments in the inverse order in which they are payable, to the extent that such installments shall exist, and the balance of such refund shall be paid in cash to the owners of the property as shown by the last tax roll. No refunds may be made which contravene the provisions of any evidence of indebtedness secured in whole or in part by such special assessments.

(2005 Code, § 9.122) (Ord. 2-88, passed - -)

### **§ 33.23 LANDS DIVIDED AFTER ASSESSMENTS, APPORTIONMENT OF ASSESSMENT.**

Should any lots or lands be divided after a special assessment divided into installments, the Village Assessor shall apportion the uncollected amounts upon the several lots and lands so divided, and shall enter the several amounts upon the special assessment roll. If any party shall be dissatisfied by the apportionment so made by the Assessor, he or she may appeal such determination to the Council and the determination of the Council thereon shall be final and binding on all parties concerned.

(2005 Code, § 9.123) (Ord. 2-88, passed - -)

### **§ 33.24 REASSESSMENTS IN CASE OF ILLEGAL ASSESSMENTS.**

(A) 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, have power to cause a new assessment to be made for the same purpose for which the former assessment was made.

(B) All proceedings on such a reassessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment, and whenever any assessment or part thereof, levied upon any premises, has been set aside, if the same has been paid and not refunded the payment so made shall be supplied upon the reassessment on said premises, and the reassessment shall to that extent be deemed satisfied.

(2005 Code, § 9.124) (Ord. 2-88, passed - -)

### **§ 33.25 SPECIAL AGREEMENTS AUTHORIZED.**

Notwithstanding the special assessment procedure hereinbefore provided in this subchapter, when any number of citizens desire a public improvement within the village, and petition the Council for permission to be assessed for the sole cost of such improvement, the Council may, upon the affirmative vote of at least five members, order such improvement made, and the Council shall determine and assess the cost thereof in accordance with the terms and conditions of such petition; provided, however, that no expenditures other than administrative, engineering, and legal costs and

fees, shall be made unless funds are on hand or provided for by proper appropriation; and provided further, that the petitioners shall enter into a written contract with the village for the payment by petitioners of the whole cost of such improvement. The making and filing with the Clerk of such contract shall operate as a complete special assessment procedure.

(2005 Code, § 9.125) (Ord. 2-88, passed - -)

### **§ 33.26 EFFECT OF IRREGULARITIES.**

If in any action it shall appear that by reason of any irregularities or informalities, the assessment has not been properly made against the defendant, or upon the lot or premises sought to be charged, the court may nevertheless, on satisfactory proof that expense has been incurred by the village, which is a proper charge against the defendant, or the lot or premises in question, render judgment for the amount properly chargeable against such defendant, or upon such lot or premises.

(2005 Code, § 9.126) (Ord. 2-88, passed - -)

## **SINGLE LOTS**

### **§ 33.40 PREPARATION OF REPORT.**

When any public improvement shall be proposed upon or in respect to any single premises, which expense is chargeable against such premises and the owner thereof under the provisions of the Charter, or any provision of this subchapter or law of the state, and is not of that class required to be pro-rated among several lots and parcels of land in a special assessment district, the Village Superintendent shall prepare an estimated account of the labor, material, services, and any other costs required for the proposed improvement, together with a description of the lot and the name of the owner as shown on the current assessment roll, and shall report it to the Village Council.

(2005 Code, § 9.201) (Ord. 2-88, passed - -)

### **§ 33.41 FILING REPORT; NOTICE.**

(A) Upon receipt of the report of the Village Superintendent, if the Council shall determine to proceed with the improvement, it shall order the report filed with the Village Clerk for public examination and the Village Clerk shall give notice to the owner of the property to be assessed of its intention to make the said public improvement. Such notice shall be given to each owner of or party in interest in property to be assessed, whose name appears upon the last local tax assessment records, by mailing by first-class mail addressed to such owner or party at the address shown on the tax records, at least ten days before the date of such hearing. The last local tax assessment records means the last assessment roll for ad valorem tax purposes which has been reviewed by the local board of review, as supplemented by any subsequent changes in the names or the addresses of such owners or parties listed thereon.

(B) Such notice shall describe the property to be included in the proposed special assessment, the nature of the improvement, the estimated cost of same, and shall set a time when the Council will meet and hear objections to the proposed improvement.

(C) Objections to the improvement shall be filed in the same form and manner as in the general special assessment provision of § 33.09.

2005 Code, § 9.202) (Ord. 2-88, passed - -)

### **§ 33.42 ADOPTION OF RESOLUTION, NOTICE, AND THE LIKE.**

(A) (1) At the meeting, the Council shall, if it so determines after hearing objections to the proposed improvement, adopt an assessment resolution showing the necessity for said improvement

covering each parcel of land on which such charges shall be imposed. As many parcels may be included in a single resolution as shall be convenient.

(2) Upon adoption of such resolution, the Council may authorize installment payments, and if installment payments are authorized, the Council shall determine the number of installments and the rate of interest to be charged thereon, which shall not exceed 8% per annum.

(B) (1) Immediately after the adoption of such resolution, the Village Treasurer shall give notice of the amount or amounts so determined to the owner or owners chargeable therewith. Such notice shall be sent by first-class mail to the addresses of such owners as shown on the assessment roll of the village or their last known addresses. Such notice shall state the basis of the assessment, and the amount thereof, and the time within which payment shall be made to the Village Treasurer.

(2) If the Village Council does not authorize installment payments, it may report the assessment charges to the Village Treasurer, who shall immediately charge and bill the owner of such lot or premises in the manner provided above.

(2005 Code, § 9.203) (Ord. 2-88, passed - -)

### § 33.43 LIENS.

All assessments approved by the Council pursuant to this subchapter shall constitute a lien upon the premises assessed and shall be collected by the Village Treasurer in the same manner as special assessments.

(2005 Code, § 9.204) (Ord. 2-88, passed - -)

## CHAPTER 34: MUNICIPAL CIVIL INFRACTIONS

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### Section

- 34.01 Definitions
- 34.02 Commencement
- 34.03 Issuance and service
- 34.04 Contents
- 34.05 Municipal Ordinance Violations Bureau
- 34.06 Schedule of civil fines established
- 34.07 Effective date

### § 34.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACT.** Public Act 236 of 1961, being M.C.L.A. §§ 600.101 et seq., as amended.

**AUTHORIZED VILLAGE OFFICIAL.** A police officer or other personnel of the village authorized by this code of ordinances or any ordinance to issue municipal civil infraction citations or municipal civil infraction notices.

**BUREAU.** The Village of Union City Municipal Ordinance Violations Bureau as established by this chapter.

**MUNICIPAL CIVIL INFRACTION ACTION.** A civil action in which the defendant is alleged to be responsible for a municipal civil infraction

**MUNICIPAL CIVIL INFRACTION CITATION.** A written complaint or notice prepared by an authorized village official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

**MUNICIPAL CIVIL INFRACTION VIOLATION NOTICE.** A written notice prepared by an authorized village official, directing a person to appear at the Village of Union City Municipal Ordinance Violations Bureau and to pay the fine and costs, if any, prescribed for the violation by the schedule of civil fines adopted by the village, as authorized under §§ 8396 and 8707(6) of the Act, being M.C.L.A. §§ 600.8396 and 600.8707.

(2005 Code, § 10.001) (Ord. 95-7, passed 7-12-1995)

### **§ 34.02 COMMENCEMENT.**

A municipal civil infraction action may be commenced upon the issuance by an authorized village official of:

- (A) A municipal civil infraction citation directing the alleged violator to appear in court; or
- (B) A municipal infraction violation notice directing the alleged violator to appear at the Village Municipal Ordinance Violations Bureau.

(2005 Code, § 10.002) (Ord. 95-7, passed 7-12-1995)

### **§ 34.03 ISSUANCE AND SERVICE.**

Municipal civil infraction citations shall be issued and served by authorized village officials as follows:

- (A) The time for appearance specified in a citation shall be within a reasonable time after the citation is issued;
- (B) The place for appearance specified in a citation shall be the District Court;
- (C) Each citation shall be numbered consecutively and shall be in a form approved by the State Court Administrator. The original citation shall be filed with the District Court. Copies of the citation shall be retained by the village and issued to the alleged violator as provided by § 8705 of the Act;
- (D) A citation for a municipal civil infraction signed by an authorized village official shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the official signing the complaint and if the citation contains the following statement immediately above the date and signature of the official: "I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief";
- (E) An authorized village official who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation;
- (F) An authorized village official may issue a citation to a person if:

(1) Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or



(2) Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for an infraction and if the prosecuting attorney or the Village Attorney approves in writing the issuance of the citation.

(G) Municipal civil infraction citations shall be served by an authorized village official as follows.

(1) Except as provided by division (G)(2) below, an authorized village official shall personally serve a copy of the citation upon the alleged violator.

(2) If the municipal civil infraction action involves the uses or occupancy of land, a building or other structure, a copy of the citation does not need to be personally served upon the alleged violator, but may be served upon an owner or occupant of the land, building, or structure by posting a copy on the land or attaching a copy to the building or structure. In addition, a copy of the citation shall be sent by first-class mail to the owner of the land, building, or structure at the owner's last known address.

(2005 Code, § 10.003) (Ord. 95-7, passed 7-12-1995)

### **§ 34.04 CONTENTS.**

(A) A municipal ordinance citation shall contain the name and address of the alleged violator, the municipal civil infraction alleged, the place where the alleged violator shall appear in court, the telephone number of the court, and the time at or by which the appearance shall be made.

(B) Further, the citation shall inform the alleged violator that he or she or she may do one of the following:

(1) Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance;

(2) Admit responsibility for the municipal civil infraction "with explanation" by mail by the time specified for appearance or, in person or by representation; or

(3) Deny responsibility for the municipal civil infraction by doing either of the following:

(a) Appearing in person for an informal hearing before a judge or District Court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the village; or

(b) Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.

(C) The citation shall also inform the alleged violator of all of the following.

(1) If the alleged violator desires to admit responsibility "with explanation" in person or by representation, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for an appearance and obtain a scheduled date and time for an appearance.

(2) If the alleged violator desires to deny responsibility, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time to appear for a hearing, unless a hearing date is specified on the citation.

(3) A hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the village.

(4) At an informal hearing, the alleged violator must appear in person before a judge or District Court magistrate, without the opportunity of being represented by an attorney.

(5) At a formal hearing, the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.

(D) The citation shall contain a notice in boldfaced type that the failure of the alleged violator to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a default judgement against the alleged violator on the municipal civil infraction.

(2005 Code, § 10.004) (Ord. 95-7, passed 7-12-1995)

### **§ 34.05 MUNICIPAL ORDINANCE VIOLATIONS BUREAU.**

(A) *Bureau established.* The village hereby establishes a Municipal Ordinance Violations Bureau ("Bureau") as authorized under § 8396 of the Act to accept admissions of responsibility for municipal civil infractions in response to municipal civil infraction violation notices issued and served by authorized village officials, and to collect and retain civil fines and costs as prescribed by this code of ordinances or any ordinance.

(B) *Location; supervision; employees; rules and regulations.* The Bureau shall be located at the Village Office, and shall be under the supervision and control of the Village Treasurer. The Village Treasurer, subject to the approval of the Village Council, shall adopt rules and regulations for the operation of the Bureau and appoint any necessary qualified village employees to administer the Bureau.

(C) *Disposition of violations.* The Bureau may dispose only of municipal civil infraction violations for which a fine has been scheduled and for which a municipal civil infraction violation notice (as compared with a citation) has been issued. The fact that a fine has been scheduled for a particular violation shall not entitle any person to dispose of the violation at the Bureau. Nothing in this chapter shall prevent or restrict the village from issuing a municipal civil infraction citation for any violation or from prosecuting any violation in a court of competent jurisdiction. No person shall be required to dispose of a municipal civil infraction violation at the Bureau and may have the violation processed before a court of appropriate jurisdiction. The unwillingness of any person to dispose of any violation at the Bureau shall not prejudice the person or in any way diminish the person's rights, privileges, and protection accorded by law.

(D) *Bureau limited to accepting admissions of responsibility.* The scope of the Bureau's authority shall be limited to accepting admissions of responsibility for municipal civil infractions and collecting and retaining civil fines and costs as a result of those admissions. The Bureau shall not accept payment of a fine from any person who denies having committed the offense or who admits responsibility only with explanation, and in no event shall the Bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to an alleged violation.

(E) *Municipal civil infraction violation notices.*

(1) Municipal civil infraction violation notices shall be issued and served by authorized village officials under the same circumstances and upon the same persons as provided for citations as provided in divisions (F) and (G) below.

(2) In addition to any other information required by this code of ordinances or other ordinance, the notice of violation shall indicate the time by which the alleged violator must appear at the Bureau, the methods by which an appearance may be made, the address and telephone number of the Bureau, the hours during which the Bureau is open, the amount of the fine scheduled for the alleged violation, and the consequences for failure to appear and pay the required fine within the required time.

(F) *Appearance; payment of fines and costs.* An alleged violator receiving a municipal civil infraction violation notice shall appear at the Bureau and pay the specified fine and costs at or by the



time specified for appearance in the municipal civil infraction violation notice. An appearance may be made by mail, in person, or by representation.

(G) *Procedure where admission of responsibility not made or fine not paid.*

(1) If an authorized village official issues and serves a municipal ordinance violation notice and if an admission of responsibility is not made and the civil fine and costs, if any, prescribed by the schedule of fines for the violation are not paid at the Bureau, a municipal civil infraction citation may be filed with the District Court and a copy of the citation may be served by first-class mail upon the alleged violator at the alleged violator's last known address.

(2) The citation filed with the court does not need to comply in all particulars with the requirements for citations as provided by §§ 8705 and 8709 of the Act, but shall consist of a sworn complaint containing the allegations stated in the municipal ordinance violation notice and shall fairly inform the alleged violator how to respond to the citation.

(2005 Code, § 10.005) (Ord. 95-7, passed 7-12-1995)

### **§ 34.06 SCHEDULE OF CIVIL FINES ESTABLISHED.**

A schedule of civil fines payable to the Bureau for admissions of responsibility by persons served with municipal ordinance violation notices is hereby established. The fines for the violations listed below shall be as follows.

| <b>Code Sections</b>   | <b>Offense (Violation)</b>  | <b>Fine</b>            |
|------------------------|---|------------------------|
| <b>Code Sections</b>   | <b>Offense (Violation)</b>  | <b>Fine</b>            |
| § 90.02                | Unlicensed dog<br>First repeat offense<br>Second (or any subsequent repeat offense)                     | \$25<br>\$50<br>\$100  |
| § 90.03                | Allowing dog to stray<br>First repeat offense<br>Second (or any subsequent repeat offense)              | \$25<br>\$50<br>\$100  |
| § 90.05                | Barking dog<br>First repeat offense<br>Second (or any subsequent repeat offense)                        | \$25<br>\$50<br>\$100  |
| §§ 91.01 through 91.07 | Obstruction of streets<br>First repeat offense<br>Second (or any subsequent repeat offense)             | \$25<br>\$50<br>\$100  |
| §§ 92.50 through 92.59 | Inoperable motor vehicles<br>First repeat offense<br>Second (or any subsequent repeat offense)          | \$50<br>\$100<br>\$200 |
| § 93.015               | Trash, rubbish, and refuse burning<br>First repeat offense<br>Second (or any subsequent repeat offense) | \$25<br>\$50<br>\$100  |
| § 94.02                | Noxious weeds<br>First repeat offense<br>Second (or any subsequent repeat offense)                      | \$50<br>\$100<br>\$200 |

(2005 Code, § 10.006) (Ord. 95-7, passed 7-12-1995)

### **§ 34.07 EFFECTIVE DATE.**

This chapter shall take effect 20 days after due publication, as required by law.

(2005 Code, § 10.007) (Ord. 95-7, passed 7-12-1995)

## TITLE V: PUBLIC WORKS

Chapter

**50. SEWER AND WATER USE**

**51. ELECTRICITY**

**52. GARBAGE COLLECTION**

### **CHAPTER 50: SEWER AND WATER USE**

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Section

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## **GENERAL PROVISIONS**

### **§ 50.01 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BUILDING DRAIN.** The 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.

**BUILDING SEWER.** The extension from the building drain to the public sewer or other place of disposal.

**GARBAGE.** Solid wastes from the preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.

**INDUSTRIAL WASTES.** The liquid wastes from industrial processes as distinct from sanitary sewage.

**NATURAL OUTLET.** Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

**PERSON.** Any individual, firm, company, association, society, corporation, or group.

**PROPERLY SHREDDED GARBAGE.** 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 one prevailing in public sewers, with no particle greater than one-half inch in any dimension.

**PUBLIC SEWER.** A sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

**SANITARY SEWER.** A sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

**SEWAGE.** A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwaters as may be present.

**SEWAGE TREATMENT FACILITY.** Any arrangement of devices and structures used for treating sewage.

**SEWAGE WORKS.** All facilities for collecting, pumping, treating, and disposing of sewage.

**SEWER.** A pipe or conduit for carrying sewage.

**SHALL.** Is mandatory; **MAY** is permissive.

**STORM SEWER** or **STORM DRAIN.** A sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

**SUSPENDED SOLIDS.** Solids that either float on the surface of, or are in suspension in water, sewage, or other liquids; and which are removable by laboratory filtering.

**VILLAGE.** The Village of Union City, Branch County, Michigan.

**WATERCOURSE.** A channel in which flow of water occurs, either continuously or intermittently.

(2005 Code, § 171.001) (Ord. passed 8-18-1975)

## **§ 50.02 USE OF PUBLIC SEWERS REQUIRED.**

(A) *Depositing wastes upon public or private property.* 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 the village, or in any area under the jurisdiction of said village, any human or animal excrement, garbage, or other objectionable waste.

(B) *Discharging wastes to natural outlet.* It shall be unlawful to discharge to any natural outlet within the village, or in any area under the jurisdiction of said village, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this subchapter.

(C) *Privies; septic tanks.* Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(D) *Requirement to connect; time limit.* The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose situated within the village and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the village, is hereby required at his or her expense to install suitable sewage facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this subchapter within 90 days after date of receiving official notice to do so.

(2005 Code, § 171.002) (Ord. passed 8-18-1975) Penalty, see § 50.99

## § 50.03 PRIVATE SEWAGE DISPOSAL.

(A) *Where allowed.* Where a public sanitary sewer is not available under the provisions of § 50.02(D), the building sewer shall be connected to a private sewage disposal system.

(B) *When public sewer becomes available.* At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in § 50.02(D), a direct connection shall be made to the public sewer in compliance with this subchapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned for sanitary use.

(C) *Maintenance.* The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the village.

(D) *Additional requirements.* No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

(2005 Code, § 171.003) (Ord. passed 8-18-1975)

## § 50.04 BUILDING SEWERS AND CONNECTIONS; CONSTRUCTION.

(A) *Permit requirement; bond.*

(1) No person shall uncover, make any connections or openings into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Village Superintendent or such other person as he or she shall designate. No building sewer shall be covered until after it has been inspected and approved by the Village Superintendent or such other person as he or she shall designate. 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 and deposited with the Treasurer a corporate surety in the sum of \$1,000 conditioned that he or she 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 subchapters of the village pertaining to plumbing.

(2) This bond shall state that the person will indemnify and save harmless the village and the owners of the premises against damages, costs, expenses, outlays, and claims of every nature and kind arising out of unskillfulness or negligence on his or her part in connection with plumbing or excavating for plumbing as described in this subchapter. Such bonds 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.

(3) There shall be two classes of building sewer permits:

- (a) For residential and commercial service; and
- (b) For service to establishments producing industrial wastes.

(4) In either case, the owner or his or her agent shall make application on a special form furnished by the village. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Inspector. All connections with the public sanitary sewers of the village shall be made only on written authorization and permits issued by the said village on such forms as hereinbefore established.

(B) *Costs.* All costs and expense incident to the installation and connection of the building sewer to the public sewer connection shall be borne by the owner.

(C) *Separate sewer for every building; exception.* A separate and independent building sewer shall be provided for every building, except that 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 building sewer from the

front building, the same sewer may be extended to the rear building. Other exceptions will be allowed only by special permission granted by the Village Superintendent.

(D) *Old building sewers.* Old building sewers may be used in connection with new buildings only when they are found on examination and test by the Village Superintendent to meet all requirements of this subchapter.

(E) *Construction specifications.*

(1) Materials utilized in sewer construction shall be as follows: the building sewer shall be constructed of either vitrified clay sewer pipe and fittings meeting the current A.S.T.M. *Specifications for Standard or Extra Strength Clay Sewer Pipe, Asbestos, Cement*, meeting the current A.S.T.M.; *Specifications for Extra Heavy Cast Iron Soil Pipe*, meeting the current A.S.T.M. *Specifications* or the Department of Commerce's *Commercial Standards for Extra Heavy Cast Iron Soil Pipe and Fittings*; Concrete sewer pipe and fittings meeting the current A.S.T.M. *Specifications for Standard or Extra Strength Concrete Sewer Pipe*; ABS plastic pipe meeting the A.S.T.M. D1527-68, Schedule 30 *Specification* with chemically welded joints or PVC plastic pipe meeting the A.S.T.M. and D1784-68 Schedule 30 *Specification* with chemically-welded joints.

(2) 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 concrete pipe, or plastic pipe, may be accepted if laid on a suitable improved bed or cradle as approved by said Inspector.

(F) *Construction methods.* Construction methods utilized in sewer construction shall be as follows.

(1) *Excavation.*

(a) The size and slope of the building sewers shall be subject to the approval of the Inspector, but in no event shall the diameter be less than four inches. The slope of such four-inch pipe shall not be less than one-eighth of an inch per foot. The slope of a six-inch pipe shall not be less than one-eighth inch per foot.

(b) The bottom of the trench shall be excavated by hand to allow for proper bedding of the pipe with support throughout the entire length of the pipe.

(2) *Bedding material.*

(a) Material for pipe bedding shall be sand or gravel.

(b) In the event that desirable material for bedding is not found in the excavation, suitable material shall be hauled and placed in the bottom of the ditch.

(3) *Backfill.*

(a) Backfill shall be placed by hand in six-inch layers around the pipe and compacted to a minimum depth of one foot over the pipe.

(b) The remainder of the trench shall then be backfilled without large stones, broken concrete, tree roots, or limbs.

(c) Excess material shall be disposed of at points designated by the village or property owners.

(4) *Connections.*

(a) Connections to the sewer lateral shall be made with a suitable fitting, if required, and the joint sealed by compatible materials with the type of pipe used.

(b) Connections to the house sewers shall be made in a workmanlike manner with suitable jointing materials.

(c) All connections shall be inspected by a representative designated by the village before backfilling.

(d) All hook-ups to the house plumbing outside of the house shall be made by the contractors installing the lateral to the house.

(e) No connections shall be permitted to the sanitary sewer mains until the sewage treatment plant is ready for operation, except by special approval of the Village Council.

(f) Tapping into sewer mains, if required, shall be made by using a suitable saddle and the connection shall be completely mortared and covered with a liquid bituminous material to completely water-proof the joint to allow no leakage of infiltration. The tap shall be made in the upper one-third of the pipe and flow in the main sewer shall not be restricted in any manner by the tap connection.

(g) Clean outs shall be placed at all angles in the line, at the connections to the building, and at the lot or easement line or as directed by the village representative, but in no event greater than 200 feet apart.

(5) *Water service materials.* Materials for the construction of new and the replacement of old water supply services are limited to the following, with full preference being given to a material selection harmonious with the BPU's material selection for such construction from the main to the curb stop or gate:

(a) Cold drawn, soft annealed seamless copper service pipe, in three-quarter-inch, one and one-quarter-inch and two-inch sizes only, of proper bending temper, U.S. Government Type K, specification WW-T-799, with approved flanged, flared, or soldered type bronze connections. Each run of pipe shall be, so far as practicable, in one continuous length free from joints and splices; and

(b) For two-inch size or larger, copper service pipe of the type specified in division (F)(5)(a) above, or American Water Works Association specification bell and spigot, mechanical, or push-on type joint cast iron watermain, designed for not less than 150 pounds water working pressure. Bell and spigot joints shall be caulked in place, using approved jute and new soft lead.

(6) *Village property.* When connections are made that cross village property and/or streets, the property owner shall be held responsible to leave such property and/or streets in the same condition in which it has been found.

(G) *Size and slope.* The size and slope of the building sewer shall be subject to approval of the Village Superintendent, but in no event shall the diameter be less than four inches. The slope of such four-inch pipe shall be not less than one-eighth-inch per foot. The slope of a six-inch pipe shall not be less than one-eighth-inch per foot.

(H) *Elevation; changes in direction.* 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 feet of any bearing wall, which might be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight only with properly curved pipe and fittings. Changes in direction greater than 45 degrees shall be provided with cleanouts accessible for cleaning.

(I) *Lifting sewage by artificial means.* In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

(J) *Joints and connections.* All joints and connections shall be made gas-tight and water-tight. Vitrified clay sewer pipe shall be fitted with factory made resilient properties (designation C425). Asbestos cement concrete, or PVC sewer pipe joints shall be of the rubber ring, flexible compression type, similar, and equal to joint specified for vitrified clay pipe also can be of the welded joint type. ABS



plastic pipe shall be chemically welded in accordance with current A.S.T.M. Specifications. The joints and connections shall conform to the manufacturers recommendations.

(2005 Code, § 171.004) (Ord. passed 8-18-1975; Ord. 4-83, passed 12-28-1983; Ord. 00-3, passed 5-5-2000)

## **§ 50.05 USE OF PUBLIC SEWERS.**

(A) *Unpolluted water; discharge to public sewer prohibited.* No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process waters into any public sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged into such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Village Superintendent, and Health Department to a storm sewer, or natural outlet. If such sewer is a county drain, a permit for such connection shall be obtained from the County Drain Commissioner.

(B) *Unpolluted water; where discharge allowed.* Stormwater, groundwater, and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Village Superintendent. Industrial cooling water or unpolluted process waters may be discharged upon approval of the Village Superintendent to a storm sewer or natural outlet.

(C) *Prohibited discharges.* Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- (1) Any liquid or vapor having a temperature higher than 150°F;
- (2) Any water or waste which may contain more than 100 parts per million by weight of fat, oil, or grease;
- (3) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquids, solid, or gas;
- (4) Any garbage that has not been properly shredded;
- (5) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to flow in sewers or other interference with the proper operation of the sewage works;
- (6) Any waters or wastes having corrosive properties capable of causing damage or hazard to structures, equipment, and personnel of the sewage works;
- (7) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in receiving waters of the sewage treatment plant;
- (8) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant;
- (9) Any noxious or malodorous gas or substance capable of creating a public nuisance; or
- (10) Any waters containing in excess of 20 parts per million of total phosphorus where user discharges in excess of 100,000 cubic feet of water per month, or in excess of 125 pounds of phosphorus per month to a sewer when using less than 100,000 cubic feet of water per month. Any user exceeding these limits will be subject to a surcharge based upon additional cost of treatment.

(D) *Interceptors.* Grease, oil, and sand interceptors shall be provided when, in the opinion of the Village Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand, and other harmful ingredients, except that, such interceptors shall not be required for private living quarters or dwelling units, and all interceptors



shall be of a type and capacity approved by the Village Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water-tight, and equipped with easily removable covers which when bolted in place shall be gas-tight and water-tight.

(E) *Maintenance of interceptors.* Where installed, all grease, oil, and sand interceptors shall be maintained by the owner, at his or her expense in continuously efficient operation at all times.

(F) *Surcharges; preliminary treatment.*

(1) Any user discharging to a public sewer in excess of 10,000 cubic feet of waste water per month, having:

(a) A five-day BOD greater than 300 parts per million by weight; or

(b) Containing more than 350 parts per million by weight of suspended solids, or containing any quantity or substance having characteristics described in division (C) above, will be subject to a surcharge based upon additional cost of treatment.

(2) Any user discharging to a public sewer in excess of 100,000 cubic feet of waste water per month, having:

(a) A five-day BOD greater than 100 parts per million by weight; or

(b) Containing more than 200 parts per million by weight of suspended solids, will be subject to a surcharge based upon additional cost of treatment where necessary, in the opinion of the Village Superintendent, the owner shall provide, at his or her expense, such preliminary treatment as may be necessary to reduce objectionable characteristics or constituents to within the maximum limits.

(3) Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for approval of the Village Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

(G) *Maintenance of preliminary treatment facilities.* 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 or her expense.

(H) *Control manhole.* When required by the Village Superintendent, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Village Superintendent. The manhole shall be installed by the owner at his or her expense and shall be maintained by him or her so as to be safe and accessible at all times.

(I) *Measurements, tests, and analyses.* All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in divisions (C) and (H) above shall be determined in accordance with *Standard Methods for Examination of Water and Sewage*, and shall be determined at the control manhole provided for in division (H) above 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.

(J) *Special agreements.* No statement contained in this section shall be construed as preventing any special agreement or arrangement between the village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the village, subject to payment therefor by the industrial concern.

(2005 Code, § 171.005) (Ord. passed 8-18-1975) Penalty, see § 50.99

## § 50.06 PROTECTION FROM DAMAGE.

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

(2005 Code, § 171.006) (Ord. passed 8-18-1975) Penalty, see § 50.99

## § 50.07 POWER AND AUTHORITY OF INSPECTORS.

(A) *Right of entry.* The Village Superintendent, and other duly authorized employees of the village bearing proper credentials and identification, shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with provisions of this subchapter.

(B) *Agreements.* No provisions of this subchapter shall be construed as preventing any special agreement or arrangement between the village and any industrial concern whereby industrial waste of unusual strength or character may be accepted by the said village for treatment, subject to the payment by the industrial concern of the estimated cost of such treatment.

(C) *Protection from damage.* No person shall maliciously, wilfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage system or treatment plant.

(D) *Unlawful discharge of sewage.*

(1) It shall be unlawful for any person being the owner, occupant, or person in control of any building situated outside the limits of the village to discharge or to permit or cause the discharge of sewage into any public or private sewer located outside the village which the sewer connects with and flows into the village sewage system without having first obtained a permit therefor from the village. Application for such permit shall be made upon forms provided by the village and shall be accompanied by a sketch or drawing indicating the location of such connections, the size of the conduit used, and such other data as the village may require.

(2) The fee for such permit shall be as established from time to time by resolution of the Village Council in direct physical connection with sewage system. The owner, occupant, or person in control of any premises outside the village shall be considered as connected with village sewage system when any building or structure thereon has a physical connection with a public or private sewer by way of pipe, tile, tube, or other conduit, whether or not such sewage passes through a septic tank, cesspool or other similar device, when such sewer in turn conveys the sewage or effluent into the village sewage system.

(E) *Evidence of discharge of sewage.* The ownership, occupancy, or control of any building or structure thus having a physical connection with a public or private sewer, which connects with and flows into the village sewage system, shall be prima facie evidence of the discharge of, or of the permitting or causing the discharge of sewage into the village sewage system.

(F) *Duties of Village Superintendent.* It shall be the duty of the Village Superintendent by lawful means to determine what persons owning, occupying, or controlling premises outside the village are discharging, or permitting or causing the discharge of sewage into the village sewage system. He or she shall maintain records thereof, which records shall be kept as current as possible.

(G) *Applicability of subchapter.* The provisions of this subchapter shall be applicable to nonresidents discharging, or causing or permitting the discharge of sewage into the village sewage system.

(H) *Preservation of rights.* The adoption of this subchapter shall be without prejudice to collection by the village of any indebtedness for sewage service heretofore rendered.

(I) *New connections.* The village reserves unto itself the right to prohibit any new connections from inflow sources, and each new sewer or connection to the sanitary sewer system shall be properly designed and constructed in accordance with applicable design and construction rules and regulations.

(2005 Code, § 171.007) (Ord. passed 8-18-1975) Penalty, see § 50.99

#### **§ 50.08 ENFORCEMENT.**

(A) *Inspectors.* The duly authorized officials or employees of the village, agents of the DNR, and Health Department, 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 subchapter at any time during reasonable or usual business hours. No person shall refuse or obstruct such entry.

(B) *Notice to cease violation.* Any person violating any provision of this subchapter, except §§ 50.06 and 50.08, shall be notified in writing by the village of the nature of such violation and allowed a reasonable time to correct such violation. Any officer, agent, or employees guilty of aiding or abetting such violation, or, being responsible therefor, refuses or neglects to take corrective action, shall be guilty as a principal.

(2005 Code, § 171.008) (Ord. passed 8-18-1975) Penalty, see § 50.99

#### **§ 50.09 CONDITIONS OF SERVICE.**

(A) *Expenses of village, customer.*

(1) The village shall install at its expense, that portion of the service from the main to the lot or easement line. The customer shall install and maintain as his or her or her expense that portion of the service from said lot or easement line to his or her or her premises. The service from the main to the lot or easement line shall be maintained by the customer it serves except when it is determined that the need for repair is caused by activities occurring in the right-of-way not under control of the customer, such as the intrusion of roots from plantings in the street right-of-way, construction activities in the right-of-way that cause damage to the service, or flaws in the original construction of the service from the main to the lot or easement line.

(2) When a problem with a service has been reported, the village shall investigate the cause of the service problem. When necessary, such investigation may include excavating the service to determine the cause and location of the problem. The village, if the investigation reveals that the need for maintenance or repair is in the main line or the service between the main and the lot or easement line, shall make the necessary repairs and the cost of such repairs shall be initially paid for by the village. If it is determined that the needed maintenance or repair is between the lot or easement line and the customer's premises, or that the repair is needed between the main and the lot or easement line and was not necessitated by one of the causes for which the village is responsible, any costs or charges incurred by the village for said excavation, investigation, and/or repair shall be billed to the customer and placed on the next service bill sent to said customer.

(3) In the event, that the charge is not promptly paid by the customer, the charge may be collected in accordance with the procedures established by state law for collecting water and sewer service charges. The size and slope of the building sewer shall be subject to the approval of the village, but in no event shall the diameter be less than four inches. Whenever the repair necessitates replacement of all or a portion of the service from the main to the lot or easement line, a clean out shall be installed at the lot or easement line. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor.

(B) *Cancelling applications; discontinuing service.* Applications may be cancelled and/or sewer service discontinued by the village for any violation of any rule, regulation, or condition of service and 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 as provided in Rate Ord. 16 (94-4); or
- (3) Improper service pipes and fixtures or failure to keep the same in a suitable state of repair.

(C) *Interruptions of service.* The village shall make all reasonable efforts to eliminate interruption of service, and when such interruption occurs, will endeavor to 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 shall be notified in advance whenever it is possible to do so.

(D) *Indemnification of village.* 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.

(E) *Inspection.* The premises receiving public sanitary sewer service shall, at all reasonable hours, be subject to inspection by duly authorized personnel of the village.

(F) *Special conditions.* Special terms and conditions may be made where public sewer service is used by the village or community for public purposes.

(G) *Effective date.* This subchapter shall be in full force and effect upon its publication.

(2005 Code, § 171.009) (Ord. passed 8-18-1975; Ord. 00-3, passed 5-5-2000)

## **CROSS-CONNECTION CONTROL PROGRAM**

### **§ 50.20 INTRODUCTION.**

(A) *Generally.* In accordance with the requirements set forth by the State Department of Public Health, the village has approved the state cross-connection control rules to protect the village's public water supply system.

(B) *Definitions.* For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BACKFLOW.** Water of questionable quality, waste, or other contaminants entering a public water supply system due to a reversal of flow. The cross-connection control program will take effect upon approval by the State Department of Public Health.

**CROSS-CONNECTION.** A connection or arrangement of piping or appurtenances through which a backflow could occur.

(2005 Code, § 172.001) (Ord. passed 5- -1979)

### **§ 50.21 LOCAL AUTHORITY AND INSPECTIONS.**

(A) *Local authority.*

(1) The authority to carry out and enforce a local cross-connection control program will be in accordance with the village resolution, adopted by the Village Council. A copy of this resolution is

included in the program. The Village Council shall designate a Water Committee composed of two Village Council members.

(2) This Committee is responsible for overseeing the operation of the Village Water Department, handling major administrative duties, and making policy decisions. The everyday operation of the Water Department is in charge of the Village Superintendent.

(2005 Code, § 172.002)

(B) *Local inspection.* The Village Superintendent and/or his or her designated agent shall be responsible for making cross-connection inspections and reinspections to check for the presence of cross-connections with the municipal water supply system. Individuals responsible for carrying out the cross-connection inspections and reinspections shall obtain necessary training through any available manuals on cross-connection prevention including the *Cross-Connection Rules Manual* as published by the State Department of Public Health or other recognized agencies.

(2005 Code, § 172.003)

(Ord. passed 5- -1979)

## **§ 50.22 SCHEDULE FOR INSPECTIONS AND REINSPECTIONS.**

(A) *Schedule for inspections.*

(1) Initial inspections of industrial and commercial premises shall be made as time and available personnel requirements permit.

(2) The schedule for inspections shall be in accordance with the following general outline.

(a) Known or suspected secondary water supply cross-connections shall be inspected first. These secondary water supplies may include surface water, class three wells, recirculated water, and the like.

(b) Known or suspected submerged inlet cross-connections will be inspected next. In general, emphasis will be placed on making inspections initially of all industrial and commercial establishments where cross-connections are known or suspected to exist. A general area review will follow in a logical sequence as time permits. Emphasis will be placed on attempting to inspect all industrial and commercial establishments within a period of six months following approval of this program.

(2005 Code, § 172.004)

(B) *Schedule for reinspection.*

(1) In order to assure against the hazards of cross-connections, it will be necessary to periodically and systematically reinspect for the presence of cross-connections.

(2) The schedule for reinspections shall be in accordance with the schedule as noted on page 43 of the *Cross-Connection Rules Manual*. Whenever it is suspected or known that modifications have taken place with piping systems serving a particular water customer, reinspections of the premises will be made as soon as possible.

(2005 Code, § 172.005)

(Ord. passed 5- -1979)

## **§ 50.23 PROTECTIVE DEVICES.**

The methods to protect against the hazards of cross-connections as outlined on pages 37 and 39 of the *Cross-Connection Rules Manual* will be incorporated into the village cross-connection control

program. Whenever any deviation from the recommended methods of protection is contemplated, approval from the State Department of Public Health shall be first obtained.

(2005 Code, § 172.006) (Ord. passed 5- -1979)

#### **§ 50.24 COMPLIANCE TIMES.**

The time allowed for correction or elimination of any cross-connection found shall be as follows.

(A) Cross-connections which pose an eminent and extreme hazard shall be disconnected immediately and so maintained until necessary protective devices or modifications are made.

(B) Cross-connections which do not pose an extreme hazard to the water supply system, but nevertheless constitute a cross-connection, should be corrected within a reasonable period of time. The length of time allowed for correction should be reasonable and may vary depending on the type of device necessary for protection. The Village Superintendent shall indicate to each customer where a cross-connection is found to exist and the time period allowed for compliance.

(2005 Code, § 172.007) (Ord. passed 5- -1979)

#### **§ 50.25 ANNUAL REPORTING AND RECORD-KEEPING.**

Sufficient data to complete an annual report to the State Department of Public Health and to monitor the program adequately for village purposes will be maintained by the Village Water Department and its responsible agents. An inspection form will be used during the initial inspection procedure. Inspection forms will be used to monitor the status of the protective device as well as the test results reported by a qualified backflow preventer tester, and also for reinspection from cross-connections. The Village Superintendent will be responsible for all cross-connection record-keeping and annual reports.

(2005 Code, § 172.008) (Ord. passed 5- -1979)

### **CESSPOOLS; SEPTIC TANKS**

#### **§ 50.40 PERMIT REQUIRED.**

It shall be unlawful for any person, firm, or corporation to construct, build, or place in use, on any premises occupied by such person, firm or corporation, within the corporate limits of the village, any cesspool, and/or septic tank, for the disposal of sewage, without first having obtained, from the Village Clerk, a permit for such construction, and no construction shall be authorized by such Village Clerk that does not conform with the requirements of this subchapter.

(2005 Code, § 173.001) (Ord. 30, passed 12-5-1947) Penalty, see § 50.99

#### **§ 50.41 APPLICATION FOR PERMIT; FEES.**

Any person, firm, or corporation, who shall, after the effective date of this subchapter, construct, build, or place in use, any cesspool, and/or septic tank, shall first make application to the Village Clerk for a permit to construct the same, in accordance with the specifications contained herein, and shall pay to said Clerk the sum of \$5, as an inspection fee, as hereinafter provided; and upon receipt of said application, the said Village Clerk is hereby directed to furnish the applicant with a copy of the requirements contained herein.

(2005 Code, § 173.002) (Ord. 30, passed 12-5-1947)

#### **§ 50.42 CONSTRUCTION REGULATIONS.**



(A) All cesspools and/or septic tanks shall be located at least 50 feet from any well or spring and no cesspool and/or septic tank shall be located where it is inaccessible for cleaning or inspection purposes, nor shall any structure be placed over any existing septic tank, making the same inaccessible for cleaning or inspection purposes.

(B) (1) Every septic tank shall have a capacity of at least the average volume of sewage flowing into it during the period of 24 hours, but in no case less than 500 gallons.

(2) The tank shall have a water depth of at least 50 inches, and the inside construction shall be of one compartment at least five feet in length, with no dividing partitions except in tanks where needed for strength and then shall not be solid. Septic tanks shall be of water-tight construction and of material not subject to corrosion or decay.

(C) Every septic tank shall be provided with one or more suitable openings with covers to permit inspection and cleaning.

(D) (1) The bottom of the inlet line to the septic tank, measured when it passes through the wall of the tank shall be two inches above the bottom of the outlet line where it passes through the wall of the tank.

(2) The outlet shall be constructed to permit the withdrawal of liquid from the middle third of the depth of the liquid in the tank. The outlet shall also permit the interchange of gas above the liquid level in the tank and in the disposal line. The inlet must be designed to permit gas above the liquid level to escape through the inlet and out a vent pipe serving the line leading to the tank.

(2005 Code, § 173.003) (Ord. 30, passed 12-5-1947)

#### **§ 50.43 DOSING CHAMBERS.**

(A) Dosing chambers, equipped with automatic siphons of the type approved by the State Department of Health, shall be used in all installations where the liquid capacity of the septic tank is over 1,000 gallons, and where the topography is suitable.

(B) Under special conditions, the Health Officer may permit installations without a siphon.

(2005 Code, § 173.004) (Ord. 30, passed 12-5-1947)

#### **§ 50.44 DRY WELL.**

Liquid disposal tank of dry well shall be of a minimum diameter of seven feet, and or a depth of a minimum of eight feet, or more, if necessary, to reach good drainage gravel, and shall be provided with cover to permit inspection and cleaning.

(2005 Code, § 173.005) (Ord. 30, passed 12-5-1947)

#### **§ 50.45 DISPOSAL FIELDS.**

(A) Subsurface disposal fields if used shall be located at least 50 feet from any well or spring.

(B) (1) The tile trenches shall be at least 18 inches wide, shall be from 12 inches to 24 inches deep, and shall have a maximum length of any one lateral not exceeding 100 feet.

(2) The tile lines of the disposal field shall have a capacity equal to one-fifth the total capacity of the septic tank, or to one discharge from the dosing chamber.

(C) (1) The tile lines of the disposal fields shall be laid on a grade of not more than three inches per 100 feet, and parallel lines shall be at least two feet apart.

(2) The tile line shall be surrounded by gravel or broken stone, extending at least three inches below the tile and the full width of the trench.

(2005 Code, § 173.006) (Ord. 30, passed 12-5-1947)

#### **§ 50.46 ISSUING PERMIT.**

Upon receipt of the application set forth in § 50.41 the same shall be referred to the Director of the County Health Department, or his or her duly authorized agent, by the said Village Clerk, and upon being properly approved by such Health Officer, a permit authorizing the construction shall be furnished to the applicant by the Village Clerk, and the said application, properly approved by said Health Officer, shall be filed by the Village Clerk.

(2005 Code, § 173.007) (Ord. 30, passed 12-5-1947)

#### **§ 50.47 APPROVAL.**

After the construction has been completed, and before any sewer, septic tank, septic toilet, chemical closet, seepage pit, or disposal field has been covered and placed in operation, the applicant shall notify the Village Clerk who shall, in turn, notify the said Health Officer, and upon his or her written approval that such construction meets all requirements of these regulations, the same may be placed in operation.

(2005 Code, § 173.008) (Ord. 30, passed 12-5-1947)

#### **§ 50.48 EFFECTIVE DATE.**

This subchapter shall take effect December 5, 1947.

(2005 Code, § 173.010) (Ord. 30, passed 12-5-1947)

### **RATE AND MANDATORY CONNECTION**

#### **§ 50.60 NECESSITY.**

It is hereby determined to be desirable and necessary, for the public health, safety, and welfare of the village, that the village sanitary sewer system be operated by said village on a public utility rate basis in accordance with the provisions of Public Act 94 of 1933, being M.C.L.A. §§ 141.101 through 141.138, as amended.

(2005 Code, § 174.001) (Ord. 94-4, passed 6-30-1994)

#### **§ 50.61 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**REVENUES** and **NET REVENUES.** They shall be understood to have the meanings as defined in § 3 of Public Act 94 of 1933, being M.C.L.A. § 141.103.

**THE SYSTEM.** The complete Village of Union City sanitary sewer system, 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.

(2005 Code, § 174.002) (Ord. 94-4, passed 6-30-1994)

#### **§ 50.62 OPERATION OF SYSTEM.**

(A) The operation and maintenance of the system shall be under the supervision and control of the Village Council.

(B) The Village Council retains the exclusive right to establish, maintain, and collect rates and charges for wastewater collection and disposal service and in such capacity the Village Council may employ such person or persons in such capacity or capacities as it deems advisable and make such rules, orders, and regulations as it deems advisable and necessary to assure the efficient establishment, maintenance, and collection of such rates and charges.

(2005 Code, § 174.003) (Ord. 94-4, passed 6-30-1994)

**§ 50.63 RATES.**

The rates for water and sewer services provided by the village to customers, effective for the bills which are due May 15, 2016, shall be as follows.

(A) *Water rates and charges.*

(1) *Readiness to serve charges.*

(a) *Rates and charges.*

| <b>Readiness to Serve Charges</b> |             |
|-----------------------------------|-------------|
| <b>Meter Size</b>                 | <b>Rate</b> |
| <b>Readiness to Serve Charges</b> |             |
| <b>Meter Size</b>                 | <b>Rate</b> |
| 5/8- to 3/4-inch                  | \$24.98     |
| 1-inch                            | \$27.47     |
| 1-1/2-inch                        | \$44.96     |
| 2-inch                            | \$72.43     |
| 3-inch                            | \$274.73    |
| 4-inch                            | \$349.66    |

(b) *Readiness to serve charge rates for larger meters and fire suppression systems.*

1. Readiness to serve charge rates for larger meter size will be established when request for such meters is received.

2. No readiness to serve charge shall be charged for any dedicated service solely used for the purpose of a fire suppression system.

3. Readiness to serve charge rates for larger meter size will be established when request for such meters is received.

(2) *Additional installation charge as follows.*

(a) *Size and rates.*

| <b>Size</b> | <b>Rate</b> |
|-------------|-------------|
|-------------|-------------|

|                                 |                    |
|---------------------------------|--------------------|
| 5/8- to 3/4-inch hook-on charge | \$2,500            |
| 1-inch hook-on charge           | \$3,000            |
| Over 1-inch hook-on charge      | Material and labor |

(b) *Outside meter pit.* If it is necessary to install an outside meter pit, it will be an additional charge of \$500.

(3) *Commodity charge.*

| <b>Gallons Used</b>         | <b>Rate</b> |
|-----------------------------|-------------|
| 1,000 gallons of water used | \$3.10      |

**Notes:**

Flat rate: 4,900 gallons per month

For residential water customers without a meter, the commodity charge is \$19.11 per month (residential customers only)

No commodity charge shall be charged for any dedicated service solely used for the purpose of a fire suppression system

(4) *Late payment charge.* A late payment charge 10% of the amount owed shall be added to the amount of any bill which is not paid on or before the fifteenth day of the month in which the bill is mailed.

(5) *Rates outside the village.* All readiness to serve charges and commodity charges for service to property locate outside the village shall be two times the amount charged to patrons inside the village limits.

(B) *Sewer rates and charges.*

(1) *Readiness to service charges.*

| <b>Meter Size</b> | <b>Rate</b> |
|-------------------|-------------|
| <b>Meter Size</b> | <b>Rate</b> |
| 5/8-to 3/4-inch   | \$42.98     |
| 1-inch            | \$46.68     |
| 1-1/4-inch        | \$59.41     |
| 1-1/2-inch        | \$76.38     |
| 2-inch            | \$123.06    |
| 3-inch            | \$466.77    |
| 4-inch            | \$594.07    |

(2) *Connection charges hook-on-fees.*

| <b>Meter Size</b> | <b>Rate</b> |
|-------------------|-------------|
| <b>Meter Size</b> | <b>Rate</b> |

|                  |          |
|------------------|----------|
| 5/8- to 3/4-inch | \$2,500  |
| 1-inch           | \$3,750  |
| 1-1/4-inch       | \$5,550  |
| 1-1/2-inch       | \$7,325  |
| 2-inch           | \$13,675 |
| 3-inch           | \$30,325 |
| 4-inch           | \$54,325 |

**Notes:**

If it is necessary to install an outside meter pit, it will be an additional charge of \$500

(3) *Commodity charge.*

| <b>Gallons Used</b>         | <b>Rate</b> |
|-----------------------------|-------------|
| 1,000 gallons of water used | \$3.90      |

**Notes:**

For residential water customers without a meter the commodity charge is \$19.11 per month (residential customers only)

(4) *Late payment charge.* A late payment charge of 10% of the amount owed shall be added to the amount of any bill which is not paid on or before the fifteenth day of the month in which the bill is mailed.

(5) *Rates outside the village.* All readiness to serve charges and commodity charges for service to property locate outside the village shall be two times the amount charged to patrons inside the village limits.

(2005 Code, § 174.004) (Ord. 94-4, passed 6-30-1994; Res. 2015-02, passed 5-11-2015; Res. 2016-04, passed 3-14-2016)

**§ 50.64 NO FREE SERVICE.**

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.

(2005 Code, § 174.005) (Ord. 94-4, passed 6-30-1994) Penalty, see § 50.99

**§ 50.65 CONNECTION.**

It is hereby determined and declared that public sanitary sewers are essential to the health, safety, and welfare of the people of the village; that all premises on which structures in which sanitary sewage originates are situated shall connect to the system at the earliest, reasonable date as a matter for the protection of the public health, safety, and welfare of the people of the village; and therefor, all premises on which structures in which sanitary sewage originates are situated or become situated and to which sewer services of the system, shall be available shall connect to said system within 90 days after the mailing or posting of notice of such premises by the appropriate village official that such services are available. Said notification and enforcement of this section shall be in conformity with applicable state law.

(2005 Code, § 174.006) (Ord. 94-4, passed 6-30-1994)

## **§ 50.66 REVISION OF RATES.**

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, and to provide for such other expenditures and funds for said system as this subchapter may require. Such rates shall be fixed and revised from time to time as may be necessary to produce these amounts.

(2005 Code, § 174.007) (Ord. 94-4, passed 6-30-1994)

## **§ 50.67 FISCAL YEAR.**

The system shall be operated on the basis of an operating year commencing on January first and ending on the last day of December next following.

(2005 Code, § 174.008) (Ord. 94-4, passed 6-30-1994)

## **§ 50.68 EFFECTIVE DATE.**

This subchapter shall become effective immediately upon its adoption.

(2005 Code, § 174.012) (Ord. 94-4, passed 6-30-1994)

## **§ 50.99 PENALTY.**

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) (1) *Civil liability.* Any person violating any of the provisions of §§ 50.01 through 50.09 shall be liable to the village for any expense, loss, or damage incurred by the village by reason of such violation, and recovery therefor may be had in an appropriate action in any court of competent jurisdiction.

(2) *Abatement in equity.* Any continued violation, after due notice as provided in §§ 50.01 through 50.09 shall be deemed a public nuisance, and may be abated by suit in equity by the village in any court of competent jurisdiction. This remedy shall be in addition to any other available remedy.

(3) *Criminal liability.* Any person who violates any provision of §§ 50.01 through 50.09 shall, upon conviction thereof, be fined not more than \$100 or imprisoned for not more than 90 days, or both.

(2005 Code, § 171.008)

(C) Any person, firm, or corporation who shall violate any of the provisions of §§ 50.40 through 50.48, or who shall refuse, or neglect, to obtain the permit as provided in § 50.40, shall, upon conviction thereof, be punished by a fine of not less than \$10 or not more than \$100, and costs of prosecution, or be imprisoned in the Village Prison, or the County Jail, in the discretion of the Court, for not more than 20 days.

(2005 Code, § 173.009)

(Ord. 30, passed 12-5-1947; Ord. passed 8-18-1975)

# **CHAPTER 51: ELECTRICITY**

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## Section



## **General Provisions**

51.01 Electric Power Plant

51.02 Burial of utility lines

### ***Production, Sale, and Use; Regulation of Wiring; And The Like***

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51.17 Inspector; generally and duties

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51.99 Penalty

## **GENERAL PROVISIONS**

### **§ 51.01 ELECTRIC POWER PLANT**

(A) *Superintendent; duties.* The Village Superintendent shall have charge of the Hydro-Electric Power Plant and the Water Works Plant owned by said village together with all lines, mains, and other appurtenances connected with said plants. He or she shall make reports from time to time to the Village Council regarding the business and property of said plants and shall at all times be subject to the direction and control of the Council, and he or she shall receive such compensation for his or her services as such Superintendent as the Council may fix and determine by proper resolution.

(2005 Code, § 182.001)

(B) *Employees.* The Council shall, from time to time, employ such assistants and other persons as shall be found necessary for the proper maintenance of said plants and shall fix the amount of their

compensation for such work, such assistant and other persons to be under the supervision and direction of the Village Superintendent.

(2005 Code, § 182.002)

(C) *Deposits and rates; rules and regulations.* The Council shall, by resolution, provide for the deposits and rates to be charged the customers of said plants, the terms and time of payment of the same, and may make such other rules and regulations governing the same as shall not be in conflict with the state law governing the same.

(2005 Code, § 182.003)

(D) *Application for service.* Any person desiring to use electricity furnished by the village shall make application to the Superintendent, or to the Council if no Superintendent has been appointed, and the said Superintendent or Council shall determine whether the regulations and rules of the village and the provisions of the state law governing the same have been complied with by such applicant and in case such regulations have been complied with shall order such person to be connected with the plant of said village.

(2005 Code, § 182.004)

(E) *Right of access.* Every person using electricity furnished by the village shall at all reasonable times permit the Village Superintendent to enter in upon the premises where such electricity is used and examine all apparatus and fixtures connected with the using thereof.

(2005 Code, § 182.005)

(F) *Transformers, meters, lines.* The village shall furnish all transformers, meters, and lines to the building of the applicant, except under conditions which require more than ordinary expenditures, in which case, the Council may require the applicant to pay for a part or all of the expense of such installation.

(2005 Code, § 182.006)

(G) *Extensions of lines.* All extensions of lines outside of the village limits shall be by special contract with the Council and all the parties concerned and all such contracts shall be subject to the provisions of this section as to construction and maintenance.

(2005 Code, § 182.007)

(H) *Discontinuing service.* Electricity must be turned off and withheld from any person, firm, or corporation in areas for payment of rates as provided by resolution of the Council.

(2005 Code, § 182.008)

(I) *Restoring service.* No person shall turn on or use the electricity upon the premises occupied by him or her after the same has been cut off by the Superintendent or the Council for any cause, until permission to do so shall be given by such Superintendent or by the Council.

(2005 Code, § 182.009)

(J) *Destruction prohibited.* It shall not be lawful for any person to in any manner or way molest, injure, tamper with any machinery, wires or lamps, or fixtures belonging to or appurtenant to the Electric Light Plant, or any part thereof, except those employed by the Council for that purpose.

(2005 Code, § 182.010)

(K) *Effective date.* This section shall take effect August 30, 1937.

(2005 Code, § 182.011)

(Ord. 25, passed 8-30-1997) Penalty, see § 51.99

## **§ 51.02 BURIAL OF UTILITY LINES.**

(A) *Installation and construction regulations.* All distribution lines for electric, communication, or similar associated utility services installed in new subdivisions or developments within the village limits shall be placed underground. Those electric, communication, or similar associated utility services placed in a dedicated public way shall be installed so as not to conflict with other underground utilities. All facilities shall be constructed in accordance with the standards of construction approved by the State Public Service Commission. All underground utility installations which traverse privately-owned property shall be protected by easements granted by the owner of such property.

(2005 Code, § 183.001)

(B) *Waiver or modification of requirements.* The Village Council may, by resolution, waive or modify any of the above requirements for underground line installations with respect to a particular plat or site plan when the strict application of the above requirements would result in unnecessary hardship. Prior to any such waiver or modification, a public hearing regarding the proposal shall be held by the Council.

(2005 Code, § 183.002)

(Ord. 4-86, passed 6-1-1986; Ord. 00-2, passed 5-5-2000)

## **PRODUCTION, SALE, AND USE; REGULATION OF WIRING; AND THE LIKE**

### **§ 51.15 SUPERVISION.**

The Electric Light Plant shall be under the direct supervision of the Superintendent of the Village Public Utilities, subject to such rules, directions, and restrictions as may be imposed upon him or her from time to time by the Council. The Council may, at any time, reverse the decisions of the Superintendent upon presentation of evidence that such reversal shall be for the best interests of the people, but it shall not take any action unless an appeal, by the person aggrieved, comes before the Council in its regular session.

(2005 Code, § 181.001) (Ord. 1-A, passed 11-8-1926)

### **§ 51.16 SUPERINTENDENT.**

The Superintendent shall supervise all work by the employees of the Electric Light Department and see that their duties are efficiently and faithfully performed and report the same in detail at each meeting of the Council, as said Council may direct. The Superintendent shall have charge and care of all materials, fixtures, appurtenances, tools, and equipment of the Electric Light Plant; such material to be constantly listed and filed in detail, and reported from time to time as required by the Council, the Superintendent or his or her authorized agent shall also cut-off service to all delinquents, each month on the twenty-first day, as hereinafter provided in this subchapter.

(2005 Code, § 181.002) (Ord. 1-A, passed 11-8-1926)

### **§ 51.17 INSPECTOR; GENERALLY AND DUTIES.**

(A) *Generally.* The Village President shall annually appoint an Electrical Inspector, confirmed by the Council, and he or she or his or her duly authorized agent shall have supervision of all the installations, alterations, or additions to the electrical wiring, connections, and apparatus and of all the electrical equipment installed within the village or on its rural lines, as hereinafter provided. And it shall be his or her duty to cooperate jointly, at all times, with the Superintendent in carrying out the

provisions and intents of this subchapter. The Inspector shall be paid a fee determined by the Council, as conditions may warrant.

(2005 Code, § 181.003)

(B) *Duties.*

(1) The Electrical Inspector shall have the right to, and it shall be his or her duty, to cause all present installations in the village and on its rural lines to be inspected in order to ascertain if they are in any respect dangerous to life or property, and if any such installations be found so dangerous, the owner thereof shall be notified by the Inspector or Superintendent and a report of the same filed with the Village Council.

(2) The owner shall be given a reasonable length of time to remedy the faults, and after the expiration of the time specified in his or her notice, if the defects are not remedied, the Inspector shall notify the owner or his or her agent to cease using such dangerous wiring, apparatus, or equipment, and thereupon display his or her red tag of disapproval on said lines.

(3) And thereafter it shall be unlawful for such owner or agent to use or permit the use of electrical energy through the faulty wiring, apparatus, or equipment, until the same has been corrected and passed upon by the Inspector.

(2005 Code, § 181.013)

(C) *Powers.* The Electrical Inspector shall be granted the power to visit and inspect the lines, wiring, apparatus, and equipment within the village and on its rural lines and have access to them at all reasonable times. And when the Inspector's tags have been displayed by said Inspector on the said lines, wiring, apparatus, or equipment, it shall not be lawful for anyone to remove the same, other than the Inspector himself or herself.

(2005 Code, § 181.015)

(Ord. 1-A, passed 11-8-1926) Penalty, see § 51.99

### **§ 51.18 MAINTENANCE.**

All attachments, equipment, fixtures, wires, lamps, and shades must be kept in complete repair by the person or persons contracting for the electricity, and every person using electricity, furnished by the village, shall at all reasonable times permit the Superintendent or his or her duly authorized agent to enter upon said premises where said electricity is used and examine all apparatus and fixtures connected with the using thereof.

(2005 Code, § 181.004) (Ord. 1-A, passed 11-8-1926)

### **§ 51.19 COST.**

All transformers, meters, and lines shall be furnished by the village to the building of the applicant, except under conditions which require more than ordinary expenditures, in which case the Council may require the applicant to pay for a part or all of the expense of such transformers, meters, and lines.

(2005 Code, § 181.005) (Ord. 1-A, passed 11-8-1926)

### **§ 51.20 DAMAGE.**

Any damage to the machinery, wires, lamps, poles, fixtures of any kind, belonging or appurtenant to the Electric Light and Power system, by any person or persons, shall be replaced or paid for to the full extent of such damages by said person or persons.

(2005 Code, § 181.006) (Ord. 1-A, passed 11-8-1926)

**§ 51.21 RURAL LINES.**

Any extension of lines, outside of the village limits, shall be by special contract between the Council and the parties concerned, and all such extensions shall be subject to the provisions of this subchapter as to construction and maintenance.

(2005 Code, § 181.007) (Ord. 1-A, passed 11-8-1926)

**§ 51.22 APPLICATION.**

The village reserves the right to reject any load not found expedient, and no individual, firm, or corporation shall install, alter, or add to, any of the electrical wiring, connections, or apparatus of any kind in the village or on its rural lines, without first applying to the Village Clerk for a permit, made out upon the official permit-form hereinafter described, and paying an application fee of \$0.50 therefor.

(2005 Code, § 181.008) (Ord. 1-A, passed 11-8-1926)

**§ 51.23 PERMIT FORM.**

The said permit for new installations, alterations, or additions shall be in three parts: Part A to be signed by the person making the request and retained in the permanent files by the Village Clerk. Parts B and C shall be turned over to the person making application and presented by the latter to any contractor or wire-operator holding an operator’s license as hereinafter provided by in this subchapter. Part C to be later presented by the contractor or operator, to the Village Electrical Inspector, before the said contractor or operator leaves the job.

(A) *Permit request.* (This stub is to remain permanently in the Clerk’s file.)

|   |   |             |   |
|---|---|-------------|---|
| Date _____  | A | No. _____   | <b>PERMIT REQUEST</b><br>Electric Light Department<br>Village of Union City |
| I hereby request permission for the following, and agree to observe all provisions of Ord. 1-A, regulating the Electric Light Department, and am aware of the penalties attached thereto for violations. I herewith tender the application fee of \$0.50 (Fifty Cents.) |   |             |   |
| New Installations Of _____  |   | Place _____ |   |
| Additions To _____  |   | Place _____ |   |
| Alterations Of _____  |   | Place _____ |   |
| (Signed) _____  |   |             |   |

(B) *Official permit.*

(1) This copy to be held by the applicant and presented to contractor or operator employed, as the latter’s authority to engage in the work.

(2) Said work to be done only by workers holding license from the village, under Ord. 1-A, and this copy retained by the property owner or person making application.

|            |   |           |                       |
|------------|---|-----------|-----------------------|
| Date _____ | A | No. _____ | <b>PERMIT REQUEST</b> |
|------------|---|-----------|-----------------------|

Electric Light Department

Village of Union City

RECEIVED OF Mr./Mrs. \_\_\_\_\_ the application fee of \$ \_\_\_\_\_ and permission is hereby granted him or her for the following, under the provisions of Ord. 1-A, regulating the Electric Light Department:

New Installations Of \_\_\_\_\_ Place \_\_\_\_\_  
Additions To \_\_\_\_\_ Place \_\_\_\_\_  
Alterations Of \_\_\_\_\_ Place \_\_\_\_\_

(Signed) \_\_\_\_\_

(C) *Operator's report.* (This copy to be presented by workers to the Village Inspector and then immediately filed by the Inspector with Village Clerk.)

Date \_\_\_\_\_ A No. \_\_\_\_\_

PERMIT REQUEST  
Electric Light Department  
Village of Union City

To: Village Inspector:

I hereby report that the following work (in detail) has been completed by me, for Mr./Mrs. \_\_\_\_\_ on the property located at \_\_\_\_\_. Further, that the said work has been done strictly according to the provisions of Ord. 1-A, regulating the same and that I am fully aware of the penalty for any violation thereof:

New Installations Of \_\_\_\_\_ Place \_\_\_\_\_  
Additions To \_\_\_\_\_ Place \_\_\_\_\_  
Alterations Of \_\_\_\_\_ Place \_\_\_\_\_  
(Signed) \_\_\_\_\_ License No. \_\_\_\_\_

(2005 Code, § 181.009) (Ord. 1-A, passed 11-8-1926)

**§ 51.24 CODE; SPECIAL PROVISIONS.**

(A) All electric wiring, connections, apparatus, and equipment shall be installed, maintained, and used strictly in accordance with the provisions of the latest revised edition of the National Electrical Code, the accepted American Standard, and the special provisions hereinafter named. Any special deviation therefrom to be made only upon application to, and granted by a vote of the Council.

(B) There shall be no work done upon the electric lines or system, within the village or on its rural lines, except by operators holding a paid-up license from the village.

(1) *Generally.*

(a) *Meters.* All meters shall be installed and located under the direction of the Superintendent or Inspector, not more than one residence for each meter, and no meter shall be placed at a height to exceed six feet from the top of meter to floor.

(b) *Entrance.*

1. There shall be only one entrance to each building for each class of service (one-telephone, one-light, one-power).



2. All power and light service to enter building in rigid conduit, with approved weather-caps and an entrance switch of approved enclosed safety-type with externally operated handle. All service wires (light, power, or telephone) must make contact with building at a point not less than ten feet from the ground and must be kept in reasonable clearance from all fire escapes, stairways, other wires, or any item whatsoever with which they might come in contact either in normal condition or when laden with ice.

3. In the event of a building less than ten feet high, entrance shall be made under the direction of the Superintendent or Inspector. No entrance switches shall be placed at a height to exceed six feet from top of switch to floor.

(c) *Wiring.*

1. All lighting loads more than 1,200 watts shall be three-wire, 110-220 single phase. In no case shall service entrance wires be less than No. 10, B. & S. Gauge.

2. All inside wiring within the fire limits shall be enclosed in either rigid or flexible conduit of an approved type and passed upon by the Inspector.

3. The wiring in all basements, residents, or commercial shall be in rigid metal conduit, using all-porcelain box covers, porcelain sockets, and reinforced cord and approved porcelain box receptacle.

(d) *Fuses.* All circuit fuses shall be enclosed in steel cabinet of approved type.

(e) *Switches.* All 110-volt two-wire or 110-220-volt three-wire service switches shall be provided so that neutral wire can be permanently grounded to box. Motors of other special appliances of one-fourth H.P. or less may be open on lighting service.

(2) *Power installation.*

1. All entrance switches shall be located under the direction of the Inspector or Superintendent, and installed not less than six feet from the floor. Switches to be of approved safety type with externally operated handles. Fuses to be on the "load" side of switch.

2. Either single or three phase motor circuits to be run in conduit, with the exception of one-fourth H.P. or less motors; conductors shall be not less than No. 12, B. & S. Gauge (but this to in no way conflict with National Code).

3. Motors requiring automatic starters, or manually operated auto starters shall have a disconnecting switch ahead of and not more than three feet from same and a disconnecting switch within sight and reach of motor. All power above one-fourth H.P. shall be wired in either rigid or approved metal conduit.

(3) *Light installation.*

(a) The Identified Wiring Code (black and white) must always be applied.

(b) There shall not be more than six feet of service conduit inside building before entrance switch, without special permission and vote of Council.

(c) All lighting meters must be installed either in basement or the ground floor of residences.

(d) All lighting entrance-switches must be of approved meter test type.

(4) *Range installation.*

(a) All ranges over 1,200 watts shall be wired with three Number Six to the meter and with three Number Eight from meter to stove on all 110-220 stoves. For straight 220-ranges there shall be used not less than two Number Six to the meter and two Number Eight from meter to stove.

(b) On all range installations, a disconnecting switch of approved type (that disconnects all wires) shall be installed within reach of and not more than three feet from stove.

(c) All stoves above 1,200 watts shall be either straight 220-volt two-wire, or 110-220 volt three-wire type.

(d) All ranges above 1,200 shall have 60-amp entrance switch, either two or three wire as required.

(2005 Code, § 181.010) (Ord. 1-A, passed 11-8-1926; Ord. passed 12-29-1935)

**§ 51.25 INSPECTIONS; GENERALLY, TAGS.**

*(A) Inspections generally.*

(1) No individual, firm, or corporation shall install, alter, or use any electrical wiring, apparatus, or equipment, subject to the terms of this subchapter without first notifying the Inspector and giving him or her ample time to make his or her first inspection before any wiring or equipment becomes concealed by structural work, and that a secondary or final inspection shall be made before authority can be granted for the cutting-in of current or a continuance of the use thereof. Upon his or her final inspection, the Inspector shall hang upon the entrance point and near the meter a blue tag to denote his or her approval, or a red tag if further corrections are required.

(2) And under no circumstances shall it be lawful for the Superintendent, or any others, to cause service to be given until the Inspector's blue tag appears. And under penalty of the maximum fine, hereinafter provided by this subchapter, shall anyone remove the Inspector's tags for any purpose whatsoever, or attempt to use the electrical energy as provided by this village, except under the direction of the Superintendent or his or her or her designated agent in making the required connections.

(2005 Code, § 181.011)

*(B) Inspection tags.*

(1) *Inspector's report.* The Inspector's blue tag, when removed by the Superintendent, shall be immediately filed by the latter with the Village Clerk for permanent recording, while the red tag shall be replaced only by the Inspector himself or herself.

(2) These tags shall read as follows.

*(a) Approval.*

|   |                    |           |
|---|--------------------|-----------|
| Date _____  | INSPECTOR'S REPORT | NO. _____ |
|   | (Approval)         |           |
| To Superintendent:  |                    |           |
| I have, on this ___ day of _____ 20___ inspected the following work:  |                    |           |
| New Installations Of _____  | Place _____        |           |
| Additions To _____  | Place _____        |           |
| Alterations Of _____  | Place _____        |           |
| for Mr./Mrs. _____ on his or her or her property at _____ and that the said work has been completed strictly according to the provisions of Ord. 1-A, and permission is hereby granted for use of electrical energy and the cutting-in of said service. |                    |           |

(Signed) \_\_\_\_\_ INSPECTOR

(b) Reverse side of tag.

To Village Clerk:

I hereby report that on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ by authority of the Inspector, I have made the proper connections delivering energy to Mr./Mrs. \_\_\_\_\_ at \_\_\_\_\_ through Power Meter No. \_\_\_\_ and Light Meter No. \_\_\_\_.

(Signed) \_\_\_\_\_ Superintendent or Authorized Agent.

WARNING: Under penalty of a \$100 fine, this tag shall not be removed by any person except it be the Village Inspector or Superintendent.

(c) Disapproval.

Date \_\_\_\_\_ INSPECTOR'S REPORT Permit No. \_\_\_\_\_  
(Disapproval)

To Superintendent:  
I have, on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ inspected the work done under the above Permit Number, and find that the following corrections are necessary before energy can be supplied or service cut in, under the provisions of Ord. 1-A.

|                        |             |
|------------------------|-------------|
| New Installation _____ | Place _____ |
| Additions _____        | Place _____ |
| Alterations _____      | Place _____ |

Signed \_\_\_\_\_ Inspector

(2005 Code, § 181.012)

(Ord. 1-A, passed 11-8-1926) Penalty, see § 51.99

**§ 51.26 DISCONTINUED SERVICES.**

(A) Once cut off, or temporarily discontinued, the sendee shall not again be turned on any property until a new and thorough inspection has been made by the Inspector of all wiring, apparatus, and equipment, and his or her tags displayed thereon.

(B) The blue tag, if approved, or a red tag, if corrections are required prior to a continuance of service. Upon the discontinuance of service, any new patron shall make an advance deposit with the Village Clerk before authority is granted for the cutting-in of service to any property, as hereinafter provided. And service shall not be again provided to any patron who is in arrears to the Electric Light Department.

(2005 Code, § 181.014) (Ord. 1-A, passed 11-8-1926)

**§ 51.27 LICENSE; REQUIRED; FEE AND FORM.**

(A) License required.

(1) No person shall engage in the work of installation, alterations, or addition to any of the electrical wiring, connections, or apparatus of any kind in the village or on its rural lines without holding an official license from the said village.

(2) Said license so held be paid in advance at time of work.

(2005 Code, § 181.016)

(B) License fee, form.

(1) (a) The electrical operator’s license, from the village shall be in two parts:

1. Part A to be signed by applicant and filed permanently by the Village Clerk; and
2. Part B to become the property of the applicant and displayed by him or her when required.

(b) Said license shall be issued to any operator who may already hold a live license issued by any city or corporation that requires license holders to qualify by examination or determine ability by similarly exacting means, and the village license, for a period of one year in such cases shall be the sum of \$1.

(2) (a) In all other cases, the license fee shall be \$5 for a period of one year, and applicant satisfying the Village Council of his or her ability to uphold all conditions of Ord. 1-A.

(b) The Electrical operator’s license from the village may be immediately revoked by action of the Council upon proof of any violation of any part of this or any other ordinance governing the Electric Light Department and the operator also liable for the other penalties hereinafter named in this subchapter.

(c) No individual, firm, or corporation shall engage in the work of installations, alterations, or additions to any of the electrical wiring, connections, or apparatus within the village or on its rural lines, who does not hold the above described license, paid in advance of the date when work is to be done.

(d) The license form shall be as follows.

1. Request for operator’s license.

|   |   |     |  |
|---|---|-----|--|
| Date _____  | A | No. |  |
| <b>REQUEST FOR OPERATOR’S LICENSE</b>   |   |     |  |
| To Village Clerk:   |   |     |  |
| I hereby request permission to do electrical work in the Village of Union City and on its rural lines. The fee of \$ _____ is tendered herewith and in support of my claim for ability, I attach herewith a copy of my license now effective from the city (or corporation) of _____. Further, that my license has never been revoked prior to this date. I agree to fully acquaint myself with all provisions of the electrical ordinances governing this village and am fully aware of the penalties attached thereto for any violation of code or ordinance. |   |     |  |
| SIGNED _____  |   |     |  |
| ADDRESS _____   |   |     |  |
| PHONE NO. _____   |   |     |  |

2. Operator’s license.

|  |   |                       |
|--|---|-----------------------|
| Date _____   | A | No.                   |
|  |   | OPERATOR'S LICENSE    |
|  |   | Electric Light Dep't, |
|  |   | Village of Union City |
| <p>This certifies that Mr./Mrs. _____ of _____ has this date paid the sum of \$ _____ fee, and specifically agreed to carry out all provisions of the Electrical Code and Ordinances of the village, and is hereby entitled to do electrical work in the Village and on its rural lines for a period of one year, from ____ 20 ____ to ____ 20 ____ or until such a time as this license may be revoked.</p> |   |                       |
| _____ Clerk  |   |                       |

(2005 Code, § 181.017)

(Ord. 1-A, passed 11-8-1926) Penalty, see § 51.99

### § 51.28 RATES.

(A) *Rates; residential service.*

(1) A flat monthly charge of \$6 shall be assessed for each residential meter.

(2) All residential kWhs shall be charged at a rate of \$0.0957; rates are the same for winter and summer months, for residential electric and residential electric heating service.

(B) *Commercial and industrial.*

(1) A flat monthly charge of \$9 shall be assessed for each commercial or industrial meter.

(2) All commercial or industrial kWhs shall be charged at a rate of \$0.112; rates are the same for winter and summer months.

(C) *Demand.*

(1) A flat monthly charge of \$40 shall be assessed for each demand service.

(2) All demand service shall be charged at a rate of \$0.0735; rates are the same for winter and summer months.

(D) *Miscellaneous charges for residential, commercial/industrial and demand service.*

(1) *Power cost adjustment.* PCA or power cost adjustment is a fluctuating monthly cost per kWh. The base purchase power cost is 6.71 cents per kWh. The PCA may be administratively adjusted upward or downward on a monthly basis due to changes in the actual purchase power cost and shall be calculated monthly using the following formula:

$$\text{PCA RATE} = \frac{D - (AB)}{F + H} \times (1 + L)$$

J

(2) *Energy optimization.* A monthly charge of \$4.52 shall be assessed to all electric customer for the village's energy optimization program.

(3) *Late payment charge.* A late payment charge of 10% of the amount owed shall be added to the amount of any bill which is not paid on or before the 15th day of the month in which the bill is mailed.

(4) *Low income energy assistance program.* A monthly charge, typically between \$.95 - \$.99 as determined by the state and set annually is assessed to all electric accounts. This falls under the Public Act 5 opt-in and monies collected are sent to the Department of Licensing and Regulatory Affairs Public Service Commission and reallocated to low income households as determined by the state.

(E) *Customer deposits.*

|   |       |
|---|-------|
| Residential user electric/water/sewer   | \$50  |
| Commercial/industrial user electric/water/sewer   | \$100 |
| Customer who has left unpaid utility bills within last five years   | \$200 |
| Rental properties where the landowner files documentation stating that they are not responsible for unpaid utility bills left by their tenants will require a deposit equal to an average of three months utility bills in order to obtain service. |       |

(2005 Code, § 181.018) (Res. 2012-03, passed 3-12-2012; Res. 2016-05, passed 3-14-2016)

### **§ 51.29 DELINQUENT BILLS.**

All customers will be billed monthly. All bills must be paid before the fifteenth day of the month in which the bill is mailed, or 10% will be added to the amount of the bill.

(2005 Code, § 181.019) (Ord. 1-A, passed 11-8-1926; Ord. 3-99, passed 5-6-1999)

### **§ 51.30 CUT OFFS.**

(A) The charges for electric service may be a lien on the premises, and those charges delinquent for six months or more may be certified annually to the property tax assessing officer or agency who shall enter the lien on the next tax roll against the premises to which the service shall have been rendered, and the charges shall be collected and the lien shall be enforced in the same manner as provided for the collection of taxes assessed upon the roll and the enforcement of the lien for taxes.

(B) In the event that the Village Council elects to cause the said charges to be assessed against the said property as set forth above, then, in that event, the village official or officials in charge of collection thereof shall certify annually, on March 31 of each year, to the tax assessing officer of the village the fact of such delinquency, whereupon such charge shall be by him or her entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereon enforced in the same manner as general village taxes against such premises are collected, however, in a case when a tenant is responsible for the payment of the charges and the Village Clerk is so notified in writing, the notice to include a true copy of the lease of the affected premises, if there be one, then the charges shall not become a lien against the premises after the date of the notice. In the event of filing of the notice, the village shall render no further service to the premises until a cash deposit in a sum equal to not less than two months' charges is made as security for the payment of the charges and services.

(C) In addition, the village shall be authorized to discontinue electric service to any premises for which electric charges remain unpaid beyond the second Monday of the month immediately following the month in which the bill is sent, and such service shall not be restored to such premises until all delinquent charges, together with interest and penalties, and a turn-on charge of such amount as the Village Council shall from time to time determine by resolution, are paid. Further, such charges and penalties may be recovered by the village by court action.

(2005 Code, § 181.020) (Ord. 1-A, passed 11-8-1926; Ord. 3-99, passed 5-6-1999)



**§ 51.31 EFFECTIVE DATE.**

This subchapter shall take effect within 20 days from the date of its final passage.

(2005 Code, § 181.021) (Ord. 1-A, passed 11-8-1926)

**§ 51.99 PENALTY.**

(A) Any person or persons who shall violate any of the provisions of § 51.01 or shall fail to comply with the provisions of the same shall, upon conviction thereof, be punished by a fine of not less than \$5, nor more than \$100 and costs of prosecution, or may be imprisoned in the village or County Jail in the discretion of the court not less than five days nor more than 60 days.

(2005 Code, § 182.011)

(B) Any individual, firm, or corporation who shall violate any of the provisions of this chapter shall, on conviction thereof, be punished by a fine of not less than \$10 or more than \$200 together with cost of prosecution, or by imprisonment not exceeding 60 days, or by both such fine and imprisonment in the discretion of the court. And, upon failure to pay such fine and costs of prosecution, may be imprisoned for any time not exceeding 60 days, unless payment thereof be sooner made. And if imprisonment be adjudged in any case, it shall be in the Branch County Jail.

(2005 Code, § 181.021)

(Ord. 1-A, passed 11-8-1926; Ord. 25, passed 8-30-1997)

## **CHAPTER 52: GARBAGE COLLECTION**

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### Section

- 52.01 Definition
- 52.02 Prohibited disposal of garbage
- 52.03 Garbage containers
- 52.04 Garbage collection; license application; fee
- 52.05 Expiration and revocation of license
- 52.06 Rules and regulations for garbage collection
- 52.07 Liability of license and garbage contractors
- 52.08 Cartage of garbage
- 52.09 Disposal of garbage
- 52.10 Enforcement
- 52.11 Effective date
  
- 52.99 Penalty

**§ 52.01 DEFINITION.**

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**GARBAGE.** Includes animal, vegetable, and kitchen refuse, rags, ashes, cloth, wood, tin cans, bottles and paper and shall not include human or animal excretion, loam, clay, stones, plaster, dirt, shrubbery, brush, lawn rakings, broken concrete, brick, or any substance which may accumulate as a result of the construction or demolition or the repair of or additions to buildings.

(2005 Code, § 184.001) (Ord. 1-59, passed 1-12-1959)

## **§ 52.02 PROHIBITED DISPOSAL OF GARBAGE.**

No person shall deposit or place any garbage in any street, alley, river, or other public place within the village; nor shall any person deposit or place any garbage upon private property, unless such garbage is buried immediately or is properly drained and wrapped and deposited in a suitable water-tight can, vessel, or container, equipped with a closely fitted cover, which cover shall not be removed except when necessary to deposit garbage therein or to empty said can. No person shall permit any garbage to accumulate on any premises owned or controlled by him or her for a period longer than three days in the case of business or commercial establishments or one week in the case of residential or other establishments.

(2005 Code, § 184.002) (Ord. 1-59, passed 1-12-1959) Penalty, see § 52.99

## **§ 52.03 GARBAGE CONTAINERS.**

(A) Garbage containers may be condemned by the Health Officer and ordered replaced, if the container does not meet the requirements of this chapter nor the following conditions.

(B) A garbage container must:

- (1) Have a fly-tight cover;
- (2) Be made of metal or plastic;
- (3) Be free of holes;
- (4) Be thoroughly and regularly cleaned;
- (5) Have bails or handles; and
- (6) Be adequate in number and size.

(C) The receptacle for garbage shall be kept on the premises in the rear thereof within 25 feet of the rear entrance to the dwelling. Containers must be in plain view and readily accessible to the collectors.

(2005 Code, § 184.003) (Ord. 1-59, passed 1-12-1959) Penalty, see § 52.99

## **§ 52.04 GARBAGE COLLECTION; LICENSE APPLICATION; FEE.**

(A) (1) No person shall collect or engage in the business of collecting garbage in the village without first having applied for and received from the village a license as herein provided.

(2) No garbage collectors license shall be issued, except upon application to the Village Clerk, upon forms provided by him or her stating, in addition to such other information as shall be required by said Clerk, the applicant's proposed price per can in residential and in commercial districts for collection and disposal of garbage, a description of the trucks and equipment which he or she proposes to use for collecting garbage in the village and the following:

- (a) The method and location of the disposal of garbage to be used by the garbage collector;

- (b) The method and equipment to be used in collecting garbage in the village; and
- (c) The interval between collections.

(B) The Village Clerk shall submit any such application to the Council at its next regular meeting, and the Council shall act upon the application in the manner that it shall deem to be in the best interest of the village and its people.

(C) Whenever any application, which is made hereunder, shall have been approved by the Council, the Clerk shall, upon payment of a fee of \$10 by the applicant and the filing of the bond and evidence of insurance set forth in this chapter, issue to such applicant a garbage collector's license.

(2005 Code, § 184.004) (Ord. 1-59, passed 1-12-1959)

#### **§ 52.05 EXPIRATION AND REVOCATION OF LICENSE.**

(A) Unless sooner revoked as hereinafter provided, each garbage collectors license shall expire one year from the date it is granted.

(B) Any garbage collector's license issued under this chapter may be revoked for cause, and in addition, such license may be revoked if any unauthorized change is made in the method or equipment used in collection, the method or location of disposal, or the rates charged for collection.

(2005 Code, § 184.005) (Ord. 1-59, passed 1-12-1959)

#### **§ 52.06 RULES AND REGULATIONS FOR GARBAGE COLLECTION.**

(A) Every garbage collector shall provide such enclosed tank trucks as shall be necessary for the official collection of garbage in the village. Such trucks shall be so constructed that they cannot leak or spill, and shall be approved by the Health Officer before being used in garbage collection.

(B) When employed to remove garbage from any premises in the village by the owner or occupant thereof, the garbage collector shall remove all garbage deposited in cans for collection at least twice each week from residence, business, and commercial establishments.

(C) The expense of the garbage collection shall be paid by the owner, agent, occupant, or tenant of the premises from which the said garbage is collected, but no garbage collector shall charge his or her customer more for such collection than the fees for service approved by the Council at the time his or her license was granted or renewed.

(D) Every garbage collector shall wash out his or her trucks daily and maintain them in a clean and sanitary condition as free from offensive odors as possible. No garbage collector shall park any such trucks upon any private premises longer than is reasonably necessary to collect the garbage from the premises with the close vicinity.

(E) No garbage shall be disposed of by any garbage collector except in the manner set forth in his or her license.

(F) No garbage or rubbish shall be collected in the village except between the hours of 6:00 a.m. and 6:00 p.m.

(G) No garbage collector shall be required to collect any garbage, unless the same is deposited for collection in accordance with the provisions of this chapter.

(2005 Code, § 184.006) (Ord. 1-59, passed 1-12-1959) Penalty, see § 52.99

#### **§ 52.07 LIABILITY OF LICENSE AND GARBAGE CONTRACTORS.**

Each licensee and garbage contractor under this chapter shall pay any judgment which may be obtained against the village on account of the exercise of the privileges of his or her license to collect garbage on the terms of his or her contract with the village. For that purpose, he or she shall carry automobile property damage and personal injury liability insurance, with the village as a co-insurer on each policy of insurance, in the sum of \$50,000 for injury to one person, \$100,000 for injury to two or more persons, and \$5,000 for property damage.

(2005 Code, § 184.007) (Ord. 1-59, passed 1-12-1959)

### **§ 52.08 CARTAGE OF GARBAGE.**

No person shall transport or carry garbage upon the streets or alleys of the village, except such garbage be thoroughly covered with either a metal or a canvas cover and contained in cans or vehicles which are free from leaks. No person shall permit any garbage conveyed by him or her to spill into or to remain on any street or alley of the village.

(2005 Code, § 184.008) (Ord. 1-59, passed 1-12-1959) Penalty, see § 52.99

### **§ 52.09 DISPOSAL OF GARBAGE.**

(A) No person shall dispose of garbage within the village in such a manner as to create a nuisance in the village nor unless the same be covered with at least one foot of earth.

(B) No person shall dispose of garbage within the limits of the village, except in garbage fills which are operated under the direction of, or in accordance with rules there established by the Health Officer of the village.

(2005 Code, § 184.009) (Ord. 1-59, passed 1-12-1959) Penalty, see § 52.99

### **§ 52.10 ENFORCEMENT.**

The provisions of this chapter shall be enforced by the Health Officer and the Police Department under the supervision of the Village Mayor.

(2005 Code, § 184.010) (Ord. 1-59, passed 1-12-1959) Penalty, see § 52.99

### **§ 52.11 EFFECTIVE DATE.**

This chapter shall be effective 20 days after publication thereof, following the adoption thereof.

(2005 Code, § 184.012) (Ord. 1-59, passed 1-12-1959)

### **§ 52.99 PENALTY.**

Any person violating any provision of this chapter shall, on conviction thereof, be punished by a fine not exceeding \$100 or imprisonment in the Branch County Jail for a term not exceeding 90 days, or both by fine and imprisonment in the discretion of the court.

(2005 Code, § 184.011) (Ord. 1-59, passed 1-12-1959)

## **TITLE VII: TRAFFIC CODE**

### **Chapter**

### **70. UNIFORM TRAFFIC CODE**

- 71. GENERAL PROVISIONS
- 72. PARKING REGULATIONS
- 73. PARKING SCHEDULES

## CHAPTER 70: UNIFORM TRAFFIC CODE

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### Section

#### *General Provisions*

- 70.01 Code adopted
- 70.02 References in Code
- 70.03 Notice to be published
- 70.04 Conflicting ordinances repealed
- 70.05 Effective date
- 70.06 Notice of adaption

#### *Amendments to Section 9.3*

- 70.20 Effective date

#### *Operating Under the Influence Amendments*

- 70.35 Title
- 70.36 Short title
- 70.37 Purpose of amendments and modifications
- 70.38 Effective date

#### *School Buses, Signs, Overtaking, Lights, Mirrors, and the Like Amendments*

- 70.50 Title
- 70.51 Repeal of section 5.97(7)
- 70.52 Effective date
  
- 70.99 Penalty

## GENERAL PROVISIONS

### § 70.01 CODE ADOPTED.

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, and as amended both on February 14, 1961 and published in Supplement No. 25, and on February 26, 1968 and published in Supplement No. 54, and on August 4, 1976, and published in Supplement No. 88, to the 1954 State

Administrative Code, in accordance with Public Act 62 of 1956, being M.C.L.A. §§ 257.951 through 257.954, is hereby adopted by reference as in this ordinance modified.

(2005 Code, § 75.001) (Ord. passed 10-1-1978)

#### **§ 70.02 REFERENCES IN CODE.**

References in the Uniform Traffic Code for “Michigan Cities, Townships, and Villages” to **GOVERNMENTAL UNIT** shall mean the **VILLAGE OF UNION CITY**.

(2005 Code, § 75.002) (Ord. passed 10-1-1978)

#### **§ 70.03 NOTICE TO BE PUBLISHED.**

The Village Clerk shall publish this subchapter 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 by and distribution to the public at all times.

(2005 Code, § 75.003) (Ord. passed 10-1-1978)

#### **§ 70.04 CONFLICTING ORDINANCES REPEALED.**

Ord. 3-65, adopted August 9, 1965, 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.

(2005 Code, § 75.004) (Ord. passed 10-1-1978)

#### **§ 70.05 EFFECTIVE DATE.**

Notice is hereby given that pursuant to the provisions of Public Act 62 of 1956, being M.C.L.A. §§ 257.951 through 257.954, the Uniform Traffic Code for cities, townships, and villages was adopted by reference by the Village Council on September 11, 1978.

(2005 Code, § 75.005) (Ord. passed 10-1-1978)

#### **§ 70.06 NOTICE OF ADAPTION.**

This subchapter shall become effective 20 days following publication thereof.

(2005 Code, § 75.006) (Ord. passed 10-1-1978)

### **AMENDMENTS TO SECTION 9.3**

#### **§ 70.20 EFFECTIVE DATE.**

The provisions of § 90.99(B) shall become effective 20 days following publication thereof.

(2005 Code, § 76.002) (Ord. passed 8-13-1979)

### **OPERATING UNDER THE INFLUENCE AMENDMENTS**

#### **§ 70.35 TITLE.**

An ordinance to amend Chapter 20.750 (Part 75) of the village ordinances for the purpose of aligning the Uniform Traffic Code for “Michigan Cities, Townships, and Villages”, which was adopted by the village, to effectuate the changes of the State Vehicle Code made in Public Act 93 of 1991 being M.C.L.A. §§ 257.319 et seq., Public Act 95 of 1991 being M.C.L.A. §§ 257.321a and 257.625 et



seq., Public Act 98 of 1991 being M.C.L.A. §§ 257.1 et seq., and Public Act 99 of 1991 being M.C.L.A. §§ 257.8a et seq., coincidentally with their effective date.

(2005 Code, § 77.001) (Ord. 2-92, passed 1-13-1992)

### **§ 70.36 SHORT TITLE.**

Chapter 20.750 (Part 75) of the village code is amended to read as follows in this subchapter.

(2005 Code, § 77.002) (Ord. 2-92, passed 1-13-1992)

### **§ 70.37 PURPOSE OF AMENDMENTS AND MODIFICATIONS.**

Among the purposes of the amendments and modifications here into the Uniform Traffic Code for "Michigan Cities, Townships, and Villages", is to give effect to the changes in the State Vehicle Code made in Public Act 93 of 1991 being M.C.L.A. §§ 257.319 et seq., Public Act 95 of 1991 being M.C.L.A. §§ 257.321a and 257.625 et seq., Public Act 98 of 1991 being M.C.L.A. §§ 257.1 et seq., and Public Act 99 of 1991 being M.C.L.A. §§ 257.8a et seq., coincidentally with their effective date as part of the Vehicle Code, and regardless of whether or not they have been or will be promulgated by the Director of State Police pursuant to law on or before the effective date of the statutory amendments. In order to accord with Public Act 93 of 1991 being M.C.L.A. §§ 257.319 et seq., Public Act 95 of 1991 being M.C.L.A. §§ 257.321a and 257.625 et seq., Public Act 98 of 1991 being M.C.L.A. §§ 257.1 et seq., and Public Act 99 of 1991 being M.C.L.A. §§ 257.8a et seq., the ordinance numbers used herein shall begin with 5.625, as in the statute as amended by the aforementioned public acts. Equivalent existing sections repealed or altered in whole or in part by the aforementioned public acts and by these amendments are found in the Uniform Traffic Code beginning with Sec. 5.15 and following through 5.15g, pages 21 through 23. The following modifications and amendments to the Uniform Traffic Code for cities of the state, townships, and villages are hereby adopted.

(A) *Sec. 5.625. Operating, or authorizing or knowingly permitting another person to operate a motor vehicle while under the influence of intoxicating liquor or a controlled substance, or combination thereof, or with a blood alcohol content of 0.10 percent or more prohibited; operating a motor vehicle when visibly impaired prohibited; penalties for violation of subsections (1), (2), or (3); establishment of prior convictions; attempted violation of subsections (1) or (3).*

(1) A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state if either of the following applied:

(a) The person is under the influence of intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance.

(b) The person has a blood alcohol content of 0.10 percent or more by weight of alcohol.

(2) The owner of a vehicle or a person in charge or in control of a vehicle shall not authorize or knowingly permit the vehicle to be operated upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles, within this state by a person who is under the influence of intoxicating liquor or a controlled substance, or by a combination of intoxicating liquor and a controlled substance, or who has a blood alcohol content of 0.10 percent or more by weight of alcohol.

(3) A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles within this state when due to the consumption of an intoxicating liquor, a controlled substance, or a combination of an intoxicating liquor and a controlled substance, the person's ability to operate the vehicle is visibly impaired. If a person is charged with violating subsection (1), a finding of guilty under this subsection may be rendered.



(4) If a person is convicted of violating subsection (1), the following shall apply:

(a) The person who is convicted of violating subsection (1) is guilty of a misdemeanor, and may be punished by one or more of the following:

1. Service to the community for a period of not more than 45 days.
2. Imprisonment for not more than 90 days.
3. A fine of not less than \$100 or more than \$500.

(5) In addition to imposing the sanctions prescribed under subsection (4), the Court may, pursuant to the Code of Criminal Procedure, Public Act 175 of 1927, being M.C.L.A. §§ 760.1 to 776.21, order the person to pay the costs of the prosecution.

(6) The Court shall impose license sanctions pursuant to Section 625b.

(7) A person who is convicted of violating subsection (2) is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not less than \$100 or more than \$500, or both.

(8) If a person is convicted of violating subsection (3), the following shall apply:

(a) The person is guilty of a misdemeanor punishable by one or more of the following:

1. Service to the community for a period of not more than 45 days.
2. Imprisonment for not more than 90 days.
3. A fine of not more than \$300.

(b) In addition to imposing the sanctions prescribed in subdivision (a), the court may, pursuant to the Code of Criminal Procedure, Public Act 175 of 1927, being M.C.L.A. §§ 760.1 et seq., order the person to pay the costs of the prosecution.

(c) The Court shall order the Secretary of State to impose license sanctions pursuant to section 625b.

(d) A person sentenced to perform service to the community under this subsection shall not receive compensation, and shall reimburse the state or appropriate local unit of government for the cost of supervision incurred by the state or local unit of government as a result of the person's activities in that service.

(9) A person who is convicted of an attempted violation of subsection (1) or (3), or a local ordinance substantially corresponding to subsection (1) or (3), shall be punished as if the offense had been completed.

(10) When assessing points and taking licensing action under this act, the Secretary of State and the Court shall treat a conviction of an attempted violation of subsection (1) or (3) or a local ordinance substantially corresponding to subsection (1) or (3), or a law of another state substantially corresponding to subsection (1) or (3) the same as if the offense had been completed.

*(B) Sec. 6.625a. Use of preliminary chemical breath analysis; provisions applicable to chemical tests and analysis other than preliminary chemical breath analysis; introduction of other competent evidence; making chemical test results available to person charged or attorney; offering test results as evidence; presumption; admissibility of person's refusal to submit to chemical test.*

(1) A peace officer, without a warrant, may arrest a person when the peace officer has reasonable cause to believe that the person was, at the time of an accident, the operator of a vehicle involved in the accident in this state while in violation of section 615(1),(3), (4), or (5), or a local ordinance substantially corresponding to section 625(1) or (3).

(2) A peace officer who has reasonable cause to believe that a person was operating a vehicle upon a public highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, in this state, and that person by the consumption of intoxicating liquor may have affected his or her ability to operate a vehicle, may require the person to submit to a preliminary chemical breath analysis. The following provisions shall apply with respect to a preliminary chemical breath analysis:

(a) A peace officer may arrest a person based in whole or in part upon the results of a preliminary chemical breath analysis.

(b) The results of a preliminary chemical breath analysis are admissible in a criminal prosecution for a crime enumerated in Section 625c(1) or in an administrative hearing solely to assist the court or hearing officer in determining a challenge to the validity of an arrest. This subdivision does not limit the introduction of other competent evidence offered to establish the validity of an arrest.

(c) The person who submits to a preliminary chemical breath analysis shall remain subject to the requirements of section 625c and 625d of this ordinance or MCL Section 257.625c, MCL 257.625f for the purposes of chemical tests described in those sections.

(d) A person who refuses to submit to a preliminary chemical breath analysis upon a lawful request by a peace officer is responsible for a civil infraction.

(3) The following provisions apply with respect to chemical tests and analysis of a person's blood, urine, or breath, other than preliminary chemical breath analysis:

(a) The amount of alcohol or presence of a controlled substance or both in a driver's blood at the time alleged as shown by chemical analysis of the person's blood, urine, or breath is admissible into evidence in any civil or criminal proceeding.

(b) A person arrested for a crime described in section 615(c)(1) shall be advised of all of the following:

1. If he or she takes a chemical test of his or her blood, urine, or breath administered at the request of a peace officer, he or she has the right to demand that a person of his or her own choosing administer one of the chemical tests; that the results of the test are admissible in a judicial proceeding as provided under this act and shall be considered with other competent evidence in determining the innocence or guilt of the defendant; and that he or she is responsible for obtaining a chemical analysis of a test sample obtained pursuant to his or her own request.

2. If he or she refuses the request of a peace officer to take a test described in subparagraph i., a test shall not be given without a court order, but the peace officer may seek to obtain such a court order.

3. His or her refusal of the request of a peace officer to take a test described in subparagraph (1) shall result in the suspension of his or her operator's or chauffeur's license or operating privilege, and in the addition of six points to his or her driver record.

(c) A sample or specimen of urine or breath shall be taken and collected in a reasonable manner. Only a licensed physician, or a licensed nurse or medical technician under the directions of a licensed physician and qualified to withdraw blood acting in a medical environment, at the request of a peace officer, may withdraw blood for the purpose of determining the amount of alcohol or presence of a controlled substance or both in the person's blood, as provided in this subsection. Liability for a crime or civil damages predicated on the act of withdrawing or analyzing blood and related procedures shall not attach to a qualified person who withdraws or analyzes blood or assists in the withdrawal or analysis in accordance with this act unless the withdrawal or analysis is performed in a negligent manner.

(d) A chemical test described in this subsection shall be administered at the request of a peace officer having reasonable grounds to believe the person has committed a crime described in section 625(c)(1). A person who takes a chemical test administered at the request of a peace officer, as provided in this section, shall be given a reasonable opportunity to have a person of his or her own choosing administer one of the chemical tests described in this subsection within a reasonable time after his or her detention, and the results of the test shall be admissible and shall be considered with other competent evidence in determining the innocence or guilt of the defendant. If the person charged is administered a chemical test by a person of his or her choosing, the person charged shall be responsible for obtaining a chemical analysis of the test sample.

(e) If, after an accident, the driver of a vehicle involved in the accident is transported to a medical facility and a sample of the driver's blood is withdrawn at that time for the purpose of medical treatment, the results of a chemical analysis of that sample shall be admissible in any civil or criminal proceeding to show the amount of alcohol or presence of a controlled substance or both in the person's blood at the time alleged, regardless of whether the person had been offered or had refused a chemical test. The medical facility or person performing the chemical analysis shall disclose the results of the analysis to a prosecuting attorney who requests the results for use in a criminal prosecution as provided in this subdivision. A medical facility or person disclosing information in compliance with this subsection shall not be civilly or criminally liable for making the disclosure.

(f) If, after an accident, the driver of a vehicle involved in the accident is deceased, a sample of the decedent's blood shall be withdrawn in a manner directed by the medical examiner for the purposes of determining the amount of alcohol or the presence of a controlled substance, or both, in the decedent's blood. The medical examiner shall give the results of the chemical analysis of the sample to the law enforcement agency investigating the accident, and that agency shall forward the results to the Department of State Police.

(g) The Department of State Police shall promulgate uniform rules for the administration of chemical tests for the purposes of this section.

(4) The provisions of subsection (3) relating to chemical testing do not limit the introduction of any other competent evidence bearing upon the question of whether or not a person was impaired by, or under the influence of, intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance, or whether the person had a blood alcohol content of 0.10 percent or more by weight of alcohol.

(5) If a chemical test described in subsection (3) is administered, the results of the test shall be made available to the person charged or the person's attorney upon written request to the prosecution, with a copy of the request filed with the court. The prosecution shall furnish the results at least two days before the day of the trial. The results of the test shall be offered as evidence by the prosecution in that trial. Failure to fully comply with the request shall bar the admission of the results into evidence by the prosecution.

(6) Except in a prosecution relating solely to a violation of section 625(1)(b)), the amount of alcohol in the driver's blood at the time alleged as shown by chemical analysis of the person's blood, urine, or breath shall give rise to the following presumptions:

(a) If there was at the time 0.07 percent or less by weight or alcohol in the defendant's blood, it shall be presumed that the defendant's ability to operate a motor vehicle was not impaired due to the consumption of intoxicating liquor, and that the defendant was not under the influence of intoxicating liquor.

(b) If there was at the time in excess of 0.07 percent, but less than 0.10 percent by weight of alcohol in the defendant's blood, it shall be presumed that the defendant's ability to operate a vehicle was impaired within the provisions of section 625(3) due to the consumption of intoxicating liquor.

(c) If there was at the time 0.10 percent or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor.

(7) A person's refusal to submit to a chemical test as provided in subsection (3) shall be admissible in a criminal prosecution for a crime described in section 625c(1) only for the purpose of showing that a test was offered to the defendant, but not as evidence in determining innocence or guilt of the defendant. The jury shall be instructed accordingly.

*(C) Sec. 5.625b. Misdemeanor violation; arraignment; pretrial conference; advising accused before accepting plea; screening, assessment, and rehabilitative services; licensing sanctions; restricted license.*

(1) A person arrested for a misdemeanor violation of section 615(1) or (3), or a local ordinance substantially corresponding to section 615(1) or (3), shall be arraigned on the citation, complaint, or warrant not more than 14 days after the date of arrest or, if an arrest warrant is reissued, not more than 14 days after the reissued warrant is served.

(2) The Court shall schedule a pretrial conference between the prosecuting attorney, the defendant and the defendant's attorney in each case in which the defendant is charged with a misdemeanor violation of section 625(1) or (3). The pretrial conference shall be held not more than 35 days after the date of the person's arrest for the violation or, if an arrest warrant is reissued, not more than 35 days after the date a reissued arrest warrant is served, unless the Court has only one judge who sits in more than one location in that district, in which case the pretrial conference shall be held not more than 42 days after the date of the person's arrest for the violation or, if an arrest warrant is reissued, not more than 42 days after the date the reissued arrest warrant is served. The Court shall order the defendant to attend the pretrial conference and may accept a plea by the defendant at the conclusion of the pretrial conference. The Court may adjourn the pretrial conference upon the motion of a party for good cause shown.

(3) Before accepting a plea of guilty or nolo contendere under section 625, or a local ordinance substantially corresponding to section 615(1) or (3), the Court shall advise the accused of the maximum possible term of imprisonment and the maximum possible fine that may be imposed for the violation, and shall advise the defendant that the maximum possible license sanctions that may be imposed will be based upon the master driving record maintained by the Secretary of State pursuant to Section 204a.

(4) Before imposing sentence, other than court-ordered license sanctions, for a violation of section 625(1), (3), (4) or (5) a local ordinance substantially corresponding to section 615(1) or (3), the Court shall order the person to undergo screening and assessment by a person or agency designated by the office of substance abuse services, to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs. As part of the sentence, the Court may order the person to participate in and successfully complete one or more appropriate rehabilitative programs. The person shall pay for the costs of the screening, assessment, and rehabilitative services.

(5) Immediately upon acceptance by the Court of a plea of guilty or nolo contendere or upon entry of a verdict of guilty for a violation of section 615(1), (3), (4), or (5) or a local ordinance substantially corresponding to section 615(1) or (3), whether or not the person is eligible to be sentenced as a multiple offender, the Court shall consider all prior convictions currently entered upon the Michigan driving record of the person, except those convictions which, upon motion by the defendant, are determined by the court to be constitutionally invalid, and shall impose the following licensing sanctions:

(a) For a conviction under section 625(1) or a local ordinance substantially corresponding to section 625(1):

1. If the Court finds that the person has no prior convictions within seven years for a violation of section 625(1), (3), (4), or (5), or former section 625(1) or (2), or former section 625b, a local ordinance substantially corresponding to section 625(1) or (3), or former section 625(1) or (2) or former section 625b, or a law of another state substantially corresponding to section 625(1), (3), (4), or (5), or former section 625(1) or (2), or former section 625b, the Court shall order the Secretary of State to suspend the operator's or chauffeur's license of the person for a period of not less than six months or more than two years. The Court may order the Secretary of State to issue to the person a restricted license during all or a specified portion of the period of suspension, except that a restricted license shall not be issued during the first 30 days of the period of suspension.

2. If the Court finds that the person has one prior conviction within seven years for a violation of section 625(3) or former section 625(b), a local ordinance substantially corresponding to section 625(3) or former section 625b, or a law of another state substantially corresponding to section 625(3) or former section 625b, the Court shall order the Secretary of State to suspend the operator's or chauffeur's license of the person for a period of not less than six months or more than two years. The Court may order the Secretary of State to issue to the person a restricted license during all or any portion of the period of suspension, except that a restricted license shall not be issued during the first 60 days of the period of suspension.

3. If the Court finds that the person has one or more prior convictions within seven years for a violation of section 625(1), (4), or (5), or former section 625(1) or (2), a local ordinance substantially corresponding to section 625(1) or former section 625(1) or (2), or a law of another state substantially corresponding to section 625(1), (3), (4), or (5), former section 625(1) or (2), or that person has two or more prior convictions within ten years for a violation of section 625(1), (3), (4), or (5), or substantially corresponding to section 625(1) or (3), or former section 625(1) or (2), or former section 625b, or a law of another state substantially corresponding to section 625(1), (3), (4), or (5), or former section 625(1) or (2), or former section 625b, the Court shall order the Secretary of State to revoke the operator's or chauffeur's license of the person and shall not order the Secretary of State to issue a restricted license to the other person.

(b) For a conviction under section 625(3), or a local ordinance substantially corresponding to section 625(3):

1. If the Court finds that the convicted person has no prior conviction within seven years for a violation of section 625(1), (3), (4), or (5), or former section 625(1) or (2), or former section 625b, a local ordinance substantially corresponding to section 625(1) or (3), or former section 625(1) or (2), or former section 625b, or a law of another state substantially corresponding to section 625(1), (3), (4), or (5), or former section 625(1) or (2), or former section 625b, the Court shall order the Secretary of State to suspend the operator's or chauffeur's license of the person for a period of not less than 90 days or more than one year. The Court may order the Secretary of State to issue to the person a restricted license during all or a specified portion of the period of suspension.

2. If the Court finds that the person has one prior conviction within seven years for a violation of section 625(1), (3), or (5), or former section 625(1) or (2), or former section 625b, a local ordinance substantially corresponding to section 625(1) or (3), or former section 625(1) or (2), or former section 625b, or a law of another state substantially corresponding to section 625(1), (3), (4), or (5), or former section 625(1) or (2), or former section 625b, the Court shall order the Secretary of State to suspend the operator's or chauffeur's license of the person for a period of not less than six months or more than two years. The Court may order the Secretary of State to issue to the person a restricted license which shall not be issued during the first 60 days of the period of suspension.

3. If the Court finds that the person has two or more prior convictions within ten years for a violation of section 625(1), (3), (4), or (5), or former section 625(1) or (2), or former section 625b, a local ordinance substantially corresponding to section 625(1) or (3), or former section 625(1) or (2), or former section 625b, or a law of another state substantially corresponding to section 625(1), (3), (4), or (5), or former section 625(1) or (2), or former section 625b, the Court shall order the Secretary of State

to revoke the operator's or chauffeur's license of the person and shall not order the Secretary of State to issue a restricted license to the person.

(6) A restricted license issued pursuant to an order under subsection (5) shall permit the person to whom it is issued to do one or more of the following:

(a) Drive to and from the person's residence and work location.

(b) Drive in the course of the person's employment or occupation.

(c) Drive to and from the person's residence and an alcohol or drug education or treatment program as ordered by the Court.

(d) Drive to and from the person's residence and the Court Probation Department, or a court-ordered community service program, or both.

(e) Drive to and from the person's residence and an educational institution at which the person is enrolled as a student.

(7) The Court may order that the restricted license issued pursuant to subsection (5) include the requirement that the person shall not operate a motor vehicle unless the vehicle is equipped with a functioning ignition interlock device. The device shall be set to render the motor vehicle inoperable if the device detects a blood alcohol content of 0.02 percent or more by weight of alcohol in the person who offers a breath sample. The Court may order installation of an ignition interlock device on any motor vehicle that the person owns or operates, the costs of which shall be borne by the person whose license is restricted.

(8) The Court shall not order the Secretary of State under subsection (5) to issue a restricted license that would permit a person to operate a truck or truck tractor, including a trailer, that hauls hazardous materials.

(9) The Court shall not order the Secretary of State to issue a restricted license unless the person states under oath, and the Court finds pursuant to testimony taken in open court or pursuant to statements contained in a sworn affidavit on a form prescribed by the State Court Administrator, that the person is unable to take public transportation to and from his or her work location, place of alcohol or drug education treatment, court-ordered community service program, or educational institution, and does not have any family members or other individuals able to provide transportation.

(10) The Court order issued under subsection (5) and the restricted license shall indicate the permitted destination of the person, the approved route or routes if specified by the Court, and permitted times of travel.

(11) As used in this section, "work location" means, as applicable, either the specific place or places of employment, or the territory or territories regularly visited by the person in pursuance of the person's occupation, or both.

(12) Immediately upon acceptance by the Court of a plea of guilty or nolo contendere or upon entry of a verdict of guilty for a violation of section 625(1), (3), (4), or (5), or a local ordinance substantially corresponding to section 625(1) or (3), the person shall surrender to the Court his or her operator's or chauffeur's license or permit. The Court shall immediately destroy the license or permit and forward an abstract of conviction with court-ordered license sanctions to the Secretary of State. Upon receipt of, and pursuant to, the abstract of conviction with court-ordered license sanctions, the Secretary of State shall suspend or revoke the person's license and, if ordered by the Court and the person is otherwise eligible for a license, issue to the person a restricted license stating the limited driving privileges indicated on the abstract. If the judgment and sentence is appealed to Circuit Court, the Court may, ex parte, order the Secretary of State to stay the suspension, revocation, or restricted license issued pursuant to this section pending the outcome of the appeal.

(D) *Sec. 5.625c. Consent to chemical tests; exceptions; administration.*

(1) A person who operated a vehicle upon a public highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state is considered to have given consent to chemical tests of his or her blood, breath, or urine for the purpose of determining the amount of alcohol or presence of a controlled substance or both in his or her blood, in all of the following circumstances:

(a) If the person is arrested for a violation of section 625(1), (3), (4), or (5), or a local ordinance substantially corresponding to section 625(1) or (3).

(b) If the person is arrested for felonious driving, negligent homicide, manslaughter, or murder, resulting from the operation of a motor vehicle and the peace officer had reasonable grounds to believe that the person was operating the vehicle while impaired by or under the influence of intoxicating liquor or a controlled substance or a combination of intoxicating liquor and a controlled substance, or while having a blood alcohol content of 0.10 percent or more by weight of alcohol.

(2) A written report shall immediately be forwarded to the Secretary of State by the peace officer. The report shall state that the officer had reasonable grounds to believe that the person had committed a crime described in section 625c(1), and that the person had refused to submit to the test upon the request of the peace officer and had been advised of the consequences of the refusal. The form of the report shall be prescribed and furnished by the Secretary of State.

(E) *Sec. 5.625g. Duties of peace officer if person refuses chemical test or if test reveals blood alcohol content of 0.10 percent or more.*

(1) If a person refuses a chemical test offered pursuant to section 625a(3), or submits to the chemical test and the test reveals a blood alcohol content of 0.10 percent or more by weight of alcohol, the peace officer who requested a person to submit to the test shall do all of the following:

(a) On behalf of the Secretary of State, immediately confiscate the person's license or permit to operate a motor vehicle, and, if the person is otherwise eligible for a license or permit, issue a temporary license or permit to the person that is valid until the criminal charges against the person are dismissed, or until the person pleads guilty or nolo contendere to, or is found guilty of, those charges. The temporary license or permit shall be on a form provided by the Secretary of State.

(b) Except as provided in subsection (2), immediately do all of the following:

1. Forward a copy of the written report of the person's refusal to submit to a chemical test to the Secretary of State.

2. Notify the Secretary of State by means of the law enforcement information network that a temporary license or permit was issued to the person.

3. Except as provided in subsection (2), destroy the person's driver's license or permit.

(2) If a person submits to a chemical test offered pursuant to section 625a(3) that requires the withdrawal of blood and a report of the results of that chemical test is not immediately available, the peace officer who requested the person to submit to the test shall comply with subsection (1)(a) pending receipt of the test report. If, upon receipt, the report reveals a blood alcohol content of 0.10 percent or more by weight of alcohol, the peace officer who requested the person to submit to the test shall immediately comply with subsection (1)(b). If, upon receipt, the report reveals a blood alcohol content of less than 0.10 percent by weight of alcohol, the peace officer who requested the person to submit to the test shall immediately notify the person of the test results, and immediately return the person's license or permit by first-class mail to the address given at the time of arrest.

(F) *Sec. 625j. Reckless driving after drinking.* Any person, whether licensed or not, who shall commit the offense of reckless driving as defined in this Code, Section 5.14 thereof, who has been



drinking intoxicating liquor or who has been using a controlled substance, or a combination of intoxicating liquor or a controlled substance, shall be guilty of a misdemeanor punishable by imprisonment for not more than 90 days, or a fine of not more than \$300, or both. As a part of the sentence, the court may impose the performance of community service as designated by the court, for a period of not more than 12 days. A person sentenced to perform service to the community under this subsection shall not receive compensation, and shall reimburse the state or appropriate local unit of government for the cost of supervision and insurance incurred as a result of the person's community service under this section.

(2005 Code, § 77.003) (Ord. 2-92, passed 1-13-1992)

**Editor's note:**

*References to subsections 625e, 625f, 625h, and 625i are omitted from this amendment because they pertain to state officers and officers not within the jurisdiction of this village and/or are procedural under the statute*

**§ 70.38 EFFECTIVE DATE.**

This subchapter is declared to be an emergency ordinance and shall take immediate effect.

(2005 Code, § 77.006) (Ord. 2-92, passed 1-13-1992)

**SCHOOL BUSES, SIGNS, OVERTAKING, LIGHTS, MIRRORS, AND THE LIKE AMENDMENTS**

**§ 70.50 TITLE.**

An ordinance to amend the general ordinances of the village by amending Part 20.750 et seq. thereof, which adopts by reference the Uniform Traffic Code for "Michigan Cities, Townships and Villages", as last amended and promulgated pursuant to Public Act 62 of 1956, being M.C.L.A. §§ 257.951 through 257.954, with certain modifications and amendments thereto.

(2005 Code, § 78.001) (Ord. 2-84, passed 2-13-1984)

**§ 70.51 REPEAL OF SECTION 5.97(7).**

Section 5.97(7) of the Uniform Traffic Code, as previously adopted, is hereby repealed.

(2005 Code, § 78.002) (Ord. 2-84, passed 2-13-1984)

**§ 70.52 EFFECTIVE DATE.**

This subchapter shall become effective 20 days following publication thereof.

(2005 Code, § 78.005) (Ord. 2-84, passed 2-13-1984)

**§ 70.99 PENALTY.**

(A) *Generally.* Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) *Section 9.3 penalties.*

(1) Any provision of § 70.20 which describes an act or omission which constitutes a civil infraction under the terms of the State Vehicle Code, being Public Act 300 of 1949, as amended, being M.C.L.A. §§ 257.1 et seq., shall be processed as a civil infraction and any person found to have committed a

civil infraction may be ordered to pay a civil fine of not more than \$100 and costs in accordance with § 907 of the State Vehicle Code, being M.C.L.A. § 257.907 et seq.

(2) Violation of any other provision of § 70.20 not constituting a civil infraction, as herein provided, shall be punishable by a fine of not more than \$500 or imprisonment for not more than 90 days or by both such fine and imprisonment.

(3) Section 70.20 shall become effective 20 days following publication thereof.

(2005 Code, § 76.001) (Ord. passed 8-13-1979)

## **CHAPTER 71: GENERAL REGULATIONS**

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Section

### ***General Regulations***

71.01 Traffic Violation Bureau

71.02 Motorcycles

### ***School Property Traffic***

71.15 Definitions

71.16 Operation of motor vehicles

71.17 Parking of motor vehicles

71.18 Speed of motor vehicles

71.19 Effective date

71.99 Penalty

## **GENERAL REGULATIONS**

### **§ 71.01 TRAFFIC VIOLATION BUREAU.**

(A) *Bureau established.* There is hereby established a Traffic Violation Bureau under the supervision and direction of the Village Council for the purpose of handling cases of persons charged with the minor infractions of ordinances of this village relative to traffic and motor vehicles.

(2005 Code, § 81.001)

(B) *Clerk.* The Clerk of the Traffic Violation Bureau shall be appointed by the Village Council at a compensation to be determined by the Village Council, and shall serve at the pleasure of the Village Council. Such Clerk shall file a bond in an amount to be determined and approved by the Council, the obligee of said bond to be the village, and said bond to be conditioned upon the faithful performance of said Clerk of the duties and obligations provided for by the terms of this section.

(2005 Code, § 81.002)

(C) *Duties.* The following duties are hereby imposed upon the Traffic Violation Bureau.

- (1) It shall accept designated fines and forfeitures based upon the schedule of fines and forfeitures made a part of this section and determined by the Village Council, and shall issue receipts acknowledging such payments.
- (2) Payments of such predetermined fine or forfeiture shall be at the option of the person charged with having violated an ordinance of this village relating to traffic and the use of motor vehicles. Any person so charged may demand a hearing on such charge by a Justice of the Peace of the village.
- (3) The Bureau shall have no authority to determine the guilt or innocence of any person notified to appear before the Traffic Violation Bureau, and shall have no authority to cancel or suspend any traffic notice or summons duly issued by authorized representatives of the village.
- (4) Payment of the designated fine or forfeiture shall be deemed complete satisfaction for the violation.
- (5) Any traffic offense for which a fine or forfeiture has not been determined by the Village Council shall be heard and determined by a Justice of the Peace of the village.
- (6) If the violator of an ordinance of this village relating to traffic and use of motor vehicles does not appear within a period of 48 hours in response to a notice legally given, the Bureau shall send the owner of the motor vehicle in question a letter informing such person of the violation and warning him or her that he or she will be held responsible for the appearance of the violation and that, in the event such letter is disregarded for a period of five days thereafter, a complaint will be filed and a warrant of arrest requested against said owner.
- (7) In the event any person fails to comply with a notice of the Bureau as provided herein or fails to make an appearance before the Traffic Violation Bureau, the Bureau shall forthwith request a complaint to be entered against such person and a warrant for his or her arrest issued.
- (8) The Traffic Violation Bureau shall keep complete records and shall submit summarized monthly reports to the Village Council showing the number of notices or summons issued, the amount of fines collected by the Bureau, and showing the final disposition or present status of summons issued. Such records shall be so maintained as to show all types of violations for which fine or forfeiture is herein designated, and the total of each.
- (9) All money collected by the Traffic Violation Bureau shall each day be remitted to the Village Treasurer for deposit in the proper accounts or funds.

(2005 Code, § 81.003)

(D) *Fines.* The Traffic Violation Bureau is hereby authorized to assess and receive payment of the fines or forfeitures here in provided for minor traffic and motor vehicle violations of the ordinance of the village. All persons committing minor violations of ordinances of the village relating to traffic and the use of motor vehicles may pay or forfeit to the village the amount of money set opposite such listed violation in lieu of proceedings before a court of competent jurisdiction by paying to the Traffic Violation Bureau the amount of the fine or forfeit as prescribed from time to time by resolution of the Village Council.

(2005 Code, § 81.004)

(E) *Effective date.* This section shall be in full effect from and after 20 days from date of its publication in the Union City Register-Tribune, as provided by law.

(2005 Code, § 81.007)

(Ord. 26, passed 6-11-1952; Ord. passed 9-8-1954; Ord. passed 9-26-1956; Ord. passed 5-13-1985; Ord. passed 9-1-1986; Ord. 95-5, passed 5-11-1995; Ord. 2002-02, passed 4-8-2002)

## **§ 71.02 MOTORCYCLES.**

No person shall operate or ride upon any motor-driven cycle, motor bicycle, or motorcycle in the village unless such operator or rider is wearing protective boots or shoes of leather or similar substance, and also unless such operator or rider is wearing a protective helmet, crash helmet, or similar headgear made of plastic, leather, or similar substance and designed so as to prevent or minimize injury to the head. It is the intent of this section to minimize possibility of accidental injury to operators and riders of such motorcycles, motor-driven cycles, and motor bicycles.

(2005 Code, § 82.001) (Ord. passed 12-14-1966) Penalty, see § 71.99

## SCHOOL PROPERTY TRAFFIC

### § 71.15 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CONTROL DEVICE.** Any insignia issued by the Union City Community School District, and all signs, signals, markings, and devices erected or enacted upon the property of the School District by, or at the direction of, the Village of Union City or the Union City Board of Education, governing the operation, parking, and the speed of motor vehicles on said property.

**DRIVER.** Every person who drives or is in actual physical control of a vehicle.

**MOTOR VEHICLES.** Every self-propelled device upon or by which any person or property may be transported except devices used exclusively upon stationary tracks or rails.

**PARKING.** Standing motor vehicle, whether occupied or not, when loading or unloading, except when making necessary repairs.

**PROPERTY OF THE SCHOOL DISTRICT.** All property owned by or under the control of the jurisdiction of the Board of Education of the Union City Community School District of the Village of Union City, Michigan, situated within the limits of the said Village of Union City, Michigan.

**UNION CITY COMMUNITY SCHOOL DISTRICT.** The Union City Community School District having personal and real property located in the corporate limits of the Village of Union City, Michigan.

(2005 Code, § 84.001) (Ord. 6-86, passed 9-8-1986)

### § 71.16 OPERATION OF MOTOR VEHICLES.

Every motor vehicle upon the property of the Village Community School District shall be operated in accordance with the following.

(A) No person shall operate any motor vehicle upon the property of the Village Community School District, except upon driveways, parking areas, or other places specifically provided or designated for the operation of motor vehicles by control devices erected upon said property by or at the direction of the Village Board of Education.

(B) Any person operating a motor vehicle upon the property of the Village Community School District shall operate the same in the manner directed by any control device erected upon said property by, or at the direction of, the Village Board of Education.

(C) No person shall operate a motor vehicle upon any sidewalk, lawn, athletic field, or track, except with the permission of the Village Community School District. No person shall operate a motor vehicle upon any area or place where the operation of such motor vehicle is prohibited by any control device erected upon the property of the Village Community School District by, or at the direction of the Village Board of Education.

(2005 Code, § 84.002) (Ord. 6-86, passed 9-8-1986) Penalty, see § 71.99

## **§ 71.17 PARKING OF MOTOR VEHICLES.**

Every person operating a motor vehicle upon the property of the Village Community School District shall obey the following regulations relating to parking.

(A) No person shall park any motor vehicle upon the property of the Village Community School District, except in or upon designated as parking areas by control devices erected by, or at the direction of, the Village Board of Education.

(B) Any motor vehicle parked shall be parked in or on such parking areas in the manner prescribed by any control device designating the method of parking of motor vehicles in such parking areas.

(C) No motor vehicle shall be parked in any place on the property of the Village Community School District where parking is prohibited by control devices erected by, or at the direction of the Village Board of Education.

(D) No person shall park any motor vehicle upon the property of the Village Community School District between the hours of 8:00 a.m. and 5:00 p.m., except in accordance with the rules, regulations, insignia, and other control devices issued or established by the Village Board of Education.

(2005 Code, § 84.003) (Ord. 6-86, passed 9-8-1986) Penalty, see § 71.99

### **Cross-reference:**

*Parking Regulations, see Ch. 72*

## **§ 71.18 SPEED OF MOTOR VEHICLES.**

Every person operating a motor vehicle upon the property of Village Community School District shall obey the following regulations relating to speed.

(A) Any person driving a motor vehicle upon the property of the Village Community School District or any driveway, parking areas, or place provided or designated for the operation of motor vehicles shall drive said motor vehicle at a careful and prudent speed, not greater than nor less than is reasonably proper, having due regard to the traffic, pedestrians, surface, and width of the driveway and of any other conditions then existing and no person shall drive any motor vehicle at a speed greater than will permit such driver to bring it to a stop within the assured clear distance ahead.

(B) Subject to the provisions of division (A) above, it shall be prima facie lawful for a driver of a motor vehicle to drive the same upon the property of the Village Community School District or any driveway, parking area or place provided or designated for the operation of a motor vehicle at a speed not exceeding ten mph, unless a lower speed shall be designated at any place by any control device erected by, or at the direction of, the Village Board of Education, and in such case it shall be prima facie lawful for a driver of a motor vehicle to drive the same at a speed not exceeding the speed designated on such control device, providing however, that in any case such speed would be unsafe, it shall be unlawful.

(C) It shall be unlawful for the driver of any motor vehicle to exceed the speed of ten mph or to exceed any lower speed designated on any control device erected by or at the direction of the Village Board of Education.

(2005 Code, § 84.004) (Ord. 6-86, passed 9-8-1986) Penalty, see § 71.99

## **§ 71.19 EFFECTIVE DATE.**

This subchapter shall take effect immediately after the passage upon publication thereof.

(2005 Code, § 84.006) (Ord. 6-86, passed 9-8-1986)

**§ 71.99 PENALTY.**

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) Any violation of § 71.02 shall be a misdemeanor, punishable by a fine of not to exceed \$100, or by imprisonment in the Branch County Jail for not more than ten days, or by both such fine and imprisonment.

(2005 Code, § 82.002)

(C) (1) Any provision of §§ 71.15 through 71.19 which describes an act or omission which constitutes a civil infraction under the terms of the State Vehicle Code, being Public Act 300 of 1949, being M.C.L.A. §§ 257.1 through 257.923 as amended, shall be processed as a civil infraction and any person found to have committed a civil infraction may be ordered to pay a civil fine of not more than \$100 and costs in accordance with § 907 of the State Vehicle Code, being M.C.L.A. § 257.907.

(2) Violation of any other provision of §§ 71.15 through 71.19 not constituting a civil infraction, as herein provided, shall be punishable by a fine of not more than \$500 or imprisonment for not more than 90 days or by both such fine and imprisonment.

(2005 Code, § 84.005)

(Ord. passed 12-14-1966; Ord. 6-86, passed 9-8-1986; Ord. 4-92, passed 2-10-1992)

## **CHAPTER 72: PARKING REGULATIONS**

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### Section

72.01 Parking in Business District

72.02 Prohibition of parking on village streets

72.03 Parking of commercial vehicles

72.99 Penalty

**§ 72.01 PARKING IN BUSINESS DISTRICT**

(A) *Time limit.* No automobile, truck, trailer, or other vehicle shall remain parked in one parking space at any point within said Business District for a period of more than two continuous hours, between the hours of 9:00 a.m. and 6:00 p.m.

(2005 Code, § 79.002)

(B) *Signs; enforcement.* The Village Marshal is hereby directed and instructed to procure and place, at conspicuous points within said Business District, signs giving notice to the public that parking for more than two hours is prohibited, within said District; and he or she shall see that this section is carried into effect and for that purpose shall cause vehicles parked within said District to be marked in such manner that it can be ascertained whether such vehicle remains in a parking space for a period of more than two hours, and where such vehicles are so parked for a period of more than two continuous hours, he or she shall cause the registration numbers of such vehicles to be taken, and also cause to be attached to such vehicles notice of the violation of this section; and he or she may request that the owner, or driver, thereof appear before a Justice of the Peace of competent



jurisdiction, at a time and place designated on said notice, and answer a complaint for the violation of this section. On the failure of such owner or driver to appear at the time and place designated in said notice, the Village Marshal or police officer shall cause a formal warrant to be issued for the owner or driver of such vehicle, and shall proceed to prosecute the same in the manner provided by law.

(2005 Code, § 79.003)

(C) *Effective date.* This section will take effect 20 days after publication thereof.

(2002 Code, § 79.005)

(Ord. 25, passed 2-24-1947) Penalty, see § 72.99

## **§ 72.02 PROHIBITION OF PARKING ON VILLAGE STREETS.**

No person shall park or cause to be parked any motor vehicle upon any public street or upon any public alley within the limits of the village between the hours of 2:00 a.m. and 6:00 a.m. daily. The Chief of Police is hereby authorized to issue courtesy cards providing for exceptions to this section for attendance at regularly constituted conferences, meetings, and conventions. Appropriate signs giving public notice of such parking regulations shall be posted at all main streets and highways entering the village.

(2005 Code, § 80.001) (Ord. 1-85, passed 5-13-1985) Penalty, see § 72.99

### ***Editor's note:***

*At the Village Council meeting of September 9, 1985, a motion was adopted to amend the existing ordinance and allow permits of variance due to hardship with a nine-month moratorium on the enforcement of the law on this ordinance, effective September 29, 1985*

## **§ 72.03 PARKING OF COMMERCIAL VEHICLES.**

No person shall park or cause to be parked any commercial motor vehicle which equals or exceeds 40 feet in length, or any combination of commercial motor vehicle, truck, tractor, semi-trailer, bus, or other commercial vehicle which in combination equals or exceeds 40 feet in length, upon any public street, upon any public alley, in any parking lot owned or operated by the village, or any property of the village, at any time; provided, however, that this section shall not be construed as prohibiting parking in such a way as not to impair the normal flow of traffic, for the specific purpose of, or during the course of loading or unloading.

(2002 Code, § 83.001) (Ord. 4-92, passed 2-10-1992) Penalty, see § 72.99

## **§ 72.99 PENALTY.**

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) The owner or driver of any vehicle who shall allow the same to remain in one parking space within said Business District for a period of more than two hours during the time provided by § 72.01 shall be then guilty of a civil offense, and upon a finding of responsibility thereof, before any court of competent jurisdiction, shall be punished by a fine in accordance with the provisions of § 71.01(D).

(2005 Code, § 79.004)

(C) The owner or driver of any motor vehicle which is parked in the village in violation of § 72.03 shall be guilty of a civil offense, and upon a finding of responsibility thereof, before any court of competent jurisdiction, shall be punished by a fine in the amount of \$10, together with costs of prosecution; provided, however, that if said violation continues for a period of 48 consecutive hours or more, the fine shall be \$20, together with the costs of prosecution.



(2002 Code, § 83.0012)

(Ord. 25, passed 2-24-1947; Ord. 4-92, passed 2-10-1992)

## **CHAPTER 73: PARKING SCHEDULES**

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### Schedules

#### I. Business District

#### **SCHEDULE I. BUSINESS DISTRICT.**

For the purpose of this schedule, the Business District of the village shall be deemed to include the following territory: all frontage on Broadway Street from High Street to Charlotte Street; all frontage on High Street to a point 100 feet easterly, and to a point 100 feet westerly from its intersection with Broadway Street; all frontage on Ellen Street to a point 100 feet westerly from its intersection with Broadway Street; all frontage on Hammond Street to a point 100 feet easterly from its intersection with Broadway Street; all frontage on Charlotte Street to a point 100 feet westerly from its intersection with Broadway Street.

(2005 Code, § 79.001) (Ord. 25, passed 2-24-1947) Penalty, see § 72.99

## **TITLE IX: GENERAL REGULATIONS**

### Chapter

- 90. ANIMALS**
- 91. STREETS, SIDEWALKS, CROSSWALKS, CURBS, AND THE LIKE**
- 92. HEALTH AND SAFETY REGULATIONS**
- 93. PUBLIC SAFETY**
- 94. ENVIRONMENTAL PROTECTION**

## **CHAPTER 90: ANIMALS**

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### Section

#### *Dogs*

- 90.01 Short title
- 90.02 License required
- 90.03 Duty to keep confined
- 90.04 Responsibility of damages
- 90.05 Barking dog

- 90.06 Vicious dog
- 90.07 Confining dog for observation
- 90.08 Dog bitten by another dog
- 90.09 Destruction of vicious dog
- 90.10 Impoundment of dogs
- 90.11 Release of dogs and unclaimed dogs
- 90.12 Unclaimed dogs
- 90.13 Quarantine
- 90.14 Violation notices
- 90.15 Repeated violations
- 90.16 Effective date
  
- 90.99 Penalty

## DOGS

### § 90.01 SHORT TITLE.

This subchapter shall be described as the “Dog Ordinance” of the village and it shall be deemed sufficient in any proceeding to refer to same by number and such short title.

(2005 Code, § 131.001) (Ord. 2-57, passed 9-9-1957)

### § 90.02 LICENSE REQUIRED.

It shall be unlawful for any person to own, possess, or harbor any dog three months old or over in the village unless said dog is licensed as provided by law, or to own, harbor, or possess any dog three months old or over that does not at all times wear a collar or harness with suitable tag attached as hereinafter provided. Every person in possession of any dog who shall suffer such dog to remain about his or her premises for the space of five days shall be deemed the owner thereof. The term **DOG** as used in this subchapter shall include both male, female, and unsexed.

(2005 Code, § 131.002) (Ord. 2-57, passed 9-9-1957) Penalty, see § 90.99

### § 90.03 DUTY TO KEEP CONFINED.

It shall be unlawful for any person owning, possessing, or having charge of any dog to permit or allow such dog, whether licensed or unlicensed, to run at large or stray beyond the premises of such owner or possessor unless:

- (A) The dog is on a leash in the hands of a capable person or confined in a motor vehicle; and
- (B) Such dog has been immunized against rabies.

(2005 Code, § 131.003) (Ord. 2-57, passed 9-9-1957; Ord. 95-3, passed 5-17-1995) Penalty, see § 90.99

### § 90.04 RESPONSIBILITY OF DAMAGES.

Every owner of a dog shall be liable for damages for any and all injuries to person or property caused by such dog, to be determined and collected in appropriate civil proceedings, and nothing in the subchapter contained shall be construed to impose any liability upon the village, its agents, or employees for damages caused by such dog.

(2005 Code, § 131.004) (Ord. 2-57, passed 9-9-1957)

#### **§ 90.05 BARKING DOG.**

No person shall harbor or keep any dog which by loud or frequent or habitual barking, yelping, or howling, shall cause a serious annoyance to the neighborhood, or to people passing to and fro upon the street.

(2005 Code, § 131.005) (Ord. 2-57, passed 9-9-1957) Penalty, see § 90.99

#### **§ 90.06 VICIOUS DOG.**

(A) *Generally.* No person shall own or harbor a fierce or vicious dog, or a dog that has been bitten by an animal known to have been afflicted with rabies. All dogs found to be vicious and all rabid dogs shall be destroyed, unless otherwise disposed of by the owner thereof.

(2005 Code, § 131.006)

(B) *Destruction of vicious dog.* Whenever a dog is taken into custody by the Branch County Dog Warden or the Police Department for having bitten a person, the Dog Warden or the Police Department may, if deemed necessary and advisable, and after holding such dog a sufficient length of time to meet the requirements of the Health Officer for investigation, cause such dog to be destroyed as a vicious dog. Unless waived in writing, notice of intent to so destroy such dog shall be given to the owner, if known.

(2005 Code, § 131.009)

(Ord. 2-57, passed 9-9-1957) Penalty, see § 90.99

#### **§ 90.07 CONFINING DOG FOR OBSERVATION.**

(A) Any person who shall have in his or her possession a dog which has contracted rabies, or which has been subject to the same, or which is suspected of having rabies, or which has bitten any person, shall, upon demand of the Police Department or of the Village Health Officer, produce and surrender upon such dog to the said Police Department or the Health Officer, to be held in the Branch County Dog Pound or by the Branch County Dog Warden for treatment and observation for a period of 15 days.

(B) In lieu of such delivering up of such dog as aforesaid, such person shall have the option of delivering such dog to an approved kennel, there to be held for treatment and observation for such 15-day period, and shall furnish to the Police Department written evidence that said dog has been so delivered, provided however, that in the event such dog be confined in a private kennel, such confinement shall be at the sole expense of the owner of said dog, and without expense or risk in the part of the village.

(2005 Code, § 131.007) (Ord. 2-57, passed 9-9-1957) Penalty, see § 90.99

#### **§ 90.08 DOG BITTEN BY ANOTHER DOG.**

It shall be the duty of any person owning or harboring a dog which has been attacked or bitten by another dog or other animal showing symptoms of rabies to immediately notify the Police Department or the Health Officer that such person has such dog in his or her possession, and such person shall comply with all lawful orders and requirements of the Police Department and the Health Officer.

(2005 Code, § 131.008) (Ord. 2-57, passed 9-9-1957)

### **§ 90.09 DESTRUCTION OF VICIOUS DOG.**

Whenever a dog is taken into custody of the Branch County Dog Warden or the Police Department for having bitten a person, the Dog Warden of Police Department may, if deemed necessary and advisable, and after holding such dog a sufficient length of time to meet the requirements of the Health Officer for investigation, cause such dog to be destroyed as a vicious dog. Unless waived in writing, notice of intent to so destroy such dog shall be given to the owner, if known.

(2005 Code, § 131.008) (Ord. 2-57, passed 9-9-1957)

### **§ 90.10 IMPOUNDMENT OF DOGS.**

(A) It shall be the duty of the Village Marshal or Deputy Marshal to take up, seize, and place, or impound any dogs found running at large in the village not under the control of the owner or keeper contrary to the provisions of this subchapter.

(B) The Village Police Department is hereby authorized to assist the Branch County Dog Warden in executing the provisions of this subchapter.

(2005 Code, § 131.010) (Ord. 2-57, passed 9-9-1957)

### **§ 90.11 RELEASE OF DOGS AND UNCLAIMED DOGS.**

(A) No dog shall be released from the Branch County Dog Warden, unless the owner or his or her authorized agent shall pay to the Dog Warden a fee as set forth in the following schedule:

(1) For the release of a licensed dog, properly immunized against rabies; and

(2) Payment of the cost of boarding such dog, at the rate of \$0.50 for each day said dog has been impounded with a minimum charge however, for one day.

(B) No dog shall be released from said impounding unless the same is properly immunized and licensed, and the cost of such immunization and licensing shall be paid by the owner in addition to the fees hereinbefore provided.

(2005 Code, § 131.011) (Ord. 2-57, passed 9-9-1957)

### **§ 90.12 UNCLAIMED DOGS.**

All dogs not claimed and released within 72 hours after being impounded shall be destroyed, or if the animal is deemed valuable, the same may be sold or disposed of by the Branch County Dog Warden, provided that, dogs impounded having been exposed to rabies, or any dog that has attacked a person shall be kept until such time, and under such condition as shall be required by the Police Department or the Health Officer.

(2005 Code, § 131.012) (Ord. 2-57, passed 9-9-1957)

### **§ 90.13 QUARANTINE.**

The Village Health Officer is hereby authorized to require that any dog be quarantined, or that a quarantine be established in the village for any defined period, when, in his or her opinion, such measures are necessary in order to protect the health of the inhabitants of such village.

(2005 Code, § 131.013) (Ord. 2-57, passed 9-9-1957)

### **§ 90.14 VIOLATION NOTICES.**

The Police Department of the village is hereby authorized, upon witnessing violations of this subchapter, where it is impractical or impossible to impound the dog, to issue to the owner of said dog a written notice of such violation. The owner of such dog, may, within 72 hours, present such notice to the Violation Bureau in the village, and there pay the penalties which would have been imposed had such dog been impounded, with the exception that only the minimum charge for board of such dog shall be made. If the owner of such dog shall fail to appear within said 72 hours, the person issuing such notice shall forthwith file a complaint in Justice Court, and secure a warrant for the arrest of the owner of such dog and all further proceedings shall be had in accordance with the rules and regulations and practice of said court. Payment of any penalty in accordance with the provisions of this section shall be deemed full satisfaction for such violation.

(2005 Code, § 131.014) (Ord. 2-57, passed 9-9-1957)

### **§ 90.15 REPEATED VIOLATIONS.**

If any person shall be guilty of more than one violation of this subchapter within any calendar year, it shall be the duty of the person witnessing any subsequent violation to file a complaint in Justice Court, and such owner shall not be permitted to settle said subsequent violation by payment of impounding fees as hereinbefore provided.

(2005 Code, § 131.015) (Ord. 2-57, passed 9-9-1957)

### **§ 90.16 EFFECTIVE DATE.**

This subchapter shall be effective 20 days after publication thereof, following the adoption thereof.

(2005 Code, § 131.019) (Ord. 2-57, passed 9-9-1957)

### **§ 90.99 PENALTY.**

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) (1) A person who violates § 90.02 is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$25, plus costs and other sanctions for each infraction. Repeat offenses under § 90.02 shall be subject to increased fines as provided in § 34.06. In addition to ordering the defendant to pay a civil fine, costs, and damages and expenses, the judge or District Court magistrate may issue a writ or order under Public Act 236 of 1961, being M.C.L.A. § 600.8302.

(2) A person who violates § 90.03 is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$25, plus costs and other sanctions for each infraction. Repeat offenses under § 90.03 shall be subject to increased fines as provided in § 34.06. In addition to ordering the defendant to pay a civil fine, costs, and damages and expenses, the judge or District Court magistrate may issue a writ or order under Public Act 236 of 1961, being M.C.L.A. § 600.8302.

(3) A person who violates § 90.05 is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$25, plus costs and other sanctions for each infraction. Repeat offenses under § 90.05 shall be subject to increased fines as provided in § 34.06. In addition to ordering the defendant to pay a civil fine, costs, and damages and expenses, the judge or District Court magistrate may issue a writ or order under Public Act 236 of 1961, being M.C.L.A. § 600.8302.

(2005 Code, § 131.016) (Ord. 2-57, passed 9-9-1957; Ord. 95-10, passed 7-12-1995)

## **CHAPTER 91: STREETS, SIDEWALKS, CROSSWALKS, CURBS, AND THE LIKE**

## Section

### ***Street Obstructions***

- 91.01 Obstructions prohibited; time limit; exceptions
- 91.02 Signs, awning; permission required; height
- 91.03 Destruction prohibited
- 91.04 Guns, fireworks
- 91.05 Advertisements on streets, sidewalks prohibited
- 91.06 Leaves, sticks, and other refuse
- 91.07 Authorized village officials

### ***Pavements***

- 91.20 Supervision of work
- 91.21 Resolution; estimates
- 91.22 Assessment districts
- 91.23 Sealed proposals
- 91.24 Sureties
- 91.25 Contract
- 91.26 Levying assessment
- 91.27 Prima facie evidence
- 91.28 Repairing without evidence

### ***Sidewalks and Crosswalks***

- 91.40 Amendments
- 91.41 Definitions
- 91.42 Construction
- 91.43 Maintenance
- 91.44 Repair
- 91.45 Removal of snow and ice
- 91.46 Notice
- 91.47 Permit; required, application, and revocation
- 91.48 Line and grade
- 91.49 Specifications
- 91.50 Inspections
- 91.51 Work done by village

91.52 Effective date

### ***Curbing***

91.65 Regulations

91.99 Penalty

## **STREET OBSTRUCTIONS**

### **§ 91.01 OBSTRUCTIONS PROHIBITED; TIME LIMIT; EXCEPTIONS.**

It shall not be lawful for any person or persons to place or cause to be placed upon any sidewalk, street, lane, or alley within the limits of this village any dry goods boxes or other boxes, trunks, barrels, cord wood, stove wood, lumber, saw logs, timber, brick, stone, or rubbish from outdoor yards and gardens, or any other obstructions, except for immediate building purposes, in front of the premises when the same shall be used, provided, that this subchapter shall not prevent them from showing goods and merchandise, or fixtures, which fixtures shall not exceed one foot in width, in front of their places of business, and provided further, that all persons may be permitted to receive wood at their places of business or residences, but to obstruct any sidewalk, street, lane, or alley for a longer period than 24 hours, and provided also, that the Council may provide for the temporary obstruction of any portion of any street, lane, alley, or sidewalk, which said provision shall be deemed in no way a repeal of this subchapter.

(2005 Code, § 177.001) (Ord. 11, passed 9-20-1899) Penalty, see § 91.99

### **§ 91.02 SIGNS, AWNING; PERMISSION REQUIRED; HEIGHT.**

(A) *Generally; permissions.* No person shall hang or suspend or cause to be hung or suspended, any advertising sign or cloth, board, or pole, or other thing, over or above any of the streets, lanes, or alleys in said village, except by permission of the Council. Permission by the Council to display any signs or other things above the street, sidewalks, lanes, or alleys does not relieve the person or persons from any damage that may be incurred later through the agency of said signs and in no case shall the village hold responsibility.

(2005 Code, § 177.002)

(B) *Height.* No person shall by himself, herself, or agent or servant, suspend, or cause to be suspended above any sidewalk in said village, any awnings, goods, wares, merchandise, signs, or other thing, any portion of which shall reach within seven feet of said sidewalk, nor suffer to remain any such awning, goods, wares, merchandise, sign, or other thing above said walk at a height of less than seven feet above said sidewalk. And in no case shall any sign or other thing extend from any building to a sufficient length that the same will in any manner enter or break into the light zone as established by the boulevard light standards on Broadway or any other streets.

(2005 Code, § 177.003)

(Ord. 11, passed 9-20-1899; Ord. passed 11-2-1927) Penalty, see § 91.99

### **§ 91.03 DESTRUCTION PROHIBITED.**

No person shall wilfully injure, tear up, or destroy any street pavement, curb stone, sidewalk or crosswalk, drain, or sewer, or any part or portion thereof, nor injure or destroy any bridge, well, reservoir, cistern, hydrant, lamp post, hitching post, electric light wire, electric light lamp, electric light pole, water main, or any shade tree, or ornamental tree, or shall dig any hole, ditch, or drain in any street pavement or sidewalk, crosswalk, or dig or remove or carry away, or cause to be dug, moved,



or carried away, any stone, earth, sand, or gravel from any street, highway, lane, alley, park, or public squares in said village, without permission from the Council and under such regulations as may be provided.

(2005 Code, § 177.008) (Ord. 11, passed 9-20-1899) Penalty, see § 91.99

#### **§ 91.04 GUNS, FIREWORKS.**

No person shall fire or discharge any gun or guns, pistol, or pistols, squibs, fire crackers, gunpowder, or other combustible substance in the daytime or in the nighttime in said village unless the same be necessary.

(2005 Code, § 177.009) (Ord. 11, passed 9-20-1899) Penalty, see § 91.99

#### **§ 91.05 ADVERTISEMENTS ON STREETS, SIDEWALKS PROHIBITED.**

(A) No person shall place any obscene advertisement, word, picture, or symbol upon any sidewalk or crosswalk in this village.

(B) No person shall paint or fasten any sign or advertising or any character upon the sidewalks, curbs, or pavement within this village.

(2005 Code, § 177.011) (Ord. 11, passed 9-20-1899; Ord. passed 11-2-1927) Penalty, see § 91.99

#### **§ 91.06 LEAVES, STICKS, AND OTHER REFUSE.**

(A) No person or persons shall place leaves, sticks, or other refuse within the public parks or lands of the village. Nor shall any person or persons place leaves, sticks, or other refuse in the streets or gutters of the said village unless they burn or otherwise dispose of same so that all times the streets and gutters shall be clean for the free and unobstructed flow of water.

(B) No leaves, sticks, or other refuse shall be burned on any right of way of the streets, roadways, or alleys of the village.

(2005 Code, § 177.015) (Ord. 11, passed 9-20-1899; Ord. passed 11-2-1927; Ord. 12-85, passed 12-9-1985) Penalty, see § 91.99

#### **§ 91.07 AUTHORIZED VILLAGE OFFICIALS.**

The village police officers are hereby designated as the authorized village officials to issue municipal civil infraction citations (directing alleged violators to appear at the Village Municipal Ordinance Violations Bureau) as provided by this code of ordinances.

(2005 Code, § 177.016) (Ord. 11, passed 9-20-1899; Ord. 95-9, passed 7-12-1995) Penalty, see § 91.99

## **PAVEMENTS**

#### **§ 91.20 SUPERVISION OF WORK.**

No pavement in any of the public streets or alleys in said village shall be constructed except by the order and under the supervision of the Council of said village.

(2005 Code, § 178.001) (Ord. 14, passed 9-27-1899)

#### **§ 91.21 RESOLUTION; ESTIMATES.**

(A) Whenever the Council shall deem it necessary that any street, alley or highway, gutter, or any part thereof in said village shall be paved, or that any pavement in said village is necessary to be

repaired, it shall so determine by resolution; which resolution shall specify the name of the street or streets, alley or alleys, highway, or highways, gutter or gutters, upon which said pavement is to be constructed or repaired.

(B) And in case but one side of any such street, alley, highway, or gutter is to be paved or repaired, said resolution shall designate which side thereof the commencement and terminus of said pavement, the grade thereof, also a description of the materials of which the same shall be constructed or repaired, the thickness and width of such pavement and the manner of constructing the same. And before ordering such pavement or repairs, the Street Commissioner shall make and file with the Clerk such estimates, plans, and diagrams of such pavement or repairs as will enable persons examining the same to make estimates upon the cost of materials and doing the work for completing the same, which estimates, plans, and diagrams may be disapproved by the said Council and new ones ordered as often as said Council shall see fit.

(2005 Code, § 178.002) (Ord. 14, passed 9-27-1899)

### **§ 91.22 ASSESSMENT DISTRICTS.**

The Council shall in the resolution, ordering the construction or repairing of any pavement, determine what property is to be benefitted by the construction of such pavement or repairs, and if the property to be benefitted be less than the whole village, shall form said property so benefitted into an assessment district, and said resolution shall definitely describe the bounds of said district by naming each parcel of real estate therein, and whether the cost and expense thereof is to be assessed upon said property in proportion to the amount of the valuation of said property.

(2005 Code, § 178.003) (Ord. 14, passed 9-27-1899)

### **§ 91.23 SEALED PROPOSALS.**

Within 90 days after the passage of such resolution, the said Council shall cause to be given in such newspaper as to them shall seem advisable, notice for sealed proposals for furnishing the materials and doing the work for completing such pavement or repairs according to such resolution. Such sealed proposals shall be delivered to the Clerk within 30 days after the time such notice shall be authorized to be given. The Council may reject any and all proposals and advertise in the same manner for further proposals.

(2005 Code, § 178.004) (Ord. 14, passed 9-27-1899)

### **§ 91.24 SURETIES.**

Sureties for the performance of any contract for paving or repairing any pavement shall be required by the Council, and the names of such sureties shall accompany such proposal.

(2005 Code, § 178.005) (Ord. 14, passed 9-27-1899)

### **§ 91.25 CONTRACT.**

The Council shall, at its next regular meeting after the time specified for the delivery of such proposals to the Clerk, determine which if any, of such proposals it will accept and direct the Village Attorney to prepare a written contract for such paving or repairs, which shall be signed by the person to whom such contract shall be awarded, and said sureties which contract, when approved by the Council, shall be signed by the proper officers in behalf of the village seal.

(2005 Code, § 178.006) (Ord. 14, passed 9-27-1899)

### **§ 91.26 LEVYING ASSESSMENT.**

Within ten days after the completion of said pavement or repairs, the Clerk shall file in his or her office such itemized statement as shall be rendered him or her by the proper officer of the entire expense thereof, and the Village Assessor shall, at the time of making the next annual assessment of said village, assess such expense against the property in said special assessment district upon the basis provided for in the resolution mentioned in § 91.22. And such assessment shall be levied upon the property to be benefitted thereby, and the said assessment shall be received and collected according to law.

(2005 Code, § 178.007) (Ord. 14, passed 9-27-1899)

### **§ 91.27 PRIMA FACIE EVIDENCE.**

Certified copies of all papers or proceedings relating to pavements, sidewalks, or any other matter required to be recorded by the Clerk, or filed with him or her, and all affidavits of the serving or posting of any paper filed with said Clerk and certified with said Clerk shall be prima facie evidence of the fact or facts incited in such proceedings, papers, or records.

(2005 Code, § 178.008) (Ord. 14, passed 9-27-1899)

### **§ 91.28 REPAIRING WITHOUT EVIDENCE.**

Nothing herein contained shall be construed to prohibit the right of the village to repair at any time without notice any pavement in said village, and charge the expense thereof to the Highway Fund.

(2005 Code, § 178.009) (Ord. 14, passed 9-27-1899)

## **SIDEWALKS AND CROSSWALKS**

### **§ 91.40 AMENDMENTS.**

The village zoning ordinance, see § 152.01, is hereby amended to add new sections, §§ 91.40 through 91.51 which will read as follows.

(2005 Code, § 179.001) (Ord. 2002-03, passed 5-13-2002)

### **§ 91.41 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BUSINESS HOURS.** The hours between 8:00 a.m. and 6:00 p.m., seven days a week.

**DEPARTMENT.** The Village of Union City Public Works Department.

**SIDEWALK.** The cemented or paved portion of a public right-of-way between the street edge and the adjacent property lines intended for the use of pedestrians.

**SIDEWALK SECTION.** A complete slab of sidewalk, from edge to edge on the sides, and from striked relief to relief on each end.

**VILLAGE MANAGER.** The Village Manager of Union City or his or her designated representative.

(2005 Code, § 179.002) (Ord. 2002-03, passed 5-13-2002)

### **§ 91.42 CONSTRUCTION.**

It shall be the duty of all owners of any lot or parcel of land fronting on or along any public street in the village under the supervision of the Village Manager to build and/or repair the sidewalk(s) in each public right of way adjacent to and abutting upon each such lot or parcel that is owned by him or her at

such time, in such manner, of such material, and based upon such cost or formula as the Village Council may direct.

(2005 Code, § 179.003) (Ord. 2002-03, passed 5-13-2002)

### **§ 91.43 MAINTENANCE.**

No person shall permit any sidewalk which adjoins property owned by him or her to fall into a state of disrepair or to be unsafe.

(2005 Code, § 179.004) (Ord. 2002-03, passed 5-13-2002) Penalty, see § 91.99

### **§ 91.44 REPAIR.**

Whenever the Village Manager shall determine that a sidewalk is unsafe for use, notice of that fact shall be given to each owner of a lot or premises adjacent to and abutting upon said sidewalk. Such notice shall be given by the Village Manager in accordance with § 91.45.

(2005 Code, § 179.005) (Ord. 2002-03, passed 5-13-2002)

### **§ 91.45 REMOVAL OF SNOW AND ICE.**

The occupant of any premises or the owner of any unoccupied premises or real property shall keep the sidewalks in front of or adjacent to such premises cleared of snow and ice as follows.

(A) Except as provided in division (C) below, snow and ice shall be removed from sidewalks in all business districts no later than four business hours after the cessation of any fall of snow, sleet, or freezing rain or the beginning of business hours of the next day following such fall, whichever period is shorter.

(B) Except as provided in divisions (C) and (D) below, snow and ice shall be removed from sidewalks in all residential districts within 24 hours after the cessation of any fall of snow, sleet, or freezing rain.

(C) In the event that snow and ice on a sidewalk has become so hard that it cannot be removed without the likelihood of damage to the sidewalk, the person responsible for its removal shall, within the time limits contained in subsections divisions (A) and (B) above, have enough sand or other abrasive put on the sidewalks to make travel thereon reasonably safe. The snow and ice shall then be removed as soon as it can be accomplished without the likelihood of damage to the sidewalk.

(D) Persons in residential districts who, for reasons of infirmity, believe that compliance with divisions (B) and (C) above would cause an undue hardship, may file a request for exemption from the requirements of divisions (B) and (C) above with the Village Manager. The Village Manager shall approve or disapprove the request according to guidelines which shall be adopted by the Village Council. If approved, the Department is authorized to remove snow and ice from the sidewalks in front of or adjacent to the property for which an exemption is granted at a cost to be charged to the owner of said property, which costs shall be established from time to time by the Village Council, and shall be based upon the square footage of the area of sidewalk from which snow and ice has been removed.

(E) Upon any failure to comply with the requirements of this section by any owner, the village shall have the right, upon direction of the Village Manager, to have the snow, ice, or freezing rain, removed or made safe by the Department. The responsible owner of the property shall be liable to the village for all costs to the village of such removal and for any recoveries from the village for injury or damage to person or property caused by the failure of such responsible person to remove snow and ice accumulations in accordance with this section. All such costs and recoveries may be assessed by the village as a single lot assessment and collected in the manner of real property taxes.

(2005 Code, § 179.006) (Ord. 2002-03, passed 5-13-2002) Penalty, see § 91.99

## **§ 91.46 NOTICE.**

Whenever sidewalks are required to be constructed, repaired, and/or deemed to be unsafe, the Village Manager shall serve written notice signed by him or her and addressed to the owner of any lot or premises in front of, adjacent to, or abutting the sidewalk that construction, repair, or replacement is necessary. Said notice shall contain the improvement(s) necessary, the manner and material acceptable, along with a time frame for said completion of construction, repair, or replacement. Notice shall be mailed either registered or certified with return receipt requested. If the owner is not found, or said mail is not deliverable, then the same shall be considered served by posting the same in a conspicuous place on such premises and the Village Manager shall make due return of said service and the time and manner thereof which returns shall be filed in the office of the Village Clerk.

(2005 Code, § 179.007) (Ord. 2002-03, passed 5-13-2002)

## **§ 91.47 PERMIT; REQUIRED, APPLICATION, AND REVOCATION.**

(A) *Permit required.* No person shall construct, repair, or replace any sidewalk except in accordance with the line, grade, slope, and specifications established or approved by the Village Manager, nor without first obtaining a written permit from the Village Manager. The written permit shall be prominently displayed on the construction site. The fee for the permit shall be \$10 for repairs and \$25 for new construction,

(2005 Code, § 179.008)

(B) *Permit application.* No person shall be granted a written permit without first making application for said permit. The application for a permit shall include the following: address of the work; amount of work in feet; a site drawing of the work to be done showing structure(s); streets; and other landscaping items, the joint relief for each sidewalk section, the date by which the work will be completed, and any other pertinent information required by the village.

(2005 Code, § 179.009)

(C) *Permit revocation.* The Village Manager may suspend any permit issued under the terms of this subchapter for failure to comply with the terms of this subchapter, or the rules, regulations, plans, and specification established or approved by the Village Manager for the construction, repair, or replacement of any sidewalk. The Village Manager may cause work to be stopped and said work shall remain stopped until the next regular meeting of the Village Council. If confirmed by the Village Council at the next regular meeting, such stop-work order shall become permanent and shall constitute a revocation of the permit.

(2005 Code, § 179.010)

(Ord. 2002-03, passed 5-13-2002)

## **§ 91.48 LINE AND GRADE.**

The Department shall furnish line and grade stakes as may be necessary for proper control of sidewalk work, provided, however, this shall not relieve the owner of responsibility for making careful and accurate measurements in completing all sidewalk work to the lines furnished by the Department. When it is necessary to replace a line or grade stake disturbed or destroyed without fault on the part of the Department or its employees, a charge of \$2 per stake shall be paid to the village by the permit holder.

(2005 Code, § 179.011) (Ord. 2002-03, passed 5-13-2002)

## **§ 91.49 SPECIFICATIONS.**

Sidewalks shall not be less than three and one-half inches in thickness. Sidewalks which are part of a driveway may not be less than five and one-half inches in thickness. All concrete utilized in sidewalks shall be able to withstand a minimum of 3,500 pounds per square inch (psi) after curing without failure. Sidewalk beds shall be either two inches of compacted sand or undisturbed soil free of roots and debris. Relief joints shall be provided on each sidewalk section with the length between relief joints being no greater than the width of the said sidewalk.

(2005 Code, § 179.012) (Ord. 2002-03, passed 5-13-2002)

### **§ 91.50 INSPECTIONS.**

The site of each repair, construction, and/or replacement of a sidewalk shall be inspected by the Village Manager prior to the pouring of any concrete. The parties responsible for the work shall notify the Village Office at least 24 hours prior to the pouring of any concrete to request a time for inspection. Inspections will not be performed on weekends or holidays.

(2005 Code, § 179.013) (Ord. 2002-03, passed 5-13-2002)

### **§ 91.51 WORK DONE BY VILLAGE.**

If the owner of any premises shall fail to construct, repair, or replace sidewalks after proper notification within the time frame specified, then the Village Manager may cause the work to be done by the Department or a licensed contractor at the expense of the owner. An itemized account of material, labor, and services necessary shall be tendered to the Village Treasurer, together with a 10% penalty, for billing said owner. Should said billing not be paid within 30 days, said amount shall be placed as a special assessment or tax upon the real property adjacent to or abutting said sidewalk and collected in the manner of real property taxes.

(2005 Code, § 179.014) (Ord. 2002-03, passed 5-13-2002)

### **§ 91.52 EFFECTIVE DATE.**

This subchapter is declared to be effective immediately upon publication.

(2005 Code, § 179.017) (Ord. 2002-03, passed 5-13-2002)

## **CURBING**

### **§ 91.65 REGULATIONS.**

All curbing placed on any lot, facing any public street, shall be limited to a space not exceeding eight feet from the outer edge of the sidewalk and no person shall build any such curbing within the fire limits of this village.

(2005 Code, § 180.001) (Ord. 8, passed 9-27-1899) Penalty, see § 91.99

### **§ 91.99 PENALTY.**

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) A person who violates any provision of §§ 91.01 through 91.07 is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$25, plus costs and other sanctions for each infraction. Repeat offenses under §§ 91.01 through 91.07 shall be subject to increased fines as provided by § 34.06. In addition to ordering the defendant to pay a civil fine, costs, and damages and expenses, the judge or District Court magistrate may issue a writ or order under Public Act 236 of 1961, being M.C.L.A. § 600.8302.



(2005 Code, § 177.017)

(C) In addition to the other remedies provided for herein, a person violating any provision of §§ 91.40 through 91.52 shall be guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall be subject to a fine of not more than \$100 and costs of prosecution, or by the imprisonment in the County Jail for a period of not more than 90 days or both.

(2005 Code, § 179.015)

(D) If any curbing shall be built in violation of § 91.65, the owner of the lot, or whomsoever may have ordered said curbing, shall be liable to a penalty of not less than \$25, nor more than \$100 and costs, and in addition thereto the sum of \$0.50 per day allowing the said curbing to remain after being notified by the Marshal to remove it. And said several sums of money may be collected in an action of assumpsit.

(2005 Code, § 180.001)

(Ord. 8, passed 9-27-1899; Ord. 11, passed 9-20-1899; Ord. 95-9, passed 7-12-1995)

## CHAPTER 92: HEALTH AND SAFETY REGULATIONS

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### Section

#### *Health Regulations*

- 92.01 Reporting to Health Officer
- 92.02 Order to leave village
- 92.03 Duty to report contagious disease
- 92.04 Display of sign
- 92.05 Compliance with Health Officer
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- 92.08 Removal of infected person
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- 92.12 Physicians, nurses attending to infected persons
- 92.13 Filth on streets, public places
- 92.14 Filth on private property
- 92.15 Dead animals; burial
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- 92.18 Diseased food
- 92.19 Privies; erecting and emptying
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### ***Health Nuisances***

- 92.35 Report; notice; removal by village
- 92.36 Absent owners

### ***Inoperative Motor Vehicles***

- 92.50 Abandoned motor vehicles; public nuisance
- 92.51 Definitions
- 92.52 Storing or leaving dismantled or other such motor vehicles prohibited and declared nuisances; exceptions
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- 92.55 Notice procedure
- 92.56 Content of notice
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## **HEALTH REGULATIONS**

### **§ 92.01 REPORTING TO HEALTH OFFICER.**

No person coming from a place infected with a pestilential, infectious, or contagious disease shall enter this village, or any place or premises therein, without at once reporting to the Health Officer and subjecting himself or herself and all property or baggage brought from such infected place to such directions as the said Health Officer shall deem proper.

(2005 Code, § 132.001) (Ord. 15, passed 9-27-1899) Penalty, see § 92.99

### **§ 92.02 ORDER TO LEAVE VILLAGE.**

Said Officer may order any person so coming from any source as aforesaid infected place to remove himself or herself and such property and baggage aforesaid from the limits of said village and no person shall refuse to obey such order of said Health Officer.

(2005 Code, § 132.002) (Ord. 15, passed 9-27-1899) Penalty, see § 92.99

### **§ 92.03 DUTY TO REPORT CONTAGIOUS DISEASE.**

No physician, or other person having knowledge of any case of infectious, pestilential, or contagious disease within the limits of said village shall neglect to report the same to the Health Officer of this village within 24 hours after having knowledge of such disease.

(2005 Code, § 132.003) (Ord. 15, passed 9-27-1899) Penalty, see § 92.99

#### **§ 92.04 DISPLAY OF SIGN.**

Every owner of any dwelling, store, shop, or other building in which there shall be any person sick with small pox, scarlet fever, or diphtheria, shall put up and maintain in a conspicuous place in the front part of said dwelling, store, shop, or other building, a card or sign, to be furnished by the Health Officer, on which shall be printed in letters not less than four inches in height, the name of the disease with which said sick person shall be affected, and no person shall remove the same except by order of the Health Officer.

(2005 Code, § 132.004) (Ord. 15, passed 9-27-1899) Penalty, see § 92.99

#### **§ 92.05 COMPLIANCE WITH HEALTH OFFICER.**

No person shall resist, prevent, or oppose the Health Officer or any physician in his or her employ in the execution of his or her duty, or refuse to comply with any and all lawful directions of said Health Officer in any matter connected with the discharge of his or her official duty.

(2005 Code, § 132.005) (Ord. 15, passed 9-27-1899) Penalty, see § 92.99

#### **§ 92.06 VACCINATIONS.**

No person shall refuse to be properly vaccinated whenever the same shall be ordered by the Health Officer, or shall neglect or refuse to cause themselves to be properly vaccinated whenever the same shall be ordered by the Health Officer.

(2005 Code, § 132.006) (Ord. 15, passed 9-27-1899) Penalty, see § 92.99

#### **§ 92.07 CONFINEMENT.**

No person infected with any contagious, pestilential, or infectious disease shall refuse to confine themselves within their respective dwellings, or in whatever place they may be, or to confine themselves within such limits within said village as the Health Officer may order, whenever ordered by said Health Officer.

(2005 Code, § 132.007) (Ord. 15, passed 9-27-1899) Penalty, see § 92.99

#### **§ 92.08 REMOVAL OF INFECTED PERSON.**

No person shall cause to be removed any person so afflicted without the proper order of said Health Officer, either during sickness or after the death of such person.

(2005 Code, § 132.008) (Ord. 15, passed 9-27-1899) Penalty, see § 92.99

#### **§ 92.09 BRINGING INFECTED PERSON INTO VILLAGE.**

No person shall bring or aid, or assist in bringing or cause to be brought into said village, any person infected with any infectious, contagious, or pestilential disease.

(2005 Code, § 132.009) (Ord. 15, passed 9-27-1899) Penalty, see § 92.99

#### **§ 92.10 ASSISTANCE TO HEALTH OFFICER.**

The Health Officer may require the services of the Marshal or police officer or of the Village Attorney, whenever in his or her opinion the interests of such village may demand it.

(2005 Code, § 132.010) (Ord. 15, passed 9-27-1899) Penalty, see § 92.99

#### **§ 92.11 ATTENDING PUBLIC GATHERINGS.**

No person sick, or having the care of any person sick with small pox, scarlet fever, diphtheria, or any other contagious or infectious disease, shall attend any church, school, theatre, or assemblage of people, while so sick or employed, without the permission of said Health Officer, and first complying with such requirements as he or she may impose.

(2005 Code, § 132.011) (Ord. 15, passed 9-27-1899) Penalty, see § 92.99

#### **§ 92.12 PHYSICIANS, NURSES ATTENDING TO INFECTED PERSONS.**

No physician, nurse, or attendant, attending any patient or sick person afflicted with any of the diseases mentioned in this subchapter, shall attend any other patient or sick person afflicted with any other disease, without first informing such person, or their custodians, that he or she is in attendance on a person afflicted with a contagious disease, naming it.

(2005 Code, § 132.012) (Ord. 15, passed 9-27-1899) Penalty, see § 92.99

#### **§ 92.13 FILTH ON STREETS, PUBLIC PLACES.**

No person shall, by himself, herself, or by another, throw, place, or deposit or leave in any street, lane, or alley, or public place in said village, any animal, or vegetable substance, dead animal, stale or decaying vegetables, fish, shells, excrement, filth, slops, unclean or nauseous water or liquid, swill, garbage, or other article or substance whatsoever, which may cause any nuisance, offensive or unwholesome smell, or that may tend to cause sickness or disease.

(2005 Code, § 132.013) (Ord. 15, passed 9-27-1899) Penalty, see § 92.99

#### **§ 92.14 FILTH ON PRIVATE PROPERTY.**

No person shall keep, have, or place, on or in any private lot, house, or premises, in this village, any dead carcass, putrid or offensive, or unsound, or diseased meat, fish, shellfish, shells, hides, bones, horns, stinking or rotten soap, grease, tallow, offal, garbage, fruit, vegetables, manure, or other vegetable or animal matter, or substance, which may cause any unwholesome, nuisance, or offensive smell, or that may tend to cause sickness or disease.

(2005 Code, § 132.014) (Ord. 15, passed 9-27-1899) Penalty, see § 92.99

#### **§ 92.15 DEAD ANIMALS; BURIAL.**

When any beast, bird, or animal shall die within the limits of this village, the owner of the same shall, within 12 hours thereafter, cause the same to be buried so that the entire carcass shall be covered with earth not less than three feet.

(2005 Code, § 132.015) (Ord. 15, passed 9-27-1899) Penalty, see § 92.99

#### **§ 92.16 BRINGING DEAD ANIMALS INTO VILLAGE.**

No person shall bring into the village for burial, or bring into said village and leave upon the surface of the ground, the carcass of any dead animal.

(2005 Code, § 132.016) (Ord. 15, passed 9-27-1899) Penalty, see § 92.99

## **§ 92.17 KEEPING OF ANIMALS.**

No person shall keep or confine hogs, cattle, sheep, poultry, fowl, or any other livestock of any nature or kind in pens, barns, stables, or other places in said village, so that said animals or fowl or the odor therefrom or the urine or excrement, or the odor therefrom, shall become offensive to those residing near thereto, or so that the same shall be detrimental to the public health.

(2005 Code, § 132.017) (Ord. 15, passed 9-27-1899; Ord. passed 1-3-1962) Penalty, see § 92.99

## **§ 92.18 DISEASED FOOD.**

No person shall expose for sale, or sell, in said village, any diseased meat, fruit, berries, vegetables, fish, or shellfish for consumption.

(2005 Code, § 132.018) (Ord. 15, passed 9-27-1899) Penalty, see § 92.99

## **§ 92.19 PRIVIES; ERECTING AND EMPTYING.**

(A) *Erecting privies.* No person shall hereafter erect, or cause to be created, any privy within said village, unless such person shall dig and well stone, brick, or plank up, or cause the same to be done, a vault six feet in depth, and no person shall remove any privy upon a new vault until said vault shall be dug and stoned, or bricked, or planked up, as aforesaid, and the old vault shall forthwith be covered with earth.

(2005 Code, § 132.019)

(B) *Privies; emptying.* No privy vault shall be emptied or the contents removed therefrom, except between the hours of 9:00 p.m. and 6:00 a.m.

(2005 Code, § 132.020)

(Ord. 15, passed 9-27-1899) Penalty, see § 92.99

## **§ 92.20 SLAUGHTERHOUSES.**

No person shall keep or maintain, or cause to be kept or maintained, any slaughterhouse within the limits of said village.

(2005 Code, § 132.021) (Ord. 15, passed 9-27-1899) Penalty, see § 92.99

## **§ 92.21 REMOVAL OF NUISANCE BY VILLAGE.**

Whenever a nuisance is ordered by the Marshal, whether under this subchapter or any other ordinance, and the person notified to remove it shall fail to do so within the time mentioned in the notice, the Marshal shall remove it at the cost of the owner or the occupant of the premises and the expense of doing so shall be levied as a special assessment against the premises in the same manner as other special assessments are levied, or an action of assumpsit to recover such expense may be brought by the village. In all such cases, the notice to remove the nuisance shall be the same, as near as may be, as is provided for in § 92.02. Nothing in this section shall be construed to prevent the application provided for in § 92.99(B).

(2005 Code, § 132.023) (Ord. 15, passed 9-27-1899)

## **HEALTH NUISANCES**

### **§ 92.35 REPORT; NOTICE; REMOVAL BY VILLAGE.**

Whenever the Health Officer shall deem it necessary to order any person to renovate, cleanse, and purify the premises owned or occupied by him or her, or to abate or remove any nuisance existing thereon, the Health Officer shall make a brief report of the alleged nuisance to the Council. Thereupon, the Council, if it considers the report as showing such nuisance shall order a notice giving the substance of said report to be served on the owner or occupant, by the Marshal, requiring said owner or occupant to remove said nuisance within ten days from the time of serving said notice. Unless said nuisance is removed within said time, it shall be the duty of the Marshal to remove the nuisance and whatever may be the expense of so doing, it shall be charged on said premises and collected as a special assessment or such expense may be recovered by the village in an act of debt or assumpsit against said owner or occupant.

(2005 Code, § 133.001) (Ord. 4, passed 8-30-1899)

### **§ 92.36 ABSENT OWNERS.**

If the owner of the premises shall not be found within the village, then the service of the notice required by this subchapter or any other from the Health Officer shall be in the same manner as is provided for serving notices on absent owners when required in sidewalk cases, as provided in the ordinance of this village relative to sidewalks.

(2005 Code, § 132.002) (Ord. 4, passed 8-30-1899)

## **INOPERATIVE MOTOR VEHICLES**

### **§ 92.50 ABANDONED MOTOR VEHICLES; PUBLIC NUISANCE.**

The presence of any dismantled, partially dismantled, or inoperative motor vehicle or parts thereof outdoors on any premises in the village zoned for residential or business purposes is hereby declared to be a public nuisance and offensive to the public health, welfare, and safety.

(2005 Code, § 153.001) (Ord. 2-81, passed 4-13-1981)

### **§ 92.51 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the single number include the plural number. The word "shall" is always mandatory and not merely directory.

**ABANDONED MOTOR VEHICLE.** Any motor vehicle, the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned, or discarded.

**AUTHORIZED VILLAGE OFFICIAL.** The village police officers are hereby designated as the authorized village officials to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the Village of Union City Municipal Ordinance Violations Bureau) as provided by this code of ordinances.

**MOTOR VEHICLE.** Any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motorbikes, motorcycles, motor scooters, trucks, tractors, go-carts, and golf carts.

**PERSON.** Any person, firm, partnership, association, corporation, company, or organization of any kind.

**POLICE CHIEF.** The Chief of Police of the Village of Union City.

**PRIVATE PROPERTY.** Any real property within the village which is privately owned and which is not public property as defined in this section.

**PUBLIC PROPERTY.** Any street or highway which shall include the entire width between the boundary lines of every right-of-way publicly maintained when any part thereof is open to the use of the public for the purposes of vehicular travel and shall also mean any other **PUBLICLY-OWNED PROPERTY OR FACILITY.**

**VILLAGE.** The Village of Union City.

(2005 Code, § 153.002) (Ord. 2-81, passed 4-13-1981; Ord. 95-8, passed 7-12-1995)

### **§ 92.52 STORING OR LEAVING DISMANTLED OR OTHER SUCH MOTOR VEHICLES PROHIBITED AND DECLARED NUISANCES; EXCEPTIONS.**

No person shall park, store, leave, or permit the parking, storing, or leaving of any motor vehicle of any kind which is an abandoned, wrecked, dismantled, inoperative, junked, or partially dismantled condition whether attended or not, upon any public or private property within the village for a period of time in excess of 72 hours, except for properties where such acts may be permitted pursuant to the village zoning ordinance, § 152.01, provided, however, that on properties where such acts may be permitted pursuant to the village zoning ordinance, see § 152.01, such motor vehicles shall be stored and maintained in an orderly manner.

(2005 Code, § 153.003) (Ord. 2-81, passed 4-13-1981; Ord. 1-92, passed 1-13-1992)

### **§ 92.53 NOTICE TO REMOVE.**

Whenever it comes to the attention of an authorized village official that any nuisance as defined in § 92.52 exists in the village, a notice in writing shall be served upon the occupant of the land where the nuisance exists, or in case there is no such occupant, then upon the owner of the property or his or her agent, notifying them of the existence of the nuisance and requesting its removal in the time specified in this subchapter.

(2005 Code, § 153.004) (Ord. 2-81, passed 4-13-1981; Ord. 95-8, passed 7-12-1995)

### **§ 92.54 RESPONSIBILITY OF REMOVAL.**

(A) Upon proper notice and opportunity to be heard, the owner of the abandoned, wrecked, dismantled, or inoperable vehicle and the owner or occupant of the private property on which the same is located, either or all of them, shall be responsible for its removal.

(B) In the event of removal and disposition by the village, the owner, or occupant of the private property where same is located, shall be liable for the expense incurred.

(2005 Code, § 153.005) (Ord. 2-81, passed 4-13-1981)

### **§ 92.55 NOTICE PROCEDURE.**

The authorized village official shall give notice of removal to the owner or occupant of the private property where it is located at least seven days before the time of compliance. It shall constitute sufficient notice, when a copy of same is posted in a conspicuous place upon the private property on which the vehicle is located and duplicate copies are sent by first-class mail to the owner or occupant of the private property at him or her last known address or, in the alternative, when a copy of same is personally served upon an owner or occupant of the property.

(2005 Code, § 153.006) (Ord. 2-81, passed 4-13-1981; Ord. 95-8, passed 7-12-1995)

### **§ 92.56 CONTENT OF NOTICE.**



(A) The notice shall contain the request for removal within the time specified in this subchapter, and the notice shall advise that upon failure to comply with the notice to remove, the village and its designee shall undertake such removal with the cost of the removal to be levied against the owner or occupants of the property.

(B) The person to whom the notice is directed shall be advised that they have a right to a hearing before the Police Chief or his or her designee; and said hearing to be held within the seven-day time compliance.

(2005 Code, § 153.007) (Ord. 2-81, passed 4-13-1981)

### **§ 92.57 REMOVAL OF MOTOR VEHICLE FROM PROPERTY.**

It shall be unlawful for any person to interfere with, hinder, or refuse to allow such person or persons to enter upon private property for the purpose of removing a vehicle under the provisions of this subchapter.

(2005 Code, § 153.008) (Ord. 2-81, passed 4-13-1981) Penalty, see § 92.99

### **§ 92.58 INTENT.**

It is the legislative intent of the village in adopting this subchapter, that each section, paragraph, sentence, clause and provision of this subchapter be liberally construed to protect and preserve the peace, health, safety, and welfare of the inhabitants of the village.

(2005 Code, § 153.010) (Ord. 2-81, passed 4-13-1981)

### **§ 92.59 EFFECTIVE DATE.**

This subchapter shall become effective 20 days following the date of publication of this subchapter.

(2005 Code, § 153.011) (Ord. 2-81, passed 4-13-1981)

### **§ 92.99 PENALTY.**

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) Any person who shall violate any of the provisions of §§ 92.01 through 92.21, or who shall neglect or refuse to obey or comply with any lawful order of the Health Officer, of the Marshal, or any police officer when working under the direction of said Health Officer shall, on conviction thereof, be punished by a fine of not less than \$1 and not more than \$10, and costs of prosecution, or to be imprisoned in the Village Prison or County Jail, in the discretion of the court, not less than 30 days.

(2005 Code, § 132.022)

(C) A person who violates any provision of §§ 92.50 through 92.59 is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50, plus costs and other sanctions for each infraction. Repeat offenses under §§ 92.50 through 92.59 shall be subject to increased fines as provided by § 34.06. In addition to ordering the defendant to pay a civil fine, costs and damages and expenses, the judge or District Court magistrate may issue a writ or order under Public Act 236 of 1961, being M.C.L.A. § 600.8302.

(2005 Code, § 153.009)

(Ord. 15, passed 9-27-1899; Ord. 2-81, passed 4-13-1981; Ord. 95-8, passed 7-12-1995)



## **CHAPTER 93: PUBLIC SAFETY**

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## **WOOD BURNING WITHIN FIRE LIMITS**

### **§ 93.001 FIRE LIMITS DEFINED.**

All that portion of the village situated between Allen and Charlotte Streets on the north, and the St. Joseph River on the south, and extending 150 feet east of the center line of Broadway Street, and 150 feet west of the center line of Broadway Street, shall be the fire limits of said village.

(2005 Code, § 210.001) (Ord. 1-86, passed 1-13-1986)

### **§ 93.002 BURNING OF WOOD PROHIBITED.**

It shall not be lawful hereafter for any person to burn in a fireplace, woodstove, or otherwise, wood or wood products within the fire limits of the village.

(2005 Code, § 210.002) (Ord. 1-86, passed 1-13-1986) Penalty, see § 93.999

### **§ 93.003 FIRE WARDEN; DUTY.**

It shall be the duty of the Fire Wardens of said village to have the supervision of all matters in this subchapter contained, and it shall be the duty of said Fire Wardens to examine and investigate all fireplaces, woodburners, or the like, contained or put within said fire limits, and to prosecute all violations of this subchapter when deemed appropriate.

(2005 Code, § 210.003) (Ord. 1-86, passed 1-13-1986) Penalty, see § 93.999

### **§ 93.004 RIGHT OF INSPECTION.**

No person shall refuse to allow the inspection of any house, store, or other building or premises by any of said Fire Wardens or obstruct or impede the said Fire Warden or any of them in the discharge of their duty.

(2005 Code, § 210.004) (Ord. 1-86, passed 1-13-1986) Penalty, see § 93.999

## **TRASH, RUBBISH, AND REFUSE BURNING**

### **§ 93.015 PROHIBITED AREAS; EXCEPTIONS.**

(A) It shall be unlawful for any person or persons to burn or ignite or cause to be burned or ignited any trash, rubbish, or refuse within the following area, hereinafter called the zone: commencing at the point where the south side of Allen Street intersects north Broadway Street and running 250 feet east; thence south, at right angles to a point 150 feet south of the south side of Coldwater Street; thence west; at right angles to the center of South Broadway Street; thence south along the center of South Broadway Street to the place where the Mill Race intersects the said South Broadway Street; thence along the Mill Race in a westerly direction to a point 250 feet west of the center of Broadway Street to a point adjacent to the extended line of the intersection of the south side of Allen Street and North Broadway Street; thence east to the place of beginning.

(B) All being within the village, except that such trash, rubbish, or refuse be at the time of its burning contained in a receptacle or device designed to contain trash, rubbish, or refuse while being

burnt, and that such container or device be of type approved by the Underwriters Laboratories for that purpose.

(2005 Code, § 211.001) (Ord. passed 4-9-1962) Penalty, see § 93.999

### **§ 93.016 AUTHORIZED VILLAGE OFFICIAL.**

The village police officers are hereby designated as the authorized villages officials to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the Village Municipal Ordinance Violations Bureau) as provided by this code of ordinances.

(2005 Code, § 211.002) (Ord. passed 4-9-1962)

## **FIRE DEPARTMENT REGULATIONS**

### **§ 93.030 USE OF EQUIPMENT; PERMISSION REQUIRED.**

No person shall interfere with or use any fire engine, hose, fuel, kindling, or any apparatus or materials kept or used by said village for the purpose of extinguishing fire, except said person having permission to the Council to do so.

(2005 Code, § 213.001) (Ord. 19, passed 9-27-1899) Penalty, see § 93.999

### **§ 93.031 DUTY TO ASSIST.**

No person of sufficient ability, present at any fire, shall wilfully neglect or refuse to comply with any requirement of the President of said village, Chief of the Fire Department, Marshal, or Fire Wardens in aiding or assisting in the extinguishing of such fire or preventing any goods or property from being stolen or injured, or in protecting, removing, or securing the same.

(2005 Code, § 213.002) (Ord. 19, passed 9-27-1899) Penalty, see § 93.999

### **§ 93.032 FALSE ALARMS; PROHIBITED.**

No person shall wilfully or knowingly raise or circulate any false alarm of fire.

(2005 Code, § 213.003) (Ord. 19, passed 9-27-1899) Penalty, see § 93.999

### **§ 93.033 CROSSING OVER HOSE PROHIBITED.**

No person shall cross or run over any hose with any vehicle while the same shall be in use by the fire company.

(2005 Code, § 213.004) (Ord. 19, passed 9-27-1899) Penalty, see § 93.999

### **§ 93.034 INTERFERENCE WITH FIREFIGHTERS.**

No person shall interfere with or impede any member of the fire company or any other person while engaged in saving or protecting any property at a fire.

(2005 Code, § 213.005) (Ord. 19, passed 9-27-1899) Penalty, see § 93.999

### **§ 93.035 DESTRUCTION TO BUILDING; PROHIBITED.**

No person shall wilfully injure or deface any building used as a place of deposit for fire apparatus belonging to the village.

(2005 Code, § 213.006) (Ord. 19, passed 9-27-1899) Penalty, see § 93.999

## **§ 93.036 DISRUPTION OF MEETINGS; PROHIBITED.**

No person shall disturb any meeting of the fire company.

(2005 Code, § 213.007) (Ord. 19, passed 9-27-1899) Penalty, see § 93.999

## **FREESTANDING WOOD-BURNING STOVES**

### **§ 93.050 DEFINITION.**

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

#### ***FREE-STANDING WOOD BURNING FURNACE.***

(1) Any device or structure that:

- (a) Is designed, intended, or used to provide heat and/or hot water to any residence or other structure; and
- (b) Operates by burning wood or other solid fuel; and
- (c) Is not located within a residential structure.

(2) Excluded from the definition of a free-standing wood burning furnace is any device which is designed or used to heat a structure in which it is located.

(2005 Code, § 214.002) (Ord. 2002-04, passed 7-8-2002)

### **§ 93.051 PROHIBITION.**

It shall be unlawful to install or operate a free-standing wood burning furnace and to cause or permit the installation or operation of a free-standing wood burning furnace within the village.

(2005 Code, § 214.003) (Ord. 2002-04, passed 7-8-2002) Penalty, see § 93.999

### **§ 93.052 CONFLICTS.**

This subchapter shall not be construed as an exemption or exception to any other provision of these codified ordinances, including the Building Code or any other code or ordinance. In the event of a conflict between the provisions of this subchapter and any other ordinance or other provision of law, the more restrictive provision shall apply.

(2005 Code, § 214.004) (Ord. 2002-04, passed 7-8-2002)

### **§ 93.053 EXISTING USERS.**

This subchapter shall not apply to any free-standing wood burning furnace that was installed, connected, and operating as of the effective date of this subchapter, however, this section shall not be deemed as specific authorization for the use of any pre-existing free-standing wood burning furnace and shall not be deemed to bar, limit, or otherwise affect the rights of any person to take private legal action regarding damage or nuisance caused by the use of a free-standing wood burning furnace.

(2005 Code, § 214.005) (Ord. 2002-04, passed 7-8-2002)

### **§ 93.054 VIOLATIONS; DECLARATION OF NUISANCE.**

Any free-standing wood burning furnace installed or operated in violation of this subchapter is hereby declared to be a nuisance per se.

(2005 Code, § 214.006) (Ord. 2002-04, passed 7-8-2002)

### § 93.055 ISSUANCE OF CIVIL INFRACTION, CITATIONS, AND NOTICES.

The Village Manager, Village Police Chief, or their appointed designee is hereby designated as the authorized village officials to issue municipal civil infraction citations (directing alleged violators to appear in court), as provided in Ch. 34.

(2005 Code, § 214.007) (Ord. 2002-04, passed 7-8-2002)

### § 93.056 EFFECTIVE DATE.

This subchapter is declared to be effective immediately upon publication.

(2005 Code, § 214.010) (Ord. 2002-04, passed 7-8-2002)

## CIVIL DEFENSE AND DISASTER CONTROL

### § 93.070 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CIVIL DEFENSE.** The preparation for the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, for protection against and to minimize and repair injury and damage resulting from enemy attack, sabotage, or other hostile action or by natural disaster.

**CIVIL DEFENSE VOLUNTEER.** Any person who serves without compensation in the civil defense organization.

**EMERGENCY.** A condition resulting from enemy attack or natural disaster which cannot be handled by normal operating personnel and facilities.

**NATURAL DISASTER.** Any condition seriously affecting or threatening public health, welfare, or security as a result of a severe fire, explosion, flood, tornado, hurricane, or similar natural or accidental cause and which is beyond the control of public or private agencies ordinarily responsible for the control or relief of such conditions. Riots, strikes, insurrections, or other civil disturbances shall not be included within the meaning of **NATURAL DISASTER**.

(2005 Code, § 212.001) (Ord. 7-61, passed 12-11-1961)

### § 93.071 DEPARTMENT OF CIVIL DEFENSE.

(A) A Department of Civil Defense is hereby created utilizing to the fullest extent personnel and facilities of existing village departments and agencies. The President shall be responsible for its organization, administration, and operation.

(B) The organization shall consist of the following:

(1) A Department of Civil Defense within the Executive Department of the village government. There shall be an executive head of the Department of Civil Defense appointed by the President, who shall be known as the Director of Civil Defense, and such assistants, clerical help, other help, and civil defense volunteers as are deemed necessary to the proper functioning of the organization;

(2) Five Deputy Directors with responsibility for financial services, law enforcement, fire control, engineering services, and health and medical services, appointed by the President. These shall, as far as possible, be additional duty assignments to existing personnel, and it is the intent of this

subchapter that civil defense and disaster assignments shall be as nearly consistent with normal duty assignment as possible;

(3) The employees, equipment, and facilities of all village departments and agencies, suitable for, or adoptable to civil defense and designated by the President to participate in the civil defense activity; and

(4) Civil defense volunteers, including persons and private agencies, or governmental units offering services to the organization.

(2005 Code, § 212.002) (Ord. 7-61, passed 12-11-1961)

### **§ 93.072 POWERS AND DUTIES OF PRESIDENT.**

(A) (1) The powers and duties of the President pertaining to civil defense in time of normal village operation are to maintain general supervision over the planning and administration for the civil defense organization and the execution of the civil defense and disaster plans.

(2) He or she shall coordinate the civil defense activities and make emergency assignments of civil defense duties and civil defense forces in order to meet situations not covered in the normal duties of such forces.

(B) The President may take all necessary action to conduct tests of the civil defense and natural disaster plans.

(C) In the event of actual or threatened enemy attack or natural disaster, the President, or in his or her absence or inability to serve, the President Pro Tem, as conservator of the peace, shall:

(1) Declare a state of emergency within the village thereby placing in effect the civil defense and disaster control plan required by this subchapter;

(2) As soon as may be thereafter, convene the Village Council to perform its legislative and administrative functions as the situation may demand. The Council shall have the power to terminate the state of emergency;

(3) When a state of emergency has been declared, the President shall assemble and utilize civil defense forces and prescribe the manner and conditions of their use;

(4) Request the state, its agencies, or political subdivisions to send aid if the situation is beyond the control of the regular and emergency village forces;

(5) Have the power to command services and the use of equipment and facilities for such work and duties as the village may require to aid the regular and volunteer village forces in time of emergency; and

(6) Promulgate such emergency regulations as may be deemed necessary to protect life and property and conserve critical resources, and such regulations may be invoked when necessary for tests of civil defense and disaster plans. All such regulations shall be subject to approval of the Council as soon as practicable subsequent to promulgation.

(D) The President shall designate a line of succession among the department heads to exercise the powers and duties of the Director of Civil Defense in event of the absence or inability to serve of the Director.

(E) The President, or, in his or her absence or inability to serve, the President Pro Tem, shall have the power to order civil defense forces to the aid of the state or political subdivisions thereof subject to Council review as soon as practicable.

(2005 Code, § 212.003) (Ord. 7-61, passed 12-11-1961)



### **§ 93.073 POWERS AND DUTIES OF THE DIRECTOR OF CIVIL DEFENSE.**

(A) The Director shall be executive head of the Department of Civil Defense and shall have responsibility for the organization, administration, and operation of the civil defense and disaster control organization subject to the direction and control of the President.

(B) The Director of Civil Defense shall be responsible for public relations, information, and education regarding all phases of civil defense.

(C) The Director shall be responsible for the development of a civil defense and disaster control plan, and upon adoption, shall be responsible for such implementation and revision of the plan as to maintain it on a current state of readiness at all times.

(D) The Director shall coordinate all activities for civil defense and disaster control and shall maintain liaison and cooperate with all other interested and affected agencies, public and private.

(E) The Director shall coordinate the recruitment and training of volunteer personnel and agencies to augment the personnel and facilities of the village for civil defense purposes.

(F) The Director may issue proper insignia and papers to civil defense workers and others.

(G) The Director of Civil Defense is hereby authorized to exercise the powers granted to the President in § 93.072, either in the absence or inability to serve of the President and President Pro Tem or where delay in the exercise of such powers would be contrary to the public interest.

(2005 Code, § 212.004) (Ord. 7-61, passed 12-11-1961)

### **§ 93.074 CIVIL DEFENSE AND DISASTER CONTROL PLAN.**

(A) (1) As soon as practicable after the enactment of this subchapter, a comprehensive civil defense and disaster control plan should be adopted by resolution of the Council upon the recommendation of the President.

(2) In the preparation of this plan, as it pertains to village organization, it is the intent that the services, equipment, facilities, and personnel of all existing departments and agencies should be utilized to the fullest extent possible.

(B) (1) When approved, it shall be the duty of all municipal departments and agencies to perform the functions and duties assigned by the plan and to maintain their portion of the plan in a current state of readiness at all times.

(2) All officers and employees of the village shall cooperate with and give active support to the President and Director of Civil Defense in all civil defense operations and they shall comply with all orders of the President and Director of Civil Defense issued pursuant to this subchapter.

(2005 Code, § 212.005) (Ord. 7-61, passed 12-11-1961)

### **§ 93.075 CONFLICTING ORDINANCES, ORDERS, RULES, AND REGULATIONS SUSPENDED.**

At all times when the orders, rules, and regulations made and promulgated pursuant to this subchapter shall be in effect, they shall supersede all existing ordinances, orders, rules, and regulations insofar as the latter may be inconsistent therewith.

(2005 Code, § 212.006) (Ord. 7-61, passed 12-11-1961)

### **§ 93.076 VIOLATIONS.**

It shall be unlawful for any person willfully to obstruct, hinder, or delay the civil defense organization in the enforcement of any rule or regulation issued pursuant to this subchapter, or to do any act



forbidden by any rule or regulation issued pursuant to the authority contained in this subchapter. It shall likewise be unlawful for any person to wear, carry, or display any emblem, insignia, or any other means of identification as a member of the civil defense organization of the village unless authority so to do has been granted to such person by the proper officials.

(2005 Code, § 212.007) (Ord. 7-61, passed 12-11-1961) Penalty, see § 93.999

### **§ 93.999 PENALTY.**

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) A person who violates any provision of §§ 93.015 and 93.016 is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$25, plus costs and other sanctions for each infraction. Repeat offenses under §§ 93.015 and 93.016 shall be subject to increased fines as provided by § 34.06. In addition to ordering the defendant to pay a civil fine, costs, and damages and expenses, the judge or District Court magistrate may issue a writ or order Public Act 236 of 1961, being M.C.L.A. § 600.8302.

(2005 Code, § 211.003)

(C) Any person who shall violate any of the provisions of §§ 93.030 through 93.036 shall on conviction thereof, be punished by a fine of not less than \$5, and not more than \$50, and costs of prosecution, or the person so convicted shall be imprisoned in the County Jail or Village Prison for a term not exceeding 60 days in the discretion of the court.

(2005 Code, § 213.008)

(D) A person who violates any provision of §§ 93.050 through 93.056 is responsible for a municipal civil infraction, and shall be subject to the payment of a civil fine of not less than \$100, plus costs and other sanctions for each infraction. Each day that a violation exists or continues constitutes a separate and additional violation.

(2005 Code, § 214.008)

(E) Convictions for violations of the provisions of §§ 93.070 through 93.075 shall be punishable by fine of not more than \$100, or imprisonment for not more than 90 days, or by both such fine and imprisonment.

(2005 Code, § 212.007)

(Ord. 19, passed 9-27-1899; Ord. 7-61, passed 12-11-1961; Ord. 4-9-1962, passed 4-9-1962; Ord. 2002-04, passed 7-8-2002)

## **CHAPTER 94: ENVIRONMENTAL PROTECTION**

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### Section

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## **WEED CONTROL**

### **§ 94.01 NOXIOUS WEEDS DEFINED.**

For the purposes of this subchapter, **NOXIOUS WEEDS** shall include those plants which are defined in state law as noxious weeds, and shall include any of the plants which, in the opinion of the Village Council, may be regarded as common nuisance.

(2005 Code, § 150.001) (Ord. 1-57, passed 9-9-1957; Ord. 95-6, passed 7-12-1995)

## **§ 94.02 DUTY TO DESTROY WEEDS.**

It shall be the duty of every owner, possessor, or occupier of land within the village, or of every person having charge of such lands to cut down and destroy by lawful means, or cause to be cut down and destroyed all noxious weeds, grasses, and brush growing on said lands and prevent such weeds, grasses, and brush from perpetuating themselves thereon. Such cutting down and destroying of noxious weeds shall be done at least twice in every year, once before the fifteenth day of June and again before September 1, and as much oftener as may be necessary to prevent such noxious weeds, grasses, and brush from going to seed.

(2005 Code, § 150.002) (Ord. 1-57, passed 9-9-1957; Ord. 95-6, passed 7-12-1995) Penalty, see § 94.99

## **§ 94.03 NOTICE.**

The authorized village official shall notify, by certified mail with return receipt requested, the owner, agent, or occupant of any lands on which noxious weeds are found growing. Such notices shall contain suggested methods of eradicating such noxious weeds, and a summary of provisions of this subchapter. Failure of the authorized village official to give such notice, shall not, however, constitute a defense to any action to enforce the payment of any penalty provided for, or debt created under the provisions of this subchapter.

(2005 Code, § 150.003) (Ord. 1-57, passed 9-9-1957; Ord. 95-6, passed 7-12-1995; Ord. 95-11, passed 7-12-1996)

## **§ 94.04 DESTRUCTION OF WEEDS BY VILLAGE.**

(A) In the case of any such owner, agent, or occupant who shall not destroy or cause to be destroyed such noxious weeds, it shall be the duty of the Street Department of the village upon notice received of the authorized village official to destroy or cause to be destroyed such noxious weeds. The agents of the Street Department or other persons authorized by the village may enter upon the subdivided lands and shall destroy such noxious weeds by cutting with or without mechanical equipment, but so as not to damage the property or sidewalk adjacent thereto.

(B) In the event it is necessary for the village to so destroy such noxious weeds, all expenses incurred in such destruction shall be paid by the owner or owners of such land; provided, further, that the village shall have a lien on such lands for the amount of such expenses, which lien shall be added to the real estate tax assessment rolls for such lands, and which may be collected in the same manner in which real estate taxes are collected. Such expenses, when so collected, shall go into the General Fund of the village.

(2005 Code, § 150.004) (Ord. 1-57, passed 9-9-1957; Ord. 95-6, passed 7-12-1995; Ord. 95-11, passed 7-12-1996)

## **§ 94.05 AUTHORIZED VILLAGE OFFICIAL.**

The village police officers are hereby designated as the authorized village officials to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the Village Municipal Ordinance Violations Bureau) as provided by this code of ordinances.

(2005 Code, § 150.005) (Ord. 1-57, passed 9-9-1957; Ord. 95-6, passed 7-12-1995; Ord. 95-11, passed 7-12-1996)

## **§ 94.06 EFFECTIVE DATE.**

This subchapter shall take effect 20 days after due publication, as required by law.

(2005 Code, § 150.007) (Ord. 1-57, passed 9-9-1957)

## TREES

### § 94.20 DEFINITION.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**PARK TREES.** Trees, shrubs, bushes, and all other woody vegetation in public parks having individual names, and all areas owned by the village, or to which the public has free access as a park.

**STREET TREES.** Trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the village.

(2005 Code, § 151.001) (Ord. 2-83, passed 4-11-1983)

### § 94.21 CREATION AND ESTABLISHMENT OF THE VILLAGE TREE BOARD.

There is hereby created and established a Village Tree Board which shall consist of five members, citizens, and residents of this village, who shall be appointed by the Mayor with the approval of the Council. The Village Superintendent shall be an ex officio member of said Board.

(2005 Code, § 151.002) (Ord. 2-83, passed 4-11-1983)

### § 94.22 TREE BOARD; TERM OF OFFICE, COMPENSATION, DUTIES AND RESPONSIBILITIES, AND OPERATION.

(A) *Term of office.* The term of the five persons to be appointed by the Mayor shall be three years, except that the term of two of the members appointed to the first Board shall be for only one year and the term of two members of the first Board shall be for two years. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term.

(2005 Code, § 151.003)

(B) *Compensation.* Members of the Board shall serve without compensation.

(2005 Code, § 151.004)

(C) *Duties and responsibilities.* It shall be the responsibility of the Board to study, investigate, counsel, and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal, or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the Village Council and upon its acceptance and approval, shall constitute the official comprehensive village tree plan for the village. The Board, when requested by the Village Council, shall consider, investigate, make finding, report, and recommend upon any special matter of question coming within the scope of its work.

(2005 Code, § 151.005)

(D) *Operations.* The Board shall choose its own officers, make its own rules and regulations, and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

(2005 Code, § 151.006)

(Ord. 2-83, passed 4-11-1983)

### § 94.23 STREET TREE SPECIES TO BE PLANTED.

The following list constitutes the official street tree species for village. No species other than those included in this list may be planted as a street tree without written permission of the Village Tree Board.

| <i>Small Trees</i>        | <i>Medium Trees</i>  | <i>Large Trees</i>            |
|---------------------------|--|-------------------------------|
| <b>Small Trees</b>        | <b>Medium Trees</b>  | <b>Large Trees</b>            |
| Apricot                   | Ash, Green   | Coffeetree, Ky                |
| Crabapple, Flowering (sp) | Hackberry  | Maple, Silver                 |
| Goldenraintree            | Honeylocust (thornless)  | Maple, Sugar                  |
| Hawthorne (sp)            | Linden or Basswood (sp)  | Oak, Bur                      |
| Lilac, Jap. Tree          | Pagodatree, Japanese   |                               |
| Peach, flowering          | Pecan  |                               |
| Pear, Bradford            | Mulberry, Red (fruitless, male)  | Sycamore                      |
| Plum, Purpleleaf          | Birch, River   |                               |
| Redbud                    | Oak, English   | Sycamore (London Plantree)    |
| Soapberry                 | Oak, Red   | Cottonwood (Cottonless, male) |
| Serviceberry              | Osageorange (male, thornless)<br>Persimmon<br>Poplar, White<br>Sassafras |                               |

(2005 Code, § 151.007) (Ord. 2-83, passed 4-11-1983)

#### **§ 94.24 SPACING.**

The spacing of street trees will be in accordance with the three species size classes listed in § 94.23, and no trees may be planted closer together than the following: small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet; except in special plantings designed or approved by a landscape architect.

(2005 Code, § 151.008) (Ord. 2-83, passed 4-11-1983) Penalty, see § 94.99

#### **§ 94.25 DISTANCE FROM CURB AND SIDEWALK.**

The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in § 94.23 and no trees may be planted closer to any curb or sidewalk than the following: small trees, two feet; medium trees, three feet; and large trees, four feet.

(2005 Code, § 151.009) (Ord. 2-83, passed 4-11-1983) Penalty, see § 94.99

#### **§ 94.26 DISTANCE FROM STREET CORNERS AND FIREPLUGS.**

No street tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersection curbs or curblines. No street tree shall be planted closer than ten feet of any

fireplug.

(2005 Code, § 151.010) (Ord. 2-83, passed 4-11-1983) Penalty, see § 94.99

#### **§ 94.27 UTILITIES.**

No street trees other than those species listed as small trees in § 94.23 may be planted under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, transmission line, or other utility.

(2005 Code, § 151.011) (Ord. 2-83, passed 4-11-1983) Penalty, see § 94.99

#### **§ 94.28 PUBLIC TREE CARE.**

(A) The village shall have the right to plant, prune, maintain, and remove trees, plants, and shrubs within the lines of all streets, alleys, avenues, lanes, squares, and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

(B) The Village Tree Board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with §§ 94.23 through 94.27.

(2005 Code, § 151.012) (Ord. 2-83, passed 4-11-1983)

#### **§ 94.29 TREE TOPPING.**

It shall be unlawful as a normal practice for any person, firm, or village department to top any street tree, park tree, or other tree on public property. **TOPPING** is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this subchapter at the determination of the Village Superintendent.

(2005 Code, § 151.013) (Ord. 2-83, passed 4-11-1983) Penalty, see § 94.99

#### **§ 94.30 PRUNING, CORNER CLEARANCE.**

Every owner of any tree overhanging any street or right-of-way within the village shall prune 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 eight feet above the surface of the street or sidewalk. Said owners shall remove all dead, diseased, or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The village shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic-control device or sign.

(2005 Code, § 151.014) (Ord. 2-83, passed 4-11-1983)

#### **§ 94.31 DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY.**

The village shall have the right to cause the removal of any dead or diseased trees on private property within the village when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the village. The Village Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense



within 60 days after the date of service of notice. In the event of failure of owners to comply with such provisions, the village shall have the authority to remove such trees and charge the cost of removal on the owners property tax notice.

(2005 Code, § 151.015) (Ord. 2-83, passed 4-11-1983)

### **§ 94.32 REMOVAL OF STUMPS.**

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

(2005 Code, § 151.016) (Ord. 2-83, passed 4-11-1983) Penalty, see § 94.99

### **§ 94.33 WOOD RIGHTS.**

Whenever any tree, or any part thereof, is topped, pruned, cut, or removed pursuant to the terms of this subchapter, the wood from said tree shall be offered to the property owner on whose property said tree is located. In the event that said property owner elects not to keep said wood within a reasonable period of time, or in the event that said tree is located on public property, then said wood may be removed by any other person or persons provided that said person or persons first obtain the permission of the Village Superintendent.

(2005 Code, § 151.017) (Ord. 2-83, passed 4-11-1983)

### **§ 94.34 INTERFERENCE WITH VILLAGE TREE BOARD.**

It shall be unlawful for any person to prevent, delay, or interfere with the Village Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds, as authorized in this subchapter.

(2005 Code, § 151.018) (Ord. 2-83, passed 4-11-1983) Penalty, see § 94.99

### **§ 94.35 ARBORISTS LICENSE WITH BOND.**

(A) It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or part trees within the village without first applying for and procuring a license. The license fee shall be \$25 annually in advance; provided, however, that no license shall be required of any public service company or village employee doing such work in the pursuit of their public service endeavors.

(B) Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000 for bodily injury and \$100,000 property damage indemnifying the village or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

(2005 Code, § 151.019) (Ord. 2-83, passed 4-11-1983) Penalty, see § 94.99

### **§ 94.36 REVIEW BY VILLAGE COUNCIL.**

The Village Council shall have the right to review the conduct, acts, and decisions of the Village Tree Board. Any person may appeal from any ruling or order of the Village Tree Board to the Village Council who may hear the matter and make final decision.

(2005 Code, § 151.020) (Ord. 2-83, passed 4-11-1983)

## **BOX ELDER TREES**

### **§ 94.50 NUISANCE.**



All female box elder trees located within the village limits of the village are hereby declared to be a public nuisance in accordance with the provisions of Public Act 32 of 1962, being M.C.L.A. § 124.51.

(2005 Code, § 152.001) (Ord. 2-65, passed 9-8-1965)

#### **§ 94.51 ORDER TO REMOVE.**

The Village Marshal is hereby authorized to make a survey of said trees within the village, and, in the event said trees, if any, are found on private property, he or she may make an order to the owner or owners of said property, directing that said tree or trees be destroyed or removed within 30 days from the date of his or her order; and that a copy of his or her order shall be served upon the owner or owners, either personally or by registered mail, within ten days after the date of said order.

(2005 Code, § 152.002) (Ord. 2-65, passed 9-8-1965)

#### **§ 94.52 EFFECTIVE DATE.**

This subchapter shall take effect at the expiration of 30 days from the date of publication thereof.

(2005 Code, § 152.006) (Ord. 2-65, passed 9-8-1965)

#### **§ 94.99 PENALTY.**

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) A person who violates any provision of §§ 94.01 through 94.06, is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50, plus costs and other sanctions for each infraction. Repeat offenses under §§ 94.01 through 94.06 shall be subject to increased fines as provided in § 34.06. In addition to ordering the defendant to pay a civil fine, costs, and damages and expenses, the judge or District Court magistrate may issue a writ or order under Public Act 236 of 1961, being M.C.L.A. § 600.8302.

(2005 Code, § 150.006)

(C) Any person violating any provision of §§ 94.20 through 94.36 shall be, upon conviction or a plea of guilty, subject to a fine not to exceed \$100.

(2005 Code, § 151.021)

(D) Any person or persons, firm, or corporation, violating any of the provisions of §§ 94.50 through 94.52 shall, on conviction thereof, be punished by a fine not exceeding \$100, or by imprisonment in the Branch County Jail for a term not exceeding 90 days, or by both such fine and imprisonment in the discretion of the Court.

(2005 Code, § 152.003)

(Ord. 1-57, passed 9-9-1957; Ord. 2-65, passed 9-8-1965; Ord. 2-83, passed 4-11-1983)

## **TITLE XI: BUSINESS REGULATIONS**

### **Chapter**

#### **110. LICENSING AND SALES**

#### **111. TELECOMMUNICATIONS**

## 112. MEDICAL MARIHUANA

### CHAPTER 110: LICENSING AND SALES

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#### Section

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- 110.001 Licensing public exhibitions
- 110.002 Garage, yard, and similar sales

#### ***Junkyards and Automobile Wrecking Yards***

- 110.015 License; requirements; applications, fees, expiration, and renewal
- 110.016 Petition by property owners
- 110.017 Condition of premises; fence
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- 110.019 Compliance with subchapter
- 110.020 Refusal to grant license; revocation
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#### ***Card, Pool, and Billiard Rooms***

- 110.035 License required; application and fees
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- 110.037 License revocation
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- 110.055 License required; exception
- 110.056 License fee; each day a separate offense
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- 110.070 License required
- 110.071 Solicitors; route salespersons
- 110.072 License fee; each day a separate offense

110.073 Exceptions

110.074 Effective date

110.999 Penalty

## GENERAL PROVISIONS

### § 110.001 LICENSING PUBLIC EXHIBITIONS.

(A) No person or persons or corporation shall exhibit in said village any circus, menagerie, or sideshow, or exhibit any natural or artificial curiosity, for which pay is demanded or received, without a license from the Clerk; and for any license granted for any business, object, or purpose herein specified there shall be paid by the person or persons, or corporation receiving the same as follows: upon a license for a circus, and menagerie, or circus and menagerie combined, the sum of \$10 for each day upon which an exhibition shall occur; for each sideshow connected with or traveling with a circus or a menagerie, \$2 per day; for every exhibition of natural or artificial curiosities, \$2 per day; for every other entertainment given in tents or under canvas, \$2 per day for the first day, and \$1 for each succeeding day, but no fraction of a day shall be considered in this matter.

(B) This section shall not apply to any exhibition or concert by the pupils of any school, or music teacher residing in this village, nor to any concert or entertainment given for any benevolent object, and every proprietor, agent, manager, person in charge, employee, assistant, or performer, in any circus, menagerie, sideshow, or exhibition of natural curiosities or other show under tent or elsewhere, who shall be engaged, or assist or perform in any such exhibition, performance, or entertainment, for which license shall not have been duly granted, shall be deemed guilty of a violation of this section.

(2005 Code, § 28.001) (Ord. 16, passed - -) Penalty, see § 110.999

### § 110.002 GARAGE, YARD, AND SIMILAR SALES.

Any sign placed on village property pertaining to garage, yard, or similar sales must be dated and contain the name and address of the person or persons conducting such sale. Said signs must be removed by the person or persons conducting said sale within one day following the last date of the sale. Any sign remaining after one day following the last date of such sale shall be removed by the village, and the person or persons responsible for said sale shall be charged at the rate of \$2 per sign so removed. Any sign not dated, and any sign not containing the name of the registrant, shall be removed by the village immediately, and the person or persons responsible for the placing of said sign shall be charged \$2 per sign.

(2005 Code, § 130.001) (Ord. 2-87, passed 3-10-1987)

## JUNKYARDS AND AUTOMOBILE WRECKING YARDS

### § 110.015 LICENSE; REQUIREMENTS; APPLICATIONS, FEES, EXPIRATION, AND RENEWAL.

(A) *License required.* No junkyard and/or place for the dismantling, wrecking, and disposing of the junk and/or refuse material of automobiles shall be established or maintained within the village limits, unless a license so to do shall be obtained from the Village Council.

(2005 Code, § 25.001)

(B) *License application, fee, expiration, renewal.* At any person, firm, association, or corporation desiring to establish or operate a place for the dismantling, wrecking, or disposing of the junk and/or refuse material from automobiles shall file with the Village Clerk a written application for a license, on a form to be furnished by the village, and pay to said Village Clerk the annual license fee, hereby set, in the sum of \$25; such sum to be refunded in the event the license is denied; such license, when

issued, shall expire on April 1, in each year, and may be renewed upon filing a new application and paying the annual fee.

(2005 Code, § 25.002)

(Ord. 28, passed 4-23-1951) Penalty, see § 110.999

#### **§ 110.016 PETITION BY PROPERTY OWNERS.**

No license shall be issued until said applicant shall file with the Village Clerk a petition signed by a 60% of the property owners within a radius of 500 feet of the premises proposed to be occupied by such business.

(2005 Code, § 25.003) (Ord. 28, passed 4-23-1951) Penalty, see § 110.999

#### **§ 110.017 CONDITION OF PREMISES; FENCE.**

The premises upon which said person, firm, association, or corporation desires to establish or operate such junkyard shall be kept in a neat and orderly condition at all times, and so much of said premises as are used to store the refuse, junk, and/or parts of dismantled automobiles shall be entirely enclosed by a tight board fence, at least ten feet in height or by a tight fence of some other suitable material, which shall effectively conceal such refuse, junk, parts, and/or bodies of automobiles from the public view; said fence shall not be erected nearer to any public highway than 50 feet from the center thereof.

(2005 Code, § 25.004) (Ord. 28, passed 4-23-1951) Penalty, see § 110.999

#### **§ 110.018 INSPECTION.**

The premises upon which any person, firm, association, or corporation is licensed to operate such establishment shall at all times be open for inspection by the Village Council or its duly authorized agent.

(2005 Code, § 25.005) (Ord. 28, passed 4-23-1951)

#### **§ 110.019 COMPLIANCE WITH SUBCHAPTER.**

No license shall be issued as herein provided and set forth unless and until the applicant therefor shall have complied with all of the provisions of this subchapter.

(2005 Code, § 25.006) (Ord. 28, passed 4-23-1951) Penalty, see § 110.999

#### **§ 110.020 REFUSAL TO GRANT LICENSE; REVOCATION.**

The Village Council may, at its discretion and for just cause, refuse to grant the license provided for herein, and may revoke any license granted for a violation of any of the provisions of this subchapter.

(2005 Code, § 25.007) (Ord. 28, passed 4-23-1951)

#### **§ 110.021 PURPOSE OF SUBCHAPTER.**

This subchapter is hereby adopted for the protection of the public health, welfare, and general interest of the village.

(2005 Code, § 25.008) (Ord. 28, passed 4-23-1951)

### **CARD, POOL, AND BILLIARD ROOMS**

#### **§ 110.035 LICENSE REQUIRED; APPLICATION AND FEES.**

(A) *License required.* It shall be unlawful for any person, firm, or corporation to keep for hire any public card, pool and billiard tables within the corporate limits of the village without first obtaining a license therefor as hereinafter provided.

(2005 Code, § 27.001)

(B) *License application; fees.*

(1) Before any license under this subchapter shall be granted, application therefor shall be made to the Village Clerk in writing; said application shall state the name of the applicant, the location of the premises, and the number of card, pool, and/or billiard tables, also the citizenship of the applicant.

(2) Before a license is issued the applicant shall pay to the Village Clerk the sum of \$5 per pool table and \$1 per each card table.

(2005 Code, § 27.002)

(Ord. 26, passed 3-9-1959) Penalty, see § 110.999

### **§ 110.036 COUNCIL APPROVAL.**

Upon filing of the application as hereinbefore provided, the same shall be referred by the Village Clerk to the Village Council, and if said Village Council shall determine that said applicant is a fit and proper person to operate said card, pool, and billiard room, he, she, or it may so state by proper resolution, or if said application is denied, then the license fee above provided for shall be returned to the applicant.

(2005 Code, § 27.003) (Ord. 26, passed 3-9-1959)

### **§ 110.037 LICENSE REVOCATION.**

(A) The Village Council reserves the right under this subchapter to cancel or revoke any license hereunder at any time, when, in its judgment, such act is deemed advisable.

(B) In case of the revocation of said license, said licensee shall forfeit any and all license fees under the terms of this subchapter.

(2005 Code, § 27.004) (Ord. 26, passed 3-9-1959)

### **§ 110.038 ALL BUSINESS IN SINGLE ROOM.**

All business carried on under the terms of this subchapter shall be in a single room, and that the use of stalls, partitions, anterooms, and rooms adjoining the place where said tables are kept, and which are operated in connection with said place of business is hereby prohibited.

(2005 Code, § 27.005) (Ord. 26, passed 3-9-1959) Penalty, see § 110.999

### **§ 110.039 GAMBLING PROHIBITED.**

No gambling of any nature shall be permitted on any premises licensed under this subchapter.

(2005 Code, § 27.008) Penalty, see § 110.999

### **§ 110.040 EFFECTIVE DATE.**

This subchapter shall take effect 20 days from publication.

(2005 Code, § 27.011) (Ord. 26, passed 3-9-1959)

## **AUCTIONEERS**

### **§ 110.055 LICENSE REQUIRED; EXCEPTION.**

No person shall engage in, carry on, or exercise the trade, business, or occupation of an auctioneer, or sell any property at auction or outcry within the limits of the village without first having obtained a license therefor from the Clerk of said village; provided, that nothing in this subchapter shall prevent the sale without a license of any secondhand furniture, or secondhand household goods or livestock, or secondhand farming implements or the selling of any property by legal process, or upon mortgage sale.

(2005 Code, § 29.001) (Ord. 10, passed 9-20-1899) Penalty, see § 110.999

### **§ 110.056 LICENSE FEE; EACH DAY A SEPARATE OFFENSE.**

The Village Clerk is hereby authorized to issue a license to any person, persons, or corporation to sell goods, wares, and merchandise at public auction or venue within said village upon said person, persons, or corporation paying into the Village Treasury the sum of \$5 for each and every day, or part of a day, such person or persons, or corporation sells as aforesaid. And it is further provided, that each day or part of different days such person, persons, or corporation sells without such license, it shall constitute a separate offense.

(2005 Code, § 29.002) (Ord. 10, passed 9-20-1899) Penalty, see § 110.999

### **§ 110.057 REVOCATION OF LICENSE.**

Any license granted or issued, as provided and authorized by this subchapter, may be revoked by said Clerk, whenever in his or her opinion it shall be expedient to do so, in which case he or she shall tender back to the person, persons, or corporation to whom said license was issued, for the unexpired term of said license, a pro-rata sum of the amount paid therefor, and such license shall be void and of no force or effect from the time of such payment or tender.

(2005 Code, § 29.003) (Ord. 10, passed 9-20-1899)

### **§ 110.058 PLACES WHERE SALE PROHIBITED.**

No auctioneer shall sell or cause to be sold at auction or outcry, any goods, wares, or merchandise, for the sale of which a license is required, on any sidewalk, crosswalk, street, lane, or alley or at the door or window of any store or building within the limits of said village.

(2005 Code, § 29.004) (Ord. 10, passed 9-20-1899) Penalty, see § 110.999

### **§ 110.059 LICENSE NOT ASSIGNABLE.**

No license granted under the provisions of this subchapter shall be assigned or transferred for any purpose, nor shall any person other than the one named therein, be allowed to sell any property under or by virtue of said license.

(2005 Code, § 29.005) (Ord. 10, passed 9-20-1899) Penalty, see § 110.999

## **HAWKERS, PEDDLERS, AND VENDORS**

### **§ 110.070 LICENSE REQUIRED.**

No person or persons, firm, or corporation shall engage in the business of hawking, pack, or other peddling in the streets or other public places or from door to door, or in selling any article, goods, wares or merchandise, trade, or commerce whatever from a stand, stall, cart, wagon, automobile, pack, basket, or in any manner, or from any of the public streets, parks, grounds, alleys, or places in the corporate limits of said village without first obtaining a license therefor.



(2005 Code, § 30.001) (Ord. 6-61, passed 2-15-1961) Penalty, see § 110.999

### **§ 110.071 SOLICITORS; ROUTE SALESPERSONS.**

The term **HAWKERS**, **PEDDLERS**, and **STREET VENDORS** shall not include “solicitors” and/or “route salespersons” making regular route deliveries at retail by motor vehicle or on foot to the residence of the consumer, whether by prearranged accustomed route or by prior order from the consumer.

(2005 Code, § 30.002) (Ord. 6-61, passed 2-15-1961)

### **§ 110.072 LICENSE FEE; EACH DAY A SEPARATE OFFENSE.**

(A) Any person or persons, firm, or corporation before engaging in hawking, pack, or other peddling in the manner in section one herein specified, shall pay to the Village Clerk the sum of \$2 for each day or fraction thereof, or the sum of \$10 for each week or fraction thereof, or the sum of \$50 for each year or fraction thereof, whereupon such Clerk shall issue to such applicant a receipt or license for the term accordingly.

(B) Each and every day or fraction thereof that any person, persons, firm, or corporation shall engage in or continue in such business without the payment of such license fee is paid, shall be deemed distinct and separate violations of this subchapter and punishable as hereinafter provided.

(2005 Code, § 30.003) (Ord. 6-61, passed 2-15-1961) Penalty, see § 110.999

### **§ 110.073 EXCEPTIONS.**

This subchapter shall not apply to mechanics or artisans selling their own inventions made by them, nor to farmers or gardeners in selling the produce of their farm or garden.

(2005 Code, § 30.004) (Ord. 6-61, passed 2-15-1961)

### **§ 110.074 EFFECTIVE DATE.**

This subchapter shall take effect February 15, 1961.

(2005 Code, § 30.005) (Ord. 6-61, passed 2-15-1961)

### **§ 110.999 PENALTY.**

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) Any person who shall violate any of the provisions of § 110.001 shall, upon conviction thereof, be punished by a fine of not less than \$5, nor more than \$20, and costs of prosecution, or in default of the payment thereof, he or she may be imprisoned not less than two nor more than 50 days.

(2005 Code, § 28.002)

(C) Any person who shall violate any of the provisions of § 110.002 shall, upon conviction thereof, be punished by a fine of not less than \$5, nor more than \$25, plus costs of prosecution.

(2005 Code, § 130.002)

(D) Any person, firm, association, or corporation that shall establish or operate such establishment without a license, or which shall violate any rule, regulation, or condition of §§ 110.015 through 110.021, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed \$100, or by imprisonment in the County Jail not to exceed 90 days, or by both such fine and imprisonment in the discretion of the court.



(2005 Code, § 25.009)

(E) Any person, firm, or corporation violating any of the provisions of §§ 110.035 through 110.040 shall, upon conviction, in addition to all other penalties provided herein, be subject to a fine of not to exceed \$100 or to imprisonment of not to exceed 90 days or both such fine and imprisonment in the discretion of any court of competent jurisdiction.

(2005 Code, § 26.009)

(F) Any person who shall violate any of the provisions of §§ 110.055 through 110.059 shall, upon conviction thereof, be punished by a fine of not less than \$5, and costs of prosecution, or may be imprisoned in the Village Prison or County Jail, in the discretion of the court, not less than ten days nor more than 90 days.

(2005 Code, § 29.006)

(G) Any person or persons, firm, or corporation violating any of the provisions of §§ 110.070 through 110.074 or shall fail to comply with the provisions thereof, shall, upon conviction thereof, be punished by a fine of not less than \$5 nor more than \$100 and costs, be imprisoned in the Village Prison or County Jail for not less than five days nor more than 30 days, or until such fine and costs are sooner paid, or both such fine and imprisonment in the discretion of the court.

(2005 Code, § 30.005)

(Ord. 16, passed - -; Ord. 10, passed 9-20-1899; Ord. 28, passed 4-23-1951; Ord. 26, passed 3-9-1959; Ord. 6-61, passed 2-15-1961; Ord. 2-87, passed 3-10-1987)

## CHAPTER 111: TELECOMMUNICATIONS

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### Section

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## TELECOMMUNICATIONS REGULATIONS

### § 111.01 PURPOSE.

The purpose of this subchapter is to regulate access to and ongoing use of public rights-of-way by telecommunications providers for their telecommunications facilities while protecting the public health, safety, and welfare and exercising reasonable control of the public rights-of-way in compliance with the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Public Act 48 of 2002, being M.C.L.A. §§ 484.3101 et seq.) (“Act”) and other applicable law, and to ensure that the village qualifies for distributions under the Act by modifying the fees charged to providers and complying with the Act.

(2005 Code, § 32.002) (Ord. 2002-06, passed 10-30-2002)

### § 111.02 CONFLICT.

Nothing in this subchapter shall be construed in such a manner as to conflict with the Act or other applicable law.

(2005 Code, § 32.003) (Ord. 2002-06, passed 10-30-2002)

### § 111.03 DEFINITIONS.

(A) *Generally.* For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACT.** The Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Public Act 48 of 2002, being M.C.L.A. §§ 484.3101 et seq.), as amended from time to time.

**PERMIT.** A non-exclusive permit issued pursuant to the Act and this subchapter to a telecommunications provider to use the public rights-of-way in the village for its telecommunications facilities.

**VILLAGE.** The Village of Union City.

**VILLAGE COUNCIL.** The Village Council of the Village of Union City or its designee. This Section does not authorize delegation of any decision or function that is required by law to be or she made by the Village Council.

**VILLAGE MANAGER.** The Village Manager or his or her designee.

(B) *Definitions, provided by the Act.* All other terms used in this subchapter shall have the same meaning as defined or as provided in the Act, including without limitation the following.

**AUTHORITY.** The Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority created pursuant to § 3 of the Act.

**MPSC.** The Michigan Public Service Commission in the Department of Consumer and Industry Services, and shall have the same meaning as the term “Commission” in the Act.

**PERSON.** An individual, corporation, partnership, association, governmental entity, or any other legal entity.

**PUBLIC RIGHT-OF-WAY.** The area on, below, or above a public roadway, highway, street, alley, easement, or waterway. **PUBLIC RIGHT-OF-WAY** does not include a federal, state, or private right-of-way.

**TELECOMMUNICATION FACILITIES or FACILITIES.**

(a) The equipment or personal property, such as copper and fiber cables, lines, wires, switches, conduits, pipes, and sheaths, which are used to or can generate, receive, transmit, carry, amplify, or provide telecommunication services or signals.

(b) **TELECOMMUNICATION FACILITIES** or facilities do not include antennas, supporting structures for antennas, equipment, shelters or houses, and any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile service as defined in § 332(d) as part I of Title III of the Communications Act of 1934 being U.S.C. § 332(d), Ch. 652, 48 Stat. 1064, 47 U.S.C. § 332 and further defined as commercial mobile radio service in 47 C.F.R. § 20.3, and service provided by any wireless, two-way communication device.

**TELECOMMUNICATION PROVIDER, PROVIDER, and TELECOMMUNICATIONS SERVICES.**

(a) Those terms as defined in § 102 of the State Telecommunications Act, Public Act 179 of 1991, being M.C.L.A. § 484.2102. **TELECOMMUNICATION PROVIDER** does not include a person or an affiliate of that person when providing a federally licensed commercial mobile radio service as defined in § 332(d) of part I of the Communications Act of 1934, Ch. 652, 48 Stat. 1064, 47 U.S.C. § 332 and further defined as commercial mobile radio service in 47 C.F.R. § 20.3, or service provided by any wireless, two-way communication device.

(b) For the purpose of the Act and this subchapter only, a **PROVIDER** also includes all of the following:

1. A cable television operator that provides a telecommunications service;
2. Except as otherwise provided by the Act, a person who owns telecommunication facilities located within a public right-of-way; and
3. A person providing broadband Internet transport access service.

(2005 Code, § 32.004) (Ord. 2002-06, passed 10-30-2002)

**Editor's note:**

A copy of the Act defined herein can be obtained on the Internet at <http://www.cis.state.mi.us/mpsc/comm/rightofway/rightofway.htm>

**§ 111.04 PERMIT REQUIRED.**

(A) *Permit required.* Except as otherwise provided in the Act, a telecommunications provider using or seeking to use public rights-of-way in the village for its telecommunications facilities shall apply for and obtain a permit pursuant to this subchapter.

(B) *Application.* Telecommunications providers shall apply for a permit on an application form approved by the MPSC in accordance with § 6(1) of the Act, being Public Act 48 of 2002, being M.C.L.A. § 484.3106(1). A telecommunications provider shall file one copy of the application with the Village Clerk, one copy with the Village Manager, and one copy with the Village Attorney. Upon receipt, the Village Clerk shall make seven copies of the application and distribute a copy to each member of the Village Council. Applications shall be complete and include all information required by the Act, including without limitation a route map showing the location of the provider's existing and proposed facilities in accordance with § 6(5) of the Act, being Public Act 48 of 2002, being M.C.L.A. § 484.3106(5).

(C) *Confidential information.* If a telecommunications provider claims that any portion of the route maps submitted by it as part of its application contain trade secret, proprietary, or confidential information, which is exempt from the Freedom of Information Act, being Public Act 442 of 1976, being M.C.L.A. §§ 15.231 et. seq., pursuant to § 6(5) of the Act, being Public Act 48 of 2002, being M.C.L.A.

§ 484.3106(5), the telecommunications provider shall prominently so indicate on the face of each map.

(D) *Application fee.* Except as otherwise provided by the Act, the application shall be accompanied by a one-time non-refundable application fee in the amount of \$500.

(E) *Additional information.* The Village Manager may request an applicant to submit such additional information which the Village Manager deems reasonably necessary or relevant. The applicant shall comply with all such requests in compliance with reasonable deadlines for such additional information established by the Village Manager. If the village and the applicant cannot agree on the requirement of additional information requested by the village, the village or the applicant shall notify the MPSC as provided in § 6(2) of the Act, being Public Act 48 of 2002, being M.C.L.A. § 484.3106(2).

(F) *Previously issued permits.* Pursuant to § 5(1) of the Act, being Public Act 48 of 2002, being M.C.L.A. § 484.3105(1) authorizations or permits previously issued by the village under § 251 of the State Telecommunications Act being M.C.L.A. § 484.2251, Public Act 179 of 1991, being M.C.L.A. § 484.2251 and authorizations or permits issued by the village to telecommunications providers prior to the 1995 enactment of § 251 of the State Telecommunications Act, but after 1985, shall satisfy the permit requirements of this subchapter.

(G) *Existing providers.* Pursuant to § 5(3) of the Act, being Public Act 48 of 2002, being M.C.L.A. § 484.3105(3), within 180 days from November 1, 2002, the effective date of the Act, a telecommunications provider with facilities located in a public right-of-way in the village as of such date, that has not previously obtained authorization or a permit under § 251 of the State Telecommunications Act, Public Act 179 of 1991, being M.C.L.A. § 484.2251 et seq., shall submit to the village an application for a permit in accordance with the requirements of this subchapter. Pursuant to § 5(3) of the Act, being Public Act 48 of 2002, being M.C.L.A. § 484.3105(3), a telecommunications provider submitting an application under this division (G) is not required to pay the \$500 application fee required under division (C) above. A provider under this division (G) shall be given up to an additional 180 days to submit the permit application if allowed by the Authority, as provided in § 5(4) of the Act, being Public Act 48 of 2002, being M.C.L.A. § 484.3105(4).

(2005 Code, § 32.005) (Ord. 2002-06, passed 10-30-2002)

**Editor's note:**

A copy of the application form mentioned as division (B) above as approved by the Commission can be obtained on the Internet at <http://www.cis.state.mi.us/mpsc/comm/rightofway/rightofway.htm>

**§ 111.05 ISSUANCE OF PERMIT.**

(A) *Approval or denial.* The authority to approve or deny an application for a permit is hereby delegated to the Village Manager. Pursuant to § 15(3) of the Act, being Public Act 48 of 2002, being M.C.L.A. § 484.3115(3), the Village Manager shall approve or deny an application for a permit within 45 days from the date a telecommunications provider files an application for a permit under § 111.04(B) for access to a public right-of-way within the village. Pursuant to § 6(6) of the Act, being Public Act 48 of 2002, being M.C.L.A. § 484.3106(6) the Village Manager shall notify the MPSC when the Village Manager has granted or denied a permit, including information regarding the date on which the application was filed and the date on which permit was granted or denied. The Village Manager shall not unreasonably deny an application for a permit.

(B) *Form of permit.* If an application for permit is approved, the Village Manager shall issue the permit in the form approved by the MPSC, with or without additional or different permit terms, in accordance with §§6(1), 6(2), and 15 of the Act, being Public Act 48 of 2002, being M.C.L.A. §§ 484.3106(1), 484.3106(2), and 484.3115.

(C) *Conditions.* Pursuant to § 15(4) of the Act, being Public Act 48 of 2002, being M.C.L.A. § 484.3115(4), the Village Manager may impose conditions on the issuance of a permit, which conditions shall be limited to the telecommunications provider's access and usage of the public right-of-way.

(D) *Bond requirement.* Pursuant to § 15(3) of the Act, being Public Act 48 of 2002, being M.C.L.A. § 484.3115(3) and without limitation on division (C) above, the Village Manager may require that a bond be posted by the telecommunications provider as a condition of the permit. If a bond is required, it shall not exceed the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunications provider's access and use.

(2005 Code, § 32.006) (Ord. 2002-06, passed 10-30-2002)

**Editor's note:**

*A copy of the application form mentioned as division (B) above as approved by the Commission can be obtained on the Internet at <http://www.cis.state.mi.us/mpsc/comm/rightofway/rightofway.htm>*

**§ 111.06 CONSTRUCTION/ENGINEERING PERMIT.**

(A) Pursuant to § 15(3) of the Act, being Public Act 48 of 2002, being M.C.L.A. § 484.3115(3) and without limitation on division (C) above, the Village Manager may require that a bond be posted by the telecommunications provider as a condition of the permit.

(B) If a bond is required, it shall not exceed the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunications provider's access and use.

(2005 Code, § 32.007) (Ord. 2002-06, passed 10-30-2002)

**§ 111.07 CONDUIT OF UTILITY POLES.**

Pursuant to § 4(3) of the Act, being Public Act 48 of 2002, being M.C.L.A. § 484.3104(3), obtaining a permit or paying the fees required under the Act or under this subchapter does not give a telecommunications provider a right to use conduit or utility poles.

(2005 Code, § 32.008) (Ord. 2002-06, passed 10-30-2002)

**§ 111.08 ROUTE MAPS.**

Pursuant to § 6(7) of the Act, being Public Act 48 of 2002, being M.C.L.A. § 484.3106(7), a telecommunications provider shall, within 90 days after the substantial completion of construction of new telecommunications facilities in the village, submit route maps showing the location of the telecommunications facilities to both the MPSC and to the village. The route maps should be in electronic format unless and until the Commission determines otherwise, in accordance with § 6(8) of the Act, being Public Act 48 of 2002, being M.C.L.A. § 484.3106(8).

(2005 Code, § 32.009) (Ord. 2002-06, passed 10-30-2002)

**§ 111.09 REPAIR DAMAGE.**

Pursuant to § 15(5) of the Act, being Public Act 48 of 2002, being M.C.L.A. § 484.3115(5), a telecommunications provider undertaking an excavation or construction or installing telecommunications facilities within a public right-of-way or temporarily obstructing a public right-of-way in the village, as authorized by a permit, shall promptly repair all damage done to the street surface and all installations under, over, below, or within the public right-of-way and shall promptly restore the public right-of-way to its preexisting condition.



(2005 Code, § 32.010) (Ord. 2002-06, passed 10-30-2002)

### **§ 111.10 ESTABLISHMENT AND PAYMENT OF MAINTENANCE FEE.**

In addition to the non-refundable application fee paid to the village set forth in § 111.04(D), a telecommunications provider with telecommunications facilities in the village's public right-of-way shall pay an annual maintenance fee to the Authority pursuant to § 8 of the Act, being Public Act 48 of 2002, being M.C.L.A. § 484.3108.

(2005 Code, § 32.011) (Ord. 2002-06, passed 10-30-2002)

### **§ 111.11 MODIFICATION OF EXISTING FEES.**

(A) In compliance with the requirements of § 13(1) of the Act, being Public Act 48 of 2002, being M.C.L.A. § 484.3113(1), the village hereby modifies, to the extent necessary, any fees charged to telecommunications providers after November 1, 2002, the effective date of the Act, relating to access and usage of the public rights-of-way, to an amount not exceeding the amounts of fees and charges required under the Act, which shall be paid to the Authority.

(B) In compliance with the requirements of § 13(4) of the Act, being Public Act 48 of 2002, being M.C.L.A. § 484.3113(4) the village also hereby approves modification of the fees of providers with telecommunication facilities in public rights-of-way within the village's boundaries, so that those providers pay only those fees required under § 8 of the Act, being Public Act 48 of 2002, being M.C.L.A. § 484.3108.

(C) The village shall provide each telecommunications provider affected by the fee with a copy of this subchapter, in compliance with the requirement of § 13(4) of the Act, being M.C.L.A. § 484.3113(4). To the extent any fees are charged telecommunications providers in excess of the amounts permitted under the Act, or which are otherwise inconsistent with the Act, such imposition is hereby declared to be contrary to the village's policy and intent, and upon application by a provider or discovery by the village, shall be promptly refunded as having been charged in error.

(2005 Code, § 32.012) (Ord. 2002-06, passed 10-30-2002)

### **§ 111.12 SAVINGS CLAUSE.**

Pursuant to § 13(5) of the Act, being Public Act 48 of 2002, being M.C.L.A. § 484.3113(5), if § 8 of the Act, being Public Act 48 of 2002, being M.C.L.A. § 484.3108 is found to be invalid or unconstitutional, the modification of fees under § 111.11 shall be void from the date the modification was made.

(2005 Code, § 32.013) (Ord. 2002-06, passed 10-30-2002)

### **§ 111.13 USE OF FUNDS.**

Pursuant to § 9(4) of the Act, being Public Act 48 of 2002, being M.C.L.A. § 484.3109(4), all amounts received by the village from the Authority shall be used by the village solely for rights-of-way related purposes. In conformance with that requirement, all funds received by the village from the Authority shall be deposited into the Major Street Fund and/or the Local Street Fund maintained by the village under Act Public Act 51 of 1951, being M.C.L.A. §§ 247.651 et seq.

(2005 Code, § 32.014) (Ord. 2002-06, passed 10-30-2002)

### **§ 111.14 ANNUAL REPORT.**

Pursuant to § 10(5) of the Act, being Public Act 48 of 2002, being M.C.L.A. § 484.3110(5), the Village Manager shall file an annual report with the Authority on the use and disposition of funds



annually distributed by the Authority.

(2005 Code, § 32.015) (Ord. 2002-06, passed 10-30-2002)

### **§ 111.15 CABLE TELEVISION OPERATORS.**

Pursuant to § 13(6) of the Act, being Public Act 48 of 2002, being M.C.L.A. § 484.3113(6), the village shall not hold a cable television operator in default or seek any remedy for its failure to satisfy an obligation, if any, to pay after November 1, 2002, the effective date of this Act, a franchise fee or similar fee on that portion of gross revenues from charges the cable operator received for cable modem services provided through broadband Internet transport access services.

(2005 Code, § 32.016) (Ord. 2002-06, passed 10-30-2002)

### **§ 111.16 EXISTING RIGHTS.**

Pursuant to § 4(2) of the Act, being Public Act 48 of 2002, being M.C.L.A. § 484.3104(2), except as expressly provided herein with respect to fees, this subchapter shall not affect any existing rights that a telecommunications provider or the village may have under a permit issued by the village or under a contract between the village and a telecommunications provider related to the use of the public right-of-way.

(2005 Code, § 32.017) (Ord. 2002-06, passed 10-30-2002)

### **§ 111.17 COMPLIANCE.**

(A) The village hereby declares that its policy and intent in adopting this subchapter is to fully comply with the requirements of the Act, and the provisions hereof should be construed in such a manner as to achieve that purpose.

(B) The village shall comply in all respects with the requirements of the Act, including, but not limited to, the following:

(1) Exempting certain route maps from the Freedom of Information Act, Public Act 442 of 1976, being M.C.L.A. §§ 15.231 - 15.246, as provided in § 111.04(C);

(2) Allowing certain previously issued permits to satisfy the permit requirements of this subchapter, in accordance with § 111.04(F);

(3) Allowing existing providers additional time in which to submit an application for a permit, and excusing such providers from the \$500 application fee, in accordance with § 111.04(G);

(4) Approving or denying an application for a permit within 45 days from the date a telecommunications provider files an application for a permit for access to and usage of a public right-of-way within the village, in accordance with § 111.05(A);

(5) Notifying the MPSC when the village has granted or denied a permit, in accordance with § 111.05(A);

(6) Not unreasonably denying an application for a permit, in accordance § 111.05(A);

(7) Issuing a permit in the form approved by MPSC, with or without additional or different permit terms, as provided in § 111.05(A);

(8) Limiting the conditions imposed on the issuance of a permit to the telecommunications provider's access and usage of the public right-of-way, in accordance with § 111.05(C);

(9) Not requiring a bond of a telecommunications provider which exceeds the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the

telecommunication provider's access and use, in accordance with § 111.05(D);

(10) Not charging any telecommunications providers any additional fees for construction permits, in accordance with § 111.06;

(11) Providing each telecommunications provider affected by the village's right-of-way fees with a copy of this subchapter, in accordance with § 111.11;

(12) Submitting an annual report to the Authority, in accordance with § 111.14; and

(13) Not holding a cable television operator in default for a failure to pay certain franchise fees, in accordance with § 111.15.

(2005 Code, § 32.018) (Ord. 2002-06, passed 10-30-2002)

### **§ 111.18 RESERVATION OF POLICE POWERS.**

Pursuant to § 15(2) of the Act, being Public Act 48 of 2002, being M.C.L.A. § 484.3115(2), this subchapter shall not limit the village's right to review and approve a telecommunication provider's access to and ongoing use of a public right-of-way or limit the village's authority to ensure and protect the health, safety, and welfare of the public.

(2005 Code, § 32.019) (Ord. 2002-06, passed 10-30-2002)

### **§ 111.19 AUTHORIZED VILLAGE OFFICIALS.**

The Village Manager or his or her designee is hereby designated as the authorized village official to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear in Ch. 34) for violations under this subchapter as provided by this code of ordinances.

(2005 Code, § 32.021) (Ord. 2002-06, passed 10-30-2002)

### **§ 111.20 MUNICIPAL CIVIL INFRACTIONS.**

A person who violates any provision of this subchapter or the terms or conditions of a permit is responsible for a municipal civil infraction, and shall be subject to a fine as from time to time established by resolution of the Village Council. Nothing in this section shall be construed to limit the remedies available to the village in the event of a violation by a person of this subchapter or a permit.

(2005 Code, § 32.022) (Ord. 2002-06, passed 10-30-2002)

### **§ 111.21 EFFECTIVE DATE.**

This subchapter is declared to be effective immediately upon publication.

(2005 Code, § 32.025) (Ord. 2002-06, passed 10-30-2002)

## **BASIC CABLE TELEVISION REGULATIONS**

### **§ 111.35 DEFINITIONS.**

This subchapter contains certain definitions and provides that all other words and phrases have the same meaning as defined in the 1984 and 1992 Cable Acts, being 47 U.S.C. §§ 521 et seq., ("Cable Act") and FCC rules.

(2005 Code, § 31.001) (Ord. 93-03, passed 9-13-1993)

### **§ 111.36 PURPOSE AND INTERPRETATIONS.**

This subchapter recites the purpose as adopting regulations and procedures governing basic cable service regulation consistent with the Cable Act, being 47 U.S.C. §§ 521 et seq. and FCC Rules.

(2005 Code, § 31.002) (Ord. 93-03, passed 9-13-1993)

### **§ 111.37 RATE REGULATIONS PROMULGATED BY THE FCC.**

This subchapter provides for compliance with all FCC rules regarding the regulation of basic cable television service.

(2005 Code, § 31.003) (Ord. 93-03, passed 9-13-1993)

### **§ 111.38 FILING; ADDITIONAL INFORMATION; BURDEN OF PROOF.**

This subchapter provides that the cable operator must submit its schedule of rates for the basic service tier and associated equipment or proposed increase in such rate in accordance with the Act and the FCC rules; authorizes the adoption of rules and regulations prescribing information, data, and calculations which must be included as part of the cable operator's filing; authorizes an appropriate official to obtain additional information from the cable operators; and places on the cable operator the burden of proving that its rates comply with the Cable Act, being 47 U.S.C. §§ 521 et seq. and FCC rules.

(2005 Code, § 31.004) (Ord. 93-03, passed 9-13-1993)

### **§ 111.39 PROPRIETARY INFORMATION.**

This subchapter prescribes procedures consistent with FCC rules regarding requests for confidentiality of proprietary information submitted by the cable operator.

(2005 Code, § 31.005) (Ord. 93-03, passed 9-13-1993)

### **§ 111.40 PUBLIC NOTICE; INITIAL REVIEW OF RATES.**

This subchapter requires publishing a public notice of the filing of the cable operator's schedule of rates or a proposed rate increase and requires notice to the cable operator of when the rates will first be considered.

(2005 Code, § 31.006) (Ord. 93-03, passed 9-13-1993)

### **§ 111.41 TOLLING ORDER.**

The proposed schedule of rates or rate increase shall become effective 30 days after submission unless tolled pursuant to FCC rules.

(2005 Code, § 31.007) (Ord. 93-03, passed 9-13-1993)

### **§ 111.42 PUBLIC NOTICE; HEARING ON BASIC CABLE SERVICE RATES FOLLOWING TOLLING OF 30-DAY DEADLINE.**

This subchapter provides for a public hearing to be held subject to certain public notice requirements if a tolling order has been issued pursuant to § 111.41.

(2005 Code, § 31.008) (Ord. 93-03, passed 9-13-1993)

### **§ 111.43 STAFF OR CONSULTANT'S REPORT; WRITTEN RESPONSE.**

This subchapter provides following the public hearing, municipal staff, or consultant shall make a written report and recommendation on rate decisions; and the cable operator may respond prior to

final action.

(2005 Code, § 31.009) (Ord. 93-03, passed 9-13-1993)

#### **§ 111.44 RATE DECISION AND ORDER.**

This subchapter provides that rate orders shall be in writing, be effective upon adoption, and deemed released to the public upon adoption; requires publication of a public notice and mailing of the decision to the cable operator.

(2005 Code, § 31.010) (Ord. 93-03, passed 9-13-1993)

#### **§ 111.45 REFUNDS; NOTICE.**

This subchapter authorizes refunds in accordance with FCC rules provided prior notice and opportunity to comment is given to the cable operator.

(2005 Code, § 31.011) (Ord. 93-03, passed 9-13-1993)

#### **§ 111.46 WRITTEN DECISIONS; PUBLIC NOTICE.**

This subchapter provides that rate orders shall be in writing, be effective upon adoption, and deemed released to the public upon adoption; requires publication of a public notice and mailing of the decision to the cable operator.

(2005 Code, § 31.012) (Ord. 93-03, passed 9-13-1993)

#### **§ 111.47 RULES AND REGULATIONS.**

This subchapter authorizes the adoption of rules and regulations for basic cable service rate regulation proceedings.

(2005 Code, § 31.013) (Ord. 93-03, passed 9-13-1993)

#### **§ 111.48 FAILURE TO GIVE NOTICE.**

This subchapter provides that failure to give the notices or mail copies of reports as required will not invalidate decisions or proceedings.

(2005 Code, § 31.014) (Ord. 93-03, passed 9-13-1993)

#### **§ 111.49 ADDITIONAL HEARINGS.**

This subchapter authorizes additional public hearings upon reasonable notice.

(2005 Code, § 31.015) (Ord. 93-03, passed 9-13-1993)

#### **§ 111.50 ADDITIONAL POWERS.**

This subchapter provides that the powers exercised pursuant to the ordinance are in addition to other powers conferred by law or otherwise.

(2005 Code, § 31.016) (Ord. 93-03, passed 9-13-1993)

#### **§ 111.51 FAILURE TO COMPLY; REMEDY.**

This subchapter provides for legal and equitable remedies for failure of the cable operator to comply with the Act, the FCC rules, any rate orders or determinations, any requirements of the ordinance or any rules regulations promulgated under this subchapter.

(2005 Code, § 31.017) (Ord. 93-03, passed 9-13-1993)

### **§ 111.52 CONFLICT PROVISION.**

In the event of any conflict between this subchapter and other ordinances or the franchise agreement, this subchapter shall control.

(2005 Code, § 31.018) (Ord. 93-03, passed 9-13-1993)

### **§ 111.53 EFFECTIVE DATE.**

This subchapter shall become effective on September 13, 1993.

(2005 Code, § 31.019) (Ord. 93-03, passed 9-13-1993)

## **COMMUNITY ANTENNA TELEVISION FRANCHISE REQUIREMENTS**

### **§ 111.65 COMMUNITY ANTENNA TELEVISION; DEFINITION.**

For the purpose of this subchapter, the term **COMMUNITY ANTENNA TELEVISION** means the business of transmission, distribution and sale of television signals by means of cable to persons, firms, or corporations located inside the village.

(2005 Code, § 61.001) (Ord. 1-81, passed 9-14-1981) Penalty, see § 10.99

### **§ 111.66 FRANCHISE REQUIRED.**

No person, firm or corporation shall install, maintain, or operate a community antenna television system in the village without first having obtained a franchise, either exclusive or nonexclusive, from the village authorizing the establishment of such business, nor shall any person, firm, or corporation furnish such service without having first obtained a franchise.

(2005 Code, § 61.002) (Ord. 1-81, passed 9-14-1981) Penalty, see § 10.99

### **§ 111.67 PROHIBITED INSTALLATION.**

No person, firm, or corporation shall use, occupy, or traverse the village streets, alleys, lanes, avenues, sidewalks, bridges, or any other public place in the village for the purpose of installing, operating, or furnishing community antenna television service to subscribers without first having obtained a franchise as herein required.

(2005 Code, § 61.003) (Ord. 1-81, passed 9-14-1981) Penalty, see § 10.99

### **§ 111.68 EFFECTIVE DATE.**

This subchapter shall become effective 20 days after the date of its publication.

(2005 Code, § 61.004) (Ord. 1-81, passed 9-14-1981) Penalty, see § 10.99

## **CHAPTER 112: MEDICAL MARIHUANA**

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### Section

112.01 Purpose

112.02 Definitions

- 112.03 Authorization of facilities and fee
- 112.04 Operation at same location grower and processor
- 112.05 Requirements and procedure for issuing license
- 112.06 Inspections
- 112.07 Permit renewal
- 112.08 Applicability
  
- 112.99 Penalties and enforcement

## § 112.01 PURPOSE.

(A) It is the intent of this chapter to authorize the establishment of certain types of medical marihuana facilities in the Village of Union City and provide for the adoption of reasonable restrictions to protect the public health, safety, and general welfare of the community at large; retain the character of neighborhoods; and mitigate potential impacts on surrounding properties and persons. It is also the intent of this chapter to help defray administrative and enforcement costs associated with the operation of a marihuana facility in the village through imposition of an annual, non refundable fee of not more than \$5,000 on each medical marihuana facility permit. Authority for the enactment of these provisions is set forth in the Medical Marihuana Facilities Licensing Act, M.C.L.A §§ 333.27101 et seq.

(B) Nothing in this chapter is intended to grant immunity from criminal or civil prosecution, penalty, or sanction for the cultivation, manufacture, possession, use, sale, or distribution of marihuana, in any form, that is not in compliance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, M.C.L.A. §§ 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, M.C.L.A. §§ 333.27101 et seq.; the Marihuana Tracking Act, M.C.L.A. §§ 333.27901 et seq.; and all other applicable rules promulgated by the State of Michigan.

(C) As of the effective date of this chapter, marihuana remains classified as a Schedule 1 controlled substance under the Federal Controlled Substances Act, 21 U.S.C. §§ 801 et seq., which makes it unlawful to manufacture, distribute, or dispense marihuana, or possess marihuana with intent to manufacture, distribute, or dispense marihuana. Nothing in this chapter is intended to grant immunity from any criminal prosecution under federal laws.

(Ord. 95.00, passed 6-10-2019)

## § 112.02 DEFINITIONS.

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(B) Any term defined by the Michigan Medical Marihuana Act, M.C.L.A. §§ 333.26421 et seq., shall have the definition given in the Michigan Medical Marihuana Act.

(C) Any term defined by the Medical Marihuana Facilities Licensing Act, M.C.L.A. §§ 333.27101 et seq., shall have the definition given in the Medical Marihuana Facilities Licensing Act.

(D) Any term defined by the Marihuana Tracking Act, M.C.L.A. §§ 333.27901 et seq., shall have the definition given in the Marihuana Tracking Act.

**GROWER.** A licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.



**LICENSEE.** A person holding a state operating license issued under the Medical Marihuana Facilities Licensing Act, M.C.L.A. §§ 333.27101 et seq.

**MARIJUANA OR MARIHUANA.** That term as defined in the Public Health Code, M.C.L.A. §§ 333.1101 et seq.; the Michigan Medical Marihuana Act, M.C.L.A. §§ 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, M.C.L.A. §§ 333.27101 et seq.; and the Marihuana Tracking Act, M.C.L.A. §§ 333.27901 et seq.

**MARIHUANA FACILITY.** An enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, M.C.L.A. §§ 333.27101 et seq., including a marihuana grower, marihuana processor, marihuana provisioning center, marihuana secure transporter, or marihuana safety compliance facility. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the Michigan Medical Marihuana Act, M.C.L.A. §§ 333.26421 et seq.

**PERSON.** An individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.

**PROCESSOR.** A licensee that is a commercial entity located in Michigan that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center.

**PROVISIONING CENTER.** A licensee that is a commercial entity located in Michigan that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers.

**PROVISIONING CENTER** includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver in accordance with the Michigan Medical Marihuana Act, M.C.L.A. §§ 333.26421 et seq., is not a **PROVISIONING CENTER** for purposes of this chapter.

**SAFETY COMPLIANCE FACILITY.** A licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

**SECURE TRANSPORTER.** A licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

(Ord. 95.00, passed 6-10-2019)

### § 112.03 AUTHORIZATION OF FACILITIES AND FEE.

(A) The maximum number of each type of marihuana facility allowed in the village shall be as follows:

| <i>Facility</i>  | <i>Number</i>       |
|--|---------------------|
| Grower   | 15 Class C Licenses |
| Processor  | 5                   |
| Secure transporter   | 2                   |
| Safety compliance facility                                     | 5                   |
| The Village of Union City does not allow provisioning centers. |                     |

(B) At least every three years after adoption of this chapter, Council shall review the maximum number of each type of facility allowed and determine whether this maximum number should be changed. The review and its findings shall be recorded in the minutes of the relevant meeting of the Council.

(C) A nonrefundable fee shall be paid by each marihuana facility permitted under this chapter in an annual amount of \$5,000.

(D) Once the limit is reached no further applications will be accepted and existing applications will be held in the order received when a permit becomes available. Applications older than 12 months must be resubmitted with updated information in order to be considered for any permit which becomes available.

(E) Any permit issued must be established and a certificate of occupancy issued within six months, or the permit will expire if the use is not established within the required time.

(F) Zoning approval shall be required prior to issuance of any permit. Zoning approval does not guarantee a permit for any proposed facility or growing operation.

(Ord. 95.00, passed 6-10-2019)

#### **§ 112.04 OPERATION AT SAME LOCATION GROWER AND PROCESSOR.**

(A) Any combination of the following types of operating permits may operate as separate marihuana facilities at the same location grower and processor.

(B) To operate at a same location all of the following apply:

(1) The state has authorized the proposed operation at the same location;

(2) The operation at a same location shall not be in violation of any village ordinances or regulations; and

(3) Each marihuana facility shall do all of the following:

(a) Apply for and be granted separate state and village operating licenses and permits;

(b) Have distinct and identifiable area with designated structures that are contiguous and specific to the operating license;

(c) Have separate entrances and exits, inventory, record keeping and point of sale operations, if applicable;

(d) Post the state and village licenses and permits on the wall in a distinct area, and as provided in this chapter;

(e) Have the required inspections and permits for each building.

(Ord. 95.00, passed 6-10-2019)

#### **§ 112.05 REQUIREMENTS AND PROCEDURE FOR ISSUING LICENSE.**

(A) No person shall operate a marihuana facility in the village without a valid marihuana facility permit issued by the village pursuant to the provisions of this chapter.

(B) Every applicant for a permit to operate a marihuana facility shall file an application in the Village Manager's office upon a form provided by the village. The village shall adopt an application and review process that includes all of the required information and details the licensing approval process.

(C) Every applicant for a permit to operate a marihuana facility shall submit with the application a photocopy of the applicant's valid and current license issued by the State of Michigan in accordance with the Medical Marihuana Facilities Licensing Act, M.C.L.A. §§ 333.27101 et seq. Applicants must have completed and received pre-approval from the State of Michigan prior to applying for a permit from the village.

(D) Applicants that have submitted a complete application for a permit type that is available to award shall receive a provisional permit.

(E) A provisional permit means only that the applicant has submitted a valid application for a marihuana facility permit, and the applicant shall not locate or operate a marihuana facility without obtaining all other permits and approvals required by all other applicable ordinances and regulations of the village. A provisional permit will lapse and be void if such permits and approvals are not obtained in six months.

(F) Upon submission of an approved license from the State of Michigan, the village shall issue a permit and operations may begin at a site for which site plan approval has been received.

(G) Maintaining a valid marihuana facility license issued by the state is a condition for the issuance and maintenance of a marihuana facility permit under this section and continued operation of any marihuana facility.

(H) A marihuana facility permit issued under this section is not transferable.

(Ord. 95.00, passed 6-10-2019)

#### **§ 112.06 INSPECTIONS.**

Through submission of an application, applicants certify that the Union City Police Department is authorized to inspect the premises for purposes of determining compliance with state and local laws and consent to such inspection, without need of a search warrant. Applicants also consent to provide access to surveillance and security cameras, along with any and all recordings from the required systems, without need of a search warrant.

(Ord. 95.00, passed 6-10-2019)

#### **§ 112.07 PERMIT RENEWAL.**

(A) A marihuana facility permit shall be valid for one year from the date of issuance, unless revoked as provided by law.

(B) A valid marihuana facility permit may be renewed on an annual basis by submitting a renewal application upon a form provided by the village and payment of the annual permit fee. Application to renew a marihuana facility permit shall be filed at least 30 days prior to the date of its expiration.

(Ord. 95.00, passed 6-10-2019)

#### **§ 112.08 APPLICABILITY.**

The provisions of this chapter shall be applicable to all persons and facilities described herein, whether the operations or activities associated with a marihuana facility were established without authorization before the effective date of this chapter.

(Ord. 95.00, passed 6-10-2019)

#### **§ 112.99 PENALTIES AND ENFORCEMENT.**

(A) Any person who violates any of the provisions of this chapter shall have their permit revoked.

(B) This chapter shall be enforced and administered by the Village Manager, Assistant Village Manager, Police Chief, or such other village official as may be designated from time to time by resolution of the Village Council.

(C) If an applicant or permittee fails to comply with this chapter, Zoning Ordinance 300.1850, if a permit no longer meets the eligibility requirements for a permit under this chapter, or if an applicant or permittee fails to provide information the village requests to assist in any investigation or inquiry, the village may deny, suspend, or revoke a permit.

(D) The Village Manager and/or Assistant Village Manager may suspend a permit without notice or hearing upon a determination that the safety or health of patrons, public or employees is jeopardized by continuing a marihuana facility's operation. If the permit is suspended without notice or hearing, a prompt post suspension hearing must be held to determine if the suspension should remain in effect. The suspension may remain in effect until the Village Manager and/or Assistant Village Manager determines that the cause for suspension has been abated. The Village Manager and/or Assistant Village Manager may revoke the permit upon a determination that the permittee has not abated the issue within 30 days. A permit will automatically be revoked upon revocation or denial of a license under the Medical Marihuana Facilities License Act by the state.

(E) Any party aggrieved by an action of the Village Manager and/or Assistant Village Manager suspending or revoking a permit shall be given a hearing before the Village Council upon request. A request for a hearing must be made to the Village Clerk's Office, in writing within 21 days after service of notice of the action of the Village Manager and/or Assistant Manager.

(Ord. 95.00, passed 6-10-2019)

## TITLE XIII: GENERAL OFFENSES

### Chapter

#### 130. GENERAL PROVISIONS

### CHAPTER 130: GENERAL PROVISIONS

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#### Section

#### ***General Regulations***

- 130.01 Depositing water on public ways
- 130.02 Air guns, bows and arrows, and slingshots
- 130.03 School property; acts prohibited
- 130.04 Disorderly conduct
- 130.05 Curfew
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- 130.20 Disorderly persons
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## GENERAL REGULATIONS

### § 130.01 DEPOSITING WATER ON PUBLIC WAYS.

It shall be unlawful for any person directly or indirectly to discharge, place, or deposit on any public street, sidewalk, alley, or other area open to the general public any water or other liquid waste from any air conditioning or heating system, or other mechanical appliance.

(2005 Code, § 100.001) (Ord. passed 9-7-1977) Penalty, see § 130.99

### § 130.02 AIR GUNS, BOWS AND ARROWS, AND SLINGSHOTS.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AIR GUN.** Any gun, rifle, or pistol, by whatever name known, which is designed to expel a projectile by the action of compressed air or gas, or by the action of a spring or elastic, but does not mean a firearm.

**DEALER.** Any person engaged in the business of selling at retail or renting any of the articles designated in the preceding section.

**SLINGSHOT.** Any instrument of wood or other material and rubber, metal spring, or other elastic material, designed, intended to, or capable of propelling shot, stone, or other missiles of any substance whatsoever

(2005 Code, § 101.001)

(B) *Selling or giving to person under 16.*

(1) It shall be unlawful for any dealer to sell, lend, rent, give, or otherwise transfer any air gun, slingshot, or bow and arrow to any person under the age of 16 years, where the dealer knows or has reasonable cause to believe the person could be under 16 years of age, or where such dealer has failed to make reasonable inquiry relative to the age of such person and such person is under 16 years of age.

(2) It shall be unlawful for any person to give, lend, or otherwise transfer any air gun, slingshot or bow and arrow to any person under 16 years of age, except where the relationship of parent and child,

guardian, and ward, or adult instructor and pupil exists between such person and the person under 16 years of age.

(2005 Code, § 101.002)

(C) *Lawful possession by person under 16.*

(1) Notwithstanding any inconsistent provision of this division (C) or any other provisions of this section, it shall be lawful for any person under 16 years of age to have in his or her possession an air gun, slingshot or bow and arrow if the said article is:

(a) Kept within his or her domicile;

(b) Used by the person under 16 years of age and he or she is a duly enrolled member of any club, team, or society organized for educational purposes and maintaining as part of its facilities or having written permission to use an indoor or outdoor rifle range or other safe area, to possess, load, and fire in such a place under the supervision, guidance, and instruction of a responsible adult; or

(c) Used in or on any private grounds or residence under circumstances when such air gun, slingshot, or bow and arrow can be fired, discharged, or operated in such a manner as not to endanger person or property and also in such a manner as to prevent the projectile from traversing or landing upon any grounds or space outside the limits of such permitted area or residence.

(2005 Code, § 101.003)

(D) *Unlawful possession by person under 16; unlawful discharge.*

(1) It shall be unlawful for any person under 16 years of age to carry any air gun, slingshot, or bow and arrow on the streets, alleys, public roads, or public lands within the village unless accompanied by an adult, provided, however, that said person under 16 years of age may carry such air gun, unloaded, or slingshot or bow and arrow in a suitable case or suitably wrapped.

(2) It shall be unlawful for any person to discharge any air gun, slingshot, or bow and arrow from or across any street, sidewalk, alley, or public land, or any public place, except on a properly constructed target range.

(2005 Code, § 101.004)

(E) *Shooting range.* The Village Marshal may approve or designate a range or area in and upon which air guns, slingshots, or bows and arrows may be used, provided, however, he or she or the village or both, shall not be responsible for death, injury, or property damage resulting from the use of any such range or areas.

(2005 Code, § 101.005)

(F) *Parental liability.* Nothing herein contained shall be deemed to relieve any parent from the civil liability limited to actual damages in an amount not to exceed \$300 for the malicious or willful destruction of property by any minor under the age of 18 years, imposed by Public Act 45 of 1953, as amended, being M.C.L.A. §§ 692.661 and 692.662.

(2005 Code, § 101.007)

(G) *Effective date.* This section shall become operative and effective 20 days after publication thereof.

(2005 Code, § 101.008)

(Ord. 4-59, passed 7-13-1959) Penalty, see § 130.99

**§ 130.03 SCHOOL PROPERTY; ACTS PROHIBITED.**



(A) *Unauthorized persons on school property.* No person shall wilfully enter or remain in any Village Community School building or upon the property adjacent to such public school after having been forbidden to do so by the principal of such school building or other person designated by such principal.

(2005 Code, § 102.001)

(B) *Prohibitions on school property.* No person while in or upon any Village Community School property shall:

(1) Be under the influence of alcoholic liquor or any narcotic drug so as to either endanger directly the safety of another person or act in a manner that causes a public disturbance;

(2) Engage in any indecent, insulting, immoral, or obscene conduct;

(3) Assault, accost, molest, or otherwise annoy, either by word of mouth or by sign or motion, any person.

(2005 Code, § 102.002)

(C) *Destruction of school property.* No person shall wilfully destroy, damage, deface, or mar any public school building, or any building occupied by any public school or the grounds, outbuildings, fences, trees, or other appurtenances or fixtures belonging thereto, or any personal property located in any school building or located on property used for school purposes.

(2005 Code, § 102.003)

(D) *Extortion.* No person shall, by violence, threats of violence, coercion, intimidation, force, or attempt to force any public school student or other person to give or to lend any money or other things of value to any person at any time.

(2005 Code, § 102.004)

(E) *Effective date.* This section shall take effect 30 days from the date of its publication in the Register Tribune, a newspaper circulating within the village.

(2005 Code, § 102.006)

(Ord. 3-80, passed 3-13-1980) Penalty, see § 130.99

#### **§ 130.04 DISORDERLY CONDUCT.**

(A) *Title.* This section shall be known as the "Disorderly Conduct Ordinance" and it shall be deemed sufficient in any actions for the enforcement of the provisions hereof to define the same by such short title and by reference to the number hereof.

(2005 Code, § 103.001)

(B) *Disorderly persons; punishment.* Any person who shall be a disorderly person within the terms of this section, or who shall engage in any acts of disorderly conduct shall be punished as hereinafter provided.

(C) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**DISORDERLY PERSON.** The following persons shall be deemed **DISORDERLY PERSONS**:

(a) Any common prostitute, or any person employed in, or found in any house of prostitution or ill fame or place where prostitution or lewdness is practiced, encouraged, or allowed, or in any house of assignation, or the keeper or proprietor of such a place, or the owner of property who shall

knowingly permit such property to be used for such a place, or any person who shall solicit for any such place, or who shall solicit for any common prostitute, or who shall attempt to procure the commission by another or by others of any act of illicit intercourse or lewdness;

(b) Any person who shall intentionally exhibit himself or herself in any place of entertainment, or in any public place, or to the public view, indecently clad or in the nude, or who shall engage in any indecent, immoral, or obscene conduct in such places, or shall make any indecent or open exposure of his or her person or of the person of another;

(c) Any window peeper, or any person who shall designedly molest, assault, or interfere with the person, or the safety, comfort, and repose of any person, in any public place, or any person who shall tamper with, or commit an act of destruction upon the property of another, in any public place;

(d) Any person who shall have in his or her possession, or shall sell or offer for sale, import, or purchase any book, pamphlet, picture, printed matter, film, photo, or other article containing indecent or obscene language, pictures, description, or writings tending to corrupt the public morals;

(e) Any person who shall use indecent, obscene, immoral, or profane language in any public place;

(f) Any person who shall be drunk or intoxicated in any public place, and any person who shall imbibe any intoxicating liquor including beer and wine, in any public place not licensed to sell such liquor for consumption on the premises;

(g) Any beggar, or vagrant, or any person found loitering in or about any public place, without having any apparent means of support or without being able to give any sensible or satisfactory account of himself or herself;

(h) Any person who shall enter the house or upon the premises of another to obtain food, lodging, clothing, money, or any other property of another, without the consent of the owner or occupant thereof; or enter the house or upon the premises of another to menace, threaten injury, or put any person in fear, except in the performance of some lawful business or duty;

(i) Any person who shall operate any gaming place or place where gambling or gaming is permitted, or who shall have in his or her possession any gambling equipment, or gaming table, cards, dice, policy slips, lottery tickets, or other devices commonly used for gambling purposes and any other who shall be found in, or who shall frequent any place where gambling is permitted, and the owner or occupant of any premises who shall aforementioned, or any person who shall have in his or her possession in any public place, any slot machine or any unlicensed amusement device; or

(j) Any person found unnecessarily shoving or jostling people in any public place, and any person who shall create any disturbance in any public place, or who shall create a disturbance in any private place which shall result in any annoyance to the immediate neighborhood, or who shall in any way cause a breach of the peace.

(2005 Code, § 103.002)

**PUBLIC PLACE.** The term **PUBLIC PLACE** or **PLACE** as used herein shall mean any building, alley, street, house, hall, church, room, or other place to which the public has access.

(2005 Code, § 103.004)

(D) *Impeding free passage of persons; public disturbances; prohibited.* No person or persons shall collect, stand in crowds, or remain loitering in, on or about any streets or other public places so as to hinder the free and uninterrupted passage of other persons, nor hinder or impede the free access to and departure from any public hall, or place of entertainment or worship, nor shall any person commit any act or acts constituting a disturbance, public quarrel, or riot, nor aid or abet in the omission of such act or acts, nor shall any persons riotously congregate or assemble in the village.

(2005 Code, § 103.004)

(E) *Acts of disorderly conduct.* Actual commission of any of the acts aforementioned shall be deemed acts of disorderly conduct within the provisions of this section.

(2005 Code, § 103.005)

(F) *Effective date.* This section shall take effect immediately after the passage upon publication thereof.

(2005 Code, § 103.009)

(Ord. 3-57, passed 12-9-1957) Penalty, see § 130.99

## **§ 130.05 CURFEW.**

### (A) *Curfew of minors.*

(1) No minor under the age of 16 years shall loiter, idle, or congregate in or on any public street, highway, alley, or park, or to remain in any business establishment within the limits of the village, between the hours of 10:00 p.m. and 6:00 a.m., unless the minor is accompanied by a parent or guardian, or some adult delegated by the parent or guardian to accompany the child.

(2) No minor of the age of 16 or 17 years shall loiter, idle, or congregate in or on any public street, highway, alley, or park, or to remain in any business establishment within the limits of the village, between the hours of 12:00 a.m. midnight and 6:00 a.m., unless the minor is accompanied by a parent or guardian, or some adult delegated by the parent or guardian to accompany the child or where the minor is upon an errand or other legitimate business directed by his or her parent or guardian.

(2005 Code, § 105.001)

### (B) *Responsibilities and exceptions.*

(1) *Responsibility of parents.* It shall be unlawful for any parent, guardian, or other person having the legal care and custody of any minor person of the age of 17 years or under to allow or permit any such child, ward, or other person of such age, while in his or her legal custody, to be unaccompanied in or upon any street, alley, park, or other public place within the limits of the village, or to be or remain in any business establishment within the limits of the village during the hours prohibited in division (A) above.

(2005 Code, § 105.002)

(2) *Responsibility of business operator.* It shall be unlawful for the operator of any business establishment, either himself or herself or his or her employees or agents to permit any person to be or remain in such business establishment in violation of division (A) above.

(2005 Code, § 105.002a)

### (3) *Exceptions.*

- (a) Accompanied by the minor's parent or guardian;
- (b) On an errand at the direction of the minor's parent or guardian, without any detour or stop;
- (c) In a motor vehicle involved in interstate travel;
- (d) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- (e) Involved in an emergency;

(f) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;

(g) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the village, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the village, a civic organization, or another similar entity that takes responsibility for the minor;

(h) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

(i) Married or had been married or had disabilities of minority removed in accordance with state law.

(2005 Code, § 105.002b)

(C) *Places of amusement and entertainment.* It shall be unlawful for any person, firm, or corporation operating places of amusement and entertainment to permit any minors to enter or remain in such places of amusement and entertainment during the hours prohibited under this section; provided, however, that the provisions of the section do not apply when the minor is accompanied by his or her parent, guardian, or other adult person having the care and custody of the minor.

(2005 Code, § 105.003)

(D) *Violations; separate offense.* Each violation of the provisions of divisions (A), (B), and (C) above shall constitute a separate offense.

(2005 Code, § 105.004)

(E) *Delinquent or neglected child.* Any such minor violating the provisions of the division (A) above shall be deemed as a delinquent or neglected child as defined in the state statutes.

(2005 Code, § 105.005)

(F) *Effective date.* This section shall take effect 20 days from publication thereof, and being passed by the Village Council.

(Ord. 3-59, passed 3-9-1959; Ord. 4-95, passed 5-17-1995) Penalty, see § 130.99

## **§ 130.06 FALSE FIRE AND POLICE ALARMS.**

(A) *General provisions.*

(1) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ALARM SYSTEM.** A device or assembly of equipment or devices designed or arranged to signal the presence of existence of a hazard requiring urgent attention of Police or Fire Department personnel. These systems include intrusion alarms, robbery alarms, fire alarms, medical emergency alarms, and any other alarm which requires an emergency response by Police or Fire Department personnel. **ALARM SYSTEMS** monitoring temperature or humidity or which do not require any Police or Fire Department response whatsoever are excluded from this section.

**ALARM USER.** Any person who owns, possesses, controls, or otherwise exercises dominion over a premises or property, or who regularly supervises the operation of any business thereon, on or in regard to which premises or property an alarm system is maintained, except for alarm systems within or on vehicles. But if an alarm system in or on a vehicle is connected, either by wire, signal, or other means with an alarm system in or on other property, the person using such vehicle alarm system

is an **ALARM USER**. A person owns or controls property if he or she is the grantee under a deed, purchaser under a land contract, or a tenant.

**FALSE ALARM.** The activation of an alarm system resulting in a signal or call being received by the Police or Fire Departments of the village when there is no immediate substantial threat to life, safety, or property requiring their urgent attention in, on, or at the property in regard to which the signal or call was sent.

**PERSON.** A natural person or a firm, organization, association, partnership, or corporation.

(2) *Responsibilities.* The alarm user shall be responsible under division (A)(3) below for all false alarms sent because of the activation of an alarm system in, on, or in regard to his or her property, or because of the action or statement of any of his or her agents or employees if such action or statement was likely to result in the sending of an alarm; except when the alarm or sending the alarm does so with the specific intention of sending a false alarm or causing one to be sent, or does so without caring whether the alarm is false.

(3) *Subsequent false alarms in a calendar year.* The fifth or subsequent false alarm occurring within the calendar year, and every false alarm thereafter from or in regard to the same premises or property, shall result in the alarm user being assessed a service fee. Fire and non-fire false alarms shall be counted separately. The service fee for false alarms, other than a false fire alarm, will be \$50. The service fee for false fire alarms will be \$100. This division (A)(3) shall apply only to alarm users. The service fee may be waived by the Chief of Police or his or her designee in those cases of development of false alarm conditions not reasonably attributable to the alarm user or the alarm user's equipment.

(4) *Waiver, preconditions, and the like.* Neither a proceeding nor the result thereof under this section shall waive, preclude, or be a precondition of the village exercising, enforcing, or invoking any other right of which the village might otherwise avail itself.

(5) *Unpaid fees.* If any fee rendered pursuant to division (A)(3) above shall remain due and unpaid for a period of 30 days after the bill is mailed, it shall thereafter accrue interest at the rate of 6% per year from the date of the false alarm to which the bill applies. The village may collect the amounts owed by suit at law or may assess the same against the property. Such assessment shall constitute a lien upon the property and may be billed and collected in the same manner as the tax applicable to the property.

(2005 Code, § 106.002)

(B) *Effective date.* This section is declared to be effective immediately upon publication.

(2005 Code, § 106.004)

(Ord. 2003-02, passed 10-13-2003) Penalty, see § 130.99

## **§ 130.07 ROLLERSKATES AND SKATEBOARDS.**

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ROLLER SKATES AND STREET SKATES.** A set or series of small wheels on the bottom of a shoe or frame that would attach to a shoe which are used for gliding on a hard surface such as a floor, sidewalk, and the like, and shall include rollerblades and inline skates.

**SKATEBOARDS.** An item consisting of a short, oblong board with a pair of small wheels at each end, ridden on a hard surface such as a floor or sidewalk.

**TO ROLLER SKATE.** To skate on type of roller skates or street skates.

(2005 Code, § 107.001)

(B) *Use regulated.* It shall be unlawful for any person to roller skate or ride a skateboard within the village without complying with the terms of the sections in this section.

(2005 Code, § 107.002)

(C) *Riding on sidewalks.* Whenever any person is roller skating or riding a skateboard upon a sidewalk or other paved surface intended for use by pedestrians, such person shall yield the right-of-way to any pedestrian and shall not approach, overtake, or pass such pedestrian in a reckless or careless manner, and shall not pass such pedestrian, except in single file, if such person is roller skating or riding a skateboard with other such skaters or riders.

(2005 Code, § 107.003)

(D) *Riding on certain devices or structures.* It shall be unlawful to roller skate or ride on a skateboard on any bench, table, planter, railing, wall, retaining wall, or other device or structure which is not intended for pedestrian or vehicle traffic, or to jump or step on or off such devices or structures in the process of rollerskating or riding a skateboard.

(2005 Code, § 107.004)

(E) *Riding prohibited where posted.* The Chief of Police is hereby authorized to erect signs on, in or near any publicly-owned parking area, street, sidewalk, parking structure, parking lot, or other public property prohibiting roller skating or the riding of skateboards thereon. It shall be unlawful to roller skate or ride a skateboard on or in any such posted parking area, street, sidewalk, parking structure, or parking lot.

(2005 Code, § 107.005)

(F) *Reckless or dangerous skating or riding.* It shall be unlawful for any person to roller skate or ride a skateboard on any sidewalk or other paved surface intended for pedestrians in a reckless or careless manner, or in a manner which is likely to result in injury or harm to any person or property.

(2005 Code, § 107.006)

(G) *Riding on private property without permission.* It shall be unlawful for any person to roller skate or ride a skateboard on private property without first obtaining and carrying on his or her person the written permission of the owner of such private property to allow such skating or riding. Failure of a person who has been roller skating or riding a skateboard on private property to produce such written permission, upon the request of any police officer, shall constitute prima facie evidence that such person is in violation of this section.

(2005 Code, § 107.007)

(Ord. 2005-03, passed 7-11-2005) Penalty, see § 130.99

## **PUBLIC PEACE AND GOOD MORALS**

### **§ 130.20 DISORDERLY PERSONS.**

Any person shall be deemed a disorderly person, who shall, or who shall aid and abet another to:

- (A) Conduct himself or herself in a noisy, boisterous, insulting, or disorderly manner;
- (B) Be a vagrant or beggar;
- (C) Be a prostitute, or solicit for immoral purposes, or commit an indecent or immoral act;
- (D) Be a masher, window peeper, or prowler;



- (E) Be found loitering in a place where prostitution is practiced, or allowed, or be found loitering in any other place where illegal businesses or occupations are conducted;
- (F) Keep, let, or permit the use of any place or vehicle for the purposes of prostitution or any other immoral purposes;
- (G) Take indecent liberties with the person of another;
- (H) Accost another for immoral purposes;
- (I) Assault, jostle, roughly crowd, or annoy another;
- (J) Drive or ride a vehicle along any public way so as to molest or interfere with the person of another;
- (K) Refuse or neglect to support his or her family, or shall lease another person to become a public charge, when such person is of sufficient ability to support such family or person;
- (L) Be found with any stolen property;
- (M) Or who shall by word or conduct commit such act or acts as may cause civil commotion or cause or be likely to cause injury to public or private property, or to life or person or another;
- (N) Use any firearm or shooting device of a dangerous nature in any public place or way;
- (O) Shall be found loitering about the streets or other public place with no lawful means of support, or without being able to give satisfactory account of himself or herself;
- (P) Any person who shall throw or cause to be thrown any missile, likely to cause bodily injury or property damage; and
- (Q) Use any light or flare on an automobile or otherwise in such a manner as to cause annoyance to others, or be likely to endanger life or property.

(2005 Code, § 104.001) (Ord. 3-65, passed 8-16-1965) Penalty, see § 130.99

### **§ 130.21 INDECENT LANGUAGE.**

No person shall use indecent, immoral, profane, or blasphemous language in any public way or place, or in such a way as to subject the public to such language.

(2005 Code, § 104.002) (Ord. 3-65, passed 8-16-1965) Penalty, see § 130.99

### **§ 130.22 INDECENT EXPOSURE.**

No person shall exhibit himself or herself in any place of entertainment or in any public place, nude, or indecently clad; no person shall indulge in any indecent, immoral, or suggestive conduct in such places; and no person shall designedly make any open or indecent exposure of his or her person, or of the person of another.

(2005 Code, § 104.003) (Ord. 3-65, passed 8-16-1965) Penalty, see § 130.99

### **§ 130.23 OBSCENE LITERATURE, DEVICES, AND SHOWS.**

(A) No person shall print, publish, show, sell or offer for sale, exhibit, or otherwise dispose of any printed matter, pictures, or devices containing indecent or obscene language or pictures, which by the context thereof or purpose thereof tends to corrupt public morals, nor shall any person have in his or her possession any such article.

(B) No person shall show, or cause to be shown, any show or pictures, whether a personal performance or by mechanical means, which is immoral, obscene, or suggestive or which tends to corrupt the public morals.

(2005 Code, § 104.004) (Ord. 3-65, passed 8-16-1965) Penalty, see § 130.99

### **§ 130.24 FORTUNE-TELLING.**

No person shall, for considerations, predict future events, or pretend to enable another to recover lost or stolen property, give success in business, enterprise, speculation of games of chance, or to make one person dispose of property in favor of another, by cards, tokens, trances, by inspection of the hands or the skull, by mind reading, or by consulting the movement of the heavenly bodies, or by other means.

(2005 Code, § 104.005) (Ord. 3-65, passed 8-16-1965) Penalty, see § 130.99

### **§ 130.25 GAMBLING AND LOTTERIES.**

(A) No person or his or her agent or employee shall, directly or indirectly, take, receive, or accept, money or valuable thing, with the agreement, understanding, or allegation, that money or any valuable thing will be paid or delivered to any such person where such payment or delivery is contingent upon the result of a race, contest, game, or the happening of an event not known to the parties to be certain.

(B) No person shall keep any device used for the purposes in division (A) above mentioned.

(C) No person shall use, own, or let any place or property and shall knowingly suffer acts forbidden under division (A) above.

(D) No person shall assist, solicit, or advertise for, or occupy any place wherein acts forbidden under division (A) above are conducted.

(E) In addition to other penalties hereinafter provided, the Police Department may seize and destroy devices in division (B) above.

(2005 Code, § 104.006) (Ord. 3-65, passed 8-16-1965) Penalty, see § 130.99

### **§ 130.26 INTOXICATION, DRINKING IN PUBLIC PLACES.**

(A) No person shall drink any intoxicating liquor or beer in any public way, place, or park.

(B) No person shall be drunk or intoxicated or under the influence of narcotics in any hotel, place of business, place of amusement or assemblage, or in any public way, park, or other public place.

(C) No person shall knowingly sell, give, or furnish liquor or beer to any drunk or intoxicated person, or disorderly person; or to one who has been placed upon the "blacklist".

(D) No person shall sell, give, or furnish alcoholic liquor or beer to any person under 21 years of age.

(E) No person under the age of 21 years shall by documentary evidence falsely represent himself or herself to be 21 years of age or over, for the purpose of purchasing or attempting to purchase any alcoholic liquor, nor shall any person under the age of 21 years give any such false information regarding his or her age to any person selling alcoholic liquor, for the purpose of securing a sale thereof to himself or herself or to any other person under the age of 21 years. No person shall furnish false documentary evidence to any person under 21 years of age, to be used by any such person for the purpose of obtaining alcoholic liquor.

(F) No person under the age of 21 years shall purchase or knowingly possess or transport any alcoholic liquor, or knowingly possess, transport, or have under his or her control in any motor vehicle any alcoholic liquor unless said person is employed by a licensee under Public Act 8 of 1933 (Extra Session), as amended, being M.C.L.A. § 26.3, and is possessing, transporting, or having such alcoholic liquor in a motor vehicle under his or her control during regular working hours and in the course of his or her employment.

(2005 Code, § 104.007) (Ord. 3-65, passed 8-16-1965) Penalty, see § 130.99

### **§ 130.27 CROWDS AND RIOTS; PUBLIC ADDRESS.**

(A) No person shall make or assist in making any improper noise or disturbance, quarrel, or riot by which the peace and order of the community are disturbed; nor shall any person or persons collect or stand in crowds or remain loitering on the public ways or other places so as to interfere with free and uninterrupted passage of other persons.

(B) No person or persons shall address the public either personally or by mechanical means, either by word, music or other means upon any public way or place except in such places designated by Common Council or by written permission from the Village President or Village Marshal.

(C) No person shall disrupt or aid in disrupting in any manner any service of worship or any other assembled for lawful purposes.

(D) No person shall shoot any air gun, spring gun, cross bow or firearm, or other dangerous weapon or instrument in the village.

(E) No person shall explode or cause to explode, any fireworks, cannon or other instrument set forth in § 243 of the State Penal Code, being M.C.L.A. § 750.243, amended by Public Act 92 of 1941, being M.C.L.A. § 462.451, unless the terms and conditions thereof have been first complied with; and no person shall sell, or expose for sale such fireworks or other instruments above mentioned.

(F) No person shall ring any bell, blow any horn, or operate any other noise making device or by mouth or voice make sounds and noises causing annoyance to others or be likely to annoy or disturb others.

(2005 Code, § 104.008) (Ord. 3-65, passed 8-16-1965) Penalty, see § 130.99

### **§ 130.28 EFFECTIVE DATE.**

The provisions of this subchapter shall take effect 20 days after its passage, as published as provided by law.

(2005 Code, § 104.009) (Ord. 3-65, passed 8-16-1965)

### **§ 130.99 PENALTY.**

(A) *Penalty for general offenses.* Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) *Penalty for depositing water on public ways.* Any person violating any provision of § 130.01 shall be guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall be subject to a fine of not more than \$100 and costs of prosecution, or by the imprisonment in the County Jail for a period of not more than 90 days, or to both such fine and imprisonment in the discretion of the court.

(2005 Code, § 100.002)

(C) *Penalty for air guns, bows and arrows, and slingshots.* Any person convicted of violating the provisions of § 130.02 shall, upon conviction thereof, be punished by a fine of not more than \$100 or

imprisonment in the County Jail for a period of not more than 90 days, or both such fine and imprisonment in the discretion of the court

(2005 Code, § 101.006)

(D) *Penalty for school property; acts prohibited.* Any person convicted of a violation of any of the provisions of § 130.03 may be punished by a fine of not more than \$100 and costs of prosecution or by imprisonment for not more than 90 days or by both such fine and imprisonment.

(2005 Code, § 102.005)

(E) *Penalty for disorderly conduct.* Any person committing any of the acts of disorderly conduct mentioned in § 130.04, or who shall be a disorderly person within the meaning hereof shall be deemed guilty of a misdemeanor, and upon conviction thereof, before a court of competent jurisdiction, shall be punished by a fine of not to exceed \$100 and cost of prosecution, or by imprisonment in the Branch County Jail, for not to exceed 90 days, or by both such fine and imprisonment in the discretion of the court.

(2005 Code, § 103.007)

(F) *Curfew.*

(1) *Penalty; parent, guardian.* Any parent, guardian, or other adult person having the care and custody of a minor violating § 130.05(B), upon conviction thereof, shall be fined not less than \$10, nor more than \$100, and in default of payment thereof shall be confined in the County Jail for not more than 30 days.

(2005 Code, § 105.006)

(2) *Penalty; places of amusement and entertainment.* Any person, firm, or corporation operating places of amusement and entertainment violating § 130.05(C) shall, upon conviction thereof, be fined not less than \$10, nor more than \$100, and in default of payment thereof be confined in the County Jail for not more than 30 days.

(2005 Code, § 105.007)

(G) *Penalty for knowingly sending a false alarm.* Pursuant to § 130.06, knowingly sending a false alarm or causing it to be sent, or sending a false alarm without caring whether or not it is false, shall be a misdemeanor punishable by a fine of not more than \$500 or imprisonment for not more than 90 days, or both.

(2005 Code, § 106.003)

(H) *Penalty for rollerskates and skateboards.* Any person who violates any of the provisions of § 130.07 shall be responsible for a municipal civil infraction punishable by a civil fine of not more than \$25 for the first offense, \$50 for the second offense, and \$100 for the third and subsequent offenses, together with the costs of prosecution.

(2005 Code, § 107.008)

(I) *Penalty for public peace and good morals.* Any person, firm, or corporation convicted of violating the provisions of §§ 130.20 through 130.28 shall be subject to a fine of not more than \$100 and imprisonment in the Branch County Jail for not more than 90 days, or by both such fine and imprisonment as a court of competent jurisdiction shall determine.

(2005 Code, § 104.009)

(Ord. 3-57, passed 12-9-1957; Ord. 3-59, passed 3-9-1959; Ord. 4-59, passed 7-13-1959; Ord. 3-65, passed 8-16-1965; Ord. passed 9-7-1977; Ord. 3-80, passed 3-13-1980; Ord. 2005-03, passed 7-11-2005)

## TITLE XV: LAND USAGE

### Chapter

#### **150. BUILDING REGULATIONS; CONSTRUCTION AND HISTORIC DISTRICT PRESERVATION**

##### **151. PLANNING REGULATIONS**

##### **152. ZONING REGULATIONS**

### **CHAPTER 150: BUILDING REGULATIONS; CONSTRUCTION AND HISTORIC DISTRICT PRESERVATION**

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## **GENERAL PROVISIONS**

### **§ 150.001 AWNINGS.**

It shall not be lawful for any person or persons to build or construct any awning or shade, composed in whole or in part of wood or boards, and projecting into the street upon Broadway Street in the village between where said street is intersected by Charlotte Street and the St. Joseph River on said Broadway Street.



(2005 Code, § 242.001) (Ord. 18, passed 9-27-1899) Penalty, see § 150.999

## **§ 150.002 PRIVATE POOLS.**

- (A) All pools over two feet in depth shall have a permit.
- (B) All pools/spas must conform to the Village Code and comply with the current Michigan Residential Code, Appendix G.
- (C) All pools are to be at least six feet from lot lines, with no projection into or over easements.
- (D) A backflow check valve must be installed on an outside faucet that will be used to fill the pool with a hose. For in-ground pools or any pool equipped with a permanent water supply, the filler pipe shall be built with an approved air gap.
- (E) Electrical permit(s) must be obtained through the Branch County Building Inspector's office (or the appropriate governing agency) as required for any lights or outlets, or electrical equipment to be installed, including pool filter equipment.
- (F) All pools are to be located a minimum of ten feet horizontally from all overhead power carrying wires (such as village or consumers).
- (G) All electrical equipment including power supply cords used with all pools shall be protected by ground fault circuit interrupters.
- (H) A ground fault circuit interrupter protected receptacle shall be installed no closer than five feet, nor farther than 20 feet from outside wall of pool. No other receptacles shall be located within ten feet of pool unless separated by a barrier.
- (I) All metallic parts of the pool or other structures within five feet of the pool and carrying electric current shall be bonded together with a solid #8 copper conductor for grounding purposes.
- (J) Swimming pool safety devices: Every person owning land on which there is situated a swimming pool, which contains 24 inches (610 mm) or more of water in depth at any point, shall erect and maintain thereon an adequate enclosure either surrounding the property or pool area, sufficient to make such body of water inaccessible to small children. Such enclosure, including gates therein, shall be not less than four feet (1219 mm) above the underlying ground. All gates shall be self-closing and shall have a self-latching device and open outward away from pool. Access gates shall comply with the requirements of Section AG 105.2, Items 1 through 7, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate;
- (1) The release mechanism shall be located on the pool side of the gate and at least three inches (76 mm) below the top of the gate; and
  - (2) The gate and barrier shall not have an opening greater than ½ inch (13 mm) within 18 inches (457 mm) of the release mechanism.
- (K) Openings in the barrier shall not allow passage of a four-inch (102 mm) diameter sphere. Solid barriers shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
- (L) Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1-3/4 inches (44 mm) in width. Decorative cutouts shall not exceed 1-3/4 inches (44 mm) in width.

(M) Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 1-3/4 inches (44 mm).

(N) Maximum mesh size for chain link fences shall be 1-1/4 inch (32 mm) square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to not more than 1-3/4 inches (44 mm).

(O) Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed four inches (102 mm). Decorative cutouts shall not exceed 1-3/4 inches (44 mm) in width.

(P) Where a wall of a dwelling serves as part of the barrier, one of the following shall apply:

(1) All doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and its screen, if present, are opened. The alarm shall sound continuously for a minimum of 30 seconds immediately after the door is opened. The alarm shall have a minimum sound pressure ring of 85 dBA at ten feet (3048 mm) and the sound of the alarm shall be distinctive from other household sounds such as smoke alarms, telephones, and door bells. The alarm shall automatically reset under all conditions. The alarm shall be equipped with manual means, such as touch pads or switches, to de-activate temporarily the alarm for a single opening from either direction. Such de-activation shall last for not more than 15 seconds. The de-activation touch pads or switches shall be located at least 54 inches (1372 mm) above the threshold of the door.

(2) The pool shall be equipped with an approved power safety cover and comply with AG107.1 Standards.

(3) Where an above-ground pool is used as a barrier or where the barrier is mounted to top of the pool structure, and the means of access is a ladder or steps, then:

(a) The ladder or steps shall be capable of being secured, locked or removed to prevent access, or

(b) The ladder or steps shall be surrounded by a barrier which meets the requirements of Section AG105.2, Items 1 through 10. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a four-inch sphere.

(Q) Swimming pool specifications must be made available for all inspections.

(R) Must obtain electrical permit.

(S) Underground wiring shall not be permitted under the pool or under the area extending five feet horizontally from the inside wall of pool.

(T) Underground direct burial cable must be 18 inches deep (110 V circuits - 220 V circuits must be 24 inches deep).

(U) Plan submittal:

(1) Above-ground pools:

(a) Site plan:

1. Show location of pool in reference to property lines, principle building, accessory structure.
2. Show location, height and style of enclosures (fences).
3. Show location of overhead power lines (distance to pool).

4. Indicate location of electrical and pump/filter.
5. If a removable ladder is to be used or attached ladder requiring to be raised.

(b) Pool plan:

1. Show description of pool shape and size.
2. Indicate materials used.
3. If deck is built, show supports and height off grade.

(2) In-ground pools:

(a) Site plan:

1. Show location of pool in reference to property lines, principle building and accessory structures.
2. Indicate materials used.
3. Indicate steel layout.
4. Show electrical grounding.
5. Provide a sectional view showing depth, location of diving board, steps, and ladder.
6. Show composition and width of walking surface around the pool.
7. Indicate plumbing and heating.

(Ord. 300.1722, passed 3-12-2018)

## **GAS-FIRED HEATING EQUIPMENT; GAS PIPING AND APPLIANCES**

### **§ 150.015 SCOPE OF RULES.**

(A) These rules shall apply to all persons, firms, co-partnerships, and voluntary associations and corporations engaged in the installation of natural and artificial gas-fired heating equipment, gas piping, and gas appliances and appurtenances thereof. These rules shall also apply to the owner of any building or premises, in or on which such installations are made. The word **OWNER** shall be given its ordinary meaning and be held to include any trustee, a board of trustees of such property, or any person having a freehold interest in property, but a mortgagee of such property shall not be deemed an **OWNER** thereof.

(B) These rules shall apply to the construction and installation of all new equipment. These rules shall also apply to the alteration of existing equipment now in use for the purpose herein stated.

(2005 Code, § 240.001) (Ord. 5-60, passed 12-19-1960)

### **§ 150.016 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**APPLIANCE.** Any burner, assembly of parts, or other device, for which the end use would be to utilize natural or artificial gas for heating, cooking, water-heating or other forms of energy.

**APPROVED.** Acceptable to the Gas Inspector.

**BUILDING.** Structure, framework, or housing, public or private, and includes tanks, receptacles, or containers for the storage of commodities or other articles.

**CLERK.** The Clerk of the Village of Union City.

**INSPECTOR.** The Village Gas Inspector of the Village of Union City.

**MULTIPLE.** Any building or premises to which gas service is supplied to two or more occupancies from a single supply line.

**PREMISES.** Any lot or parcel of land, exclusive of buildings thereon, and other places of enclosures, however owned, used or occupied.

**SERVICE or REPAIR.** The installation, adjustment, repair, or alteration of any gas system or appliance.

(2005 Code, § 240.002) (Ord. 5-60, passed 12-19-1960)

### **§ 150.017 PERMIT; REQUIRED AND NOT REQUIRED.**

(A) *Permit required.*

(1) Before any natural or artificial gas burner, appliance, and other equipment pertaining thereto shall be installed within the limits of the village, any person, firm, or corporation shall first make application to the Village Clerk for a permit and shall pay to said Clerk the sum of \$2.50 as herein provided.

(2) Upon issuing such permit, the Clerk shall issue a temporary tag to be attached near such equipment until the Gas Inspector shall cause such equipment to be inspected, and if found to conform with these rules and regulations, a permanent metal tag, properly numbered, shall be affixed by the Village Inspector. The said Inspector shall be a licensed plumber.

(2005 Code, § 240.003)

(B) *Permit not required.* Permits shall not be required for the following; provided, that installation is made in accordance with standard safe practice and these rules and regulations:

- (1) Listed gas ranges;
- (2) Listed hot plates and laundry stoves;
- (3) Listed domestic clothes dryers;
- (4) Listed water heaters with inputs not over 5,000 BTU per hour;
- (5) Listed gas refrigerators;
- (6) Counter appliances;
- (7) Room heaters listed for unvented use (see 4.4.1 and 4.4.4 NBFU No. 54 covering installations in sleeping quarters and institutions); and
- (8) All other appliances listed for unvented use and not provided with flue collars.

(2005 Code, § 240.004)

(Ord. 5-60, passed 12-19-1960)

### **§ 150.018 REINSPECTION FEE.**

A \$2.50 reinspection fee shall be assessed against the person or persons responsible for the necessity for reinspection due to the installation not being prepared for the inspection requested, and no further permit shall be issued by the village to the person or persons against whom such fees are assessed until payment of said inspection is made, or the person against whom the violation was written has proved to the satisfaction of the Inspector that inability to have the installation ready for inspection was due to unforeseen or unusual circumstances which indicated no willful negligence or carelessness on the part of the permit grantee or his or her workers.

(2005 Code, § 240.006) (Ord. 5-60, passed 12-19-1960)

### **§ 150.019 FAILURE TO OBTAIN PERMIT BEFORE STARTING WORK.**

Any person who shall commence any installation or alteration for which a permit is required by these regulations, without first having obtained a permit therefor shall, if legally authorized and subsequently allowed to obtain a permit, pay double the permit fee specified in these regulations for such installation provided that a notice has been sent by the enforcing officer to the installer.

(2005 Code, § 240.007) (Ord. 5-60, passed 12-19-1960)

### **§ 150.020 INSTALLATIONS; NOTICE AND CONFORMITY TO STANDARDS OF SAFE PRACTICE.**

(A) *Installation notice.* Upon the completion of the work which has been authorized by issuance of any permit, it shall be the duty of the person, firm, or corporation installing the same to notify the Clerk; said Clerk shall relay the request for inspection to the Inspector, and the inspection shall be completed within 24 hours, exclusive of Saturdays, Sundays, and holidays, of the time such notice is given, or as soon thereafter as is practicable.

(2005 Code, § 240.005)

(B) *Installations to conform to standard safe practice.*

(1) Installation of gas piping and appliances for domestic and commercial uses, in accordance with the standards of the National Board of Fire Underwriters for the installation of gas piping and gas appliances in buildings (Pamphlet No. 54) shall be deemed prima facie evidence of installation in accordance with standard safe practice.

(2) Installation of gas equipment in large boilers and water heaters having an input of over 400,000 BTU per hour, in accordance with *American Standard Requirements for Installation of Gas Equipment* in large boilers (ASAZ21.33), shall be deemed prima facie evidence of installation in accordance with standard safe practice.

(2005 Code, § 240.008) (Ord. 5-60, passed 12-19-1960)

### **§ 150.021 PRESSURE REGULATORS.**

(A) Where the pressure of gas supplied to domestic, commercial, or other low-pressure gas piping systems is in excess of one pound per square inch, an approved gas pressure regulator of sufficient size shall be installed in the service pipe of each such system to prevent pressure in excess of one pound per square inch from being introduced into such building piping.

(B) If located inside a building, the above required regulator shall be equipped with a vent pipe leading to the outer air. Means shall be employed to prevent water from entering this pipe and also to prevent stoppage of it by insects or foreign matter.

(2005 Code, § 240.009) (Ord. 5-60, passed 12-19-1960)

### **§ 150.022 OUTSIDE VALVES.**

Approved means for shutting off the flow of gas from outside the building shall be provided on every gas service pipe two inches or larger in diameter or which supplies gas at a pressure in excess of one pound per square inch and on all buildings of public assembly, institutions, industrial, and commercial occupancy within the village fire limits. Outside gas shut-off cocks or valves shall be located so as to be readily accessible and, when underground, shall be placed in suitable valve boxes, manholes, or vaults the covers of which shall be clearly marked "GAS".

(2005 Code, § 240.010) (Ord. 5-60, passed 12-19-1960)

### **§ 150.023 PIPING ON CONSUMER'S PREMISES OUTSIDE OF BUILDINGS.**

Gas piping on consumer's premises outside of buildings shall be of a type that is suitable for the type of gas and the gas-pressure carried. Piping of material subject to corrosion under conditions of service shall be suitably protected against corrosion. Piping-carrying gas containing moisture shall be adequately protected against freezing. Piping shall be tested for tightness before being put into service.

(2005 Code, § 240.011) (Ord. 5-60, passed 12-19-1960)

### **§ 150.024 RULES FOR TURNING ON GAS.**

(A) No person, unless in the employ of the gas company or having permission from the gas company, shall turn on the gas at a curb valve, or at any valve that controls the supply of gas to more than one consumer.

(B) Gas shall not be turned on at any meter cock without specific permission from the gas company or other proper authority if any of the following conditions exist:

(1) If the gas piping, appliances, or meter supplied through the meter cock are known to leak or be otherwise defective;

(2) If required inspection of the piping or appliances has not been made;

(3) If the gas company or other proper authority has requested that the gas be left off; or

(4) If the meter cock is found shut off for some reason not known to the gas fitter.

(C) Gas shall not be turned on at any branch line cock if any of the conditions set forth in divisions (B)(1) through (B)(3) above prevail. Where a branch line cock is found closed, a gas fitter shall again turn gas on at such cock only if proper precautions are taken to prevent leakage and in no other unsafe conditions are created thereby.

(D) Gas shall not be turned on at either a meter cock or line cock unless a gas-burning appliance is connected to the piping system supplied.

(2005 Code, § 240.012) (Ord. 5-60, passed 12-19-1960)

### **§ 150.025 SHUTTING OFF GAS.**

A gas fitter shall turn the gas off from any appliance, pipe, or piping system and shall leave the gas turned off until the cause for interrupting the supply has been removed, in any of the following cases:

(A) If ordered to do so by proper authority;

(B) If leakage of gas is noted, which appears to be sufficient to cause fire, explosion, or asphyxiation;

(C) If an installation of some gas appliance is found to be such as to cause a serious hazard to persons or property because of incomplete combustion, fire, or air in piping; or



(D) If any condition exists which threatens interruption of gas supply which may cause burner outage or otherwise prove dangerous.

(2005 Code, § 240.013) (Ord. 5-60, passed 12-19-1960)

### **§ 150.026 ODORIZATOIN REQUIRED.**

All gas supplied to customers except gas for industrial process use shall possess a distinctive odor of sufficient strength to act as a warning of its presence. Any gas not naturally possessing such odor shall have added to it an odorant to meet this requirement.

(2005 Code, § 240.014) (Ord. 5-60, passed 12-19-1960)

## **CONSTRUCTION WITHIN FIRE LIMITS**

### **§ 150.040 FIRE LIMITS DISTRICT DEFINED.**

The portion of the village situated between Allen and Charlotte Streets on the north, St. Joseph River on the south, and extending 150 feet east of the east line of Broadway Street, and 150 feet west of the west line of Broadway Street, shall be the fire limits of said village.

(2005 Code, § 241.001) (Ord. 9, passed 9-20-1899; Res. 11-01, passed 2-21-2011)

### **§ 150.041 WOODEN BUILDINGS PROHIBITED.**

It shall not be lawful hereafter for any person to erect, construct, or put any wooden buildings or building, nor any addition to any building within said limits for any purpose nor any building in the construction of which any wood shall be used for any exterior part, except the window sash, window casings, doors, door-casings, and any building in which any wood shall be used in the construction of any exterior part other than these above mentioned, shall be deemed a wooden building within the meaning of this subchapter. There shall be no wood or flammable window coverings allowed on the second or third floor of any buildings in the Fire District. Any building with windows covered by wood or flammable material of any kind or type on the second or third floor of said building constitutes a violation of this subchapter.

(2005 Code, § 241.002) (Ord. 9, passed 9-20-1899; Res. 11-01, passed 2-21-2011) Penalty, see § 150.999

### **§ 150.042 INTERIOR WALLS, STAIRCASE FIRE DOOR REQUIREMENT, WINDOW COVERINGS LIMITATIONS AND PROHIBITION.**

(A) No interior wall shall be built, erected, or constructed within said limits, composed, or constructed in any part of wood, until the exterior walls shall be completed, and in case any such interior wall shall be so built, erected, or constructed, they shall be deemed to be exterior walls and such building shall be deemed to be a wooden building and the building so built, erected, or constructed they shall be deemed to be exterior walls, and such building shall be deemed to be a wooden building and the building so erected or constructed shall be deemed a violation of this subchapter.

(B) Any staircase consisting of five or more steps connecting the interior of the building to the exterior of the building and being enclosed on both sides by a solid wall material and also being enclosed on top of the wall material by a roof or other portion of the building shall be enclosed by a certified fire rated door at both the top and the bottom of the staircase. Any staircase so erected, constructed, or maintained shall be deemed a violation of this subchapter. This division (B) excludes any staircase that runs exclusively below grade level and leads exclusively to a basement or subterranean level of the building.

(C) (1) Any building with window and/or door openings where such openings face a public street, such openings shall not be covered in any manner other than by a window or a door, unless a remodeling plan has been submitted to and approved by the Planning Commission and the appropriate fire detection measures has been addressed. Any building with window and/or door openings not facing a public street on the first floor shall not be covered in any manner, by any material, unless a remodeling plan has been submitted to and approved by the Planning Commission and the appropriate fire detection measures has been addressed.

(2) Any building with window and/or door openings not facing a public street on the second or third floor shall not be covered by wood or other flammable window covering of any kind. Any building with windows covered that is inconsistent with this subchapter constitutes a violation of this subchapter. Any buildings within the Fire District with window or door openings with masonry fill as of the date of the passage of this subchapter shall not be in violation of this subchapter. Any buildings within the Fire District with window or door openings with masonry fill on the second or third floors of said building shall not be allowed to have an apartment, full-time dwelling units, or commercial enterprises or operations such that allow the public to enter those such areas on the second or third floors of said building.

(2005 Code, § 241.003) (Ord. 9, passed 9-20-1899; Res. 11-01, passed 2-21-2011) Penalty, see § 150.999

#### **§ 150.043 EACH DAY A SEPARATE VIOLATION.**

Each and every day during which any building erected, constructed, or put within said fire limits contrary to the provisions of this subchapter, shall be permitted to remain by the owner or owners thereof, shall constitute a separate and distinct violation of the provisions of this subchapter.

(2005 Code, § 241.004) (Ord. 9, passed 9-20-1899; Res. 11-01, passed 2-21-2011)

#### **§ 150.044 FIRE WARDEN; DUTIES.**

It shall be the duty of the Fire Wardens of said village to have the supervision of all the matters in this subchapter contained, and it shall be the duty of said Fire Warden to examine all buildings erected, constructed, or put within said fire limits, and at once report all violations of this subchapter to the Council. Citable violations include the use or presence of any wood or flammable coverings of any second or third story windows and the absence of Fire Warden (Chief) approved fire alarms, Fire Warden (Chief) approved heat alarms, and Fire Warden (Chief) approved fire extinguishers on all floors, including basements, of fire district buildings.

(2005 Code, § 241.005) (Ord. 9, passed 9-20-1899; Res. 11-01, passed 2-21-2011)

#### **§ 150.045 RIGHT OF INSPECTION AND MINIMUM REQUIREMENTS.**

(A) No person shall refuse to allow the inspection of any house, store, or other building or premises by any of said Fire Wardens, or obstruct or impede the said Fire Warden, or any of them, in the discharge of their duty.

(B) Any business occupying a commercial building within the Fire Limits District or business occupying a separate area of less than the whole commercial building within the Fire Limits District shall:

(1) Keep all ways of ingress and egress free from any and all furniture, packages, and any other debris blocking or reducing the passageway into and out of the building or separate area within a commercial building occupied by a separate business;

(2) Install and maintain "EXIT" signs and charged fire extinguishers as specified by the State of State Fire Code;

(3) Install and maintain a fire alarm system such that in the event of a fire the system automatically signals the fire to an outside 24 hour monitoring agency or the Fire Department directly or at a minimum, the system emits a loud audible signal sufficient to be heard clearly from the public roadway closest to the commercial building;

(4) Request and submit to the Fire Warden proof of a biannual inspection by a licensed heating contractor of all heating units in all buildings or areas within said buildings covered by this subchapter; and

(5) Request and permit an inspection by the Fire Warden of all the above stated requirements not less than annually or at every change of occupancy of the commercial building or separate area within a commercial building occupied by a separate business which ever is sooner, and shall post a certified Certificate of Inspection in a prominent place clearly visible to the public.

(2005 Code, § 241.006) (Ord. 9, passed 9-20-1899; Res. 11-01, passed 2-21-2011)

#### **§ 150.046 APPLICATION; PERMIT REQUIREMENT.**

No person or persons, firm, or corporation shall commence the construction, erection, addition, or repairs of any building or addition thereto located or situated within the fire limits of said village as designated in § 150.040 without first applying to, submitting, and filing with the Fire Warden of said village a proposed plan or plans with a description of the materials proposed to be used in the construction of such building or addition, and receiving from such Fire Warden a written permit or authority to proceed with such construction which said plans and specifications shall be at once, immediately investigated by said Fire Warden and if the same conforms to the conditions specified in §§ 150.041 and 150.042, such Fire Warden shall thereupon issue such written permission and authority to proceed with such construction. There shall be no exceptions to this requirement.

(2005 Code, § 241.007) (Ord. 9, passed 9-20-1899; Ord. passed 5-30-1916; Res. 11-01, passed 2-21-2011)

#### **§ 150.047 DECLARATION, OCCUPANCY, AND/OR MAINTENANCE PROHIBITED; NOTICE; INFORMAL HEARING; FINAL DETERMINATION HEARING.**

(A) The village, by declaration of the Village Manager, may declare any building or separate area or unit within a building within the Fire Limits District in violation of this subchapter.

(B) It shall be unlawful for any owner, agent, or business to occupy or permit occupancy of any building or area within a building by another person or business or to keep or maintain any structure or building or area within a building thereof declared to be in violation of this subchapter.

(C) (1) Upon the identification and declaration of a building or separate area or unit within a building to be in violation of this subchapter, the village shall notify the owner or local agent by issuing a notice of violation to the owner or owners of the building in whose name the property appears on the last local tax assessment record.

(2) The notice shall specify the time and place the person to whom the notice is directed shall have the opportunity to informally show cause why the building should not be declared in violation of this subchapter. Personal service or service by certified mail of the notice shall be made at least ten days before the informal hearing. In the absence of personal service or service by certified mail, such notice may be perfected by publishing in a newspaper of general circulation in the village once weekly for three consecutive weeks and a copy shall be posted in a conspicuous place upon the building or separate area within the building.

(D) (1) In the event the informal hearing fails to timely rectify the declared violation, the Village Council is hereby designated to take testimony of interested parties. The Village Council shall take the

testimony of the Fire Warden, the Village Manager, and the building owner and/or agent of the owner of the property declared to be in violation.

(2) The village shall determine whether the building or separate area within the building located within the Fire Limits District is in violation of the ordinance and shall determine a plan to bring the building or separate area into compliance. The Council shall issue a written decision declaring the violation and a plan of correction, fixing a time for the owner and/or agent to bring said building or area within the building into compliance with the ordinance. The decision of the Village Council shall be final.

(Res. 11-01, passed 2-21-2011) Penalty, see § 150.999

### **§ 150.048 APPEALS.**

Any owner, responsible local agent, or party of interest aggrieved by any final decision of the Village Council may appeal the decision to the Branch County Circuit Court within 21 days from the date of the decision.

(Res. 11-01, passed 2-21-2011)

### **§ 150.049 NOTICE TO VACATE.**

(A) Any owner, responsible local agent or party in interest who fails to appear for a hearing set out in § 150.047(C) and (D) or who fails to comply with or complete the plan of correction within the time set out in the plan, or who fails to pursue rights of appeal set out in § 150.048, shall be issued a notice to vacate the building or separate area within the building by personal service or certified mail to the owner or owners of the building in whose name the property appears on the last local tax assessment record.

(B) In the absence of personal service or service by certified mail, such notice may be perfected by publishing in a newspaper of general circulation in the village once weekly for three consecutive weeks and a copy shall be posted in a conspicuous place upon the building or separate area within the building. The notice to vacate shall order the occupants to vacate the affected building or affected separate area within 72 hours from the date of posting.

(Res. 11-01, passed 2-21-2011)

### **§ 150.050 VIOLATION; FORFEITURES AND PENALTIES.**

(A) In the event of the failure or refusal of an owner, responsible local agent, or party in interest to comply with the decision of the Village Council, the Village Council may, in its discretion, contract for the completion of the plan to bring the building or separate area into compliance with the ordinance, complete the work and the cost thereof may be assessed as a lien against the real property.

(B) The owner in whose name the property appears upon the last local tax assessment records of the village shall be notified of the amount of the cost of completion by first class mail at the address shown on the tax records.

(C) If the owner or his or her agent fails to pay the same within 30 days after the mailing by the Assessor of the notice of the amount of the costs of completion of the plan bringing the building or separate area into compliance, the Assessor shall add 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.

(Res. 11-01, passed 2-21-2011) Penalty, see § 150.999

### **§ 150.051 EFFECTIVE DATE.**

This subchapter together with any amendments shall take effect within 20 days from the date of its final passage.

(Res. 11-01, passed 2-21-2011)

## HISTORIC DISTRICTS PRESERVATION

### § 150.065 DETERMINATION; STATEMENT OF PURPOSE.

(A) Pursuant to Public Act 169 of 1970, as amended, being M.C.L.A. §§ 399.201 et seq., (M.S.A. §§ 4.3407(1) et seq.), it is determined to be a public purpose, and to be in the public interest, that regulations be made for the recognition, preservation, and protection of historical, architectural, and archaeological sites, buildings, structures, objects, landmarks, open spaces, and features which are significant to the cultural, social, economic, political, architectural, and archaeological heritage of the village.

(B) The purposes of this subchapter are:

(1) To safeguard the heritage of the village by preserving certain historical districts and/or district resources which reflect elements of cultural, social, economic, political, or architectural history;

(2) To stabilize and improve property values in such districts;

(3) To foster civic beauty and community pride;

(4) To strengthen the local economy; and

(5) To promote the use of historic districts and district resources for the education, pleasure, and welfare of the citizens of the village and of the state.

(2005 Code, § 271.001) (Ord. passed 5-10-1967)

### § 150.066 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ADDITION.** Any construction which increases the height or floor area of an existing district resource, or which adds to it (such as a porch or attached garage).

**ALTERATION.** Any construction, replacement, remodeling within, or to a district resource which results in exterior change to the structural parts, the number and/or location of openings, or the location or appearance of the district resource, but which does not increase the overall dimensions.

**CERTIFICATE OF APPROPRIATENESS.** The written approval of the Historic District Commission of plans for new construction, replacement, removal, addition, alteration, demolition, reconstruction, rehabilitation, repair, restoration, moving, or other work upon or affecting a district resource.

**COMMISSION.** The Historic District Commission.

**CONSERVATION.** The cleaning, repair, or replacement of worn, cracked, or broken parts of a district resource to protect it from blight or deterioration through normal maintenance. The use of contemporary building methods and/or materials shall be acceptable if compatible with the district resource.

**DEMOLITION.** The destruction of all or part of a historic district or district resource, or to commence destruction with the purpose of completing the same.

**DEPARTMENT.** The Village of Union City Building Department.

**DETERIORATION.**

- (1) To make or permit to become worse, or to lower in quality or to reduce in value, a historic district or district resource, either by reason of neglect, or omission to act, or by design or purpose.
- (2) The term may apply to any of the following components of a district resource:
  - (a) Exterior walls or other vertical supports;
  - (b) Roofs or other horizontal members;
  - (c) Exterior chimneys;
  - (d) Exterior plaster or mortar or other finish material;
  - (e) Ineffective weather-proofing of exterior walls, roof, or foundations, including broken windows or doors; or
  - (f) Any exterior architectural or landscape feature either designated as a resource or which affects the character of a historic district or district resource.

**DISTRICT RESOURCE.** A site, a building, structure, object, open space, feature, or landmark so designated individually, or within or as a part of a related group within a historic district.

(1) A “site” is a **DISTRICT RESOURCE** which is related to an important historical event, a prehistoric or historic occupation or activity, an institution or organization, or an architectural district resource that is ruined or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing architectural district resource. (Examples: historic marker; commemorative plaque; or archaeological site.)

(2) A “building” is a **DISTRICT RESOURCE** which is residential, commercial, industrial or institutional in design or character, or which is created to shelter any form of human activity. (Examples: house; store; office building; inn or hotel; barn; church; theater; hospital; courthouse; or jail.)

(3) A “structure” is a **DISTRICT RESOURCE** made up of interdependent and interrelated parts of a definite pattern or organization, often reflective of an engineering design. (Examples: bridge; dam; water tower; or bell tower.)

(4) An “object” is a **DISTRICT RESOURCE** of functional, aesthetic, cultural, historical, architectural, archaeological or scientific value which may be moveable by nature of design, yet which is related to a specific setting of environment. (Examples: fence; wall; statue; fountain; lighting fixture; sign; sundial; or gazebo.)

(5) An “open space” is a **DISTRICT RESOURCE** that is undeveloped land, a naturally landscaped area, a formal human-made landscape, or a developed open space, or a developed open space significant as a connective link or as a buffer between other historical districts or resources, or between a historic district or resource and a building, structure, or other property which does not qualify as a historic district or resource. (Examples: recreation park (regardless of whether equipped; landscaped; or otherwise improved); formal garden; vacant land; or parking lot.)

(6) A “feature” is a **DISTRICT RESOURCE** which has a prominent or distinctive aspect or quality or which is characteristic of a historic district. (Examples: landscaped boulevard; brick paving or sidewalk; or tree-lined street.)

(7) A “landmark” is any prominent feature of the landscape, as a tree or house, marking a particular locality.

**ELEVATION.** A scale drawing of the side, front, or rear facades of a district resource.



**GUIDELINES.** Standards or criteria for the formulation of standards, adopted by the Commission with the prior approval by resolution of the Village Council, which prescribe requirements for any work (as said term is defined herein) upon or affecting an established or proposed historic district or district resource.

**HISTORIC.** The age of a district resource; however, no limit in terms of age or years it to be inferred by the use of the term **HISTORIC**. The term shall apply to any district resource which is significant to the overall appearance of a historic district or which plays a role in the evolutionary growth of a historic district's streetscape.

**HISTORIC DISTRICT.** A geographically defined area which includes a district resource or a group of district resources designated by ordinance for the purpose of preservation. More than one **HISTORIC DISTRICT** may be designated, and **HISTORIC DISTRICTS** need not be contiguous. A district resource within the area of a **HISTORIC DISTRICT** shall be of historical, architectural, or archaeological significance; however, a **HISTORIC DISTRICT** may consist of a single district resource unrelated to its surroundings in terms of historical, architectural, or archaeological significance.

**HISTORIC DISTRICT COMMISSION.** The body created by this subchapter and referred to herein as the **COMMISSION**.

**HISTORIC PRESERVATION.** The protection, conservation, reconstruction, rehabilitation, or restoration of a historic district or district resource.

**HONORARY DESIGNATION.** The formal recognition by the Commission of an important historical event, institution, or organization related to a district resource in instances in which the district resource itself does not have historical, architectural, or archaeological significance.

**NEW CONSTRUCTION.** Planned district resources which are to be constructed or placed within a historic district or proposed historic district. Such planned, **NEW CONSTRUCTION**, because it may be reasonably anticipated to have a significant effect on the overall appearance of a historic district's streetscape, shall to influence the evolutionary growth of a historic district's streetscape, shall be deemed "historic" by the Commission the same as older, existing district resources.

**PROPOSED HISTORIC DISTRICT OR DISTRICT RESOURCE.** A historic district or district resource which is actively under consideration by the Village Council for formal designation under this subchapter.

**RECONSTRUCTION.** The process of reproducing a vanished historic district or district resource, or part thereof, by new construction, in the exact form and detail as is possible or practical.

**REHABILITATION.** The revitalization of a historic district or district resource by returning it to good condition. **REHABILITATION** may not require the removal of all non-original materials so long as they are not incompatible with the particular historic district or district resource. The introduction of modern mechanical systems, structural elements, and decorative features may be permitted; provided, however, that the same are compatible with the original style, size, color, and texture.

**REPAIR.** The maintenance of or return to a state of utility of a district resource.

**RESTORATION.** The process of accurately recovering the form and detail of a historic district or district resource as it originally appeared, by the removal of later work, the replacement of missing elements, and the enhancement of the original work.

**WORK.** Any construction or new construction, replacement, removal, addition, alteration, replacement, remodeling, demolition, reconstruction, rehabilitation, repair, painting, restoration, excavation, or other act or procedure which affects a historic district or district resource.

(2005 Code, § 271.002) (Ord. passed 5-10-1967)

### **§ 150.067 HISTORIC DISTRICT COMMISSION; MEMBERSHIP; TERMS OF OFFICE; VACANCIES; EX OFFICIO MEMBERS.**

(A) A Historic District Commission shall consist of seven persons residing in the village; provided, however, that at least two members shall be selected from a list of citizens recommended for appointment by a majority vote of duly organized and existing historical preservation society or societies; and provide further, that one member shall be an architect duly registered in the state and residing in the village, if such person is available for appointment.

(B) Members shall be appointed by the Village President.

(C) Members of the Commission shall be appointed for terms of three years, except the initial appointments of some of the members shall be for less than three years to the end that the initial appointments shall be staggered so that all subsequent appointments shall not be successive terms.

(D) In the event of a vacancy on the Commission, an interim appointment may be made to unexpired term in the same manner as for an original appointment.

(E) The Village President or a Council member designated by him or her, the Chairperson of the Planning Commission of his or her designate, the Village Superintendent, and the Building Official shall be ex officio members of the Commission. The Commission may appoint no more than six additional persons as ex officio members, who need not be residents of the village, who shall serve at the pleasure of the Commission. Ex officio members shall have the right to participate in the deliberation of all matters considered by the Commission, but shall not have the right to vote nor shall they be counted as members for any purpose.

(2005 Code, § 271.003) (Ord. passed 5-10-1967)

### **§ 150.068 MEETINGS; ORGANIZATION; QUORUM; VOTING; NOTICES; REPORTS.**

(A) The Historic District Commission shall conduct at least one regular meeting in each calendar quarter at a time and place designated and published in advance. Special meetings shall be conducted whenever required by the Village President, the Village Superintendent, the Chairperson of the Commission, by two members of the Commission, or by two members of the Village Council.

(B) At its first regular meeting in each calendar year, Commission members shall by majority vote select as its officers a Chairperson, a Vice-Chairperson, and a Secretary. Officers shall serve for a term of one year, and may serve successive terms. The Chairperson shall preside at all meetings of the Commission, and in the absence or disability of the Chairperson, the Vice-Chairperson shall preside. The Secretary shall take minutes at all meetings. In the absence or disability of the Secretary, an acting Secretary shall be appointed by the Chairperson or Vice-Chairperson. The Commission shall adopt such rules for minimum attendance of its members at meetings as it deems appropriate, shall determine violations of its attendance rules, and may request the Village President to declare a member's office vacant. The Commission may adopt such additional rules and regulations for the conduct of its business and of its meetings as it deems appropriate.

(C) Three members shall constitute a quorum for conducting a meeting of the Commission.

(D) Notices of regular and special meetings of the Commission, including an agenda of matters to be considered, shall be announced and published in advance as required by law and by this subchapter. Interested persons shall be given a reasonable opportunity to be heard on any matter under consideration by the Commission before a decision is rendered.

(E) Minutes of all regular and special meetings of the Commission shall be in writing and shall be delivered to the Village Clerk. Copies of minutes shall promptly thereafter be distributed to the Village President, to the Village Council, to the Village Superintendent, or the Building Official, and to such other village officers and department heads as the Village Superintendent may designate. The

minutes shall identify each historic district and/or district resource considered at a meeting, shall specify the discussion, and arguments presented and the findings of fact, decisions, and recommendation of the Commission with respect thereto.

(2005 Code, § 271.004) (Ord. passed 5-10-1967)

## **§ 150.069 DUTIES AND POWERS OF THE COMMISSION.**

(A) It shall be the duty of the Commission to implement or cause to be implemented the provisions of this subchapter for the achievement of the purposes slated in § 150.065(B).

(B) The Commission shall review all plans for work upon or affecting a historic district or district resource or proposed historic district or district resource, and shall have the power to issue or deny a certificate of appropriateness with respect to such plans before any work is commenced. The Building Official shall not issue a building permit or other permit for work, nor shall a property owner or other person commence work or continue work, upon or affecting an established or proposed historic district or district resource until the provisions of this subchapter have been observed.

(C) (1) The Commission shall recognize that the forms or characteristics of historic district or district resource vary, and that the achievement of the purposes prescribed in § 150.065(B)) may necessitate differences in the guidelines established with respect to a particular historic district or resource and the guidelines to be prescribed for a different historic district or resource. Guidelines in every instance shall be negotiated, insofar as is practicable, by the Commission in concert with property owners affected or to be affected, thereby, guidelines formulated by the Commission shall apply uniformly as the same are found by the Commission to be applicable, to each established or proposed historic district or district resource having the same or similar form or characteristics.

(2) Guidelines shall specify with particularity all matters related to the general compatibility of exterior design, structural height, mass arrangement, texture, appearance, and building and finish materials. The Commission may consider nationally accepted design treatment levels or preservation standards in the formulation of guidelines with respect to historical, architectural, and archaeological value and significance of a historic district or proposed historic district or district resource in terms of their relationship of the historic to the historical, architectural or archaeological value of the surrounding area, and to such other factors, including aesthetic, which the Commission deems pertinent.

(D) Guidelines prepared by the Commission shall be subject of at least one public hearing and shall thereafter be submitted to the Council. Commission guidelines shall not become effective until approved by resolution of the Council.

(E) The power and duty of the Commission to review applications for building or other permits or work plans shall be limited to exterior features of a district resource. Work plans (or those parts of work plans) which pertain to interior features shall not be considered by the Commission unless specifically authorized by resolution of the Council. A certificate of appropriateness shall not be denied for reasons other than prescribed in this subchapter and guidelines adopted pursuant hereto. The powers of the Commission shall not extend to any work which is not upon or within a historic district or resource or proposed historic district or resource, however, the Commission shall act as mediator and counselor, insofar as is possible, to provide guidance to property owner and to present solutions or alternatives with respect to conservation, rehabilitation, moving, or demolition, or other work upon a district resource in instances in which the proposed work is not in compliance with applicable guidelines.

(F) The Commission may:

(1) Conduct, assist, or participate in studies and programs designed to identify and evaluate additional historic district and district resources worthy of preservation;

(2) Consult with and consider the recommendations of civic groups, public agencies, and citizens interested in historic preservations;

(3) Inspect, with the consent of the owners and/or occupants, a property or premises under consideration for designation as a district resource or as a part of a proposed historic district; and

(4) Encourage and advise property owners in the protection, enhancement, perpetuation, and use of historic, architectural, and/or archaeological properties.

(G) An application for repair or alteration affecting the exterior appearance of a historic resource, or for its moving or demolition, shall be approved by the Commission if any of the following conditions prevail, and if in the opinion of the Commission the proposed changes will materially improve or correct these conditions:

(1) The resource constitutes a hazard to the safety of its occupants or to the public;

(2) The resource is a deterrent to a major improvement program which will be of substantial benefit to the village;

(3) Retention of the resource would cause undue financial hardship to the owner; or

(4) Retention of the resource would not be in the interest of the majority of the people of the village.

(2005 Code, § 271.005) (Ord. passed 5-10-1967)

### **§ 150.070 APPLICATION FOR PERMITS; PROCEDURE FOR REVIEW.**

(A) An application to build or other permit for new construction, or for any addition, alteration, demolition, reconstruction, rehabilitation, repair, restoration, or moving of any district resource shall be made to the Building Official. It shall be the duty of the Building Official to review the application and to make an initial determination as to whether the provisions of this subchapter are applicable; and if so, to so advise the Commission and the applicant. The Commission shall, within five business days thereafter, either confirm or reverse the initial determination of the Building Official, who shall promptly inform the applicant of the Commission's decision.

(B) (1) If it is determined by the Commission that the provisions of this subchapter and guidelines adopted pursuant hereto apply to an application for a permit to build or other permit which affects an established or proposed historic district resource, the Building Official shall require of the applicant that such additional plans, evaluations, and other information as deemed reasonably necessary be submitted in order to determine the extent of the proposed undertaking and its relation to any established or proposed historic district or district resource.

(2) The Building Official shall promptly furnish to the Commission the application and accompanying documentation, and shall in addition submit his or her comments and such other information as he or she deems pertinent. The Commission shall review the application and documentation to determine whether the proposed project or work impacts adversely upon an established or proposed historic district or district resource. In the event the plans, elevations, and other information would result in consequences, the Commission shall so inform the applicant of its findings. The Commission and the applicant shall thereupon meet and confer in order that modification of the application and project plan may be discussed and compromise be reached.

(C) In the event modification of the proposed work plan cannot be agreed upon, the Commission shall determine whether established guidelines apply to the proposed undertaking and shall inform the applicant of its determination. If established guidelines are not found to be applicable within the meaning of § 150.069, the Commission shall forthwith commence the preparation of guidelines to apply to the proposed work plan in accordance with the procedures prescribed herein.

(D) Formal consideration of an application for a permit shall be made at a duly called meeting of the Commission within 30 days of its receipt from the Building Official unless it is determined that duly adopted guidelines do not apply to the particular proposed work or work project. If the Commission approves such application, it shall issue a certificate of appropriateness, signed by the Chairperson which shall be attached to the application and returned to the Building Official.

(E) If the Commission disapproves an application to build or other permit and denies the issuance of a certificate of appropriateness, the disapproval and denial shall be in writing and shall include the reasons for the Commission's determination and shall be promptly forwarded to the Building Official and to the applicant by first-class mail. The Commission may include a statement of what modifications would be necessary to cause the Commission to reconsider its determination and disapproval of the application and of its denial of a certificate of appropriateness. An applicant may take such modifications to the plan and or other information as desired, and may resubmit the application and attendant documentation to the Commission after so doing.

(F) The failure of the Commission to approve or to disapprove an application or to issue or deny a certificate of appropriateness, or to prepare new guidelines pertaining to the proposed work or project for approval by the Council, within 60 days after the date of receipt of the application from the Building Official with all necessary attendant documentation, shall, unless otherwise clearly indicated, be deemed to constitute approval, and the issuance of a certificate of appropriateness shall not be required.

(2005 Code, § 271.006) (Ord. passed 5-10-1967)

#### **§ 150.071 HISTORIC DISTRICTS, RESOURCES, ESTABLISHMENT, RECORDING.**

(A) Historic districts and district resources shall be determined by the Village Council and shall be established by ordinance. Each historic district so established shall promptly be submitted by the Clerk to the Register of Deeds for recording. The instrument submitted for recording shall be in such form as to provide public notice that the provisions of this subchapter apply to the historic district described and to properties situated therein. The description or identity of a historic resource shall likewise be submitted for recording with the Register of Deeds, except in instances in which the resource is of a type of character which does not qualify for recording.

(B) The following is designated as a historic district or district resource: (To be determined.)

(2005 Code, § 271.007) (Ord. passed 5-10-1967)

#### **§ 150.072 GIFTS AND GRANTS.**

The Village Council may accept grants from the state and federal governments for the acquisition, restoration, or preservation of district resources and may accept public or private gifts for such other purposes authorized by this subchapter.

(2005 Code, § 271.008) (Ord. passed 5-10-1967)

#### **§ 150.073 ACQUISITION OF PROPERTIES.**

In the event all efforts by the Commission to preserve a district resource fail, or if it is determined by the Village Council that public ownership is most suitable, the Village Council, if deemed to be in the public interest, may acquire such property using public funds, gifts for historical purposes, grants from the state or federal governments for the acquisition of historic properties; or proceeds from revenue bonds issued for historical preservation purposes; provided, however, that such acquisition of a district resource shall first be recommended by the Commission.

(2005 Code, § 271.009) (Ord. passed 5-10-1967)

#### **§ 150.074 ORDINARY MAINTENANCE AND REPAIR.**



No provision of this subchapter shall be construed to prevent ordinary maintenance or repair of any structure within a designated or proposed historic district or of a designated or proposed district resource; provided, however, that methods, procedures, and materials (including paint) used in ordinary maintenance and repair shall not conflict with the provisions of this subchapter of guidelines adopted pursuant hereto.

(2005 Code, § 271.010) (Ord. passed 5-10-1967)

#### **§ 150.075 APPEAL FROM DECISIONS OF COMMISSION; PUBLIC HEARING.**

Any person aggrieved by a decision of the Commission shall have the right to appeal to the Village Council. The Council may, by a vote of two-thirds of its members present, alter a duly scheduled public hearing of the arguments of the aggrieved party and of all other interested persons (including members and ex officio members of the Commission and Commission and village administrative officers or municipal department heads), reverse, affirm, or modify a decision of the Commission.

(2005 Code, § 271.011) (Ord. passed 5-10-1967)

#### **§ 150.076 ENFORCEMENT.**

It shall be the responsibility of the Building Official, in addition to the initial review of applications for building or other permits which involve or affect any designated or proposed historic district or district resource, to receive complaints of violations and to conduct inspections and to issue written reports of his or her findings to the Village Superintendent and to the Commission. The Building Official shall include recommendations of remedial measures wherever feasible. The Building Official shall consult with the Village Attorney in instances in which he or she considers that legal action may be warranted and the Village Attorney shall so report to the Village Council.

(2005 Code, § 271.012) (Ord. passed 5-10-1967)

#### **§ 150.077 COMMISSION EXPENSES.**

The reasonably anticipated expenses to be incurred by the Commission in the conduct of its work shall be submitted in advance to the Village Superintendent. Expenses which are approved by the Village Superintendent shall be paid by the Village Treasurer as directed.

(2005 Code, § 271.013) (Ord. passed 5-10-1967)

#### **§ 150.078 OPEN MEETING ACT; FREEDOM OF INFORMATION ACT.**

All meetings and deliberations of the Commission shall be subject to the provisions of Public Act 267 of 1976, being M.C.L.A. §§ 15.261 et seq., as amended; and all records, guidelines, and other documentation shall be subject to the provisions of Public Act 442 of 1976, being, M.C.L.A. §§ 15.231 et seq., as amended.

(2005 Code, § 271.014) (Ord. passed 5-10-1967)

#### **§ 150.079 EFFECTIVE DATE.**

This subchapter shall take effect 20 days after its enactment.

(2005 Code, § 271.016) (Ord. passed 5-10-1967)

#### **§ 150.999 PENALTY.**

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.



(B) Any person or persons violating any of the provisions of § 150.001 shall forfeit and pay a fine of \$10, and in addition thereto shall forfeit and pay \$0.25 per day for each and every day any shade or awning that is erected contrary to the provisions of § 150.001 shall remain unremoved after the owner shall have been notified by the marshal to remove the same.

(2005 Code, § 242.002)

(C) (1) (a) Nothing in §§ 150.040 through 150.051 shall be deemed a cause for delay or termination of prosecution of an owner, owners, or responsible local agent for failure to correct violations of §§ 150.040 through 150.051.

(b) A person may be charged with more than one violation of the provisions of §§ 150.040 through 150.051 in a single complaint or appearance ticket, provided, each violation so charged relates to the same building, structure, or dwelling.

(2) (a) A conviction for a violation of any provision of §§ 150.040 through 150.051 is punishable by such imprisonment not to exceed 90 days and a fine not to exceed \$100 as permitted by statute or the Village Charter and general ordinances with respect to misdemeanor violations.

(b) The court may order as a part of the defendant's sentence, order the defendant to reimburse the village for all costs of the enforcement of §§ 150.040 through 150.051 attributable to the violations for which the defendant was convicted, including, but not limited to, the costs of completion, prosecution, and administration.

(D) Any person who violates any of the within §§ 150.065 through 150.079 shall be guilty of a misdemeanor, and upon conviction, shall be subject to confinement in jail for a period not to exceed 90 days or to a fine not to exceed \$500, or both, together with the cost of prosecution. In addition, the village may enjoin or abate any violation by appropriate action.

(2005 Code, § 271.015)

(Ord. 18, passed 9-27-1899; Ord. passed 5-10-1967; Res. 11-01, passed 2-21-2011)

## **CHAPTER 151: PLANNING REGULATIONS**

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### Section

#### ***Planning Commission***

- 151.01 Commission created
- 151.02 Members; appointment
- 151.03 Members; terms of office
- 151.04 Members; removal from office
- 151.05 Officers; meetings
- 151.06 Appointment of employees; funds
- 151.07 Powers, duties, responsibilities
- 151.08 Master plan; adoption
- 151.09 Zoning and subdivision regulations
- 151.10 Public improvements

151.11 Promoting, carrying out plan; travel; gifts

151.12 Right of access, information

## **PLANNING COMMISSION**

### **§ 151.01 COMMISSION CREATED.**

There is hereby created a Village Planning Commission which shall be known as the Village Planning Commission, said Planning Commission being created hereunder pursuant to the Public Act 285 of 1931, as amended, being M.C.L.A. §§ 125.31 - 125.56, with all powers provided therein.

(2005 Code, § 270.001) (Ord. passed 5-10-1967)

### **§ 151.02 MEMBERS; APPOINTMENT.**

(A) The Planning Commission shall consist of nine members, one of which shall be the Village President, one an administrative officer of the village, one an elected member of the village governing body, and six citizens, none of whom shall hold any elective municipal office.

(B) The six citizen members shall be appointed by the Village President and shall represent as far as possible the various economic, professional, and geographic segments of the village. The elected member of the village governing body shall be appointed by the governing body.

(2005 Code, § 270.002) (Ord. passed 5-10-1967)

### **§ 151.03 MEMBERS; TERMS OF OFFICE.**

The term of each member shall be three years except for the Village President and the elected member of the governing body who shall serve for the duration of their elected terms. In the initial establishment of the Planning Commission, two of the citizen members shall be appointed for a term of one year, two for a term of two years, and two for a term of three years, thereafter all appointments shall be for a term of three years. The administrative officer member shall be appointed for a three-year term.

(2005 Code, § 270.003) (Ord. passed 5-10-1967)

### **§ 151.04 MEMBERS; REMOVAL FROM OFFICE.**

Members, other than the Village President and the elected member of the governing body, may, after public hearing, be removed by the President for inefficiency, neglect of duty, or malfeasance in office. Vacancies occurring otherwise than through the expiration of a term shall be filled by the Village President for the unexpired term remaining.

(2005 Code, § 270.004) (Ord. passed 5-10-1967)

### **§ 151.05 OFFICERS; MEETINGS.**

The Planning Commission shall elect a Chairperson, Vice-Chairperson, and Secretary from among its citizen members. Terms of office shall be for one year, with eligibility for re-election. The Planning Commission shall meet on the third Thursday of each and every month during which there is business for the Commission to conduct. It shall adopt rules and by-laws for the transaction of business and shall keep a public record of its resolutions, transactions, findings, and determinations.

(2005 Code, § 270.005) (Ord. passed 5-10-1967; Ord. passed 2-13-1984; Ord. 99-1, passed 2-8-1999)

### **§ 151.06 APPOINTMENT OF EMPLOYEES; FUNDS.**

The Planning Commission may appoint employees or contract with professional consultants for such services or advice it deems necessary to carry out its duties and responsibilities. Expenditures therefor, exclusive of gifts, shall be within the amounts appropriated for the purpose by the Village Council which shall provide the funds, equipment, and accommodations necessary for the Planning Commission's work.

(2005 Code, § 270.006) (Ord. passed 5-10-1967)

### **§ 151.07 POWERS, DUTIES, RESPONSIBILITIES.**

The Planning Commission shall have all powers heretofore granted by law to the Zoning Commission. It shall be the duty and responsibility of the Planning Commission to advise the Village Council in regard to the proper development of the village, whether or not solicited. This advice shall include the preparation and adoption of a Master Plan, or parts thereof, as set forth in Public Act 285 of the state.

(2005 Code, § 270.007) (Ord. passed 5-10-1967)

### **§ 151.08 MASTER PLAN; ADOPTION.**

The adoption of a Master Plan, or any part thereof, shall require the concurring vote of not less than six members of the Planning Commission. Prior to any such adoption, the Planning Commission shall hold a public hearing. Notice of the time and place of such hearing shall be given at least 15 days prior to such hearing in the official newspaper of the village and by certified mail to each utility company and railroad company owning property within the village. No vote of the Village Council is required for such adoption.

(2005 Code, § 270.008) (Ord. passed 5-10-1967)

### **§ 151.09 ZONING AND SUBDIVISION REGULATIONS.**

The Planning Commission shall prepare zoning and subdivision regulations and other regulations deemed desirable to guide and control the development and physical condition of the village in accordance with the Master Plan for consideration and adoption by the Village Council.

(2005 Code, § 270.009) (Ord. passed 5-10-1967)

### **§ 151.10 PUBLIC IMPROVEMENTS.**

The Planning Commission shall prepare coordinated and comprehensive programs of public improvements after adopting a Master Plan. The Commission shall annually prepare such a program for the ensuing six years, which shall show those structures and improvements, in order of priority, which in the Commission's judgement will be needed or will be desirable and can be undertaken within the six-year period.

(2005 Code, § 270.010) (Ord. passed 5-10-1967)

### **§ 151.11 PROMOTING, CARRYING OUT PLAN; TRAVEL; GIFTS.**

The Commission shall have the power to promote public interest in and understanding of the plan and to that end may publish and distribute copies of the plan or of any report and may employ such other means of publicity and education as it may determine. Members of the Commission, when duly authorized by the Commission, may attend village planning conferences or meetings of village planning institutes, or hearings upon pending village planning legislation. The Commission may, by resolution spread upon its minutes, pay the reasonable traveling expenses incident to such attendance. It shall be the Commission's duty to consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and with citizens

with relation to the protecting or carrying out of the plan. The Commission shall have the right to accept and use gifts for the exercise of its functions.

(2005 Code, § 270.011) (Ord. passed 5-10-1967)

### **§ 151.12 RIGHT OF ACCESS, INFORMATION.**

All public officials shall, upon request, furnish to the Commission, within a reasonable time, such available information as it may require for its work. The Commission, its members, officers, and employees, in the performance of their functions, may enter upon any land and make examinations and surveys and place and maintain necessary monuments, and marks thereon. In general, the Commission shall have such powers as may be necessary to enable it to fulfill its functions, promote municipal planning, or carry out the purpose of this act.

(2005 Code, § 270.012) (Ord. passed 5-10-1967)

## **CHAPTER 152: ZONING REGULATIONS**

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### Section

152.01 Zoning regulations adopted by reference

### **§ 152.01 ZONING REGULATIONS ADOPTED BY REFERENCE.**

The zoning regulations of the village, adopted August 13, 2001 are hereby adopted and incorporated as part of this code of ordinances as fully as if set out at length herein. The zoning regulations will be kept on file at the Village Office and will be available for public inspection and copying during normal business hours, excluding holidays.

(2005 Code, Part 300) (Ord. passed 8-13-2001)

## **TABLE OF SPECIAL ORDINANCES**

*[Reserved]*