CODE OF ORDINANCES

VILLAGE OF

BRITTON, MICHIGAN

Published by Order of the Village Council

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OFFICIALS

of the

VILLAGE OF

BRITTON, MICHIGAN

AT THE TIME OF THIS RECODIFICATION

Robert Spence
President

Todd Alcock
Carl Bower
Nina Bower
Brad Garner
Larry Hall
Robert Schoof
Trustees

Michael Brook
Village Attorney

Julie Marsh
Village Clerk

PREFACE

This Code constitutes a recodification of the general and permanent ordinances of the Village of Britton, Michigan.

Source materials used in the preparation of the Code were the prior Code, as supplemented, and ordinances subsequently adopted by the village council. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of the prior Code, as supplemented, and any ordinance included herein.

The chapters of the Code have been conveniently arranged in alphabetical order, and the various sections within each chapter have been catchlined to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

Chapter and Section Numbering System

The chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1-2, and the first section of chapter 6 is 6-1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 6-1 and 6-2 is desired to be added, such new section would be numbered 6-1.5. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division. New chapters may be included by using one of the reserved chapter numbers. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters.

Page Numbering System

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of

the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

CODE	CD1:1
CODE APPENDIX	CDA:1
CODE COMPARATIVE TABLES	CCT:1
STATE LAW REFERENCE TABLE	SLT:1
CODE INDEX	CDi:1

Index

The index has been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the index itself which stand as guideposts to direct the user to the particular item in which the user is interested.

Looseleaf Supplements

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up to date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up to date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

This publication was under the direct supervision of Bill Carroll, Senior Code Attorney, and William B. Eddy, Editor, of the Municipal Code Corpora-

tion, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Michael J. Brooks, Village Attorney, April Gingras, former Village Clerk, and Julie Marsh, Village Clerk, for their cooperation and assistance during the progress of the work on this publication. It is hoped that their efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the Village readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the Village's affairs.

Copyright

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CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS

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Sec. 1-1. Designation and citation of Code.

This Code may be known and cited as the "Code of Ordinances, Village of Britton, Michigan."

State law reference—Codification authority, MCL 66.3a.

Sec. 1-2. Definitions and rules of construction.

The following words, terms and phrases, when used in this Code or in any amendment to this Code, shall, for the purpose of this Code, have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

Code. The terms "this Code" and "the Code" mean the Code of Ordinances, Village of Britton, Michigan, as designated in section 1-1.

Computation of time. The time within which an act is to be done, as provided in this Code or in any order issued pursuant to this Code, when expressed in days, shall be computed by excluding the first day and including the last, except that if the last day is Sunday or a legal holiday it shall be excluded. When the time is expressed in hours, the whole of Sunday or a legal holiday, from 12:00 midnight to 12:00 midnight, shall be excluded.

Council, village council. The terms "council" and "village council" mean the village council of the Village of Britton, Michigan.

County. The terms "the county" and "this county" mean the County of Lenawee in the State of Michigan.

Gender. A term importing gender shall extend and be applied to both genders and to firms, partnerships and corporations as well.

MCL. The abbreviation "MCL" means the Michigan Compiled Laws, as amended.

Number. A term importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.

Officer, employee, department, board, commission or other agency. Whenever any officer, employee, department, board, commission, or other agency is referred to by title only, such reference shall be construed as if followed by the phrase "of the Village of Britton, Michigan." Whenever, by the provisions of this Code, any officer, employee, department, board, commission or other agency of the village is assigned any duty or empowered to perform any act or duty, reference to such officer, employee, department, board, commission or agency means and includes such officer, employee, department, board, commission or agency or any deputy or authorized subordinate.

Person. The term "person" and its derivatives and the term "whoever" include a natural person, partnership, association, legal entity or a corporate body or any body of persons corporate or incorporate. Whenever used in any clause prescribing and imposing a penalty, the terms "person" and "whoever," as applied to any unincorporated entity, mean the partners or members thereof and, as applied to corporations, the officers thereof.

Public Act. The term "Public Act" means the Public Acts of Michigan, as amended.

Shall, may. The term "shall" is always mandatory and not discretionary. The term "may" is permissive.

State. The terms "the state" and "this state" shall be construed to mean the State of Michigan.

Tense. Except as otherwise specifically provided or indicated by the context, all terms used in this Code indicating the present tense shall not be limited to the time of adoption of this Code, but shall extend to and include the time of the happening of any act, event, or requirement for which provision is made therein, either as a power, immunity, requirement or prohibition.

Village. The term "village" means the Village of Britton, Michigan.

State law reference—Rules of construction, MCL 8.3 et seq.

Sec. 1-3. Interpretation per state acts.

Unless otherwise provided in this Code 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 the Public Acts of Michigan.

Sec. 1-4. Headings and captions.

Headings and captions used in this Code following the chapter, article, division and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

Sec. 1-5. References and notes.

State law references and editor's notes are by way of explanation only and should not be deemed a part of the text of any section.

Sec. 1-6. Application to future legislation.

All of the provisions of this chapter, not incompatible with future legislation, shall apply to ordinances adopted amending or supplementing this Code, unless otherwise specifically provided.

Sec. 1-7. Reference to other sections.

Whenever in one section reference is made to another section of this Code, 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.

Sec. 1-8. Reference to offices.

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of the village 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.

Sec. 1-9. History notes.

The history notes appearing in parentheses after sections of this Code are not intended to have any legal effect, but are merely intended to indicate the source of matter contained in the section.

Sec. 1-10. Continuation of existing ordinances.

The provisions appearing in this and the following chapters and sections, so far as they are the same as ordinances existing at the time of the adoption of this Code, shall be considered as a continuation thereof and not as new enactments.

Sec. 1-11. Effect of repeal of ordinances.

(a) The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

(b) The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, or any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

Sec. 1-12. Prior offenses or rights not affected by Code.

(a) Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code.

(b) The adoption of this Code shall not be interpreted as authorizing or permitting any use or the continuance of any use of a structure or premises in violation of any ordinance of the village in effect on the date of adoption of this Code.

Sec. 1-13. Certain provisions saved from repeal.

(a) Nothing in this Code or the ordinance adopting this Code shall affect the following when not inconsistent with this Code:

(1) Any offense committed or penalty incurred or any right established prior to the effective date of this Code.

(2) Any ordinance levying annual taxes.

(3) Any ordinance appropriating money.

(4) Any ordinance authorizing the issuance of bonds or the borrowing of money.

(5) Any ordinance establishing utility rates.

(6) Any ordinance establishing franchises or granting special rights to certain persons.

(7) Any ordinance authorizing public improvements.

(8) Any ordinance authorizing the purchase or sale of real or personal property.

(9) Any ordinance annexing or detaching territory.

(10) Any ordinance granting or accepting easements, plats or dedications of land to public use.

(11) Any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way in the village.

(12) Any ordinance establishing or prescribing grades in the village.

(13) Any ordinance prescribing the number, classification or compensation of any village officers or employees.

(14) Any ordinance prescribing traffic and parking restrictions pertaining to specific streets.

(15) Any ordinance pertaining to rezoning.

(16) Any ordinance relating to sewage treatment or industrial waste control.

(17) Any other ordinance, or part thereof, which is not of a general and permanent nature.

(b) All such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code. Such ordinances are on file in the village clerk's office.

Sec. 1-14. Amendment procedure.

Amendments to this Code shall be by ordinance. The title of each amendatory ordinance, adapted to the particular circumstances and purposes of the amendment, shall be substantially as follows:

(1) To amend any section:

> AN ORDINANCE TO AMEND SECTION ____ (or SECTIONS ____ AND ____) OF THE CODE OF ORDINANCES, VILLAGE OF BRITTON, MICHIGAN.

(2) To insert a new section or chapter:

> AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, VILLAGE OF BRITTON, MICHIGAN, BY ADDING A NEW SECTION ____ (NEW SECTIONS or A NEW CHAPTER, as the case may be), WHICH NEW SECTION (SECTIONS or CHAPTER) SHALL BE DESIGNATED AS SECTION ____ (SECTIONS ____ AND ____) (or proper designation if a chapter is added) OF SAID CODE.

(3) To repeal a section or chapter:

AN ORDINANCE TO REPEAL SECTION ____ (SECTIONS ____ AND ____, CHAPTER ____, as the case may be) OF THE CODE OF ORDINANCES, VILLAGE OF BRITTON, MICHIGAN.

Sec. 1-15. Supplementation of Code.

(a) By contract or by village personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the village council. A supplement to the Code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified Code. For example, the codifier may:

(1) Organize the ordinance material into appropriate subdivisions;

(2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement and make such changes in such catchlines, headings and titles;

(3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;

(4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections ____ to ____" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and

(5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code, but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

Sec. 1-16. Severability of parts of Code.

(a) It is the legislative intent of the village council in adopting this Code that all provisions and sections of this Code be liberally construed to protect and preserve the peace, health, safety and welfare of the inhabitants of the village. Should any provision or section of this Code

be held unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions or sections, it being the intent that this Code shall stand, notwithstanding the invalidity of any provision or section thereof.

(b) The provisions of this section shall apply to the amendment of any section of this Code, whether or not the wording of this section is set forth in the amendatory ordinance.

Sec. 1-17. General penalty.

(a) Except as specifically provided otherwise by state law or village ordinance, all violations of this Code are misdemeanors. Except as otherwise provided by law or ordinance, a person convicted of a violation of this Code that is a misdemeanor shall be punished by a fine not to exceed $500.00 and costs of prosecution or by imprisonment for a period of not more than 90 days, or by both such fine and imprisonment. However, unless otherwise provided by law, a person convicted of a violation of this Code which substantially corresponds to a violation of state law that is a misdemeanor for which the maximum period of imprisonment is 93 days shall be punished by a fine not to exceed $500.00 and costs of prosecution or by imprisonment for a period of not more than 93 days, or by both such fine and imprisonment.

(b) 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 reenacted in the amendatory ordinance.

(c) The penalty shall be in addition to the abatement of the violating condition, any injunctive relief, and/or a revocation of any permit or license.

(d) This section shall not apply to the failure of officers and employees of the village to perform municipal duties required by this Code.

(Ord. No. 10.000, § 1, eff. 2-28-1956)

State law reference—Limitation on penalties, MCL 66.2.

Chapter 2

ADMINISTRATION*

Article I. In General

Secs. 2-1—2-30. Reserved.

Article II. Village Council

Sec. 2-31. Meetings.
Sec. 2-32. Compensation of president and trustees; payment schedule.
Secs. 2-33—2-60. Reserved.

Article III. Officers and Employees

Sec. 2-61. Compensation of other elected officials.
Sec. 2-62. Clerk.
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Article IV. Boards and Commissions

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Article V. Finance

Division 1. Generally

Secs. 2-151—2-170. Reserved.

***State law references—**Incorporation of villages, MCL 61.1 et seq.; open meetings act, MCL 15.261 et seq.; freedom of information act, MCL 15.231 et seq.

Division 2. Cost Recovery for Cleanup of Dangerous or Hazardous Substances or Materials

Sec. 2-171. Definition.
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ARTICLE I. IN GENERAL

Secs. 2-1—2-30. Reserved.

ARTICLE II. VILLAGE COUNCIL*

Sec. 2-31. Meetings.

The regular meetings of the village council shall be held in the village hall on the first and third Monday of each month at 7:00 p.m., unless rescheduled due to a conflict with a holiday. A yearly calendar of these regular meetings shall be established and publicly posted within ten days after the first meeting in each calendar year.
(Prior Code, ch. 2, art. III, § 1; Ord. No. 96-1, eff. 6-1-1996) revised 12-5-11

State law reference—Regular meetings of village council, MCL 65.4.

Sec. 2-32. Compensation of president and trustees; payment schedule.

(a) The president and each trustee shall receive compensation for each regular meeting of the village council that they attend. The amount of this compensation shall be determined by ordinance of the village council and kept on file in the office of the village clerk.

(b) The compensation due the president and each trustee shall be paid twice yearly as follows: Meetings attended March through August will be paid following the second meeting in August. Meetings attended September through February will be paid following the second meeting in February.
(Prior Code ch. 2, art. II, §§ 1, 2; Ord. No. 96-1, eff. 6-1-1996)

State law reference—Compensation of village officers, MCL 64.21.

Secs. 2-33—2-60. Reserved.

ARTICLE III. OFFICERS AND EMPLOYEES†

Sec. 2-61. Compensation of other elected officials.

The village treasurer, and village assessor shall receive monthly sums to be determined by resolution of the village council from time to time, as full compensation for fulfilling the duties of their respective offices. Compensation for any part of a month shall be prorated.
(Prior Code, ch. 2, art. II, § 3; Ord. No. 96-1, eff. 6-1-1996) revised 11-5-2012

State law reference—Compensation of village officers, MCL 64.21.

***State law references—**Village council, MCL 65.1 et seq.; standards of conduct and ethics, MCL 15.341 et seq.; open meetings act, MCL 15.261 et seq.; freedom of information act, MCL 15.231 et seq.

†**State law references—**Village officers, MCL 62.1 et seq.; standards of conduct and ethics, MCL 15.341 et seq.

Sec. 2-62. Clerk.

(a) As authorized by chapter II, section 2 of the General Law Village Act, Public Act No. 3 of 1895 (MCL 62.2), the village clerk shall be chosen by nomination by the village president and appointment by the village council.

(b) The term of office of the village clerk shall be two years from the second Monday of March of each even-numbered year and until a successor is appointed. The person first appointed as village clerk under this section shall have the initial term of office commencing as of the date such person takes and subscribes the oath of office and files the same with the village, together with the filing of any bond required by law, but such initial term of office shall commence not earlier than the second Monday of March, 2000.

(c) The village clerk shall receive compensation weekly, at a rate to be determined by resolution of the village council.
(Ord. No. 99-02, §§ 1, 2, eff. 6-14-1999) revised 11-05-12

State law reference—Village clerk, MCL 64.5 et seq.

Secs. 2-63—2-90. Reserved.

ARTICLE IV. BOARDS AND COMMISSIONS

DIVISION 1. GENERALLY

Secs. 2-91—2-110. Reserved.

DIVISION 2. PLANNING COMMISSION*

Sec. 2-111. Creation.

Pursuant to Public Act No. 285 of 1931 (MCL 125.31 et seq.), the village hereby creates a planning commission with the powers and duties as defined in the Act. The commission shall hereafter be designated the village planning commission.
(Prior Code, ch. 2, art. IV, § 1; Ord. No. 96-2, eff. 6-17-1996)

Sec. 2-112. Membership.

The planning commission will consist of the village president, one of the administrative officials of the municipality selected by the village president, one member of the village council to be selected by the council as member ex officio and six other persons to be appointed by the village president and approved by the village council.
(Prior Code, ch. 2, art. IV, § 2; Ord. No. 96-2, eff. 6-17-1996)

***State law reference—**Municipal planning, MCL 125.31 et seq.

Sec. 2-113. Compensation for members.

All appointed members of the planning commission may be compensated at a rate to be determined by resolution of the village council.
(Prior Code, ch. 2, art. IV, § 3; Ord. No. 96-2, eff. 6-17-1996)

Sec. 2-114. Holding other offices.

An appointed member of the planning commission shall not hold another municipal office except that one of the appointed members may be a member of the village board of zoning appeals.
(Prior Code, ch. 2, art. IV, § 4; Ord. No. 96-2, eff. 6-17-1996)

Sec. 2-115. Terms of office.

(a) The term of the ex officio member of the planning commission shall be determined by the council and shall be stated in the resolution selecting the ex officio member, but the term shall not exceed the member's term of office as a councilmember.

(b) The term of each appointed member shall be three years commencing on May 1 of the year appointed or until his successor takes office, except that the respective terms of two of members of the first planning commission appointed shall serve for one year, another two shall serve for two years, and the other two shall serve for three years.
(Prior Code, ch. 2, art. IV, § 5; Ord. No. 96-2, eff. 6-17-1996)

Sec. 2-116. Removal of members.

(a) After public hearing, the village president may remove a member, other than the member selected by the council, for inefficiency, neglect of duty, or malfeasance in office.

(b) The village council may for like cause remove the member selected to serve on the planning commission by the council.
(Prior Code, ch. 2, art. IV, § 6; Ord. No. 96-2, eff. 6-17-1996)

Sec. 2-117. Vacancies.

A vacancy on the planning commission occurring otherwise than through the expiration of a term shall be filled for the unexpired term by the village president, in the case of a member appointed by the village president and by the village council, in the case of the member appointed by the village council.
(Prior Code, ch. 2, art. IV, § 7; Ord. No. 96-2, eff. 6-17-1996)

Sec. 2-118. Organization.

(a) The planning commission shall elect its chairperson and secretary from among the appointed members and create and fill such other of its offices as it may determine.

(b) The term of the chairperson and secretary shall be one year, with eligibility for reelection.

(c) The planning commission shall hold at least one regular meeting in each month.

(d) The planning commission shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations which record shall be a public record.
(Prior Code, ch. 2, art. IV, § 8; Ord. No. 96-2, eff. 6-17-1996)

Sec. 2-119. Meetings.

Regular meetings of the planning commission shall be held in the village council hall on the third Thursday of each month at 7:30 p.m., unless rescheduled due to a conflict with a holiday. A yearly calendar of these regular meetings shall be established and publicly posted within ten days of the first meeting in each calendar year.
(Prior Code, ch. 2, art. IV, § 9; Ord. No. 96-2, eff. 6-17-1996)

Sec. 2-120. Powers and authority.

The planning commission shall be vested with all of the powers and authority granted to it in Public Act No. 285 of 1931 (MCL 125.31 et seq.).
(Prior Code, ch. 2, art. IV, § 10; Ord. No. 96-2, eff. 6-17-1996)

Sec. 2-121. Voting rights of ex officio member.

The ex officio member of the village planning commission shall have full voting rights.
(Prior Code, ch. 2, art. IV, § 11; Ord. No. 96-2, eff. 6-17-1996)

Secs. 2-122—2-150. Reserved.

ARTICLE V. FINANCE*

DIVISION 1. GENERALLY

Secs. 2-151—2-170. Reserved.

DIVISION 2. COST RECOVERY FOR CLEANUP OF DANGEROUS OR HAZARDOUS SUBSTANCES OR MATERIALS†

Sec. 2-171. Definition.

A "dangerous or hazardous substance or material" is defined as any substance which is spilled, leaked, or otherwise released from its container, which, in the determination of the fire

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***State law references—**Revised municipal finance act, MCL 141.2101 et seq.; local government fiscal responsibility act, MCL 141.1201 et seq.; uniform budgeting and accounting act, MCL 141.421 et seq.

†State law reference—Environmental remediation, MCL 324.20101 et seq.

chief or his authorized representative, is dangerous or harmful to the environment or human or animal life, health or safety, or is obnoxious by reason of odor, or is determined by the village to constitute a danger or threat to the public health, safety or welfare; and shall include, but not be limited to, such substances as chemicals and gases, explosives, radioactive materials, petroleum or petroleum products or gases, poisons, etiologic (biologic) agents, flammables and corrosives.
(Prior Code, ch. 4, art. III, § 1; Ord. No. 2.020, eff. 10-3-1995)

Sec. 2-172. Duty to remove and clean up.

It shall be the duty of any person who, or any other entity which, causes or contributes to leakage, spillage, or any other dissemination of dangerous or hazardous substances or materials to immediately remove such and clean up the area of such spillage in such manner that the area involved is fully restored to its condition before such happening.
(Prior Code, ch. 4, art. III, § 2; Ord. No. 2.020, eff. 10-3-1995)

Sec. 2-173. Failure to remove and clean up.

Any such person or entity which fails to comply with section 2-172 regarding cleanup shall be liable to and shall pay the village for its costs and expenses; including the costs incurred by the village to any party which it engages, for the complete abatement, clean up, and restoration of the affected area. Costs incurred by the village shall include, but shall not necessarily be limited to, the following:

(1) Actual labor costs of village personnel, including worker's compensation benefits, fringe benefits, and administrative overhead;

(2) Cost of equipment operation;

(3) Cost of materials obtained directly by the village; and

(4) Cost of any contract labor and materials.

Costs under this section shall not include actual fire suppression services which are normally or usually provided by the village.
(Prior Code, ch. 4, art. III, § 3; Ord. No. 2.020, eff. 10-3-1995)

Sec. 2-174. Enforcement.

If any person or entity fails to reimburse the village as provided in section 2-173, and such person or entity is the owner of the affected property, the village shall have the right and power to add any and all costs of clean up and restoration to the tax roll as to such property, and to levy and collect such costs in the same manner as provided for the levy and collection of real property taxes against said property. The village shall also have the right to bring an action in the appropriate court to collect such costs if it deems such action to be necessary.
(Prior Code, ch. 4, art. III, § 4; Ord. No. 2.020, eff. 10-3-1995)

Chapter 3

RESERVED

Chapter 4

ANIMALS*

Article I. In General

Secs. 4-1—4-30. Reserved.

Article II. Dogs and Other Domesticated Animals

Sec. 4-31. Running at large.
Sec. 4-32. Habitual barking.
Sec. 4-33. Dangerous dogs.
Sec. 4-34. Unsanitary conditions.
Sec. 4-35. Impounding; redeeming impounded dogs.
Sec. 4-36. Dogs which bite a person or other animal.

***State law references—**Wildlife conservation, MCL 324.40101 et seq.; endangered species protection, MCL 324.36501 et seq.; crimes relating to animals and birds, MCL 750.49 et seq.; local authority to adopt animal control ordinance, MCL 287.290.

ARTICLE I. IN GENERAL

Secs. 4-1—4-30. Reserved.

ARTICLE II. DOGS AND OTHER DOMESTICATED ANIMALS

Sec. 4-31. Running at large.

It shall be unlawful for any person owning or keeping any domesticated variety of animal to allow or suffer or permit such animal to run at large in the village beyond the limits of the land of the person owning or keeping said animal. Animals on leashes or accompanied by the owner or keeper thereof having reasonable control of such animals shall not be deemed to be running at large.
(Prior Code, ch. 8, art. VII, § 1; Ord. No. 28.002, eff. 6-4-1990)

Sec. 4-32. Habitual barking.

No person shall keep or harbor any dog which by loud, frequent or habitual barking, yelping or howling shall cause a serious annoyance to the neighborhood or to people passing to and fro upon the streets.
(Prior Code, ch. 8, art. VII, § 2; Ord. No. 28.002, eff. 6-4-1990)

Sec. 4-33. Dangerous dogs.

It shall be unlawful for any person to own or harbor any dog known to be dangerous to persons or property.
(Prior Code, ch. 8, art. VII, § 3; Ord. No. 28.002, eff. 6-4-1990)

State law reference—Dangerous animals, MCL 287.321 et seq.

Sec. 4-34. Unsanitary conditions.

It shall be unlawful for any person to harbor any dog or domesticated animal on or about his, her, their or its premises or elsewhere in such manner that the said harboring results in an unsanitary condition on said premises.
(Prior Code, ch. 8, art. VII, § 4; Ord. No. 28.002, eff. 6-4-1990)

Sec. 4-35. Impounding; redeeming impounded dogs.

Any dog found running at large shall be seized and placed in the county animal shelter or other suitable place where it shall be properly kept and fed and sheltered.
(Prior Code, ch. 8, art. VII, § 5; Ord. No. 28.002, eff. 6-4-1990)

Sec. 4-36. Dogs which bite a person or other animal.

Any dog which shall bite any person or other animal shall be seized and held at the county animal shelter or other suitable place until such time as it can be determined whether or not such dog is suffering from rabies. The owner or keeper of such dog shall pay the expenses of

keeping said animal, and also shall pay all necessary expenses incurred in determining whether such dog is suffering from rabies, and the failure to pay any such charges, upon demand, shall be deemed to be in violation of this section.

(Prior Code, ch. 8, art. VII, § 8; Ord. No. 28.002, eff. 6-4-1990)

State law reference—Rules for control of rabies, MCL 333.5111.

Chapter 5

RESERVED

Chapter 6

BUILDINGS AND BUILDING REGULATIONS

Article I. In General

Sec. 6-1. Temporary occupancy of mobile homes.
Secs. 6-2—6-30. Reserved.

Article II. State Construction Code

Sec. 6-31. Enforcing agency.
Sec. 6-32. Violation.

ARTICLE I. IN GENERAL

Sec. 6-1. Temporary occupancy of mobile homes.

A mobile home may be used as a temporary dwelling during the period of reconstruction of a permanent dwelling, which has been wholly or partially destroyed by fire, explosion, public enemies or acts of God; and/or during construction of a new home subject to the following:

(1) Such mobile home shall be located on the reconstruction/construction site in a zoning district permitting single-family dwelling, and be occupied by the owner of such premises and the owner's immediate family.

(2) Such mobile home shall not be located between the established line and the public right-of-way line of such premises.

(3) Such mobile home shall contain sleeping accommodations, a flush toilet, and a tub or shower adequate to serve the occupants thereof according to the county health department.

(4) The water supply system and waste disposal system of such mobile home shall be connected to their respective facilities and approved by the county health department.

(5) The occupancy of such mobile home shall be subject to a renewable permit for six months by the village council, and a $1,000.00 cash deposit, presented by the owner, to be invested in a mutually agreeable interest-bearing account. Hardship cases will be reviewed by the village council on a case-by-case basis. The deposit shall be refunded with accrued interest upon removal of such mobile home on or before the expiration of this permit. If such mobile home is not removed from the premises on the day after the expiration of this permit, the deposit and interest shall be forfeited to the village.

(6) The forfeiture of the deposit shall not exempt the owner from removing the mobile home from the premises.

(Ord. of 11-6-2006)

Secs. 6-2—6-30. Reserved.

ARTICLE II. STATE CONSTRUCTION CODE

Sec. 6-31. Enforcing agency.

The village adopts the provisions of the state construction code, Public Act No. 230 of 1972 (MCL 125.1501 et seq.), and hereby assumes responsibility for the administration and enforcement of the Michigan Building Code and the Michigan Electrical Code throughout its corporate limits. Enforcement responsibility for the remainder of the state construction code is delegated to the county. Pursuant to the provisions of the state construction code, the village designates the village council or its authorized representative or agent as the enforcing agency to discharge the responsibilities of the village under the Code.

(Ord. No. 99-01, §§ 1, 2, eff. 5-15-1999)

Sec. 6-32. Violation.

No owner, lessee, contractor, builder, or other person, firm, or corporation shall commence or carry on the erection, construction, remodeling, repairing, or moving any building or structure unless a permit shall have been first obtained.
(Prior Code, ch. 3, art. IV, § 2; Ord. No. 7.100, eff. 3-1-1956)

Chapter 7

RESERVED

Chapter 8

ENVIRONMENT*

Article I. In General

Secs. 8-1—8-30. Reserved.

Article II. Foul and Offensive Premises

Sec. 8-31. Declaration of nuisance.
Sec. 8-32. Use of land offensive to public health or standards of cleanliness or neatness.
Secs. 8-33—8-60. Reserved.

Article III. Noise

Sec. 8-61. Electronically amplified sound systems.
Sec. 8-62. Penalty.
Secs. 8-63—8-90. Reserved.

Article IV. Noxious Weeds

Sec. 8-91. Duty of property owner.
Sec. 8-92. Violation.
Sec. 8-93. Failure to comply with notice.
Sec. 8-94. Penalty.

***State law reference—**Natural resources and environmental protection act, MCL 324.101 et seq.

ARTICLE I. IN GENERAL

Secs. 8-1—8-30. Reserved.

ARTICLE II. FOUL AND OFFENSIVE PREMISES*

Sec. 8-31. Declaration of nuisance.

It is hereby declared a nuisance, punishable as a misdemeanor, for any person to inhabit any house or structure if said structure is dangerous to human life or detrimental to health; whether overcrowded with occupants or not provided with adequate ingress or egress to and from the same, or is not sufficiently floored, ventilated, sewered, drained, watering or lighted in reference to its intended use.
(Prior Code, ch. 8, art. VIII, § 1; Ord. No. 3.980, eff. 8-1-1966)

Sec. 8-32. Use of land offensive to public health or standards of cleanliness or neatness.

It is further declared a nuisance, punishable as a misdemeanor, for any person to own, occupy or use any land or premises in such a manner as to be offensive to the public health or violative of reasonable standards of cleanliness or neatness. This provision specifically includes, but is not limited to, those premises upon which are junked or abandoned automobiles, excessive ungaraged vehicles, junked or abandoned equipment of any sort, shanties, outbuildings, fences in disrepair, litter and trash of any sort; and to those premises upon which are placed or discharged organic wastes, or any other wastes, trash or disposables which, in the reasonable course of occupancy, would not otherwise be placed thereon. An abandoned vehicle, within the meaning of these provisions, is an automobile which is ungaraged and which has been immobile or unlicensed for a period in excess of 40 days.
(Prior Code, ch. 8, art. VIII, § 2; Ord. No. 3.980, eff. 8-1-1966)

Secs. 8-33—8-60. Reserved.

ARTICLE III. NOISE†

Sec. 8-61. Electronically amplified sound systems.

No person operating or in control of a motor vehicle (including motorcycles and mopeds) shall operate or permit the operation of an electronically amplified sound system in or about the vehicle so as to produce sound that is clearly audible at a distance of 50 feet from the vehicle between the hours of 7:00 a.m. and 11:00 p.m., or clearly audible at a distance of 25 feet from the vehicle between the hours of 11:00 p.m. and 7:00 a.m.
(Prior Code, ch. 8, art. IX, § 1; Ord. No. 3.726, eff. 6-20-1994)

***State law reference—**Public nuisances and abatement, MCL 600.3801 et seq.

†State law reference—Motor vehicle mufflers, MCL 257.707 et seq.

Sec. 8-62. Penalty.

Violation of this article shall be a civil infraction which shall be punishable upon conviction by a fine not exceeding $500.00, plus court costs.
(Prior Code, ch. 8, art. IX, § 2; Ord. No. 3.726, eff. 6-20-1994)

Secs. 8-63—8-90. Reserved.

ARTICLE IV. NOXIOUS WEEDS*

Sec. 8-91. Duty of property owner.

It shall be the duty of every owner, possessor or occupier of land and of every person or persons, firm, or corporation having charge of any lands within the village to cut or cause to be cut down or pulled out and destroyed all Canada thistle, milkweed, wild carrots, oxeye daisies, ragweed, or other noxious weeds and all poison ivy growing thereon, at least twice in each year, once before July 1 and September 1, and more frequently if necessary, to prevent them going to seed; and if any owner, possessor, or occupier of land, or any person having charge of any lands within the village, shall knowingly suffer any Canada thistle, milkweed, wild carrots, oxeye daisies, ragweed, or other noxious weeds or any poison ivy to grow thereon or shall suffer the seeds to ripen, so as to cause or endanger the spread thereof, and ragweed from going to blossom.
(Prior Code, ch. 8, art. X, § 1; Ord. No. 2.001, eff. 2-11-1956)

Sec. 8-92. Violation.

If it shall come to the attention of the street commissioner of the village, or if he shall receive written complaint or information that any Canada thistle, milkweed, wild carrots, oxeye daisies, ragweed or other noxious weeds or any poison ivy are growing upon any lands within this village, such street commissioner shall cause a written notice to be served upon the owner, possessor, occupier, or the person or persons, firm or corporation having charge of such lands, or if any such notice cannot be personally served within the village, then by posting the same in a conspicuous place upon said lands, notifying them that such weeds or poison ivy are growing upon said lands and the same must be cut or destroyed as herein provided within five days after the service or posting of said notice. Failure to comply with such notice shall make the parties so failing liable for the cost of cutting or destroying the same and an additional levy of ten percent of such cost to be levied and collected against the property in the same manner as other taxes are levied and collected.
(Prior Code, ch. 8, art. X, § 2; Ord. No. 2.001, eff. 2-11-1956)

Sec. 8-93. Failure to comply with notice.

In case the owner, possessor, occupier, or person, firm or corporation having charge of such lands shall refuse or neglect to comply with such notice, it shall be the duty of the street

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***State law reference—**Control and eradication of noxious weeds, MCL 247.61 et seq.

commissioner of the village, or someone whom the street commissioner shall employ to assist in carrying on the work, to enter upon the land and cause all such noxious weeds and poison ivy to be cut down or destroyed as herein provided with as little damage as may be reasonably necessary, and he shall not be liable to be sued in any action or trespass therefor.
(Prior Code, ch. 8, art. X, § 3; Ord. No. 2.001, eff. 2-11-1956)

Sec. 8-94. Penalty.

When the street commissioner cuts down or destroys any noxious weeds or poison ivy by virtue of this article, he shall at once prepare a duplicate bill of the costs, describing the premises chargeable therewith, which bill shall contain his affidavit of the work done and the charges made are correct and shall add thereto ten percent additional as provided for in this article, leaving one bill with the party chargeable with such expense, if such party can be found within such village, and shall file the duplicate, together with proof of service of the notice provided for in section 8-92, with the village clerk. In case of payment to the street commissioner, he shall receipt and duplicate the bill filed with the clerk, and account monthly to the clerk for all moneys received or work charged. The party chargeable with such expense may, within ten days after the presentation of the bill herein provided for, make written demand upon the village council by filing the same with the village clerk for a hearing on a review of the charges so made and of all matters relating thereto. Upon the filing of a demand for hearing, the village council shall set a time for the same and the debtor shall be given at least three days' notice in writing of such hearing. The village council upon such hearing shall have the authority to affirm, modify, or nullify the bill of such work. The party chargeable with any such expense may pay the same to the village clerk at any time before October 1 next following after the work is done. In case the amount is not paid, the clerk shall report the same to the village council and such amount shall thereupon be ordered certified to the proper officer to be levied as a tax against the premises mentioned in the bill filed by the street commissioner and shall be collected against the property or in a personal action in the same manner as other taxes are levied and collected.
(Prior Code, ch. 8, art. X, § 4; Ord. No. 2.001, eff. 2-11-1956)

Chapter 9

RESERVED

Chapter 10

FIRE PREVENTION AND PROTECTION*

Article I. In General

Secs. 10-1—10-30. Reserved.

Article II. Open Burning

Sec. 10-31. No open burning.
Sec. 10-32. Penalty.

***State law references—**State fire prevention code, MCL 29.1 et seq.; crimes related to fires, MCL 750.240 et seq.; crimes related to explosives and bombs, MCL 750.200 et seq.; explosives act, MCL 29.41 et seq.

ARTICLE I. IN GENERAL

Secs. 10-1—10-30. Reserved.

ARTICLE II. OPEN BURNING*

Sec. 10-31. No open burning.

(a) No person shall, within the village, create open fires out-of-doors for the burning of leaves, green wood, brush and rubbish; or any form of waste materials for the purpose of disposing of them, or in any way that creates a public nuisance.

(b) No person shall use burn barrels within the village.

(c) Persons within the village may have small campfires (maximum three feet in diameter) for the usage of cooking or recreation.

(d) However, the village department of public works and/or the village council may issue permits to businesses in the village to burn wood generated by their business only. This is not to include trash, paper or leaves.
(Ord. No. 00-01, § 1, eff 12-13-2000)

Sec. 10-32. Penalty.

Anyone who violates the provisions of this article shall be guilty of a civil infraction and will be given a fine of not more than $500.00, in the discretion of the court. Anyone who does not pay the fine in full will have the outstanding balance applied to their next year's village tax bill.
(Ord. No. 00-01, § 2, eff. 12-13-2000)

***State law reference—**Open burning of leaves and grass clippings, MCL 324.11522.

Chapter 11

RESERVED

Chapter 12

OFFENSES*

Article I. In General

Sec. 12-1. Disturbing the peace.
Secs. 12-2—12-30. Reserved.

Article II. Airguns

Sec. 12-31. Definitions.
Sec. 12-32. Violation.
Sec. 12-33. Exceptions.
Sec. 12-34. Minors.
Sec. 12-35. Discharge of airgun across streets, sidewalks or public land.
Sec. 12-36. Penalties.
Secs. 12-37—12-60. Reserved.

Article III. Curfew for Minors

Sec. 12-61. Hours.
Sec. 12-62. Exceptions.
Sec. 12-63. Handling violations.
Sec. 12-64. Penalty.

***State law reference—**Michigan penal code, MCL 750.1 et seq.

ARTICLE I. IN GENERAL

Sec. 12-1. Disturbing the peace.

No person in the village shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control.
(Prior Code, ch. 8, art. VI, § 1; Ord. No. 3.725, eff. 8-1-1960)

State law reference—Disturbing public places, MCL 750.170.

Secs. 12-2—12-30. Reserved.

ARTICLE II. AIRGUNS*

Sec. 12-31. Definitions.

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

Airgun means 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 means any person engaged in the business of selling at retail or renting any airgun.
(Prior Code, ch. 8, art. II, § 1; Ord. No. 3.700, eff. 5-1-1955)

Sec. 12-32. Violation.

It shall be unlawful for any dealer to sell, lend, rent or otherwise transfer an airgun to any person whom the dealer knows or has reasonable cause to believe to be a minor. It shall be unlawful for any person to give, lend or otherwise transfer any airgun to a minor except where the relationship of parent and child, guardian and ward, or adult instructor and pupil exists between such person and the minor.
(Prior Code, ch. 8, art. II, § 2; Ord. No. 3.700, eff. 5-1-1955)

Sec. 12-33. Exceptions.

Notwithstanding any inconsistent provision of this article or any other provisions of this law, it shall be lawful for a minor a to have in his possession any airgun if the said article is:

(1) Kept within his domicile.

(2) Used by the minor and he is a duly enrolled member of any club, team or society organized for educational purposes and maintaining as part of its facilities or having

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***State law reference—**Use of BB guns by minor, MCL 752.891.

written permission to use an indoor or outdoor rifle range, to possess, load and fire at such rifle range under the supervision, guidance and instruction of an adult citizen of the United States.

(3) Used in or on any private grounds or residence accompanied by a person over 18 years of age under circumstances when the airgun can be fired, discharged or operated in such a manner as not to endanger persons or property and also in such manner as to prevent the projectile from transversing any grounds or space outside of the limits of such grounds or residence.

(Prior Code, ch. 8, art. II, § 3; Ord. No. 3.700, eff. 5-1-1955)

Sec. 12-34. Minors.

It shall be unlawful for any minor to carry any airgun on the streets, alleys, public roads, or public lands within the village unless accompanied by a person over 18 years of age; provided, however, that the minor may carry such airgun, unloaded, in a suitable case or securely wrapped.

(Prior Code, ch. 8, art. II, § 4(A); Ord. No. 3.700, eff. 5-1-1955)

Sec. 12-35. Discharge of airgun across streets, sidewalks or public land.

It shall be unlawful for any person to discharge any airgun from or across any street, sidewalk, alley, or public road within the limits of the village, or on or across any public land except on a properly constructed target range.

(Prior Code, ch. 8, art. II, § 4(B); Ord. No. 3.700, eff. 5-1-1955)

Sec. 12-36. Penalties.

Any person violating any provisions of this article or any rules and regulations promulgated hereunder, or who falsely represents himself or any other person as being over 18 years of age in order to purchase or otherwise obtain an airgun, shall be guilty of a misdemeanor.

(Prior Code, ch. 8, art. II, § 5; Ord. No. 3.700, eff. 5-1-1955)

Secs. 12-37—12-60. Reserved.

ARTICLE III. CURFEW FOR MINORS*

Sec. 12-61. Hours.

It shall be unlawful for any child under 17 years of age to be in or upon any public street, highway, park, vacant lot or other public place between the hours of 11:00 p.m. and 6:00 a.m.

(Prior Code, ch. 8, art. V, § 1; Ord. No. 28.003, eff. 5-21-1990)

***State law reference—**Curfew for minors, MCL 722.751 et seq.

Sec. 12-62. Exceptions.

The following activities shall be exempt from the curfew requirements of this article where the minor is:

(1) Accompanied by his parent, guardian or any other person 21 years of age or older who is authorized by a parent as the caretaker for the minor;

(2) On an errand, without any detour or stop, at the direction of his parent, guardian or caretaker;

(3) In a vehicle involved in interstate travel;

(4) Engaged in a certain employment activity, or going to or from employment, without any detour or stop;

(5) Involved in an emergency;

(6) On the sidewalk that abuts the minor's or the next-door neighbor's residence, if the neighbor has not complained to the police;

(7) In attendance at an official school, religious or other recreational activity sponsored by the village, a civic organization or another similar entity that takes responsibility for the minor, or going to or from such an activity, without any detour or stop, and supervised by adults;

(8) Exercising First Amendment rights, including free exercise of religion, freedom of speech and the right of assembly.

(Prior Code, ch. 8, art. V, § 2; Ord. No. 28.003, eff. 5-21-1990)

Sec. 12-63. Handling violations.

A police officer who has probable cause to believe that a child is in violation of this article may take such child to the police station where the child's parents or guardian shall be immediately contacted. If after this contact there is still probable cause to believe that the child was violating this article, the child shall be held until the parent or guardian comes to take the child home. When the parent or guardian arrives, he or she must be given a copy of this article. If no parent or guardian has arrived within two hours, the child shall be turned over to the custody of the juvenile authorities until a parent or guardian can take custody of the child.

(Prior Code, ch. 8, art. V, § 3; Ord. No. 28.003, eff. 5-21-1990)

Sec. 12-64. Penalty.

It shall be unlawful and be deemed a civil infraction for any parent or guardian to permit or be inefficient in control or allow a violation of this article by a child in such parent's or guardian's custody or control. A violation of this article shall be punishable by a fine not to exceed $500.00, in the discretion of the court.

(Prior Code, ch. 8, art. V, § 4; Ord. No. 28.003, eff. 5-21-1990)

Chapter 13

RESERVED

Chapter 14

PARKS AND RECREATION*

Article I. In General

Secs. 14-1—14-30. Reserved.

Article II. Rules and Regulations

Sec. 14-31. Walkways, streets, and drives.
Sec. 14-32. Alcoholic liquors.
Sec. 14-33. Littering.
Sec. 14-34. Sports and other activities.
Sec. 14-35. Park hours.
Sec. 14-36. Conduct and use of parks and playgrounds.
Sec. 14-37. Penalty.

***State law references—**Authority to operate recreation and playgrounds, MCL 123.51 et seq.; playground equipment safety act, MCL 408.681 et seq.

ARTICLE I. IN GENERAL

Secs. 14-1—14-30. Reserved.

ARTICLE II. RULES AND REGULATIONS

Sec. 14-31. Walkways, streets, and drives.

No person shall obstruct or impede the public use or any walkway, street or drive in any public park or playground, and no person shall mar or damage in any manner whatsoever any monument, ornament, fence, bridge, seat, tree, fountain, shrub, flower, playground equipment, fireplace, or other public property within or pertaining to said park or playground.
(Prior Code, ch. 7, art. II, § I; Ord. No. 3002, eff. 10-6-1976)

State law reference—Malicious mischief generally, MCL 750.377a et seq.

Sec. 14-32. Alcoholic liquors.

No person shall possess or consume any alcoholic liquor in any public park or playground, unless permitted by the village for specific restricted activities.
(Prior Code, ch. 7, art. III, § I; Ord. No. 3002, eff. 10-6-1976)

State law reference—Possessing or consuming alcoholic liquor in parks and publicly owned areas, MCL 436.1915.

Sec. 14-33. Littering.

No person shall place or deposit garbage, glass, tin cans, paper, or any other waste material in a public park or playground except in containers provided for said purpose.
(Prior Code, ch. 7, art. IV, § I; Ord. No. 3002, eff. 10-6-1976)

State law reference—Littering, MCL 324.8901 et seq.

Sec. 14-34. Sports and other activities.

No person shall engage in any activity that would interfere with the use of a specifically designated area (picnic area, playground area, etc.) in a public park or playground.
(Prior Code, ch. 7, art. V, § I; Ord. No. 3002, eff. 10-6-1976)

Sec. 14-35. Park hours.

No person shall enter or remain in a public park or playground during nighttime or after entrance gates are locked except by special written permit granted by village council.
(Prior Code, ch. 7, art. VI, § I; Ord. No. 3002, eff. 10-6-1976)

State law reference—Trespassing generally, MCL 750.546 et seq.

Sec. 14-36. Conduct and use of parks and playgrounds.

The village council may, by resolution duly adopted, make rules and regulations pertaining to the conduct and use of parks and playgrounds as it shall deem necessary to the public to

preserve or protect public property or the safety, health, morals or welfare of the public, and no person shall fail to comply with such rules and regulations when posted in three conspicuous places in each public park or playground.
(Prior Code, ch. 7, art. VII, § I; Ord. No. 3002, eff. 10-6-1976)

Sec. 14-37. Penalty.

Any person found guilty of violating any of the provisions of this article shall be guilty of a civil infraction which is punishable by a fine of not more than $500.00, in the discretion of the court.
(Prior Code, ch. 7, art. VIII, § I; Ord. No. 3002, eff. 10-6-1976)

Chapter 15

RESERVED

Chapter 16

PEDDLERS AND SOLICITORS*

Sec. 16-1. Definitions.
Sec. 16-2. Registration—Required.
Sec. 16-3. Same—Exemptions.
Sec. 16-4. Same—Procedure.
Sec. 16-5. Same—Validity.
Sec. 16-6. Prohibited acts.

***State law references—**Home solicitation sales, MCL 445.111 et seq.; transient merchants, MCL 445.371 et seq.; charitable organizations and solicitations act, MCL 400.271 et seq.; public safety solicitation act, MCL 14.301 et seq.; veteran's license for peddlers, MCL 35.441 et seq.

Sec. 16-1. Definitions.

(a) *Generally.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Peddler means any person who travels by foot, motor vehicle or any other type of conveyance, from place to place; or stands in one place on public property, except when in front of the person's established business location, selling or offering for sale goods or services.

Solicitor means any person traveling either by foot, motor vehicle or any other type of conveyance from place to place seeking to obtain orders for the purchase of goods or services for future delivery or performance.

(b) *Exclusion.* Neither the word "solicitor" nor "peddler" shall include any person who shall be engaged exclusively in wholesale sales to retail merchants.

Sec. 16-2. Registration—Required.

It is unlawful for any person, either as a principal or agent, to conduct himself as a solicitor or peddler, as defined in this article, in the village, without first having registered in the manner herein provided.

Sec. 16-3. Same—Exemptions.

(a) Persons soliciting or peddling as the duly authorized representative or agent of any church, charitable, educational or fraternal organization, or of any political group seeking funds or membership shall be exempt from the registration requirements of this chapter.

(b) Every honorably discharged member of the armed forces of the United States who served at least 180 days of active duty service in the armed forces or has a service connected disability as a result of that service and is a resident of the state has the right to sell his own goods within the village at no registration cost if the proceeds from the sale of the goods are to be used for the direct personal benefit or gain of that former member, by procuring a license for that purpose issued as provided in Public Act No. 359 of 1921 (MCL 35.441 et seq.).

Sec. 16-4. Same—Procedure.

(a) *Generally.* Any person desiring to conduct himself as a solicitor or peddler shall first file with the village clerk a written registration stating the registrant's name, date of birth, residence address, business address, mailing address, and a brief description of the type of goods or services which he intends to sell or offer for sale or for which he intends to seek to obtain orders for future delivery or performance. A license fee, as determined by resolution of the village council, will be assessed.

(b) *Acceptance by village clerk.* The completed registration and fee shall then forthwith be turned over to the village clerk.

Sec. 16-5. Same—Validity.

A registration filed and accepted pursuant to this article shall be valid for a period of 30 days from the time and date of the acceptance or until December 31 of the same year, whichever is longer.

Sec. 16-6. Prohibited acts.

The following conduct, in addition to any other conduct prohibited herein, shall be punishable as a violation of this chapter:

(1) Entering a private residence under pretenses of entering for purposes other than soliciting or peddling;

(2) Remaining in a private residence or on the premises thereof after the owner or occupant thereof has requested the solicitor or peddler to leave;

(3) Going in and upon the premises of a private residence by such solicitor or peddler to solicit or peddle when the owner or occupant thereof has displayed a "No Soliciting" or "No Peddling" sign on such premises;

(4) Soliciting or peddling at a private residence prior to 10:00 a.m. and after 9:00 p.m.

Chapter 17

RESERVED

Chapter 18

SECONDHAND GOODS*

Article I. In General

Secs. 18-1—-18-30. Reserved.

Article II. Garage Sales

Sec. 18-31. Conditions.
Sec. 18-32. Registration.
Sec. 18-33. Consecutive days.
Sec. 18-34. Number of sales per year.
Sec. 18-35. Number of days allowed per year.
Sec. 18-36. Signs and advertising.
Sec. 18-37. Traffic congestion or hazard.
Sec. 18-38. License; fee.
Sec. 18-39. Violations.

***State law references—**Licensing of secondhand and junk dealers, MCL 445.401 et seq., 445.471 et seq.; junkyards near highways, MCL 252.201 et seq.; pawnbrokers licensing, MCL 446.201 et seq., 445.471 et seq.

ARTICLE I. IN GENERAL

Secs. 18-1—-18-30. Reserved.

ARTICLE II. GARAGE SALES

Sec. 18-31. Conditions.

Garage sales, including yard sales, basement sales and the like, may be allowed, subject to the conditions set forth in this article.
(Ord. No. 14.15, § 15(intro), 5-16-1988)

Sec. 18-32. Registration.

Any person, firm or organization conducting or participating in such sales will be required to register with the village clerk or designee giving the dates that such sales will be held and the names of all persons, firms or organizations participating and the address where such sale is planned.
(Ord. No. 14.15, § 15(1), 5-16-1988)

Sec. 18-33. Consecutive days.

No persons, firms or organizations will be allowed to hold, operate or participate in such sales for more than five consecutive days.
(Ord. No. 14.15, § 15(2), 5-16-1988)

Sec. 18-34. Number of sales per year.

No more than four such sales will be allowed during any calendar year per address in the village.
(Ord. No. 14.15, § 15(3), 5-16-1988)

Sec. 18-35. Number of days allowed per year.

The total number of days that sales will be allowed to operate at any one address during the period of a calendar year is limited to ten.
(Ord. No. 14.15, § 15(4), 5-16-1988)

Sec. 18-36. Signs and advertising.

All signs and/or advertisements will be removed at the completion of each sale.
(Ord. No. 14.15, § 15(5), 5-16-1988)

Sec. 18-37. Traffic congestion or hazard.

If any sale causes any traffic congestion or any other hazard, in the opinion of any police officer, village zoning enforcement officer or member of the village council, then such hazard or congestion shall immediately be ceased.
(Ord. No. 14.15, § 15(6), 5-16-1988)

Sec. 18-38. License; fee.

A fee as currently established or as hereafter adopted by resolution of the village council from time to time is to be assessed, and the license is to be displayed in an area visible to passing traffic.
(Ord. No. 14.15, § 15(7), 5-16-1988)

Sec. 18-39. Violations.

Any person, firm or organization violating this article shall be guilty of a civil infraction, punishable by a fine not to exceed $500.00, at the discretion of the court.
(Ord. No. 14.15, § 15(8), 5-16-1988)

Chapter 19

RESERVED

Chapter 20

SOLID WASTE*

Article I. In General

Secs. 20-1—20-30. Reserved.

Article II. Collection and Disposal

Sec. 20-31. Definitions.
Sec. 20-32. Receptacles.
Sec. 20-33. Interference with receptacles.
Sec. 20-34. Preparation for collection.
Sec. 20-35. Disposal of construction refuse.
Sec. 20-36. Storage, transportation and disposal of hazardous waste.
Sec. 20-37. Unlawful accumulations of windblown refuse.
Sec. 20-38. Hot ashes or hot coals.
Sec. 20-39. Curbside collection.
Sec. 20-40. Deposit of refuse on public property.
Sec. 20-41. Deposit of refuse on private property.
Sec. 20-42. Disposal of refuse.
Sec. 20-43. Right of owner or producer to dispose of refuse.
Sec. 20-44. Burying refuse.
Sec. 20-45. Private collector's contract.
Sec. 20-46. Collection vehicles.
Sec. 20-47. Collection fees; discontinuance of service.
Sec. 20-48. Construction and enforcement of article; village council rules; supervision of collection and removal.
Sec. 20-49. Violation declared a nuisance.

***State law references—**Garbage disposal act, MCL 123.361 et seq.; solid waste facilities, MCL 324.4301 et seq.; hazardous waste management act, MCL 324.11101 et seq.; hazardous materials transportation act, MCL 29.417 et seq.; solid waste management act, MCL 324.11501 et seq.; waste reduction assistance act, MCL 324.14501 et seq.; clean Michigan fund act, MCL 324.19101 et seq.; low-level radioactive waste authority act, MCL 333.26201 et seq.

ARTICLE I. IN GENERAL

Secs. 20-1—20-30. Reserved.

ARTICLE II. COLLECTION AND DISPOSAL

Sec. 20-31. Definitions.

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

Combustible refuse means any refuse acceptable for incineration, including, but not limited to, the following:

(1) *Garbage.* Waste resulting from the handling, preparation, cooking or spoiling of food. The term "garbage" shall not include such wastes from food processing plants, large quantities of condemned food products or large quantities of windfallen fruit subject to rapid decomposition.

(2) *Rubbish.* Wastepaper, empty tin cans and glass containers, if cleaned of contents, wood or wood products, if under three inches in diameter and three feet in length, and paper products, except magazines and books.

(3) *Dead animals.* Carcasses of small animals, fish and fowl, but not including carcasses from large animals or from veterinary hospitals or clinics.

Commercial refuse means the rejected, unwanted or discarded or abandoned material generated by commercial establishments and uses, such as office buildings, personal service establishments, technical and scientific research facilities, professional service offices, clinics, multiple-family dwellings, such as apartments or condominiums with four or more units, and the office waste from industrial and institutional establishments.

Construction refuse means all unwanted, rejected, discarded or abandoned materials resulting from the alterations, repair, demolition or construction of buildings or structures.

Hazardous waste means waste or a combination of waste and other discarded material including solid, liquid, semisolid or contained gaseous material which, because of its quantity, quality, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or increase in serious irreversible illness or serious incapacitation, but reversible, illness, or pose a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported, disposed of or otherwise managed. Hazardous waste does not include material which is solid or dissolved material in domestic sewage discharge, or solid or dissolved material in an irrigation return flow discharge, or industrial discharge which is a point source subject to permits under section 402 of the Clean Water Act of 1977, 33 USC 1342, or is a source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, 42 USC 2011—2282.

Industrial refuse means the rejected, unwanted, discarded or abandoned materials resulting from industrial and institutional operations other than office waste, such as is generally identified with manufacturing, assembling, processing and distributing plants, hospitals and clinics and other institutional uses which generate large quantities of refuse.

Noncombustible refuse means any refuse not acceptable for incineration, including, but not limited to, the following:

(1) *Metal.* All metal or metal products, except tin can containers.

(2) *Rubbish.* Books, magazines, glass, except small food containers, crockery, stones, concrete and all other such materials not herein defined.

(3) *Ashes.* Residue from fires used for household heating or cooking domestic incinerators. This term does not include ashes produced by factories or plants, hotels or apartment houses.

(4) *Yard wastes.* Large tree or shrub branches, clippings, weeds, leaves, sod, dirt, manure and other wastes resulting from care of the premises.

(Ord. No. 28.001, § 1, eff. 12-6-1993; Ord. No. 28.002, § 1, eff. 12-6-1993)

Sec. 20-32. Receptacles.

(a) It shall be the duty of every owner, tenant or occupant of any building, and the owner of any property or use which generates refuse, to provide receptacles of sufficient size to hold the accumulated refuse between scheduled refuse collections.

(b) Stationary receptacles, large steel drums, paint pails, cardboard barrels, cardboard boxes, paper bags and other containers of a like nature are not approved receptacles and collection may not be made by the village when such receptacles are used.

(c) Receptacles that are broken or otherwise fail to meet the requirements of this article may be deemed to be rubbish, and may be collected as such by the village without notice to the users.

(d) Refuse placed in receptacles that exceeds the weight limitations or otherwise does not conform to the provisions of this article, may not be collected by the village.

(e) The village will not be responsible for collection of waste materials frozen and adhering to the receptacle or for any damage to receptacles that results therefrom.

(f) Residential refuse. The following shall be approved receptacles for residential refuse:

(1) Portable watertight and verminproof containers of substantial construction with handles or bails and a tightfitting cover. These containers are to have a capacity of at least ten gallons, but not more than 30 gallons, and each must not exceed 60 pounds in weight when full.

(2) Plastic bags which are securely tied and of sufficient strength to contain their contents, which shall not exceed 40 pounds in weight when full, are approved receptacles for rubbish.

(3) Rubbish which cannot be contained in receptacles is acceptable for collection if securely tied in compact bundles, not to exceed 50 pounds in weight, and four feet in length and three feet in girth. This may include newspapers, bundled cardboard, wood and tree branches.

(Ord. No. 28.001, § 2, eff. 12-6-1993)

Sec. 20-33. Interference with receptacles.

No person, other than the owner of refuse receptacles or his agents or employees or licensees of the village, shall disturb, remove or attempt to remove refuse receptacles or their covers, or disturb or remove or attempt to remove any refuse not in containers, whether the same is on public or private property.

(Ord. No. 28.001, § 3, eff. 12-6-1993)

Sec. 20-34. Preparation for collection.

(a) *Garbage.* Garbage must be thoroughly drained of liquids and be wrapped in several thicknesses of paper before being placed in receptacles for collection.

(b) *Bulky items.* Bulky noncombustible items shall be placed in approved containers or tied in bundles to facilitate handling. Bulky items such as, but not limited to, hot water tanks, stoves, refrigerators, furniture, mattresses, etc., shall not be placed in mechanical containers.

(Ord. No. 28.001, § 4, eff. 12-6-1993)

Sec. 20-35. Disposal of construction refuse.

It shall be the duty of the owner, contractor, occupant or other person responsible for construction work to remove from the premises, within a reasonable time after completion of such construction work, all surplus construction materials and all refuse building materials and all construction refuse. Disposal of said materials shall be at the expense of the owner or contractor.

(Ord. No. 28.001, § 5, eff. 12-6-1993)

Sec. 20-36. Storage, transportation and disposal of hazardous waste.

Hazardous waste shall be the responsibility of the producer or owner thereof and shall not be disposed of within the village, or allowed to be stored or transported within the village.

(Ord. No. 28.001, § 6, eff. 12-6-1993)

Sec. 20-37. Unlawful accumulations of windblown refuse.

It shall be unlawful to cause or permit to accumulate any dust, ashes or trash of such a material that it can be blown away by the wind anywhere in the village, except in a covered container.

(Ord. No. 28.001, § 7, eff. 12-6-1993)

Sec. 20-38. Hot ashes or hot coals.

It shall be unlawful to place for collection any hot coals or ashes which could ignite trash in a receptacle or in the refuse collection vehicle.
(Ord. No. 28.001, § 8, eff. 12-6-1993)

Sec. 20-39. Curbside collection.

(a) No refuse shall be placed at the curb or street for collection more than 18 hours prior to the morning of the time schedule for collection. The collection date shall be established by resolution of the village council.

(b) After the collection of the container contents has been made, the empty container shall be removed from the curb or street and replaced on the owner's storage area as soon as possible, but in no case later than ten hours after collection of the refuse has been made.
(Ord. No. 28.001, § 9, eff. 12-6-1993)

Sec. 20-40. Deposit of refuse on public property.

(a) It shall be unlawful to deposit or permit to be deposited or permit to fall from any vehicle any garbage, refuse building materials, rubbish or ashes on any public street or alley or public place in the village; provided that this subsection shall not be construed to prohibit placing garbage or ashes in a container or receptacle complying with the conditions of this article preparatory to having such material collected and disposed of in the manner provided herein.

(b) No person shall deposit or cause to be deposited, sort, scatter or leave any rubbish, refuse building materials, garbage, ashes, cinders, grass, leaves, twigs or shrubs, manure or filth or other offensive materials, or build or maintain any structure or thing whatsoever containing the same, in any public street, alley or public property in the village.
(Ord. No. 28.001, § 10, eff. 12-6-1993)

State law reference—Littering, MCL 324.8901 et seq.

Sec. 20-41. Deposit of refuse on private property.

It shall be unlawful to dump or place any garbage, refuse or ashes on any property within the village.
(Ord. No. 28.001, § 11, eff. 12-6-1993)

State law reference—Littering, MCL 324.8901 et seq.

Sec. 20-42. Disposal of refuse.

All refuse collected for disposal from within the corporate limits of the village shall be disposed of at such facilities as may be designated by the village or its authorized representative.
(Ord. No. 28.001, § 12, eff. 12-6-1993)

Sec. 20-43. Right of owner or producer to dispose of refuse.

(a) Nothing in this article shall be interpreted to prohibit or deny the owner or producer of refuse his right to dispose of his own refuse, if in so doing he does not violate any provisions of this article.

(b) All commercial buildings that contain apartment dwellings shall do one of the following:

(1) Landlords shall provide a dumpster for tenants' use.

(2) Landlords shall be required to negotiate a private waste hauling agreement in compliance with the terms of this article.

(Ord. No. 28.001, § 13, eff. 12-6-1993; Ord. No. 28.002, § 2, eff. 12-6-1993)

Sec. 20-44. Burying refuse.

No person shall bury refuse within the corporate limits of the village.

(Ord. No. 28.001, § 14, eff. 12-6-1993)

Sec. 20-45. Private collector's contract.

(a) No person shall engage in the business of collecting, transporting or disposing of residential or commercial refuse in the village without first contracting with the village. The collector who has contracted with the village shall be deemed licensed by the village within the provisions of that contract.

(b) No person shall contract with any other person to collect, transport or dispose of residential refuse within the corporate limits of the village, unless such other person is duly licensed by the village to collect, transport and dispose of refuse.

(c) Application for a license shall be filed with the village clerk in the form and manner as required by this section. The application shall include all information necessary to determine compliance with this article including, but not limited to:

(1) The full names, dates of birth, proof of identification, business addresses and residential addresses of all owners, proprietors, officers and managers of the applicant and the names and addresses of each officer if the applicant is a corporation.

(2) The firm names under which the applicant intends to do business.

(3) Whether or not the applicant or person conducting or managing the applicant's business has been convicted of any crime, felony, misdemeanor or the violation of any municipal ordinance and if so, full particulars in connection therewith.

(d) Each and every application for a license shall be in writing and filed with the village clerk and shall be accompanied by the application fee established by resolution of the village council.

(e) No such license shall be issued, except upon payment of the fee required by resolution of the village council and upon posting a surety bond, cash or irrevocable letter of credit satisfactory to the village guaranteeing the faithful and prompt discharge of all obligations of

the licensee to the village in the amount as currently established or as hereafter adopted by resolution of the village council from time to time. A surety bond will not be required of the collector who has contracted with the village for refuse collection because of the performance requirements contained in said contract.

(f) No such license shall be issued except upon determination by the village president or his authorized representative that the equipment to be used conforms to the requirements of this article and that the applicant has not been convicted of larcenous felonies or violation of any law regarding waste disposal. The village president or his authorized representative may deny, suspend or revoke any license for violation of any provisions of this article or any other ordinance or law pertaining to such business or for such other cause as he deems reasonable. Prior revocation of a license shall be sufficient grounds for the refusal by the village president or his authorized representative to approve any future application by such licensee.

(g) The licensee shall have the right to a hearing before the village council on any action of denial, suspension or revocation, provided a written request therefor is filed with the village clerk within five days after issuance of notice of denial, suspension or revocation. The village council may confirm such denial, suspension or revocation or may authorize and reinstate such license. The action of the village council shall be final.

(h) Such license shall not be transferable.
(Ord. No. 28.001, § 15, eff. 12-6-1993; Ord. No. 28.001.2, § 1, eff. 9-5-1995)

Sec. 20-46. Collection vehicles.

Vehicles used for collection and transportation of refuse within or through the village shall be watertight, covered and conform to all laws regulating axle and load limitation.
(Ord. No. 28.001, § 16, eff. 12-6-1993)

State law reference—Construction of loading of vehicles to prevent contents from escaping, MCL 257.720.

Sec. 20-47. Collection fees; discontinuance of service.

(a) Collection fees for refuse collection shall be determined by resolution of the village council with respect to the collector who has contracted with the village. Any other licensed collector is free to make fee arrangements with the residential customer at such rates as are mutually agreeable.

(b) Payment to the village is due with the water bill. Payments shall be mailed to the Britton Village Office or authorized agent.

(c) The village may recover collection fees not paid within 30 days of the due date by any method permitted by law.

(d) In addition to other remedies herein provided, the village may discontinue garbage and rubbish collections to any premises for nonpayment of charges when due; provided that such discontinuance shall not exempt or release the owner, tenant or occupant of said premises from any other penalties provided by this article.
(Ord. No. 28.001, § 17, eff. 12-6-1993)

Sec. 20-48. Construction and enforcement of article; village council rules; supervision of collection and removal.

(a) The village council is hereby authorized to make such rules and regulations as from time to time appear to be necessary to carry out the intent of this article; provided that such rules are not in conflict with this article or any other ordinance of the village.

(b) It is the intent of the village council that this article be liberally construed for the purpose of providing a sanitary and satisfactory method of preparation, collection and disposition of municipal waste.

(c) The collection and removal of waste shall be under the supervision of the village council or its authorized representative and it shall be the duty of the village council or its authorized representative to enforce the provisions of this section.

(d) The village council or its authorized representative shall have the authority to deny collection services for failure to comply with the provisions of this article.
(Ord. No. 28.001, § 18, eff. 12-6-1993)

Sec. 20-49. Violation declared a nuisance.

Any violations of this article are hereby declared to be a public nuisance per se, and shall be abated by order of a court of competent jurisdiction.
(Ord. No. 28.001, § 19, eff. 12-6-1993)

Chapter 21

RESERVED

Chapter 22

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES*

Article I. In General

Secs. 22-1—22-30. Reserved.

Article II. Sidewalks

Division 1. Generally

Secs. 22-31—22-60. Reserved.

Division 2. Construction, Maintenance and Repair Standards

Sec. 22-61. Definitions.
Sec. 22-62. General construction requirement; permit and tests.
Sec. 22-63. Line and grade stakes.
Sec. 22-64. Specifications.
Sec. 22-65. Permit revocation.
Sec. 22-66. Ordering construction.
Sec. 22-67. Construction by village.
Sec. 22-68. Maintenance regulation.
Sec. 22-69. Determination of repair; notice to property owner.
Sec. 22-70. Bonded contractors.
Sec. 22-71. Delinquent payments.
Secs. 22-72—22-100. Reserved.

Division 3. Sidewalk Clearance

Sec. 22-101. Responsibility to remove snow, ice, etc.
Sec. 22-102. Violations.
Sec. 22-103. Penalties.

***State law references—**Village control of highways, Mich. Const. 1963, art. VII, § 29; village authority to acquire, own, establish and maintain boulevards, Mich. Const. 1963, art. VII, § 23; streets and sidewalks, MCL 67.7 et seq.; paving and improvements, MCL 67.17 et seq.; street regulations, MCL 67.20 et seq.; obstructions and encroachments on public highways, MCL 247.171 et seq.; closing of highway for repairs, MCL 247.291 et seq.; driveways, banners, events and parades, MCL 247.321 et seq.; liability of local government for injury from the result of not keeping highway in reasonable repair, MCL 691.1402.

ARTICLE I. IN GENERAL

Secs. 22-1—22-30. Reserved.

ARTICLE II. SIDEWALKS

DIVISION 1. GENERALLY

Secs. 22-31—22-60. Reserved.

DIVISION 2. CONSTRUCTION, MAINTENANCE AND REPAIR STANDARDS

Sec. 22-61. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where there indicates a different meaning:

Sidewalk means the portion of the street right-of-way designed for pedestrian travel.

Superintendent means the superintendent of public works of the village.

Sec. 22-62. General construction requirement; permit and tests.

No person shall construct, rebuild or repair any sidewalk except in accordance with line, slope and specifications established by the superintendent, except that sidewalk repairs of less than 50 square feet of sidewalk may be made without a permit. The written permit shall be prominently displayed on the construction site. A permit shall be acquired for each individual lot where sidewalk construction is being done. To ensure the quality of concrete being used, the superintendent may require that tests be run, the cost of which shall be borne by the permit applicant.

Sec. 22-63. Line and grade stakes.

The superintendent shall furnish line and grade stakes as may be necessary for proper control of the work, but this shall not relieve the owner of responsibility for making careful and accurate measurements in constructing the work to the lines furnished by the superintendent.

Sec. 22-64. Specifications.

All sidewalks within the village shall be constructed in accordance with the following specifications. Such sidewalk that is not constructed to conform with the following specifications will be removed and replaced at the expense of the contractor to meet all the following specifications:

(1) All walks must be at least four feet in width unless a different width is approved by the superintendent. Walks must be replaced to the width of the existing walk. All walks must be straight and free from irregularities in line except as allowed in the following procedure:

a. *New sidewalks.* In cases where existing trees are in line with the proposed sidewalk location, it shall be permissible to arc the sidewalk around the trees, subject to the following requirements:

1. Each case must be reviewed and approved by the superintendent, who will then issue a special permit.

2. A drawing with dimensions must be submitted with the permit application, showing the length and offset the arc.

3. Where the arc extends on private property, the owner will be required to sign an easement suitable to the village administrator that will be in effect until the tree is removed and the walk is returned to a straight line.

b. *Replacement sidewalks.* When a sidewalk replacement conflicts with existing trees or shallow tree roots, it shall be permissible to cut or shave the roots so as not to threaten the stability of the tree to facilitate sidewalk construction. If necessary, an arc will also be permitted as outlined in subsection (1)a of this section.

(2) Excavation shall be made to the required depth and to a width that will permit the installation and bracing of the forms. The foundation shall be shaped and compacted to a firm, even surface. All soft and yielding material shall be removed and replaced with a granular fill material approved by the superintendent. All existing concrete and concrete sidewalk must be removed before the sidewalk is installed.

(3) The forms shall be of wood or metal, straight and free from warp and of sufficient strength to resist springing during the process of depositing concrete against them. The forms shall be to the full depth of the concrete and shall be firmly staked to the required line and grade. Forms shall be so installed as to provide a transverse slope of one-quarter inch per foot toward the street.

(4) In all new construction, where practicable, the sidewalk grade shall be established at not less than three inches or more than six inches above the grade of the top of the curb.

(5) Sidewalks shall be constructed of thoroughly mixed concrete of a minimum thickness of four inches at all points except for driveways where the minimum thickness shall be

six inches. All concrete used shall have a minimum compressive strength of 3,500 psi (pounds per square inch) at 28 days and shall have 517 pounds of cement per yard (5½ bags) with a maximum slump of four inches. If concrete is proportioned and mixed on the site, the following mix shall be used per cubic foot: 24 pounds of air entraining cement, 39 pounds of clean, sharp sand, 70 pounds of course aggregate well-graded up to one inch in size and nine pounds of water.

(6) All surfaces shall be finished to a true contour and granular surface in a neat and workmanlike manner. The base shall be moist and the concrete shall be thoroughly spaded along the faces of the forms before finishing operations are started. The concrete shall be struck off to the required grade and cross section. The surface shall be floated enough to produce a smooth surface free from irregularities. All edges and joints shall be rounded to a radius of one-quarter inch with an approved finishing tool. The surface shall then be broomed to slightly roughen the surface and remove the finishing tool marks.

(7) There shall be a maximum six by six remesh/rerod across driveway accesses.

(8) One-half-inch-tar expansion joints, which must meet the department of state highways specifications, shall be provided at intervals of approximately 25 feet and wherever the walk abuts curb, another walk, transition from four inches to six inches, or a building. Jointing material shall extend from the surface to the subgrade, shall be at right angles to the sidewalk surface and shall extend the full width of the walk. Surface edges of each slab shall be rounded to one-quarter-inch radii. The sidewalk shall be divided into unit areas of not less than 16 square feet. The unit areas shall be produced by use of slabs division forms extending to the full depth of the concrete or by cutting joints in the concrete, after floating, to a depth of not less than one-quarter the thickness of the sidewalk. The cut joints shall be not less than one-eighth of an inch or more than one-quarter of an inch in width and shall be finished smooth and substantially true to line.

(9) After the concrete has gained sufficient strength, the side forms shall be removed and the spaces on both sides shall be backfilled with sound earth. The backfill shall be compacted and leveled to the grade of the surface of the walk and left in a neat, workmanlike condition.

Sec. 22-65. Permit revocation.

The superintendent may revoke any permit issued under the terms of this division for incompetence or failure to comply with the terms of this division or the rules, regulations plans and specifications established by the village department of public works for the construction, reconstruction or repair of any sidewalk. The superintendent may cause work to be stopped under any permit granted for the construction, reconstruction or repair of any sidewalk for any causes enumerated in this section, which stop order shall be effective until the next regular meeting, such stop order shall be permanent and shall constitute a revocation of the permit.

Sec. 22-66. Ordering construction.

The planning commission may, by resolution, require the owners of lots and premises to build sidewalks (in the public streets) adjacent to and abutting upon such lots and premises. When such resolution shall be adopted, the village clerk shall give notice to the owner of such lot or premises requiring him to construct or rebuild such sidewalk within 30 days from the date of such notice.

Sec. 22-67. Construction by village.

If the owner of any lot or premises shall fail to build any particular sidewalk as described in the notice and within the time and in the manner required thereby, the superintendent is hereby authorized and required, immediately after the expiration of the time limited for the construction or rebuilding by the owner, to cause such sidewalk to be constructed and the expenses thereof shall be charged to such premises and the owner thereof, and collected as provided for single lot assessments.

Sec. 22-68. Maintenance regulation.

No person shall permit any sidewalk which adjoins property owned by him to fall into a state of disrepair or to be unsafe.

Sec. 22-69. Determination of repair; notice to property owner.

Whenever the superintendent shall determine that a sidewalk is unsafe for use, notice may be given to the owner of the lot or premises adjacent to and abutting upon the sidewalk of such determination which notice shall be given in accordance with section 22-66. Thereafter, it shall be the duty of the owner to place the sidewalk in a safe condition. Such notice shall specify a reasonable time, not less than 30 days weather permitting, within which such work shall be commenced and shall further provide that the work shall be completed with due diligence. If the owner of such lot or premises shall refuse or neglect to the sidewalk within the time limited therefor, or in a manner otherwise than in accordance with this division, the superintendent shall have the sidewalk repaired. If the superintendent determines that the conditions of the sidewalk is such that immediate repair is necessary to protect the public, he may dispense with the notice. The cost of repairs hereunder shall be charged against the premises which the sidewalk adjoins and shall be collected from the owner of such premises as provided for single lot assessments.

Sec. 22-70. Bonded contractors.

Any contractor who wishes to be approved by the village for the construction or repair of sidewalks shall file with the village clerk a bond in the penal sum of $500.00, with two sureties approved by the village clerk, conditioned that the contractor shall comply with all of the provisions and specifications contained in this division. Such bond shall be for a period of five years. The bond shall further provide that, in the event the superintendent shall find any construction or repair to be defective within the period of five years, the contractor shall take

up and reconstruct the sidewalk at his own expense. If the contractor shall fail to make such replacement after 30 days' notice from the superintendent, the owner may do so and recover the cost thereof from the bond. The planning commission may, at any time on cause shown, declare forfeited the bond of any contractor who shall violate any of the provisions of this division or who shall fail to take up and replace any walk constructed or repaired by him which is found to be defective within five years after the same shall have been completed.

Sec. 22-71. Delinquent payments.

In the event any payment due the village hereunder shall become delinquent, the village clerk shall, at the first meeting each year, certify such delinquency together with a penalty of ten percent, to the planning commission, and the planning commission by resolution shall direct the village treasurer to spread the same on the next succeeding tax roll.

Secs. 22-72—22-100. Reserved.

DIVISION 3. SIDEWALK CLEARANCE

Sec. 22-101. Responsibility to remove snow, ice, etc.

Every person, corporation, partnership, or business having the care, either as owner or tenant of any property, whether occupied or unoccupied, bordered by a paved sidewalk in the village shall, within 48 hours after the same shall have fallen, remove all snow and/or ice and other material from said sidewalks and keep said sidewalk free from ice, snow, obstructions, encroachments, dirt, rubbish, filth, and any other nuisance. Further, no person, corporation, business, or partnership shall place or deposit any snow, ice, or other materials removed from any private or business property or sidewalk into the right-of-way of any street, alley, or highway within the village, after the village has cleared that part of such street, alley, or highway, which abuts such premises for vehicular traffic.
(Prior Code, ch. 12, art. II, § 1; Ord. No. 4.005, eff. 2-15-1979)

Sec. 22-102. Violations.

If any person, occupant or owner as referred to in section 22-101 shall neglect or fail to promptly clear such ice or snow or other materials from the sidewalk adjoining his premises, or shall otherwise permit ice or snow or other materials to accumulate upon such sidewalk, he shall be guilty of a violation of this article and, in addition to the penalties called for hereinafter, the manager of public works, any village trustee, village president, or village police officer may cause the same to be cleared and the expense of removal shall become a debt to the village due from the occupant or owner of such property, and shall be collected as any other debt to the village, and further said debt may be levied against the property as a special assessment and collected as provided for by law.
(Prior Code, ch. 12, art. II, § 2; Ord. No. 4.005, eff. 2-15-1979)

Sec. 22-103. Penalties.

Any person who shall violate this article shall be guilty of a civil infraction. Persons, businesses, corporations, or partnerships which shall be guilty of a violation of this article shall, upon conviction thereof, be punished by a fine of not more than $500.00, at the discretion of the court.

(Prior Code, ch. 12, art. II, § 3; Ord. No. 4.005, eff. 2-15-1979)

Chapter 23

RESERVED

Chapter 24

TELECOMMUNICATIONS*

Article I. In General

Secs. 24-1—24-30. Reserved.

Article II. Use of Public Rights-of-Way by Telecommunications Providers

Sec. 24-31. Purpose.
Sec. 24-32. Conflict.
Sec. 24-33. Definitions.
Sec. 24-34. Permit—Required; application.
Sec. 24-35. Same—Issuance.
Sec. 24-36. Construction/engineering permit.
Sec. 24-37. Conduit or utility poles.
Sec. 24-38. Route maps.
Sec. 24-39. Repair of damage.
Sec. 24-40. Establishment and payment of maintenance fee.
Sec. 24-41. Modification of existing fees.
Sec. 24-42. Savings clause.
Sec. 24-43. Use of funds.
Sec. 24-44. Annual report.
Sec. 24-45. Cable television operators.
Sec. 24-46. Existing rights.
Sec. 24-47. Compliance.
Sec. 24-48. Reservation of police powers.
Sec. 24-49. Authorized city officials.
Sec. 24-50. Civil infraction.

***State law references—**Michigan telecommunications act, MCL 484.2101 et seq.; metropolitan extension telecommunications rights-of-way oversight act, MCL 484.3101 et seq.; Michigan broadband development authority act, MCL 484.3201 et seq.

ARTICLE I. IN GENERAL

Secs. 24-1—24-30. Reserved.

ARTICLE II. USE OF PUBLIC RIGHTS-OF-WAY BY TELECOMMUNICATIONS PROVIDERS

Sec. 24-31. Purpose.

The purposes of this article are 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 No. 48 of 2002 (MCL 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.
(Ord. No. 2003-01, § 1, eff. 4-21-2003)

Sec. 24-32. Conflict.

Nothing in this article shall be construed in such a manner as to conflict with the Act or other applicable law.
(Ord. No. 2003-01, § 2, eff. 4-21-2003)

Sec. 24-33. Definitions.

(a) *Generally.* The terms used in this article shall have the following meanings:

Act means the metropolitan extension telecommunications rights-of-way oversight act, Public Act No. 48 of 2002 (MCL 484.3101 et seq.).

Permit means a nonexclusive permit issued pursuant to the Act and this article to a telecommunications provider to use the public rights-of-way in the village for its telecommunications facilities.

Village council means the village council or its designee. This section does not authorize delegation of any decision or function that is required by law to be made by the village council.

(b) *Terms defined in the Act.* All other terms used in this article shall have the same meaning as defined or as provided in the Act, including without limitation the following:

Authority means the metropolitan extension telecommunications rights-of-way oversight authority created pursuant to section 3 of the Act (MCL 484.3103).

MPSC means 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.

Public right-of-way means the area on, below, or above a public roadway, highway, street, alley, easement or waterway. The term "public right-of-way" does not include a federal, state, or private right-of-way.

Telecommunications facilities and *facilities* mean 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 telecommunications services or signals. Telecommunications 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 47 USC 332(d) of the communications act of 1934, and further defined as commercial mobile radio service in 47 CFR 20.3, and service provided by any wireless, two-way communication device.

Telecommunications provider, provider and *telecommunications services* mean those terms as defined in section 102 of the Michigan telecommunications act, Public Act No. 179 of 1991 (MCL 484.2102). The term "telecommunications provider" does not include a person or an affiliate of that person when providing a federally licensed commercial mobile radio service as defined in 47 USC 332(d) of the communications act of 1934, and further defined as commercial mobile radio service in 47 CFR 20.3, or service provided by any wireless, two-way communication device. For the purpose of the Act and this article 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.

(3) A person providing broadband internet transport access service.

(Ord. No. 2003-01, § 3, eff. 4-21-2003)

Sec. 24-34. Permit—Required; application.

(a) *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 article.

(b) *Application.* Telecommunications providers shall apply for a permit on an application form approved by the MPSC in accordance with section 6(1) of the Act (MCL 484.3106(1)). A telecommunications provider shall file one copy of the application with the village clerk, one copy with the village president, and one copy with the village attorney. Upon receipt, the village clerk shall make one copy of the application and distribute to the appropriate file. 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 section 6(5) of the Act (MCL 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 secrets, proprietary, or confidential information, which is exempt from the freedom of information act, Public Act No. 442 of 1976 (MCL 15.231 et seq.), pursuant to section 6(5) of the Act (MCL 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 nonrefundable application fee as adopted by resolution of the village council.

(e) *Additional information.* The village president may request an applicant to submit such additional information which the village president 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 president. 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 section 6(2) of the Act (MCL 484.3106(2)).

(f) *Previously issued permits.* Pursuant to section 5(1) of the Act (MCL 484.3105(1)), authorizations or permits previously issued by the village under section 251 of the Michigan telecommunications act, Public Act No. 179 of 1991 (MCL 484.2251) and authorizations or permits issued by the village to telecommunications providers prior to the 1995 enactment of section 251 of the Michigan telecommunications act but after 1985 shall satisfy the permit requirements of this article.

(g) *Existing providers.* Pursuant to section 5(3) of the Act (MCL 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 section 251 of the Michigan telecommunications act, Public Act No. 179 of 1991 (MCL 484.2251), shall submit to the village an application for a permit in accordance with the requirements of this article. Pursuant to section 5(3) of the Act (MCL 484.3105(3)), a telecommunications provider submitting an application under this subsection is not required to pay the application fee required under subsection (d) of this section. A provider under this subsection shall be given up to an additional 180 days to submit the permit application if allowed by the authority, as provided in section 5(4) of the Act (MCL 484.3105(4)).
(Ord. No. 2003-01, § 4, eff. 4-21-2003)

Sec. 24-35. Same—Issuance.

(a) *Approval or denial.* The authority to approve or deny an application for a permit is hereby delegated to the village president. Pursuant to section 15(3) of the Act (MCL 484.3115(3)), the village president shall approve or deny the application for a permit within 45 days from the date a telecommunications provider files an application for a permit under section 24-34(b) for access to a public right-of-way within the village. Pursuant to section 6(6) of the Act (MCL 484.3106(6)), the village president shall notify the MPSC when the village

president has granted or denied a permit, including information regarding the date on which the application was filed and the date on which the permit was granted or denied. The village president shall not unreasonably deny an application for a permit.

(b) *Form of permit.* If an application for a permit is approved, the village council shall issue the permit in the form approved by the MPSC, with or without additional or different permit terms, in accordance with sections 6(1), 6(2) and 15 of the Act (MCL 484.3106(1), (2), 484.3115).

(c) *Conditions.* Pursuant to section 15(4) of the Act (MCL 484.3115(4)), the village president 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 section 15(3) of the Act (MCL 484.3115(3)), and without limitation on subsection (c) of this section, the village president 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.
(Ord. No. 2003-01, § 5, eff. 4-21-2003)

Sec. 24-36. Construction/engineering permit.

A telecommunications provider shall not commence construction upon, over, across or under the public rights-of-way in the village without first obtaining a construction or engineering permit as required under a chapter of this Code, for construction within the public rights-of-way. No fee shall be charged for such a construction or engineering permit.
(Ord. No. 2003-01, § 6, eff. 4-21-2003)

Sec. 24-37. Conduit or utility poles.

Pursuant to section 4(3) of the Act (MCL 484.3104(3)), obtaining a permit or paying the fees required under the Act or under this article does not give a telecommunications provider a right to use conduit or utility poles.
(Ord. No. 2003-01, § 7, eff. 4-21-2003)

Sec. 24-38. Route maps.

Pursuant to section 6(7) of the Act (MCL 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 paper or electronic format unless and until the MPSC determines otherwise, in accordance with section 6(8) of the Act (MCL 484.3106(8)).
(Ord. No. 2003-01, § 8, eff. 4-21-2003)

Sec. 24-39. Repair of damage.

Pursuant to section 15(5) of the Act (MCL 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.
(Ord. No. 2003-01, § 9, eff. 4-21-2003)

Sec. 24-40. Establishment and payment of maintenance fee.

In addition to the nonrefundable application fee paid to the village set forth in section 24-34(d), a telecommunications provider with telecommunications facilities in the village's public rights-of-way shall pay an annual maintenance fee to the authority pursuant to section 8 of the Act (MCL 484.3108).
(Ord. No. 2003-01, § 10, eff. 4-21-2003)

Sec. 24-41. Modification of existing fees.

In compliance with the requirements of section 13(1) of the Act (MCL 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. In compliance with the requirements of section 13(4) of the Act (MCL 484.3113(4)), the village also hereby approves modification of the fees of providers with telecommunications facilities in public rights-of-way within the village's boundaries, so that those providers pay only those fees required under section 8 of the Act (MCL 484.3108). The village shall provide each telecommunications provider affected by the fee with a copy of this article, in compliance with the requirement of section 13(4) of the Act (MCL 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.
(Ord. No. 2003-01, § 11, eff. 4-21-2003)

Sec. 24-42. Savings clause.

Pursuant to section 13(5) of the Act (MCL 484.3113(5)), if section 8 of the Act (MCL 484.3108) is found to be invalid or unconstitutional, the modification of fees under section 24-41 shall be void from the date the modification was made.
(Ord. No. 2003-01, § 12, eff. 4-21-2003)

Sec. 24-43. Use of funds.

Pursuant to section 10(4) of the Act (MCL 484.3110(4)), all amounts received by the village from the authority shall be used by the village solely for the rights-of-way related purposes. In conformance with that requirement, all funds received by the village from the authority shall be deposited in the major street fund and/or the local street fund maintained by the village under Public Act No. 51 of 1951 (MCL 247.651 et seq.).
(Ord. No. 2003-01, § 13, eff. 4-21-2003)

Sec. 24-44. Annual report.

Pursuant to section 10(5) of the Act (MCL 484.3110(5)), the village president shall file an annual report with the authority on the use and disposition of funds annually distributed by the authority.
(Ord. No. 2003-01, § 14, eff. 4-21-2003)

Sec. 24-45. Cable television operators.

Pursuant to section 13(6) of the Act (MCL 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 the charges the cable received for cable modem services provided through broadband internet transport access services.
(Ord. No. 2003-01, § 15, eff. 4-21-2003)

Sec. 24-46. Existing rights.

Pursuant to section 4(2) of the Act (MCL 484.3104(2)), except as expressly provided herein with respect to fees, this article 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 rights-of-way.
(Ord. No. 2003-01, § 16, eff. 4-21-2003)

Sec. 24-47. Compliance.

The village hereby declares that its policy and intent in adopting this article 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. 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 No. 442 of 1976 (MCL 15.231 et seq.), as provided in section 24-34(c);

(2) Allowing certain previously issued permits to satisfy the permit requirements hereof, in accordance with section 24-34(f);

(3) Allowing existing providers additional time in which to submit an application for a permit, and excusing such providers from the application fee, in accordance with section 24-34(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 section 24-35(a);

(5) Notifying the MPSC when the village has granted or denied a permit, in accordance with section 24-35(a);

(6) Not unreasonably denying an application for a permit, in accordance with section 24-35(a);

(7) Issuing a permit in the form approved by the MPSC, with or without additional or different permit terms, as provided in section 24-35(b);

(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 section 24-35(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 section 24-35(d);

(10) Not charging any telecommunications providers any additional fees for construction or engineering permits, in accordance with section 24-36;

(11) Providing each telecommunications provider affected by the village's right-of-way fees with a copy of this article, in accordance with section 24-41;

(12) Submitting an annual report to the authority, in accordance with section 24-44; and

(13) Not holding a cable television operator in default for a failure to pay certain franchise fees, in accordance with section 24-45.

(Ord. No. 2003-01, § 17, eff. 4-21-2003)

Sec. 24-48. Reservation of police powers.

Pursuant to section 15(2) of the Act (MCL 484.3115(2)), this article shall not limit the village's right to review and approve a telecommunications 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.

(Ord. No. 2003-01, § 18, eff. 4-21-2003)

Sec. 24-49. Authorized city officials.

The village president or designee is hereby designated as the authorized village official to issue civil infraction citations (directing alleged violators to appear in court) or civil infraction notices (directing alleged violators to appear at the municipal ordinance violations bureau) for violations under this article as provided by the village Code.
(Ord. No. 2003-01, § 20, eff. 4-21-2003)

Sec. 24-50. Civil infraction.

A person who violates any provision of this article or the terms or conditions of a permit is responsible for a civil infraction, and shall be in violation of the village Code. 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 article or a permit.
(Ord. No. 2003-01, § 21, eff. 4-21-2003)

Chapter 25

RESERVED

Chapter 26

TRAFFIC AND VEHICLES*

Article I. In General

Sec. 26-1. Michigan vehicle code adopted.
Sec. 26-2. Uniform Traffic Code adopted.
Secs. 26-3—26-30. Reserved.

Article II. Parking, Stopping and Standing

Sec. 26-31. Parking.
Secs. 26-32—26-61. Reserved.

Article III. Bicycles and Skateboards

Sec. 26-62. Operation on special paths.
Sec. 26-63. Speed.
Sec. 26-64. Public parking.
Sec. 26-65. Riding on sidewalks.
Sec. 26-66. Use prohibited in posted areas.

***State law references—**Michigan vehicle code, MCL 257.1 et seq.; regulation by local authorities, MCL 257.605, 257.606, 257.610.

ARTICLE I. IN GENERAL

Sec. 26-1. Michigan vehicle code adopted.

(a) The Michigan vehicle code, Public Act No. 300 of 1949 (MCL 257.1 et seq.), is adopted by reference.

(b) References in the Michigan vehicle code to "local authorities" shall mean the Village of Britton.

(c) The penalties provided by the Michigan vehicle code are adopted by reference; provided, however, that the village may not enforce any provision of the Michigan vehicle code for which the maximum period of imprisonment is greater than 93 days.

State law reference—Authority to adopt the Michigan vehicle code by reference, MCL 66.4(2).

Sec. 26-2. Uniform Traffic Code adopted.

(a) The Uniform Traffic Code for Cities, Townships and Villages, promulgated by the director of state police and published in the Michigan Administrative Code, in accordance with Public Act No. 62 of 1956 (MCL 257.951 et seq.), is hereby adopted by reference.

(b) References in the Uniform Traffic Code for Michigan Cities, Townships and Villages to "governmental unit" shall mean the Village of Britton.

(Ord. No. 3981, eff. 5-21-1969; Ord. No. 3.985, eff. 8-22-1979)

State law reference—Authority to adopt the Uniform Traffic Code by reference, MCL 257.951.

Secs. 26-3—26-30. Reserved.

ARTICLE II. PARKING, STOPPING AND STANDING*

Sec. 26-31. Parking.

(a) *Permitted parking areas designated.* Parking will be permitted in designated parking areas or where otherwise allowed by this article.

(b) *Signage.* Proper signing necessary for its enforcement shall be erected; said signing to be made and accomplished pursuant to the prescribed village ordinances, the laws of the state and the rules and regulations of the department of state highways pertaining thereto.

(c) *Penalty for violations.* Violations of this article shall be deemed to be a civil infraction punishable under the prescribed village ordinances and the laws of the state pertaining thereto.

(Prior Code, ch. 5, art. III, §§ 1—3; Ord. No. 3.986, eff. 11-16-1970/eff. 2-6-1971)

***State law references—**Authority to regulate standing or parking of vehicles, MCL 257.606(1)(a); stopping, standing or parking of vehicles, MCL 257.672 et seq.

Secs. 26-32—26-61. Reserved.

ARTICLE III. BICYCLES AND SKATEBOARDS

Sec. 26-62. Operation on special paths.

Wherever usable paths for bicycle riders have been provided adjacent to a roadway, bicycle riders shall use such paths and shall not use the roadway.
(Prior Code, ch. 8, art. IV, § 3; Ord. No. 3.560, eff. 4-11-1972)

State law reference—Authority to require use of bike path, MCL 257.660(3).

Sec. 26-63. Speed.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.
(Prior Code, ch. 8, art. IV, § 4; Ord. No. 3.560, eff. 4-11-1972)

Sec. 26-64. Public parking.

No person shall stand or park a bicycle upon a street other than upon the roadway against the curb, or upon the sidewalk in a rack to support the bicycle, or against a building, or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.
(Prior Code, ch. 8, art. IV, § 6; Ord. No. 3.560, eff. 4-11-1972)

Sec. 26-65. Riding on sidewalks.

(a) No person shall ride a bicycle upon a sidewalk within a business district.

(b) When signs are erected on any sidewalk or street which prohibit the riding of bicycles thereon by any person, no person shall disobey such signs.

(c) Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

(d) A person who is on or operating a skateboard, roller skates, roller blades or in-line skates, or is riding in, on or by means of any coaster, toy vehicle or similar device shall, at all times, yield the right-of-way to pedestrians.
(Prior Code, ch. 8, art. IV, § 7; Ord. No. 3.560, eff. 4-11-1972)

Sec. 26-66. Use prohibited in posted areas.

The use of bicycles or skateboards is prohibited within the village in any area where signs prohibiting their use are posted. Any person who shall violate any of the provisions of this article shall be guilty of a civil infraction and be fined a sum not to exceed $100.00.
(Prior Code, ch. 8, art. IV, § 9; Ord. No. 28.001, eff. 5-21-1990)

Chapter 27

RESERVED

Chapter 28

UTILITIES*

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ARTICLE III. SEWERS

DIVISION 1. GENERALLY

Secs. 28-61—28-80. Reserved.

DIVISION 2. SEWER USE REGULATIONS

Subdivision I. In General

Sec. 28-81. Definitions.

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

Biochemical oxygen demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter.

Building drain means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

Building sewer means the extension from the building drain to the public sewer or other place of disposal; also called "house connection."

Chemical oxygen demand (COD) means the quantity of oxygen utilized in the chemical oxidation of organic matter under standard laboratory procedure, expressed in milligrams per liter.

Combined sewer means a sewer intended to receive both wastewater and stormwater or surface water.

Compatible pollutant means BOD, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit, if the publicly owned treatment works was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree. Examples of such additional pollutants may include:

(1) COD;

(2) Total organic carbon;

(3) Phosphorus compounds;

(4) Nitrogen and nitrogen compounds;

(5) Fats, oils and greases of animal or vegetable origin, except as prohibited under section 28-184.

County agency means the county drain commissioner.

Drain commissioner means the county drain commissioner.

Federal act means the Clean Water Act (33 USC 1251 et seq.), and any amendments thereto; as well as any guidelines, limitations and standards promulgated by the U.S. Environmental Protection Agency pursuant to the Clean Water Act.

Floatable oil means oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility.

Garbage means the animal and vegetable waste resulting from the handling, preparation, cooking and serving of food.

Incompatible pollutant means any pollutant which is not a compatible pollutant as defined in this section.

Industrial wastes means the wastewater from industrial processes, trade or business, as distinct from domestic wastes.

Industry means a manufacturing activity identified as a "Division A, B, D, E or I" industry, as defined in the Office of Management and Budget's Standard Industrial Classification Manual, 1972, as amended and supplemented.

Intercepting sewer means a sewer intended to receive flows from both combined sewers and sanitary sewers.

Major contributing industry means an industrial user of the publicly owned treatment works that:

(1) Has a flow of 50,000 gallons or more per average workday;

(2) Has a flow greater than five percent of the flow carried by the municipal system receiving the waste;

(3) Has in its waste a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of the Federal Act (33 USC 1317(a)); or

(4) Is found by the permit issuance authority in connection with the issuance of an NPDES permit to the publicly owned wastewater treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that wastewater treatment works or upon the quality of effluent from that works.

Natural outlet means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

NPDES permit means the National Pollutant Discharge Elimination System permit.

Owner or *person* means any individual, firm, company, association, society, corporation or group.

pH means the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of 10^{-7}.

Pollutant means dredged spoil, solid waste, incinerator residue, wastewater garbage, wastewater sludge, munitions, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

Pretreatment means the treatment of wastewaters from sources before introduction into the wastewater treatment works.

Properly shredded garbage means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

Public sewer means a sewer to which all owners of abutting properties have equal rights, and is controlled by a public authority.

Sanitary sewage means wastewater contributed by reason of human occupancy.

Sanitary sewer means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of groundwater, stormwater and surface waters that are not admitted intentionally.

Sewer means a pipe or conduit for carrying wastewater or stormwater.

Sewer contractor means the agent of the owner responsible for the construction of the building sewer. A sewer contractor shall be licensed and maintain liability insurance in an amount of not less than $1,000,000.00 or more, based on resolution of the village board, and carry full workers' compensation insurance.

Slug means any discharge of water or wastewater which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flow during normal operation and shall adversely affect the wastewater treatment works.

Storm sewer or *storm drain* means a sewer or drain for conveying water, groundwater, subsurface water or unpolluted water from any source.

Superintendent means the superintendent of the Lenawee County Sanitary Sewerage System No. 1 or his authorized deputy, agent or representative.

Suspended solids means total suspended matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in Standard Methods for the Examination of Water and Wastewater and referred to as nonfilterable residue.

Toxic pollutants shall include, but not necessarily be limited to, aldrin-dieldrin, benzidine, calmium, cyanide, DDT-endrin, mercury, polychlorinated biphenyl (PCBs) and toxaphene. Pollutants included as "toxic" shall be those promulgated as such by the United States Environmental Protection Agency.

Unpolluted water means water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the wastewater treatment works.

Wastewater means the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and stormwater that may be present.

Wastewater treatment plant means that portion of the wastewater treatment works serving the sewerage system which is required to treat wastewater and dispose of the effluent.

Wastewater treatment works, works or *wastewater treatment facilities* means the structures, equipment and processes required to collect, carry away and treat wastewater and dispose of the effluent of the Britton-Ridgeway Sewerage System. Wastewater treatment works shall include sanitary sewers, combined sewers and intercepting sewers, but shall not include storm sewers.

Watercourse means a channel in which a flow of water occurs, either continuously or intermittently.

(Ord. No. 4.601, eff. 5-18-1981)

Sec. 28-82. Protection from damage.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the wastewater treatment works. Any person violating this provision shall be subject to immediate arrest under the terms of any applicable village ordinance, law of the state or law or regulation of the United States of America.

(Ord. No. 4.601, eff. 5-18-1981)

State law reference—Malicious mischief generally, MCL 750.377a et seq.

Secs. 28-83—28-100. Reserved.

Subdivision II. Use of Public Sewers Required

Sec. 28-101. Prohibited deposits.

It shall be unlawful for any person to place, deposit or permit to be placed or in any manner upon public or private property within the village, or in any area under the jurisdiction of the village, any human or animal excrement, garbage or other waste, except as hereinafter provided.
(Ord. No. 4.601, eff. 5-18-1981)

Sec. 28-102. Prohibited discharges.

It shall be unlawful to discharge to any natural outlet within the village, or in any area under the jurisdiction of the village, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this division.
(Ord. No. 4.601, eff. 5-18-1981)

Sec. 28-103. Privies; septic tanks; cesspools.

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.
(Ord. No. 4.601, eff. 5-18-1981)

Sec. 28-104. Toilet facilities; connection to sewer.

The owner of any house, building or property 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 is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the public sewer in accordance with the provisions of this division, within 90 days after the date of official notice to do so, provided that said public sewer is within 300 feet of the said structure.
(Ord. No. 4.601, eff. 5-18-1981)

Sec. 28-105. State plumbing code.

The state plumbing code, as amended from time to time, is hereby incorporated into and made a part of this division as if fully set forth herein.
(Ord. No. 4.601, eff. 5-18-1981)

Secs. 28-106—28-120. Reserved.

Subdivision III. Private Sewage Disposal

Sec. 28-121. Where permitted.

Where a public sanitary sewer is not available under the provisions of section 28-104, the building sewer shall be connected to a private sewage disposal system complying with the provisions of the regulations of the county health department.
(Ord. No. 4.601, eff. 5-18-1981)

Sec. 28-122. Permit to construct.

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit from the county health department.
(Ord. No. 4.601, eff. 5-18-1981)

Sec. 28-123. Applicable regulations.

The type, capacities, location and layout of a private sewage disposal system shall comply with all provisions of the regulations of the county health department.
(Ord. No. 4.601, eff. 5-18-1981)

Sec. 28-124. 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 section 28-104, a direct connection shall be made to the public sewer in compliance with this division, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with sand or other suitable material within 30 days after connection to the public sewer and the owner shall comply with all requirements of the county health department.
(Ord. No. 4.601, eff. 5-18-1981)

Sec. 28-125. Operation and 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.
(Ord. No. 4.601, eff. 5-18-1981)

Secs. 28-126—28-141. Reserved.

Subdivision IV. Building Sewers and Connections

Sec. 28-142. Permit requirement.

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent.
(Ord. No. 4.601, eff. 5-18-1981)

Sec. 28-143. Permit application, fee.

All applications for building sewer permits shall be made on a special form furnished by the superintendent and signed by certified owners or agents. When property is owned by a company, partnership or corporation, the application shall be signed by an officer of said company, a partner or officer of the corporation. When the property is in joint ownership, all joint owners shall sign the application. The application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the superintendent and the village. A permit and inspection fee shall be set from time to time by resolution of the village council.
(Ord. No. 4.601, eff. 5-18-1981)

Sec. 28-144. Costs and expenses; indemnification.

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
(Ord. No. 4.601, eff. 5-18-1981)

Sec. 28-145. 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 superintendent, to meet all requirements of this division.
(Ord. No. 4.601, eff. 5-18-1981)

Sec. 28-146. Materials.

All material used shall be new and of first quality and acceptable to the superintendent. The building sewer shall be constructed on one of the following alternative materials:

(1) Vitrified pipe, ASTM C700, with precast plastic or rubber gasket joints complying with ASTM C425;

(2) ABS plastic truss (composite) or solid wall pipe, ASTM D2680, with minimum wall thickness of 0.29 inches for solid wall pipe and with joints of the chemically welded type using a solid ABS coupling of the exterior of the joint;

(3) PVC plastic pipe, ASTM D3034 (SDR-35), with joints complying with applicable plumbing code requirements;

(4) Asbestos-cement pipe, C428, with couplings of the sleeve type with pure rubber gaskets;

(5) Cast iron soil pipe, ASTM A74, with joints complying with applicable plumbing code requirements; or

(6) Schedule 40 PVC pipe complying with ASTM D1785 and joints complying with applicable plumbing code requirements.

(Ord. No. 4.601, eff. 5-18-1981)

Sec. 28-147. Laying pipe; connection of sewer to building drain.

Any sewer contractor, before laying pipe or making the connection to any wye, tee, riser or crossover, shall uncover said appurtenances to ascertain the condition. No sewer pipe shall be laid before the representative of the superintendent is on the job. The sewer contractor shall determine the slope of the building sewer from the elevations of the existing public sewer connection and the connection at the building, with the minimum slope being in accordance with section 28-148. Should there not be enough fall available to provide the minimum slope, the superintendent shall be advised immediately. Sewer pipe laying shall start at the connection to the public sewer. Upon satisfactory completion of the work and approval by the superintendent, or his authorized agent, the sewer contractor shall connect the sewer to the building drain. The sewer contractor shall install a joint adaptor, if necessary, to connect the building drain to the building sewer. Cleanouts shall be installed as required by applicable state laws.

(Ord. No. 4.601, eff. 5-18-1981)

Sec. 28-148. Size and slope.

The size and slope of the building sewer shall be subject to the approval of the village inspector or the 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-quarter inch per foot. The slope of six-inch pipe building sewers shall be not less than one-eighth inch per foot. Common services for more than one building and services for commercial or industrial uses shall be not less than six inches in diameter.

(Ord. No. 4.601, eff. 5-18-1981)

Sec. 28-149. Laying sewer.

(a) 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 and within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. Any public or private utility service structure or line shall be maintained at a minimum of five feet horizontal clearance between said building sewer and said utility, except for water lines which shall be maintained at a minimum of ten feet horizontal clearance. The minimum horizontal clearance between a water line and the building sewer may be waived in certain cases by the superintendent. No other utilities will be permitted in the same trench as the building sewer.

(b) No building sewer line shall pass over a water line; this requirement may be waived in certain cases by the superintendent.
(Ord. No. 4.601, eff. 5-18-1981)

Sec. 28-150. Lifting wastewater by artificial means.

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.
(Ord. No. 4.601, eff. 5-18-1981)

Sec. 28-151. Excavations, pipe laying and backfill.

All excavations required for the installation of a building sewer shall be open trench work unless otherwise permitted or required by the superintendent. Pipe laying and backfill shall be performed in accordance with ASTM Specification C12, except that no backfill shall be placed until the work has been inspected.
(Ord. No. 4.601, eff. 5-18-1981)

Sec. 28-152. Joints and connections.

All joints and connections shall be made gastight and watertight.
(Ord. No. 4.601, eff. 5-18-1981)

Sec. 28-153. Connection into public sewer.

The village cannot guarantee the exact location of any existing wye, tee, riser or crossover. The connection of the building sewer into the public sewer shall be made at a riser, tee or wye, if such outlet is available at a suitable location. Where no properly located riser, tee or wye is available in the public sewer, the owner shall, at his expense, cut a neat hole into the public sewer to receive the building sewer, with entry in the downstream direction at an angle of about 45 degrees and the location specified by the superintendent. The connection of the building sewer to the public sewer shall, in general, be above and near the spring line of the sewer, but never in the top of the public sewer. A 45-degree elbow may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. A smooth, neat joint shall be made, and the connection made secure and watertight by approved waterproof joint material before encasing in concrete. Concrete encasement shall not be considered waterproof. Special fittings may be used for the connection only when approved by the superintendent. Any damage to the public sewer pipe during installation of the connection shall require replacement of the entire length of sewer pipe damaged, at the sewer contractor's expense.
(Ord. No. 4.601, eff. 5-18-1981)

Sec. 28-154. Inspection and connection.

The applicant for the building sewer permit shall notify the village inspector or superintendent 48 hours before an inspection and connection to the public sewer is to be made. All notifications of this kind shall include the permit number and the location. The connection shall be made under the supervision of the superintendent or his representative. The superintendent, or any person authorized by him, must be permitted at all times to inspect all work, material and fixtures.
(Ord. No. 4.601, eff. 5-18-1981)

Sec. 28-155. Conditions of work.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, driveways, sewers, utilities and other public or private property disturbed in the course of the work shall be restored in a manner satisfactory to the superintendent. No sewer contractor shall open any pavement on any public or private property without first receiving written permission from the superintendent or proper authorities. At least 48 hours' notice shall be given for this permission. Where the trench method is used through paved or unpaved streets, roads, driveways, alleys etc., it will be necessary to use granular material, preferably sand or limestone screening, for backfill. It shall be placed in layers of not more than six inches and tamped with a mechanical tamp or puddled in layers at the direction of the superintendent. After the backfill is thoroughly compacted, it will be necessary to replace the pavement with the same type of materials as was removed, and in no case shall substitute paving materials be used without first securing the approval of the proper authority. All surplus excavation must be removed from the site to a location satisfactory to the superintendent, leaving the berms and pavement in substantially the same condition as before construction started. All of the above-mentioned work and material shall be performed in accordance with the standard specifications of the state department of transportation. At all locations where the building sewer passes under another sewer, drainage pipe, water main or other utility, the line passed under must be supported by four-inch by four-inch wood timbers, brick or concrete masonry and extra precaution will be required in backfilling and tamping the trench in order to avoid any danger of a break, settlement or crack in the line passed under. No trench shall be allowed to remain open for more than 48 hours after inspection or the village may fill in said open trench and charge all expenses incurred by the village to the owner or the property, additional property taxes carrying interest at the rate of delinquent taxes.
(Ord. No. 4.601, eff. 5-18-1981)

Sec. 28-156. Repair work; stoppages.

A building sewer permit shall be required for all repair work performed by a sewer contractor, except in cases where excavation is not necessary. In the case of stoppages, it shall be the responsibility of the sewer contractor to uncover the wye, tee, or riser, if the property is on the same side as the main sewer. When the property is on the opposite side, the end of the crossover shall be uncovered to determine where the trouble lies. If the stoppage is found to be

either in the public sewer or in the public crossover, the sewer contractor shall notify the superintendent immediately, whose responsibility shall be to repair same. The cost of the permit will then be returned to the sewer contractor. If the stoppage is located anywhere else in the line, it shall be the responsibility of the owner to repair same at his own cost and expense.
(Ord. No. 4.601, eff. 5-18-1981)

Sec. 28-157. Failure to comply with rules and regulations.

If any sewer contractor shall neglect or refuse to comply with the rules and regulations herein set forth, within 24 hours after receiving written notice from the superintendent, the village will proceed with the work and the cost involved will be charged to the sewer contractor. In cases where it is necessary for the village to proceed with the work, no further permits will be granted to the sewer contractor until he has satisfactorily complied with the orders of the superintendent or completely reimbursed the village for any cost involved. The sewer contractor shall be required, for a period of one year after the completion of the work, to make all necessary repairs.
(Ord. No. 4.601, eff. 5-18-1981)

Sec. 28-158. Environmental problems.

In any case where the nature of a business or industry may create an environmental problem, the village shall require that the following data and items be filed at such time as the application for sewer permit required under section 28-142 is filed:

(1) A written statement indicating the nature of the business, the source and amount of water to be used, the amount of water to be discharged, along with its present or expected bacterial, physical, chemical, radioactive or other pertinent characteristics of quality.

(2) A plan and/or map of the building, works or complex, with each natural outlet, sanitary sewer, storm sewer, watercourse or groundwaters noted, and the water stream identified.

(3) An agreement to sample, test and file reports with the village and appropriate regulatory agencies relative to characteristics of wastes on a schedule, at locations and according to methods approved by the village.

(4) An agreement to place industrial waste treatment facilities, process facilities, pretreatment facilities, waste stream control and potential industrial waste problems under the specific supervision and control of a person or persons who have been certified by an appropriate state agency as properly qualified to supervise such facilities, when required by said state agency.

(5) An agreement to provide reports on raw materials entering the process or support systems, intermediate materials, final products and waste byproducts, as those factors may affect waste control.

(6) An agreement to maintain records and file reports on the final disposal of the specific liquids, solids, sludges, oils, radioactive materials, solvents or other wastes.

(7) An agreement that, if any industrial process is to be altered so as to add or delete a process waste or potential waste, written notification shall be given to the village in advance and approval of the village and any necessary regulatory agency obtained.

(Ord. No. 4.601, eff. 5-18-1981)

Secs. 28-159—28-180. Reserved.

Subdivision V. Use of Public Sewers

Sec. 28-181. Prohibition on unpolluted water.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer. Any existing roof drain connections to sanitary sewers shall be carried into an available storm sewer or shall be disconnected above ground in the manner approved by the superintendent. The owner of any building situated within the village shall be required, at his expense, to disconnect all existing roof drains from sanitary sewers in accordance with the provisions of this section within 90 days after the date of official notice to do so.

(Ord. No. 4.601, eff. 5-18-1981)

Sec. 28-182. Allowable discharge of unpolluted water.

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the superintendent and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged to a storm sewer or natural outlet on approval by the superintendent and other regulatory agencies.

(Ord. No. 4.601, eff. 5-18-1981)

Sec. 28-183. Substances prohibited.

No person shall discharge or cause to be discharged any of the following described waters or wastes to the wastewater treatment works:

(1) Any gasoline, benzene, naptha, fuel oil or other flammable or explosive liquid, solid or gas.

(2) Any waters or wastes having a pH lower than 6.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the wastewater treatment works.

(3) Insoluble, solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interferences with the proper operation of the wastewater treatment works, such as, but not limited to, ashes, bones, cinders, sand,

mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders. This prohibition shall include substances which solidify or become viscous at temperatures between 32 degrees Fahrenheit and 150 degrees Fahrenheit.

(4) Noxious or malodorous gases, such as, but not limited to, hydrogen sulfide, sulfur dioxide and oxides of nitrogen, and other substances capable of producing a public nuisance.

(5) Any waters or wastes having a pH higher than 9.5.

(Ord. No. 4.601, eff. 5-18-1981)

Sec. 28-184. Substances limited.

The following described substances, materials, waters or wastes shall be limited in discharges to the wastewater treatment works to concentrations or quantities which will not harm the wastewater treatment works, process or equipment, will not have an adverse effect on the receiving stream or will not otherwise endanger lives, limb or public property or constitute a nuisance. The superintendent may set limitations more stringent than the limitations established herein if, in his opinion, such more stringent limitations are necessary to meet the above-mentioned objectives. Deliberate dilution with unpolluted water to meet the concentrations established in this division shall not be acceptable. In forming his opinion as to the acceptability, the superintendent will give consideration to such facts as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the wastewater treatment works which shall not be violated without approval of the superintendent are as follows:

(1) Wastewater having a temperature higher than 150 degrees Fahrenheit.

(2) Wastewater containing more than 50 milligrams per liter of petroleum oils, nonbiodegradable cutting oils, products of mineral oil origin or floatable oils, fat, wax or grease, whether emulsified or not.

(3) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

(4) Except as may be permitted by the provisions of section 28-185, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

a. BOD in excess of 300 milligrams per liter (mg/l);

b. COD in excess of 450 mg/l;

c. Chlorine in excess of 15 mg/l;

d. Suspended solids in excess of 350 mg/l.

(5) Any waters or wastes containing solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the wastewater treatment plant, including, but not limited to, cyanides, hexavalent chromium, copper, zinc, cadmium, nickel and phenols in the wastes as discharged to the public sewer. The following concentrations shall not be exceeded in industrial wastes discharged to the public sewers:

		Milligrams Per Liter (mg/l)
Ag	(Silver)	0.2
Cd	(Cadmium)	0.2
CN	(Total cyanide)	0.5
Cr^{+6}	(Hexavalent chromium)	1.0
Cr	(Total chromium)	*
Cu	(Copper)	1.0
Fe	(Iron)	*
Hg	(Mercury)	0.01
Ni	(Nickel)	2.0
Pb	(Lead)	0.5
Phenols		0.2
Zn	(Zinc)	1.0

*To be established

These maximum concentrations may be changed as necessary by the superintendent or state regulatory agencies, based on new information concerning inhibitory substances or to protect treatment plant processes. Industrial dischargers covered by federal pretreatment requirements shall meet those limitations specified under the effluent guidelines published pursuant to sections 304(b) and 307(b) of the Federal Act, or the above concentrations, whichever are more stringent. Major contributing industries discharging incompatible pollutants into the public sewers shall be regulated, in addition, as provided in section 28-185.

(6) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the superintendent or any local or state regulatory agencies.

(7) Any radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established by applicable state and/or federal regulations.

(8) Quantities of flow, concentrations or both which constitute a slug as defined herein.

(9) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(10) Any waters or wastes which, by interaction with other waters or wastes in the public sewer system, release obnoxious gases or form suspended solids which interfere with the collection system or create a condition deleterious to the wastewater treatment works.

(11) Any waters or wastes containing color, such as, but not limited to, from dyes, inks or vegetable tanning solutions, shall be controlled to prevent light absorbency which would interfere with wastewater treatment plant processes or prevent analytical determinations.

(12) Inert suspended solids, such as, but not limited to, Fuller's earth, lime slurries and lime residues, and dissolved solids, such as, but not limited to, sodium chloride and sodium sulfate, in unusual concentrations shall not be allowed.

(Ord. No. 4.601, eff. 5-18-1981)

Sec. 28-185. Authority for control of wastewater discharges.

(a) If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers which contain substances or possess characteristics enumerated in sections 28-183 and 28-184, and which, in the judgment of the village, may have a deleterious effect upon the wastewater treatment works, processes, equipment or receiving waters, including violation of applicable water quality standards, or which otherwise create a hazard to life or constitute a public nuisance, the village shall require one or more of the following:

(1) Reject the wastes;

(2) Require pretreatment to an acceptable condition for discharge to the public sewers;

(3) Require control over the quantities and rates of discharge; and/or

(4) Require additional payment to cover the added cost of handling and treating the wastes.

(b) All industrial wastes discharged to the public sewers by major contributing industries shall, as a minimum, meet the national pretreatment standards or best practical control technology currently available for incompatible pollutants, as published in 40 CFR 128, unless the village is committed, in its NPDES permit, to remove a specified percentage of the incompatible pollutant. In the latter instance, the applicable pretreatment standards may be correspondingly reduced to levels determined by the superintendent, or his duly authorized representative, or state regulatory agencies.

(c) If the village requires pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent and state regulatory agencies and to the requirements of all applicable codes, ordinances and laws.
(Ord. No. 4.601, eff. 5-18-1981)

Sec. 28-186. Grease and oil interceptors.

Interceptors shall be provided for grease, oil and inorganic material such as sand, grit, etc., when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in section 28-184(2), or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of type and capacity approved by the superintendent and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal, which shall be subject to review by the superintendent. Any removal and hauling of the collected materials not performed by the owners' personnel shall be performed by currently licensed waste disposal firms.
(Ord. No. 4.601, eff. 5-18-1981)

Sec. 28-187. Analyses.

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this division shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, unless such standards conflict with regulations promulgated by the U.S. Environmental Protection Agency, in which case, the regulations promulgated by the Environmental Protection Agency shall govern. Sampling methods, location, times, duration and frequencies shall be determined on an individual basis subject to approval by the superintendent. All costs incident to sampling and analyses shall be borne by the owner. Such costs incurred by the village shall be billed annually to the owner, based on actual cost to the village plus reasonable overhead.
(Ord. No. 4.601, eff. 5-18-1981)

Sec. 28-188. Special conditions.

No statement contained in this article 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 for subsequent treatment. Any industrial concern may appeal to the village board any determination made by the superintendent in the enforcement of this division.
(Ord. No. 4.601, eff. 5-18-1981)

Secs. 28-189—28-210. Reserved.

Subdivision VI. Control of Industrial Wastes

Sec. 28-211. Submission of basic data.

Within 30 days after passage of the ordinance from which this division is derived, each person whose operation entails the discharge of industrial wastes to a public sewer shall prepare and file with the village such data and items as are contained in section 28-158. Within a reasonable time of receipt of such data, it shall be the duty of the village to make an order stating such minimum restrictions as, in the judgment of the superintendent, may be necessary to adequately guard against unlawful uses of the village's wastewater treatment works.
(Ord. No. 4.601, eff. 5-18-1981)

Sec. 28-212. Extension of time.

When it can be demonstrated that circumstances exist which would create an unreasonable burden on the person to comply with the time schedule imposed by section 28-211, a request for extension of time may be presented for consideration of the superintendent. All requests for extension of time shall be submitted in writing, stating the reasons for such request. Under no circumstances shall the extension of time exceed 30 days after approval of the extension by the superintendent.
(Ord. No. 4.601, eff. 5-18-1981)

Sec. 28-213. Control manholes.

When required by the superintendent, an industry shall install one or more suitable structures, together with necessary meters and other appurtenances, in the building sewer to facilitate observation, sampling and measurement of the wastes. Such structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the superintendent. The structure shall be installed by the industry at its expense and shall be maintained by the industry so as to be safe and accessible at all times.
(Ord. No. 4.601, eff. 5-18-1981)

Sec. 28-214. Wastewater volume determination.

The volume of industrial wastes discharged to the wastewater treatment works of the village from industries shall be determined on the basis of the volume of wastewater discharged from the industry to the wastewater treatment works. This volume shall be the same volume as that recorded on the meter or meters used to measure water from the water system of the village unless the industry is supplied with water from a source other than the water system of the village and/or unless a substantial volume of water supplied to the industry is not discharged to the wastewater treatment works, in which cases, the volume of water discharged to the wastewater treatment works shall be determined by one or more meters installed to measure water flow and/or wastewater discharged, or by other means

approved by the village. Meters installed other than the meter or meters used to record consumption from the water system of the village shall be approved by the village and installed at the expense of the industry. Following approval, such meters shall not be removed without the consent of the superintendent.
(Ord. No. 4.601, eff. 5-18-1981)

Sec. 28-215. Sampling and monitoring.

(a) Industrial wastes discharged to the public sewers shall be subject to periodic inspection with a determination of character and concentration of said wastes. The determination shall be made as often as may be deemed necessary by the superintendent, but in no case shall there be less than two 24-hour composite samples per month. The owner shall be responsible for the collection and testing of the aforementioned samples.

(b) Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling shall be accomplished by the use of automatic sampling equipment capable of collecting composite samples. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.
(Ord. No. 4.601, eff. 5-18-1981)

Sec. 28-216. Analyses.

(a) Laboratory procedures used in the examination of industrial wastes shall be as provided in section 28-187. However, alternative methods for certain analyses of industrial wastes may be used, subject to mutual agreement between the superintendent and the owner.

(b) Determination of the character and concentration of the industrial wastes shall be made by the owner, or his qualified agent as approved by the superintendent. The results of the analyses shall be reported to the village on a monthly basis on forms provided by the village. The village shall make its own analyses on the wastes periodically. In case the analyses performed by the owner and the village result in substantially different values, an effort shall be made by the owner to collect samples at the same time the village collects samples. The results of the analyses on the samples collected by the village and the owner shall be compared, using the same testing procedures as outlined in section 28-187, and the differences negotiated. In the event the differences cannot be resolved, the determination performed by the village shall be binding.
(Ord. No. 4.601, eff. 5-18-1981)

Secs. 28-217—28-230. Reserved.

Subdivision VII. Powers and Authority of Inspectors

Sec. 28-231. Right of entry.

The superintendent and other duly authorized employees of the village bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge to the wastewater treatment works in accordance with the provisions of this division.
(Ord. No. 4.601, eff. 5-18-1981)

Sec. 28-232. Right of information; limitation.

The superintendent and other duly authorized employees of the village are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater treatment works. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.
(Ord. No. 4.601, eff. 5-18-1981)

Sec. 28-233. Safety rules; indemnification.

While performing the necessary work on private properties referred to in section 28-231, the superintendent or other duly authorized employees of the village shall observe all safety rules applicable to the premises established by the owner, and the owner shall be held harmless for injury or death to the village employees, and the village shall indemnify the owner against loss or damage to its property by village employees and against liability claims and demands for personal injury or property damage asserted against the owner and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the owner to maintain safe conditions as required in section 28-213.
(Ord. No. 4.601, eff. 5-18-1981)

Secs. 28-234—28-250. Reserved.

Subdivision VIII. Enforcement

Sec. 28-251. Notice of violation.

If violations of any provision of this division, except any section of this subdivision, shall be found, a written notice, stating the nature of the violation, shall be sent by first class mail to the person apparently guilty of the violation. This notice shall be deemed sufficient, in the event of violation, if sent to the address of that person as shown on sewer account records. The notice shall, in all cases, set forth a time limit during which all noted violations shall cease and be abated, and appropriate corrective action taken, and if the violator shall not thus comply, the provisions of section 28-252 shall then apply.
(Ord. No. 4.601, eff. 5-18-1981)

Sec. 28-252. Violation a civil infraction.

Any person who shall continue any violation beyond the time limit provided for in section 28-251 shall be guilty of a civil infraction and, upon conviction thereof, shall be fined in an amount not exceeding $500.00, in the discretion of the court.
(Ord. No. 4.601, eff. 5-18-1981)

Sec. 28-253. Liability.

Any person violating any of the provisions of this division shall become liable to the village for any expense, loss or damage occasioned the village by reason of such violation, notwithstanding whether said person may have been prosecuted for a violation of the terms of this division.
(Ord. No. 4.601, eff. 5-18-1981)

Sec. 28-254. State or federal penalties.

Any person violating state and/or federal regulations as a consequence of this division shall be subject to any penalties imposed by state and/or federal regulations, irrespective of the provisions of this division.
(Ord. No. 4.601, eff. 5-18-1981)

Sec. 28-255. Designation of superintendent as drain commissioner.

By a separate agreement for operations and maintenance services the village may enter with the county agency, the superintendent shall be designated to be the county drain commissioner.
(Ord. No. 4.601, eff. 5-18-1981)

Secs. 28-256—28-270. Reserved.

DIVISION 3. RATE AND MANDATORY CONNECTION

Sec. 28-271. Operation on public utility rate basis.

It is hereby determined to be desirable and necessary, for the public health, safety and welfare of the village, that the Lenawee County Sanitary Sewer System No. 1 (Village of Britton) be operated by said village as lessee of the county and the county drain commissioner as county agent under Public Act No. 342 of 1939 (MCL 46.171 et seq.), on a public utility rate basis in accordance with the provisions of Public Act No. 94 of 1933 (MCL 141.101 et seq.).
(Ord. No. 4.002, eff. 9-27-1979)

Sec. 28-272. Definitions.

(a) Whenever the term "the system" is referred to in this division, it shall be understood to mean the complete Lenawee County Sanitary Sewer System No. 1 (Village of Britton - Township of Ridgeway), 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 and are situated in the village.

(b) Whenever the terms "revenues" and "net revenues" are used in this division, they shall be understood to have the meanings as defined in section 3 of Public Act No. 94 of 1933 (MCL 141.103).
(Ord. No. 4.002, eff. 9-27-1979)

Sec. 28-273. Operation and maintenance of system.

The operation and maintenance of the system shall be under the supervision and control of the county drain commissioner subject to the terms of the contract dated August 10, 1979, between the county and the village. Pursuant to the terms of such contract, the village has retained the exclusive right to establish, maintain and collect rates and charges for sewer collection and disposal service and in such capacity the village may employ such person or persons in such capacity or capacities as it deems advisable and may make such rules, orders and regulations as it deems advisable and necessary to ensure the efficient establishment, maintenance and collection of such rates and charges.
(Ord. No. 4.002, eff. 9-27-1979)

Sec. 28-274. Rates and charges.

(a) *Established.* All sewer rates and charges shall be as currently established or as hereafter adopted by resolution of the village council from time to time.

(b) *Tap-in fee.* A tap-in fee shall be assessed to each residential, commercial or industrial unit requiring sewage service from the village. Said fee shall be paid to the office of the village clerk prior to connection.

(c) *Unit defined.* A unit is defined as a dwelling place, commercial or industrial enterprise that is identifiably distinct from other dwelling places, commercial or industrial enterprises within the same structure.

(d) *Industrial cost recovery charge.* The village council shall establish a system of industrial cost recovery charges applicable to any user of the system consistent with the terms and conditions of the federal grant financing part of the cost of the system which charge shall be collected, held and used in the manner required by said federal court.

(e) *Billing.* Bills will be rendered quarterly on March 1, June 1, September 1 and December 1, payable without penalty within 30 days after the date thereon. Payments received after such period shall bear a penalty of ten percent of the amount of the bill.

(f) *Enforcement.* The charges for services which are under the provisions of section 21, Public Act No. 94 of 1933 (MCL 141.121), made a lien on all premises served thereby, unless notice is given that a tenant is responsible, are hereby recognized to constitute such lien, and whenever any such charge against any piece of property shall be delinquent for six months, the village official in charge of the collection thereof shall certify annually, on March 1 of each year,

to the tax assessing officer of the village the facts of such delinquency, whereupon such charge shall be by him entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced, in the same manner as general village taxes against such premises are collected and the lien thereof enforced. In addition to the foregoing, the village shall have the right to shut off sewer service to any premises for which charges for sewer service are delinquent per policy, which is on file in the village clerk's office, and such service shall not be reestablished until all delinquent charges and penalties and a turn-on charge, to be specified by the village council, have been paid. Further, such charges and penalties may be recovered by the village by court action.
(Ord. No. 4.002, eff. 9-27-1979; Ord. No. 4.603, eff. 6-1-1995)

Sec. 28-275. 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.
(Ord. No. 4.002, eff. 9-27-1979)

Sec. 28-276. Connection to system.

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 therefore, 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 state law.
(Ord. No. 4.002, eff. 9-27-1979)

Sec. 28-277. Rate sufficiency.

The rates hereby fixed are estimated to be sufficient to provide for the payment of the expenses of administration and operation, such expenses for maintenance of the said system as are necessary to preserve the same in good repair and working order, to provide for the payment of the contractual obligations of the village to the county pursuant to the aforesaid contract between said county and the village as the same become due, and to provide for such other expenditures and funds for said system as this division may require. Such rates shall be fixed and revised from time to time as may be necessary to produce these amounts.
(Ord. No. 4.002, eff. 9-27-1979)

Sec. 28-278. Operating year.

The system shall be operated on the basis of an operating year identical to that of the village.
(Ord. No. 4.002, eff. 9-27-1979)

Sec. 28-279. Funds.

The revenues of the system shall be set aside, as collected, and deposited in a separate depository account in a bank duly qualified to do business in the state, in an account to be designated System No. 1 (Village of Britton) Receiving Fund (hereinafter, for brevity, referred to as the "receiving fund"), and said revenues so deposited shall be transferred from the receiving fund periodically in the manner and at the times hereafter specified.

(1) *Operation and maintenance fund.* Out of the revenues in the receiving fund there shall be first set aside quarterly into a depository account, designated "operation and maintenance fund," a sum sufficient to provide for the payment of the next quarter's current expenses of administration and operation of the system and such current expenses for the maintenance thereof as may be necessary to preserve the same in good repair and working order.

(2) *Contract payment fund.* There shall next be established and maintained a depositary account, to be designated "contract payment fund," which shall be used solely for the payment of the village's obligations to the county pursuant to the aforesaid contract. There shall be deposited in said fund quarterly, after requirements of the operation and maintenance fund have been met, such sums as shall be necessary to pay said contractual obligations when due. Should the revenues of the system prove insufficient for this purpose, such revenues may be supplemented by any other funds of the village legally available for such purpose.

(3) *Replacement fund.* There shall next be established and maintained a depositary account, designated "replacement fund," which shall be used solely for the purpose of making major repairs and replacements to the system if needed. There shall be set aside into said fund, after provision has been made for the operation and maintenance fund and the contract payment fund, such revenues as the village council shall deem necessary for this purpose.

(4) *Improvement fund.* There shall next be established and maintained an improvement fund for the purpose of making improvements, extensions and enlargements to the system. There shall be deposited into said fund, after providing for the foregoing fund, such revenues as the village council shall determine.

(5) *Surplus monies.* Monies remaining in the receiving fund at the end of any operating year, after full satisfaction of the requirements of the foregoing funds, may, at the option of the village council, be transferred to the improvement fund or used in connection with any other project of the village reasonably related to purposes of the system.

(6) *Bank accounts.* All monies belonging to any of the foregoing funds or accounts may be kept in one bank account, in which event the monies shall be allocated on the books and records of the village within this single bank account, in the manner set forth in this section.

(Ord. No. 4.002, eff. 9-27-1979)

Sec. 28-280. Transfer of monies.

In the event the monies in the receiving fund are insufficient to provide for the current requirements of the operation and maintenance fund, any monies and/or securities in other funds of the system, except sums in the contract payment fund derived from tax levies, shall be transferred to the operation and maintenance fund, to the extent of any deficit therein.
(Ord. No. 4.002, eff. 9-27-1979)

Sec. 28-281. Investments.

Monies in any fund or account established by the provisions of this division may be invested in obligations of the United States of America in the manner and subject to the limitations provided in Public Act No. 94 of 1933 (MCL 141.101 et seq.). In the event such investments are made, the securities representing the same shall be kept on deposit with the bank or trust company having on deposit the fund or funds from which such purchase was made. Income received from such investments shall be credited to the fund from which said investments were made.
(Ord. No. 4.002, eff. 9-27-1979)

Sec. 28-282. Hardship application.

The owner of a single-family residence, which residence has been assessed a connection charge, may submit a hardship application to the village seeking a deferment in the partial or total payment of the charges for benefits provided for herein, based upon a showing of financial hardship, subject to and in accordance with the following:

(1) The owners of the premises shall, under oath, complete a hardship application provided by the village council, and file said application, together with all other information and documentation reasonably required by the village, with the village council not less than 60 days prior to the date of the annual installment due. Any such deferment shall be for that annual installment only. An application shall be completed and filed by each and every legal and equitable interest holder in the premises, excepting financial institutions having security interests in the premises.

(2) Hardship applications shall be reviewed by the village council, and after due deliberation of hardship applications, the village council shall determine, in each case, whether there has been an adequate showing of financial hardship, and shall forthwith notify the applicant of said determination.

(3) An applicant aggrieved by the determination of the village council may request the opportunity to appear before the village council in person for the purpose of showing hardship and presenting any argument or additional evidence. A denial of hardship following such a personal appearance before the village council shall be final and conclusive.

(4) In the event that the village council makes a finding of hardship, the village council shall fix the amount of deferment of partial or total charges so imposed, and in so

doing, shall require an annual filing of financial status by each applicant, providing that upon a material change of financial status of an applicant, said applicant shall immediately notify the clerk of the village so that a further review of the matter may be made by the village council, provided further that the duration of the deferment granted shall be self-terminating upon the occurrence of any one of the following events:

a. A change of the applicant's financial status that removes the basis for financial hardship;

b. A conveyance of any interest in the premises by any of the applicants, including the execution of a new security interest in the premises or extension thereof;

c. A death of any of the applicants.

(5) Upon receiving a determination of the village council deferring partial or total charges imposed, the owners of the premises shall, within one month, execute a recordable security instrument on the premises to the village, as the secured party, payable on or before the death of any of the applicants, or, in any event, upon the sale or transfer of the premises. Said security interest shall be in an amount necessary to cover all fees and charges required under this division, and all costs of installation and connection, the consideration for said security interest being the grant of deferment pursuant to this division.

(Ord. No. 4.002, eff. 9-27-1979)

Secs. 28-283—28-300. Reserved.

DIVISION 4. SANITARY SEWER CHARGES

Sec. 28-301. Charges established.

This division establishes sanitary sewer charges for users of sewers in the Lenawee County Sanitary Sewerage System No. 1 in the Township of Ridgeway and the Village of Britton.
(Ord. No. 4.602, eff. 5-18-1981)

Sec. 28-302. Public sewer definitions.

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

Administrator means the administrator of the Environmental Protection Agency, or any person authorized to act for him.

Biochemical oxygen demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter.

Building drain means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning three feet outside the building wall.

Building sewer means the extension from the building drain to the public sewer or other place of disposal.

Commercial means a user of the wastewater treatment works not in the "domestic" or "industry" classifications, as defined herein.

Compatible pollutant means a waste constituent which does not interfere with the operation or performance of the wastewater treatment works and plant and includes BOD, suspended solids, pH, fecal coliform bacteria, and additional pollutants identified in the NPDES permit if the publicly owned treatment works was designed to treat such pollutants and in fact does remove such pollutants to a substantial degree.

County means the county or its duly authorized representative, the county drain commissioner.

Domestic means a residential user of the wastewater treatment works.

Domestic wastes from industries means wastes originating from sanitary conveniences. Domestic wastes do not include trade or process wastes.

Environmental Protection Agency means the federal (or United States) Environmental Protection Agency, or any person authorized to act for that agency.

Floatable grease means oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility.

Garbage means solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

Incompatible pollutant means any pollutant which is not a compatible pollutant.

Industrial wastes means the wastewater from industries, as defined herein, as distinct from segregated domestic wastes or wastes from sanitary conveniences.

Industry means a manufacturing activity identified as a "Division A, B, D, E or I" industry, as defined in the office of Management and Budget's Standard Industrial Classification Manual, 1972, as amended and supplemented. However, any industry, as previously defined in this definition, may be excluded from the "industry" category if it discharges non-process, segregated domestic wastes or wastes from sanitary conveniences.

Local units means the Village of Britton and the Township of Ridgeway.

Maintenance means upkeep and repair costs required to maintain the sewer system structures and equipment in efficient operating condition during the service life of such works.

mgd is an abbreviation for million gallons per day.

mg/l is an abbreviation for milligrams per liter.

Natural outlet means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

Nonindustrial user means a user of the wastewater treatment works not in the industrial user classification, as defined herein.

NPDES permit means the National Pollutant Discharge Elimination System permit for the Britton-Ridgeway Waste Stabilization Lagoons.

Operation means any physical and mechanical actions, processes or functions required to efficiently operate the sewer system.

Owner or *person* means any individual, firm, company, industry, association, society, corporation, or group.

pH means the logarithm of the reciprocal of the hydrogen ion concentration.

Pollutant means any noxious chemical or other refuse material or constituent that impairs the purity of water.

Pretreatment means the treatment of wastewater from users before introduction into the sewer system.

Private sewer means any extension of the wastewater treatment works which is not a public sewer.

Properly shredded garbage means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

Public sewer means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

Replacement means expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary to maintain the capacity and performance during the service life of the treatment works for which such works were designed and constructed.

Sanitary sewer means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industries and institutions, together with minor quantities of ground-water, stormwater and surface water that are not admitted intentionally.

Sanitary sewer charges means the aggregate of various components of billing charges, user charges, and extra strength surcharges.

Sanitary wastes means the combination of liquid and water-carried wastes discharged from sanitary plumbing facilities and conveniences by reason of normal human and domestic activities.

Sewer means a pipe or conduit that carries wastewater or drainage water.

Slug means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation and shall adversely affect the wastewater treatment works.

Storm drain or *storm sewer* means a drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

Suspended solids means total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids and that is removable by laboratory filtering as prescribed in Standard Methods for the Examination of Water and Wastewater and referred to as nonfilterable residue.

Township means the Township of Ridgeway.

Unpolluted water means water of quality equal to or better than the effluent criteria delineated in the NPDES permit or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

User means any building, structure or other facility either directly or indirectly connected with the sanitary sewer system.

User charge means a charge levied on users of the wastewater treatment works for the cost of operation, maintenance and replacement of the wastewater treatment works.

User class means any class of users of the wastewater facilities.

Wastes or wastewater means the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industries and institutions, together with any groundwater, surface water, and stormwater that may be present.

Wastewater treatment plant or *WWTP* means that portion of the wastewater treatment works required to treat wastewater and dispose of the effluent.

Wastewater treatment works or *works* means the structures, equipment, parcels of land, easements and processes required to collect, carry away and treat wastewater and dispose of the effluent of the sewer users. The term "wastewater treatment works" shall include sanitary sewers and intercepting sewers, but shall not include storm sewers.

Watercourse means a channel in which a flow of water occurs, either continuously or intermittently.
(Ord. No. 4.602, eff. 5-18-1981)

Sec. 28-303. Control of wastewater discharges.

(a) *Normal concentrations of wastes.* Charges for waste treatment pursuant to section 28-304(c) shall apply to wastes not exceeding normal concentrations as follows:

(1) BOD, 200 milligrams per liter;

(2) Suspended solids, 240 milligrams per liter;

(3) Phosphorus, ten milligrams per liter.

Applicable concentrations shall be based on average concentrations, weighted in proportion to volume of flow, determined during each billing period by the most practicable method possible. Should the average concentration of any constituent exceed the normal concentration provided in this section, a user charge - extra strength surcharge shall be collected by the appropriate local unit as subsequently outlined in section 28-304, relative to sanitary sewer charges.

(b) *Authority for control of wastewater discharges.* If any wastes are discharged, or are proposed to be discharged, to the wastewater treatment works which contain pollutants in excess of normal concentration as defined above and/or possess characteristics which, in the judgment of the county, may have a deleterious effect upon the wastewater treatment works or receiving waters, including violation of applicable NPDES permit, or which otherwise create a hazard to life or constitute a public nuisance, the county shall:

(1) Reject the wastes; or

(2) Require pretreatment to an acceptable condition for discharge to the wastewater treatment works; and/or

(3) Require control over the quantities and rates of discharge; and/or

(4) Require payment of surcharges as provided previously to cover the added cost of handling and treating the wastes.

Roof drains, foundation drains and all other clear water connections to the sanitary sewer are prohibited.

(c) *Industrial wastes.* All industrial wastes discharged to the public sewers by major contributing industries shall, as a minimum, meet the national pretreatment standards or best practical control technology currently available for incompatible pollutants as published in 40 CFR 128 unless the county is committed to remove a specified percentage of the incompatible pollutant. In those instances, the applicable pretreatment standards may be correspondingly reduced to levels determined by the county or its duly authorized representative or state regulatory agencies.

(d) *Submission of basic data.* Within 90 days after passage of the ordinance from which this division is derived, each person whose operation entails the discharge of industrial wastes to a public sewer shall prepare and file with the county a written statement setting forth the nature of the operation contemplated or presently carried on, the amount and source of water required for use, the proposed point of discharge of said wastes into the wastewater collection system of the county, the estimated amount to be so discharged and a fair statement setting forth the expected bacterial, physical, chemical, and other known characteristics of said wastes. Within a reasonable time of receipt of such statement, it shall be the duty of the county to make an order stating such minimum restrictions as in the judgment of the county may be necessary to adequately guard against unlawful uses of the wastewater system. When it can be demonstrated that circumstances exist which would create an unreasonable burden on the

person to comply with this time schedule, a request for extension of time may be presented for consideration of the county. All requests for extension of time shall be submitted in writing, stating the reasons for such a request. Under no circumstances shall the extension of time exceed 60 days after approval of the extension by the county.

(e) *Oil and grease.* If oils and greases are biodegradable and in a physical state that does not cause clogging or undue maintenance problems in the wastewater facilities, the discharge of these substances can be accepted in a wastewater treatment system. Animal and vegetable oils and greases (polar substances) are readily degradable in aerobic and anaerobic biological treatment systems provided that the physical states of the oils and greases do not prevent the necessary contact with the biological suspensions responsible for treatment. However, oils and greases of mineral origin (primarily nonpolar substances) are essentially nonbiodegradable either in aerobic or anaerobic processes and should be removed from industrial wastes to the maximum degree practical before discharge. The discharge of these oils and greases of mineral origin shall be limited to the regulation of the county. Grease separators are required for all meat packing plants and on building sewers serving hotels, restaurants, and institutions in which large numbers of meals are served. However, the use of garbage grinders precludes the use of gravity grease separators. Flammable waste and grit intercepting facilities must be provided on all building sewers from garages, filling stations, cleaning establishments and other concerns using volatile oils or solvents. Special pretreatment methods are required for the removal of soluble cutting oils. All grease and oil removal facilities must be approved by the county.

(f) *Wastewater volume determination.* In the absence of an areawide public water system and an accurate method of metering all water consumption, volume determination shall be in accordance with the following. If the local unit has a metered public water system, said local unit may elect by resolution to charge on the basis of metered water consumption with the exception of those properties served by wells which shall be charged as follows:

(1) Residential:

a. Single-family residences: one unit (includes individual trailers used as residences).

b. Two or more family residences: one unit; plus 0.75 unit per each apartment over one.

(2) Commercial and industrial:

a. Barbershops: one unit, plus 0.1 unit per chair.

b. Bars (no food service): 0.05 unit per seat, minimum equals one unit.

c. Beauty shops: one unit, plus 0.15 unit per chair.

d. Bowling lanes: one unit, plus 0.08 unit per lane.

e. Bowling lanes, with restaurant and/or bar: one unit, plus 0.20 unit per lane.

f. Car wash facilities: two units per stall.

g. Churches: 0.013 unit per sanctuary seat (with kitchen), or 0.01 unit per sanctuary seat (without kitchen); minimum equals one unit.

h. Convalescent and rest homes: one unit, plus 0.3 unit per bed; plus 0.05 unit per bed, if laundry is performed.

i. Dancehalls: one unit, plus 0.5 unit per water closet and lavatory.

j. Doctors' and dentists' offices, clinics: 0.5 unit per suite; minimum equals one unit.

k. Factories and shops: one unit, plus 0.1 unit per employee, if showers are provided; or plus 0.075 unit per employee, if showers are not provided. (Industrial wastes subject to special consideration, based on volume and character.)

l. Hospitals: one unit, plus 0.7 unit per bed; plus 0.05 unit per bed if laundry is performed.

m. Hotels, motels, tourist homes, roominghouses: one unit, plus 0.3 unit per room with bath; plus 0.2 unit per room without bath; plus 0.05 unit per room, if laundry is performed.

n. Laundries (coin-operated): 0.75 unit per washer; minimum equals one unit.

o. Office buildings: 0.3 unit per suite; minimum equals one unit.

p. Restaurants and bars (with food service): 0.1 unit per seat; minimum equals one unit.

q. Restaurants (drive-in): 0.125 unit per car space; minimum equals one unit.

r. Schools: 0.95 unit per classroom (base); add 0.05 unit per classroom, if showers are provided; deduct 0.1 unit per classroom, if no kitchen facilities.

s. Service stations: one unit, plus 0.5 unit per public rest room; plus one unit, if car wash facilities provided.

t. Stores: 0.5 unit per toilet; minimum equals one unit.

u. Swimming pool (public): one unit, plus 1.5 units per 1,000 s.f. of pool area.

v. Theatres: one unit, plus 0.015 unit per seat.

w. Theatres (drive-in): one unit, plus 0.02 unit per car space.

x. Trailer parks: one unit, plus 0.5 unit per trailer; plus 0.75 unit per washer, if laundry is provided.

Using the above, each user of the system will be assigned a unit number which will be the basis for determining the user and debt charges. For the purpose of this division, one unit will represent the estimated flow contributed by a single-family residential user. In the case of users whose estimated flow cannot be determined directly as set forth in this subsection (f), the county shall assign a unit number.

(g) *Sampling and monitoring.* Industrial wastes discharged to the wastewater treatment works shall be subject to periodic inspection with a determination of character and concentration of said wastes. The determination shall be made as often as may be deemed necessary

by the county. The user shall be responsible for the cost of collection and testing of the aforementioned samples. Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling shall preferable be accomplished by the use of automatic sampling equipment capable of collecting composite samples. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.

(h) *Control manhole.* When required by the county, a user shall install one or more suitable structures, together with such necessary meters and other appurtenances, in the building sewer to facilitate observation, sampling and measurement of the wastes. Such structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the county. The structure and appurtenances shall be installed by the user at its expense and shall be maintained by the user so as to be safe and accessible at all times.

(i) *Testing.* All measurements, tests and analyses of the characteristics of wastes to which reference is made in this division shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, unless such standards conflict with regulations promulgated by the U.S. Environmental Protection Agency under 40 CFR 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants, in which case, the regulations promulgated by the Environmental Protection Agency shall govern. Sampling methods, location, times, duration and frequencies shall be determined on an individual basis subject to approval by the county or its duly authorized representative. All costs incident to sampling and analyses shall be borne by the user. Such costs incurred by the county on behalf of the user shall be billed annually to the user, based on the actual cost to the county, plus reasonable overhead. Such billing shall be billed with, and be considered a part of, the sewer service charge for the period billed.

(j) *Discharge of wastes to storm sewers.* Wastes shall not be discharged into a storm sewer unless the waste is of such character as would permit the waste to be discharged directly to the body of water to which the storm sewer discharges and be in compliance with all criteria and standards of discharge established by regulatory agencies.
(Ord. No. 4.602, eff. 5-18-1981)

Sec. 28-304. Sanitary sewer charges.

(a) *Components.* Quarterly sewer charges shall consist of the following components:

(1) User charges.

a. Operation and maintenance costs of the wastewater treatment works.

b. Extra strength surcharges.

(2) Debt charges.

(b) *Basis of charges.*

(1) *User charges.* For the purpose of these charges, all users shall be assigned an equivalent unit number that will represent their respective estimated daily sewage flow contribution, as previously defined in section 28-303(f). For user charges, except the extra strength surcharge, each unit shall pay its proportionate share of the operation and maintenance costs in a manner as subsequently discussed in subsection (c) of this section.

(2) *Extra strength surcharges.* If any user discharges wastes with concentrations higher than normal, a surcharge calculated in accordance with subsection (d) of this section shall be collected.

(c) *User and debt charges (industry and nonindustry).*

(1) The user charges shall recover from the users of the sewer system an amount of money sufficient to cover the cost of operation and maintenance of the wastewater treatment works. As previously discussed in section 28-303(f), each user will be assigned an equivalent unit number, said number representing an approximation of the user's daily sewage flow contribution to the sewer system. (A unit represents the flow estimated to be contributed by a typical single-family residential user.)

(2) The user charge for wastewaters which do not exceed normal strength wastes shall be based upon the following annual values:

C_t = Estimated total monies needed for the operation and maintenance expenses of the wastewater treatment works.

C_b = Estimated administration and associated expenses for the preparation and collection of billings.

C_s = Estimated revenue from extra strength surcharges.

U_t = The total number of user units in the Lenawee County Sanitary Sewerage System No. 1.

$$\text{Quarterly User Charge} = (1/4)\ \frac{C_t + C_b - C_s}{U_t} \text{ per unit}$$

Until revised pursuant to the provisions of subsection (f) of this section, the quarterly user charge shall be $22.50 per unit.

(d) *Extra strength surcharges.* In addition to the base user charges applicable pursuant to subsection (c) of this section, users discharging pollutants to the wastewater treatment works, whose average concentration, as defined in subsection (a) of this section, in one or more

classifications exceeds in any quarter that concentration defined as normal in subsection (a) of this section, in the corresponding classification shall be subject to surcharges calculated as follows:

(1) Surcharges for each billing period during a calendar year shall be based upon the following values for that calendar year: the estimated total operation and maintenance expenses (C_t); the estimated total pounds of BOD received at the plant (B_t); and the estimated total pounds of suspended solids received at the plant (S_t). Data not available shall be estimated in the most practical manner possible.

(2) Surcharge on user charges per pound of BOD in excess of normal equals:

$$\frac{C_t \times 0.25}{B_t}$$

Until revised pursuant to the provisions of subsection (f) of this section, the surcharge for BOD in excess of normal concentration shall be $0.11 per pound.

(3) Surcharge on user charges per pound of suspended solids in excess of normal equals:

$$\frac{C_t \times 0.25}{S_t}$$

Until revised pursuant to the provisions of subsection (f) of this section, the surcharge for suspended solids in excess of normal concentration shall be $0.09 per pound.

(4) Pounds of BOD per billing period subject to surcharge equals: Average concentration of BOD, calculated pursuant to subsection (a) of this section, in milligrams per liter minus 200 milligrams per liter times the volume of wastewater discharged from the user to the wastewater treatment works per billing period, in 100 cubic feet times 0.00624. If the average concentration of BOD is 200 milligrams per liter, or less, no surcharge for BOD shall apply.

(5) Pounds of suspended solids per billing period subject to surcharge equals: Average concentration of suspended solids, calculated pursuant to subsection (a) of this section, in milligrams per liter minus 240 milligrams per liter times the volume of wastewater discharged from the user to the wastewater treatment works per billing period, in 100 cubic feet times 0.00624. If the average concentration of suspended solids is 240 milligrams per liter, or less, no surcharge for suspended solids shall apply.

(6) Surcharge on user charges equals the pounds of BOD calculated pursuant to subsection (d)(4) of this section times surcharge per pound calculated pursuant to subsection (d)(2) of this section; plus pounds of suspended solids calculated pursuant to subsection (d)(5) of this section times surcharge per pound calculated pursuant to subsection (d)(3) of this section.

(7) Formulas as contained in subsections (d)(2) and (3) of this section shall be subject to adjustment as necessary based upon annual audit of sewer revenue fund expenses.

(e) *Surcharge for other pollutants.* Surcharges may also be established for pollutants other than those provided for which are permitted to be discharged to the wastewater treatment works by the county after pretreatment, or without pretreatment.

(f) *Annual rate review.* The sanitary sewer charge rates shall ensure that each recipient of waste treatment services will pay its proportionate share of the cost of operation and maintenance including replacement. Revenue generated shall be proportionate to the portion of operation and maintenance necessary. These rates shall be reviewed annually and shall be revised periodically, as required, to reflect actual treatment works operation and maintenance costs. Revisions to the rates shall be made by resolution of the governing boards of the appropriate local units and such resolution or resolutions shall be enforceable under the terms of this division.

(g) *Audit, review and adjustment.* Revenues, expenses, consumptions, loadings and other data associated with sanitary sewer charges shall be audited annually. All estimated revenues, expenses, consumptions, loadings, allocation factors, etc., shall be reviewed and adjusted annually so as to more accurately reflect current conditions and adjust for past inequities. One of the main purposes of the audit shall be to maintain a proportionate distribution of the wastewater treatment works' operation and maintenance costs, including billing, to all users by means of the user charge system, and to ensure that user charges are sufficient to cover all operation and maintenance costs, including billing. Within the limitations of all applicable federal, state, and local laws, the U.S. Environmental Protection Agency shall have the right to audit industrial waste discharge records.

(h) *Effective date of charges.* The sanitary sewer charges established shall commence when the building, structure or other facility is connected to a sewer having its ultimate outlet at the wastewater treatment plant, or as of a date 120 days following the date on which the local unit notifies the owner of such premises that the sewer is available for making such connection, whichever date first occurs, and such charges shall be payable pursuant to this section. Quarterly billing periods shall begin on June 1, September 1, December 1 and March 1. Sanitary sewer charges shall be paid in advance on the date of tapping as follows:

Time of Tapping Within the Quarter	*Amount of Full Quarterly Sewer Charge Due*
1st to 15th of 1st month	Full amount
16th to end of 1st month	5/6
1st to 15th of 2nd month	4/6
16th to end of 2nd month	3/6
1st to 15th of 3rd month	2/6
16th to end of 3rd month	1/6

(i) *Method of collecting charges.* The sanitary sewer charges provided in this division shall be payable quarterly at the appropriate local unit's municipal office during regular office hours. The billing and collection of sanitary sewer charges and permit charges shall be the responsibility of the local units. The same shall be subject to and governed by the valid and applicable rules and regulations from time to time established by the county. Surcharges levied pursuant to this division shall be billed quarterly or as otherwise established by the local units.

(j) *Nonpayment of bill.* When any charges imposed by this division are not paid within 30 days after due and payable, they shall be certified with a penalty of ten percent to the county auditor who shall place them upon the real property tax list and duplicate against the property served. Such charges and penalties shall be a lien on such property from the date the same are placed upon the real property tax list and duplicate by the county auditor and shall be collected in the same manner as other taxes.

(k) *Special contracts.* The county shall have the right to contract with special users when agreement schedules and charges are in accordance with prevailing rates of this division. All contracts, however, are subject to the review and approval or disapproval of the local units and are null and void unless and until approved by said local units.

(l) *Sanitary sewer system accounts.* Revenues generated through user charges levied pursuant to this section shall be placed in a separate account and shall be used to offset all operation and maintenance costs, including billing.

(m) *Notification.* The local units shall notify each user, at least annually and in conjunction with the regular bill, of the rate and that portion of the user charges which are attributed to wastewater treatment services.
(Ord. No. 4.602, eff. 5-18-1981)

Sec. 28-305. Penalties.

(a) If violations of any provision of this division shall be found, a written notice stating the nature of the violation shall be sent by first class mail to the user apparently guilty of the violation. This notice shall be deemed sufficient, in the event of violation, if sent to the address of that user as shown on the billing records. The notice shall, in all cases, set forth a time limit during which all violations shall cease and be abated, and appropriate corrective action taken, and if the violator shall not thus comply, the provision of subsection (b) of this section shall then apply.

(b) Any person who shall continue any violation beyond the time limit provided for in subsection (a) of this section shall be guilty of a civil infraction and shall be fined in an amount not exceeding $50.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(c) Any person violating any of the provisions of this division shall become liable to the appropriate local unit for any expense, loss or damage occasioned the local unit by reason of such violation, notwithstanding whether said person may have been prosecuted for a violation of the terms of this division.

(d) Any person violating state and/or federal regulations as a consequence of violating any provisions of this division shall be subject to any penalties imposed by state and/or federal regulations, irrespective of the provisions of this section.
(Ord. No. 4.602, eff. 5-18-1981)

Sec. 28-306. Appeals.

(a) The local units shall establish and maintain an administrative appeal procedure by which individual users may be heard regarding the reasonableness of sewer use charges levied upon them. Appeals must be submitted in writing to the appropriate local unit.

(b) The administrative appeal procedure shall ensure that:

(1) Each user has the opportunity for written presentation and the right to have financial or legal counsel participate in such presentation.

(2) Each appeal will be decided promptly, which decision shall either uphold the original determination or allow adjustment and/or repayment.

(3) Each appeal decision will include a written statement of reasons on which the decision is based.

(4) Prompt repayment shall be made of any sewer use charges paid which are determined to be due the user because of error in allocating and assessing the charges.

(5) The local units shall retain all documents substantiating each appeal.
(Ord. No. 4.602, eff. 5-18-1981)

Chapter 29

RESERVED

Chapter 30

ZONING*

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ARTICLE I. IN GENERAL

Sec. 30-1. Purposes.

This chapter has been established for the purposes of:

(1) Promoting and protecting the public health, safety and general welfare.

(2) Protecting the character and the stability of the recreational, residential and commercial areas within the village and promoting the orderly and beneficial development of all areas.

(3) Providing adequate light, air, privacy and convenience of access to property.

(4) Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light and air and to protect the public health.

(5) Lessening and avoiding congestion in the public highways and streets.

(6) Providing for the needs of recreation, residence and commerce in future growth.

(7) Promoting healthful surroundings for family life in residential areas.

(8) Meeting the needs of residents of the village and surrounding areas for food, fiber, energy and other natural resources, places of residence, recreation, industry, trade, service and other uses of land.

(9) Facilitating adequate and efficient provision for transportation systems, sewage, disposal, water, energy, education, recreation and other public service and facility needs.

(10) Fixing reasonable standards to which buildings and structures shall conform.

(11) Prohibiting uses, buildings, or structures not permitted within specified zoning districts.

(12) Preventing such additions to or alterations or remodelings of existing buildings or structures in such a way as to avoid the regulations and limitations imposed under this chapter.

(13) Protecting against fire, explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, vibration, radioactivity and other nuisances and hazards in the interest of the public health and general welfare.

(14) Preventing the inappropriate overcrowding of land, the congestion of population, and undue concentration of buildings, structures, transportation systems and other public facilities so far as possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them.

(15) Conserving the taxable value of land, buildings and structures throughout the village.

(16) Providing for the completion, restoration, reconstruction, extension or substitution of nonconforming uses.

(17) Creating a board of zoning appeals and defining the powers and duties thereof.

(18) Designating and defining the powers and duties of the official or officials in charge of the administration and enforcement of this chapter.

(19) Providing for the payment fees for zoning permits.

(20) Providing penalties for the violation of this chapter.

(Ord. No. 1-1987, § 1.03, eff. 1989)

Sec. 30-2. Validity and severability clause.

(a) If any court of competent jurisdiction shall declare any part of this chapter to be invalid, such ruling shall not affect any other provisions of this chapter not specifically included in said ruling.

(b) If any court of competent jurisdiction shall declare invalid the application of any provision of this chapter to a particular land, parcel, lot, district, use, building or structure, such ruling shall not affect the application of said provision to any particular land, parcel, lot, district, use, building or structure not specifically included in said ruling.

(Ord. No. 1-1987, § 1.04, eff. 1989)

Sec. 30-3. Conflict with other laws.

(a) Where any condition imposed by any provision of this chapter upon the use of any lot, building or structure is either more restrictive than any comparable condition imposed by any other provision of this chapter or by the provision of any ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.

(b) This chapter is not intended to abrogate or annul any easement, covenant, or other private agreement, provided that where any provision of this chapter is more restrictive or imposes a higher standard or requirement than such easement, covenant or other agreement, the provisions of this chapter shall govern.

(Ord. No. 1-1987, § 1.05, eff. 1989)

Sec. 30-4. Interpretations.

For the purpose of this chapter, certain term or word uses shall be interpreted as follows:

(1) The term "person" includes, but is not limited to, a firm, association, organization, partnership, trust, corporation or company, as well as an individual.

(2) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

(3) The term "shall" is mandatory, the term "may" is permissive. The terms "used" or "occupied" include the terms intended, designed, or arranged to be used or occupied.

(4) Any word or term not defined herein shall have the meaning of common or standard use which is reasonable for the context in which used herein.

(5) Questions of interpretation arising hereunder shall be decided by the building inspector whose decision may be appealed to the board of zoning appeals.

(Ord. No. 1-1987, § 2.01, eff. 1989)

Sec. 30-5. Definitions.

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

Accessory building and structures means a subordinate building or structure, the use of which is clearly incidental to that of the main building of the use of the land.

Accessory use means a use subordinate to the main use on a lot and used for purposes clearly incidental to those of the main use.

Alley means any dedicated public way affording a secondary means of vehicular access to abutting property, and not intended for general traffic circulation.

Alterations means any change, addition or modification in construction or type of occupancy, and any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."

Antennae means an accessory structure.

Apartment means a residential structure containing three or more attached one-family dwellings.

Apartment, efficiency, means a dwelling unit, containing not over 300 square feet in floor area and consisting of not more than one room in addition to kitchen and necessary sanitary facilities.

Apartment house means a residential structure containing three or more attached dwelling units, which generally share common front and rear entrances.

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

Automobile service station means the building and premises where gasoline, oil, grease, batteries, tires, car washing and automobile accessories are dispensed at retail cost and minor maintenance services may be provided. Uses permitted at an automobile service station do not include major mechanical and bodywork, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in automobile service stations. An automobile service station is not a repair garage or body shop.

Automobile wash station means a building, or portion thereof, the primary purpose of which is that of washing and cleaning motor vehicles.

Basement means that portion of a building which is partly or wholly below grade but so located that the vertical distance from the grade to the floor is greater than the vertical distance from the grade to the ceiling. A basement will not be counted as a story, except in the instance of a split-level dwelling unit.

Bedroom means a room furnished with a bed and intended primarily for sleeping.

Billboard. See *Sign, outdoor advertising.*

Block means the property abutting one side of a street and lying between the two nearest intersecting streets, or between the nearest such street and railroad right-of-way, unsubdivided acreage, barrier to the continuity of development.

Board of zoning appeals terminology. The crucial points of variance are: undue hardship, unique circumstances, and applying to the property. A variance is not justified unless all three elements are present in the case. Requests for a variance are the responsibility of the board of zoning appeals. Exceptions: An exception is a use permitted only after review of an application by the planning commission, such review being necessary because the provisions of this chapter covering conditions, precedent or subsequent, are not precise enough to all applications without interpretation, and such review is required by this chapter. The exception differs from the variance in several respects. An exception does not require undue hardship in order to be allowable. The exceptions that are found in this chapter appear as special approval by the planning commission. The effects of such land uses could not be definitely foreseen as of a given time. The general characteristics of these uses include one or more or the following:

(1) They require large areas.

(2) They are infrequent.

(3) They sometimes create an unusual amount of traffic.

(4) They are sometimes obnoxious or hazardous.

(5) They are required for public safety and convenience.

Buildable area means the space of a lot remaining after the minimum open space requirements of this chapter have been complied with.

Building means any structure, either temporary or permanent, having a roof, and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind. This shall include tents, awnings, or vehicles situated on private property and used for purposes of a building.

Building height means the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs. Where a building is located on a sloping terrain, the height may be measured from the average ground level of the terrace at the building wall.

Building line means a line formed by the face of the building and for the purposes of this chapter, a building line is the same as a front setback line.

Building, main or principal, means a building in which is conducted the principal use of the lot on which it is situated.

Building, municipal, means structures relating to the internal affairs of a political unit of self-government and including, but not limited to, such buildings as fire stations, village halls and libraries.

Building permit means the written authority issued by the building inspector of the village permitting the construction, removal, repair, moving, alteration, or use of a building in conformity with the provisions of this chapter.

Clinic means an establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists or similar professionals.

Club means an organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, or the like, but not for profit.

Commercial use means a commercial use related to the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or personal services or the maintenance of offices, or recreational or amusement enterprises.

Construction facility means a structure situated on a construction site for a period of time not to exceed the duration of the construction project and to be used only as an office or headquarters and/or other related use, but not to be used as living quarters.

Convalescent home and *nursing home* mean a structure with sleeping rooms where persons are housed or lodged and are furnished with meals, nursing and medical care.

Court means an open space, on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings. A court shall be unoccupied.

Density means the number of dwelling units developed on an acre of land.

District means a portion of the incorporated part of the village within which certain regulations and requirements or various combinations thereof apply under the provisions of this chapter.

Drive-in means a business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve the patrons while in the motor vehicle rather than within a building or structure.

Dwelling, converted, means a building designed originally for occupancy by one family but converted to accommodate two or more families in separate, independent dwelling units.

Dwelling, multiple-family, means a building, or portion thereof, designed exclusively for occupancy by three or more families living independently of each other.

Dwelling, one-family, means a building designed exclusively for occupancy by one family.

Dwelling, two-family, means a building designed exclusively for occupancy by two families, independent of each other, such as a duplex dwelling unit.

Dwelling unit means a building, or a portion thereof, designed for occupancy by one family for residential purposes and having cooking facilities.

Dwelling unit, mobile home, means a structure transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in the structure. The term "mobile home" does not include a recreational vehicle.

Erected means and includes built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like shall be considered a part of erection.

Essential services means the erection, construction, alteration, or maintenance by public utilities or municipal department of underground, surface or overhead gas, electrical, steam, fuel, or water transmission or distribution systems, collections, communications, supplies, or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarms, and police call boxes, traffic signals, hydrants and similar accessories in connection therewith, but not including buildings, which are necessary for the furnishing or adequate service by such utilities or municipal department for the general public health, safety, or welfare.

Exception. See *Board of zoning appeals terminology.*

Existing building means a building existing in whole, or one in which foundations are complete and which the construction is being diligently prosecuted to the effective date of the ordinance from which this chapter is derived.

Family means:

(1) An individual or group of two or more persons related by blood, marriage or adoption, together with foster and stepchildren and servants or the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit; or

(2) A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing nontransient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or other similar determinable period.

Fence means a structure of definite height and location constructed of wood, masonry, stone, wire, metal or any other material or combination of materials serving as a physical barrier, marker or enclosure, but excluding low, solid masonry walls.

Filling means the depositing or dumping of any matter onto, or into the ground, except common household gardening and general farm care.

Frontage means all the property fronting on one side of a street between intersecting or intercepting streets or between a street and right-of-way, waterway, end of a dead-end street, or village boundary measured along the street line.

Garage, commercial. See *Automobile service station.*

Garage, private, means an accessory building not over one story of 15 feet in height used for parking or storage of not more than the number of vehicles as may be required in connection with the permitted use of the principal building.

Garage sale means any incidental sale in a residential district or dwelling.

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

Grade means the highest point of ground contacting any portion of the basement of foundation of a dwelling.

Greenbelt means a strip of land, which may be landscaped in accordance with planning commission specifications, that acts as a filtering agent for stormwater runoff.

Ground floor coverage (GFC) means the total ground floor area of the principal and all accessory buildings divided by the total lot area, both areas being in the same unit of measure, and expressed as a percentage.

Historic site means areas usually limited in size, such as a building, structure, or parcel of land, established primarily to preserve objects of local, regional, state and/or national significance commemorating important persons, historic events, or superlative examples of a particular style of construction or art form as listed in the National Register of Historic Sites, the state historic register and/or the county museum register of historic sites.

Home occupation means any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof; and provided that no article is sold or offered for sale except such as may be produced on the premises by members of the immediate family. Offices, clinics; doctors' offices, hospitals, barbershops, beauty parlors, dress shops, automobile repair shops, woodworking shops, welding shops, tearooms, restaurants, barter shops, tourist homes, animal hospitals, and kennels, among others, shall not be deemed to be home occupations. Any home occupation that creates objectionable noise, fumes, odor, dust, electrical interference or more than normal residential traffic shall be prohibited.

Hot tub means a structure or container, located above or below grade, designed to hold water with a surface area less than 150 square feet, intended for bathing or therapeutic uses.

Junkyard means an enclosed lot and any accessory buildings where waste, used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber ties, wood, and bottles.

Kennel means any building or buildings and/or land used, designed, or arranged for the boarding, breeding, or care of three or more dogs, cats, pets, fowl, or other domestic animals for profit, but shall not include those animals raised for agriculture.

Livestock means horses, cattle, sheep, swine, goats or other undomesticated animals.

Loading space means an off-street space on the same or adjacent lot with a building or group of buildings for temporary parking of a commercial vehicle while loading merchandise or materials.

Lot means a parcel of land, excluding any street or other right-of-way, with a least sufficient size of meet the minimum requirements for use, coverage, and lot area, and to provide such yards and open spaces as herein required. Such lot shall have frontage on a public street or on a private street approved by the village council and may consist of:

(1) A single lot of record;

(2) A portion of a lot of record;

(3) Any combination of complete and/or portions of lots of record, if continuous;

(4) A parcel of land described by metes and bounds, provided that in no case of division or combination shall the area of any lot or parcel created, including residuals, be less than that required by this chapter. In addition to the land required to meet the regulations herein, the lot shall include all other land shown in a request for a building permit or a certificate of occupancy, occupied by a principal building or use, and any accessory building or use.

Lot line means the lines bordering a lot, as defined herein, shall be as follows:

(1) *Front lot line* means, in a case of an interior lot, the front lot of a corner lot or double frontage lot, that line separating that line from either street.

(2) *Rear lot line* means that line opposite the front lot line. In a case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front line, not less than ten feet long, farthest from the front lot line and located wholly within the lot.

(3) *Side lot line* means any lot line other than the front lot line and rear lot line.

Lot of record means a lot which is part of a platted subdivision shown on a map thereof which has been recorded in the office of the register of deeds of the county or a lot described by metes and bounds, the description of which has been recorded in said office.

Lot types means:

(1) *Corner lot* means a lot located at the intersection of two or more streets. A lot abutting a curved street shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

(2) *Interior lot* means a lot other than a corner lot with frontage on only one street. Through lots abutting two streets may be referred to as double frontage lots.

(3) *Through lot* means a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

Lot width means the horizontal distance between the side lot lines, measured along the front building line. The distance between the side lot lines at their foremost points, where they intersect the street line, shall not be less than 80 percent of the required lot width except in the case of lots fronting onto the turning circle of cul-de-sac streets, in which case the minimum distance shall be 20 feet.

Major thoroughfare means an arterial street which is intended to serve as a large volume trafficway for both the immediate village area and the region beyond, and is designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term to identify those streets comprising the basic structure of the major thoroughfare plan. Any street with a width, existing or proposed of 120 feet shall be considered a major thoroughfare.

Master plan means a comprehensive statement including written and graphic proposals for the development of the village stating proposed policies for development and graphically presenting location and overall design of public agencies and facilities, systems, allocation of space to all public and private activities, and indicating all proposed physical development within the village. Such plan may be utilized, in whole or in part, with or without formal adoption by the planning commission and/or the village council.

Mobile home. See *Dwelling, mobile home.*

Mobile home pad means that part of a mobile home site designed and constructed for the placement of a mobile home, appurtenant structures, or additions including expandable rooms, enclosed patios, garages, or structural additions.

Mobile home park means any parcel or tract of land under the control of any person, upon which three or more mobile homes are located on a continual or nonrecreational basis, or which is offered to the public for the purposes, regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the harboring or occupancy of a mobile home, and which is not intended for use as a temporary mobile home park.

Mobile home site means a parcel of ground within a mobile home park designed for accommodating one mobile home dwelling unit and meeting the requirements of this chapter for a mobile home site.

Motel means a series of attached, semidetached, or detached rental units containing bedroom, bathroom, and closet space. No kitchen or cooking facilities are to be provided, with the exception of units for the use of the manager and/or caretaker. Units shall contain not less than 250 square feet of net floor area. Units shall provide overnight lodging and are offered to the public for compensation and shall cater primarily to the public traveling by motor vehicles.

Motor home means a self-propelled, licensed vehicle prefabricated on its own chassis, intended only for recreational activities and temporary occupancy as a part of such activities.

Nonconforming building means a use which lawfully occupied a building or land at the time the ordinance from which this chapter is derived, or amendments thereto, became effective, but that does not conform to the use regulations of the district in which it is located.

Nuisance factor means an offensive, annoying, unpleasant, or obnoxious thing or practice; a cause or source of annoyance, especially a continuing or recurrent invasion of any physical characteristics or activity or use across a property line which affects, or can be perceived by a human being. The generation of an excessive or concentrated amount of noise, dust, smoke, odor, glare, fumes, vibration, flashes, shockwaves, heat, electronic or atomic radiation, objectionable effluent; crowd noise, excessive pedestrian and vehicular traffic, unwarranted occupancy or trespass.

Nursery (plant materials) means a lot or structure, or combination thereof, for the storage, wholesale sale, or retail sale of live trees, shrubs and plants, and including as incidental sales, the sales of products used for gardening or landscaping. This definition of nursery does not include a portable roadside stand or temporary sales facility for Christmas trees.

Occupied means the act of using a parcel of land or the buildings, structures, or dwellings situated thereon for any use whatsoever.

Off-street parking lot means a facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering so as to provide access for entrance and exit for the parking of more than two automobiles.

Open air business uses means and includes the following:

(1) Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.

(2) Retail sale of fruit and vegetables.

(3) Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, childrens' amusement park, and/or similar recreation uses.

(4) Bicycle, utility truck or trailer, motor vehicles, boats, or home equipment sale, rental or repair services.

(5) Outdoor display and sale of garages, swimming pools, motor homes, snowmobiles, farm implements, and similar products.

Open space means any area (open to the sky) on a lot not covered by principal or accessory building.

Outdoor storage means all outdoor storage of building materials, sand, gravel, stone, lumber, equipment, and other supplies.

Parcel means a lot as defined in this article.

Parking space means an area of definite length and width for the parking of one vehicle only, said area to be exclusive of drives, aisles, or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

Principal building means the use to which the premises are devoted and purposes for which the premises exist.

Public utility means the person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under state or municipal regulations to the public gas, steam, electricity, sewage, communication, telegraph, transportation, or water.

Recreation, commercial, means a privately owned facility, including both buildings and developed open sites, providing recreational opportunities to the public and operated for a profit.

Recreation, public, means a publicly owned facility, including both buildings and developed open sites, providing recreational opportunities to the public and operated for a profit.

Recreational vehicles means a vehicle designed and intended for temporary occupancy during leisure time/recreational activities, either self-propelled or designed to be carried on the chassis of another vehicle or pulled by another vehicle. Such unit shall not exceed eight feet in width and shall not be designed or intended for full-time residential occupancy. The term "recreational vehicles" shall include, among others, such commonly named vehicles as travel trailer, travel camper, pickup camper, tent camper, and motor home.

Refuse means solid wastes, except body wastes, and includes garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings and solid market and solid industrial wastes.

Road. See *Street.*

Roadside stand means a temporary or existing permanent building operated for the purpose of selling only produce raised or produced by the proprietor of the stand or his family and its use shall not make into a commercial district land which would other wise be an agricultural district, not shall its use be deemed a commercial activity, but such stand if of a permanent character, shall not be more than one story high, nor larger than 20 feet by 20 feet, and must be set back from the nearest highway right-of-way line at least 25 feet.

Roominghouse means a building or part thereof, other than a hotel, where sleeping accommodations are provided for hire and where meals may be regularly furnished.

Row house means a two-story row of four or more attached, one-family dwellings, not more than two rooms deep, each unit of which extends from the basement of the roof.

Rubbish means nonputrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, metal containers, wood, glass, bedding, crockery, demolished building materials, or litter of any kind that will be a detriment to the public health and safety.

Screen means a structure providing enclosure and/or visual barrier between the area enclosed and the adjacent property. A screen may also be a nonstructure, consisting of shrubs or other growing materials of sufficient height and density as to provide an enclosure an/or a visual barrier.

Setback means the minimum horizontal distance required to exist between the front line of the building (excluding steps or unenclosed porches) and the right-of-way.

Sign means a name, identification, description, display, or illustration which is affixed to, or painted, or represented directly or indirectly upon a building, structure or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business and which is visible from any public street, right-of-way, sidewalk, alley, park, or other public place.

Sign, community events, means a temporary sign announcing local community events.

Sign, construction, means a sign erected on a site designated on a building permit issued by the village building inspector, which advises the public of the pertinent facts regarding the construction of the building and its site improvements.

Sign, direction or information, means a sign designation the location of a community or institution of public or quasi-public nature or the opening of an event of public interest, but not including signs pertaining to real estate, and not including any advertising matter.

Sign, freestanding, means a sign supported by the ground or by uprights, braces or pylons located in or upon the ground and not including any advertising matter.

Sign, identification, means a sign which carries only the name of the firm, the major enterprise, or the principal product or service offered for sale on the premises or a combination of these things only to identify location of said premises and not to advertise, and located only on the premises on which the firm, major enterprise, or principal product or service offered for sale on the premises or a combination of these things intended only to identify location of said premises and not to advertise, and located only on the premises or a combination of these things intended only to identify location of said premises and not to advertise, and located only on the premises on which the firm, major enterprise, or principal product or service identified is situated.

Sign, individual property sale or rent, means a temporary sign advertising the sale, rent or lease of the property upon which it is located.

Sign, institutional bulletin boards, means a sign upon which is displayed only the name of the religious institution, school, community center, club or charitable institution which occupies the premises, and announcements concerning its services or activities.

Sign, outdoor advertising, means a sign, including billboards, on which the written or pictorial information is intended to advertise a use located on other premises, and which is intended primarily for advertising purposes.

Sign, political campaign, means a sign or poster announcing candidates seeking political office and/or political issues and data pertinent thereto.

Sign, portable, means a freestanding sign not permanently anchored or secured to the ground or to a building.

Sign, private traffic direction, means a sign directing traffic movement onto or within a premises, located entirely thereupon, and containing no advertising message or symbol.

Sign, projecting, means a sign which projects from and is supported by a building wall, any part of which extends more than 15 inches beyond the building face or ends of the building well.

Sign, public, means any sign erected by a state, county, or local authority having lawful jurisdiction over public property or right-of-way for the purpose of traffic control, public safety or public information.

Sign, roof, means a sign erected upon or above a roof or parapet wall of a building and which is wholly or partially supported by said building.

Sign, special temporary. Upon application, a special permit may be granted by the zoning administrator for the placement of a temporary sign, which temporary sign shall conform with the requirements stated within article VII of this chapter, pertaining to sign regulations, with regard to placement and size for new businesses pending installation of permanent signs and signs destroyed by natural causes, vandalism, and acts of God.

Sign, subdivision sale, means a sign promoting the sale of lots or homes within a subdivision for which final plat approval has been received.

Sign, wall, means a sign attached to, painted on, or otherwise placed upon an exterior building wall, including mansard roof facade with slope not less than 75 degrees, with the sign surface parallel to the building wall and not projecting more than 15 inches beyond the surface to which it is attached.

Soil removal means removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay, or similar materials, or combination thereof, except common household gardening and general farm care.

Special approval. See *Board of zoning appeals.*

Story means that part of a building included between the surface of one floor and the surface of the next floor. A story thus defined shall not be counted as a story when more than 50 percent of the height is below the established grade.

Story, half, means a story situated within a sloping roof, the area of which, at a height of four feet above the floor, does not exceed two-thirds of the floor area in the story directly below it, and the height above at least 200 square feet of floor space is seven feet, six inches.

Street means a public thoroughfare which affords the principal means of access to the abutting property.

Structure means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Subdivision plat means the proposed division of land in accordance with the land division act, Public Act No. 288 of 1967 (MCL 560.101 et seq.).

Swimming pool, private, means a water impoundment of manmade construction such as concrete or fiberglass for the purpose of total body contact, owned and operated by the landowner of the parcel on which situated, for use only the residents of the parcel and their guests.

Swimming pool, public, means an artificially contained body of water used collectively by a number of persons primarily for the purpose of swimming, recreational bathing or wading, and includes any related equipment, structures, areas, and enclosures that are intended for the use of persons using or operating the swimming pool such as equipment, dressing, locker, shower, and toilet rooms. Public swimming pools include, but are not limited to, those which are for parks, schools, motels, camps, resorts, apartments, clubs, hotels, trailer coach parks, subdivisions, and the like.

Temporary construction facility means a temporary building or structure to be used as a construction facility for a contractor or builder for office, or storage purposes but not for residential purposes.

Terrace means a row of four or more attached, one-family dwellings, not more than two rooms deep, and having the total dwelling space on one floor.

Time limits means calendar days, weeks, months, or years, whichever are applicable, unless otherwise specified herein.

Trailer camper means a portable structure, built on a nonmotorized chassis and designed to be used as a temporary dwelling for travel and recreational purposes.

Usable floor area means, for the purposes of computing parking, that area used for or intended to be used for the sale of merchandise or services or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise or for utilities shall be excluded from this computation of usable floor area.

Use means the purpose for which land or premises or a building thereon is designed, arranged, or intended, or for which it is occupied or maintained, let or leased.

Variance. See *Board of zoning appeals.*

Watercourses means any waterway or other body of water having reasonably well-defined banks, including rivers, streams, creeks, and brooks, whether continually or intermittently flowing, and lakes and ponds, as shown on the official maps on file with the county planning commission.

Yard means a required open space other than a court, unoccupied and unobstructed by a structure or portion of a structure from the ground upward, except as provided otherwise in this chapter.

Yard, front, means a yard extending the full width of a lot and situated between a street line and a front building line parallel to the street line. The depth of the front yard shall be measured at right angles to a straight line joining the foremost points of the side lot lines. In the case of rounded property corners at street intersections, where the radius of the curve is 30 feet or less the foremost point of the side lot line shall be assumed to be the point at which the side and front lot lines would have met without such rounding. If the radius of such curve exceeds 30 feet, the yard shall be parallel to the street line. The front and rear yard lines shall be parallel.

Yard, rear, means an open yard extending the full width of the lot between the side yard lines and situated between the rear lot line and the rear building line and parallel to the rear lot line. In the case of corner and through lots, there shall be no rear yards but only front and side yards.

Yard, side, means a yard situated between the side building line and adjacent side lot line and extending from the rear line of the front yard to the front rear building line.
(Ord. No. 1-1987, § 2.20, eff. 1989)

Secs. 30-6—30-30. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERALLY

Sec. 30-31. Building inspector—Appointment.

The provisions of this chapter shall be administered and enforced by the building inspector or by the deputies of his department as the village council may designate.
(Ord. No. 1-1987, § 16.01, eff. 1989)

Sec. 30-32. Same—Duties.

(a) The building inspector shall have the power to grant building permits, and certificates of occupancy; to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this chapter; and to interpret the provisions of this chapter. It shall be unlawful for the building inspector to approve plans or to issue building permits or certificates of occupancy for any excavation, construction, or use until he has inspected such plans or premises and found them to conform with this chapter.

(b) If the building inspector shall find that any of the provisions of this chapter are being violated, he shall notify the person responsible in writing for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The building inspector shall order discontinuance of illegal uses of land, buildings, or structures; removal of illegal buildings or structures; discontinuance of any illegal work being done; or shall take any other action authorized by this chapter to ensure compliance with, or to prevent violation of, its provisions. The building inspector shall be responsible for making periodic inspection of the village or parts thereof for the purpose of finding violations of this chapter.

(c) The building inspector shall issue a certificate and/or a permit when all applicable regulations of this chapter are complied with by the applicant, even though violations of contracts, such as covenants or private agreements, may occur upon the issuance of such certificate or permit.

(d) The building inspector, fire marshal or designate shall conduct timely inspections of property deemed in violation of any adopted fire code and assist in prosecution of same.
(Ord. No. 1-1987, § 16.02, eff. 1989)

Sec. 30-33. Powers and duties of planning commission.

All powers, duties, and responsibilities for a zoning board as provided by the city/village zoning act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.), are hereby transferred to the village planning commission in accordance with Section 12 of the municipal planning act, Public Act No. 285 of 1931 (MCL 125.42).
(Ord. No. 1-1987, § 3.12, eff. 1989)

Sec. 30-34. Site plans.

An application for a building permit shall be accompanied by a site plan as required in this section, unless a site plan is required under division 2 of this article, relative to site plan review, in which case the provisions of this section shall not apply. Such site plan shall be drawn to scale, submitted in two copies, and shall provide the following information:

(1) Scale, date, and north point.

(2) Location, shape, and dimensions of the lot.

(3) Dimensioned location, outline, and dimensions of all existing and proposed structures.

(4) A clear description of existing and intended use of all structures.

(5) Additional information as required by the building inspector for purposes of determining compliance with the provisions of this chapter.

(Ord. No. 1-1987, § 16.03, eff. 1989)

State law reference—Site plan, MCL 125.584d.

Sec. 30-35. Building permits.

The following shall apply in the issuance of any permit:

(1) *Permits required.*

a. It shall be unlawful for any person to commence excavation for construction of any building or structure, structural changes, or repairs in any existing building, without first obtaining a building permit from the building inspector. No permit shall be issued for construction, alteration, or remodeling of any building or structure until an application has been submitted in accordance with the provisions of this chapter showing that the construction proposed is in compliance with the provisions of this chapter, with the state construction code, and with other applicable ordinances.

b. Alteration or repair of an existing building or structure shall include any changes in structural members, stairways, basic construction type, kind or class of occupancy, light or ventilation, means of egress or ingress, or any other changes affecting or regulated by the state construction code, the housing law of the state (MCL 125.401 et seq.), or this chapter, except for minor repairs or changes not involving any of the aforesaid provisions.

(2) *Permits for new use of land.* A building permit shall also be obtained for the new use of land, whether the land is presently vacant or a change in land use is proposed.

(3) *Permits for new use of buildings or structures.* A building permit shall also be obtained for any change in use of an existing building or structure to a different class or type.

(4) *Accessory buildings.* Accessory buildings when erected at the same time as the principal building on a lot and shown on the application thereof shall not require a separate building permit.

(5) *Duration.* All building permits, when issued, shall be valid for a period of one year only but may be extended for a further period not to exceed one year, if said building inspector shall find good cause shown for failure to complete work for which said permit was issued; provided that the exterior of any such structure must be completed within one year from the date of the original issuance of a building permit. Should the holder of a building permit fail to complete the work for which said permit was issued within the time limit as set forth in this section, any unfinished structure is hereby declared a nuisance, per se, and the same may be abated by appropriate action before the circuit court of the county. The board of zoning appeals, the village council, any person designated by the village council or any aggrieved person may institute a suit to have the nuisance abated.

(Ord. No. 1-1987, § 16.04, eff. 1989)

Sec. 30-36. Certificate of occupancy.

(a) *Required.* It shall be unlawful to use or occupy or permit the use of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefor by the building inspector. A certificate of occupancy shall not be issued for any building or structure or a part thereof, or for the use of land, which does not comply with all provisions of this chapter. The certificate shall state that the building, structure, and lot and use thereof conform to the requirements of this chapter. Failure to obtain a certificate of occupancy when required shall be a violation of this chapter and punishable under section 30-42.

(b) *Use of lot without structure.* Any lot vacant at the effective date of the ordinance from which this chapter is derived shall not be used, nor may any use of a lot without a structure existing at the effective date of such ordinance be changed to any other use unless a certificate of occupancy shall first have been issued for the new or different use.

(c) *Change in building use.* A structure or part thereof shall not be changed to or occupied by a use different from the existing at the effective date of the ordinance from which this chapter is derived unless a certificate of occupancy is first issued for the different use.

(d) *New or altered building.* Any structure, or part thereof, which is erected or altered after the effective date of the ordinance from which this chapter is derived, shall not be occupied or used for occupancy or use caused to be done until a certificate of occupancy is issued for such structure.

(e) *Existing structure and use.* A certificate of occupancy shall be issued, upon request of the owner, for an existing structure or part thereof, or for an existing use of land, including legal nonconforming uses and structures if after inspection of the premises, it is found that such structure or use comply with all provisions of this chapter. All legal nonconformities shall be clearly described on the certificate of occupancy.

(f) *Accessory structures for residences.* An accessory structure for a residence shall require a separate certificate of occupancy, unless included in the certificate of occupancy issued for the residential structure, when such accessory structure is completed at the same time as the residence structure.

(g) *Application.* Application for certificates of occupancy shall be made in writing to the building inspector on forms therefor furnished.

(h) *Certificates to include zoning.* Certificates of occupancy as required by the village building code for new buildings or structures, or parts thereof, or for alterations to existing buildings or structures, shall also constitute certificates of occupancy as required by this chapter.

(Ord. No. 1-1987, § 16.05, eff. 1989)

Sec. 30-37. Inspection.

(a) The applicant for a certificate of occupancy or building permit shall notify the building inspector when inspection is desired. Certificates and permits shall be issued within ten days after receipt of such application if the building or structure, or part thereof, or the use of land, complies with the provisions of this chapter.

(b) If issuance of such certificate is refused, the applicant therefor shall be notified of such refusal and cause thereof, within the aforesaid ten-day period.
(Ord. No. 1-1987, § 16.06, eff. 1989)

Sec. 30-38. Records.

The building inspector shall maintain a record of all certificates and permits and said record shall be open for public inspection. These records will be kept by the village clerk.
(Ord. No. 1-1987, § 16.07, eff. 1989)

Sec. 30-39. Fees.

The village council shall establish a schedule of fees for administering this article. The schedule of fees shall be posted on public display in the office of the building inspector and may be changed only by the village council. No certificate or permit shall be issued unless required fees have been paid in full.
(Ord. No. 1-1987, § 16.08, eff. 1989)

Sec. 30-40. Compliance with plans.

Building permits and certificates of occupancy issued on the basis of plans and applications approved by the building inspector authorize only the use, arrangement, and construction set forth in such approved plans and applications, and any other use, arrangement, or construction at variance with that authorized shall be deemed a violation of this chapter and punishable as provided by section 30-42.
(Ord. No. 1-1987, § 16.09, eff. 1989)

Sec. 30-41. Condemnations.

(a) *Generally.* When a structure or part thereof is found by the building inspector to be unsafe, or when a structure or part thereof is found unfit for human occupancy or use, or is found unlawful, it may be condemned pursuant to the provisions of this Code and may be placarded and vacated. It shall not be reoccupied without approval of the building inspector. Unsafe equipment shall be placarded and placed out of service.

(b) *Unsafe.* The code official may condemn as unsafe any natural growth which may endanger property or individual safety and order its removal at the owner's expense.

(c) *Demolition.* The building official may order the owner of premises upon which is located any structure or part thereof, which, in the building inspector's judgment, is so old, dilapidated or has become so out or repair as to be dangerous, unsafe, unsanitary or other unfit for human

habitation, occupancy or use, and so that it would be unreasonable to repair the same, to raze and remove such structure or part thereof, or if it can be made safe by repairs, to repair and make safe and sanitary or to raze and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to raze and remove such structure or part thereof.

(d) *Restraining actions.* Anyone affected by any such order shall within 20 days after the service of such order apply to a court of record for an order restraining the building inspector from razing and removing such structure or parts thereof. The court shall determine whether the order of the building inspector is reasonable, and if found reasonable, the court shall continue the restraining order or modify it as the circumstances may require. If no appeal is made and the demolition has not begun by the times specified, the structure will be demolished with no further notice to the owner, and the cost shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.
(Ord. No. 1-1987, § 16.10, eff. 1989)

Sec. 30-42. Violations and penalties.

(a) *Generally.* Violations of the provisions of this chapter, or failure to comply with any of its requirements and provisions of permits and certificates granted in accordance with this chapter, shall constitute a civil infraction. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than $500.00, and in addition, shall pay all costs and expenses involved. Each day such violation continues shall be considered a separate offense. The owner of record or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation, may each be found guilty of a separate offense and suffer the penalties provided by law.

(b) *Compliance required.* The imposition of any fine shall not exempt the violator from compliance with the provisions of this chapter.

(c) *Public nuisance per se.* Any structure which is erected, altered, or converted, or any use of any structure or lot which is commenced or changed after the effective date of the ordinance from which this chapter is derived, in violation of any of the provisions of this chapter, is hereby declared to be a public nuisance, per se, and may be abated by order of any court of competent jurisdiction.
(Ord. No. 1-1987, § 16.11, eff. 1989)

Sec. 30-43. Changes and amendments.

The village council may from time to time, on recommendation from the planning commission, or its own motion after requesting recommendations from the planning commission, amend, modify, supplement, or revise the district boundaries or the regulations herein, or as the same are subsequently established, pursuant to the authority and procedures authorized in Public Act No. 110 of 2006 (MCL 125.3101 et seq.); providing, however, whenever a petitioner requests a zoning district boundary amendment, he shall be the fee holder of the

premises concerned or else have the fee holder owner also subscribe to his petition. Applications or petitions to the village for amendment involving reclassification of property shall be in writing signed by the fee holder owner of the property proposed for rezoning, and accompanied by a legal description and a dimensioned plot plan of the property concerned, and a statement of the proposed use. The application or petition shall be accompanied by a filing fee in an amount as established by the village council by its own resolution. The fee shall be paid over to the village treasurer and shall be deposited in the general fund of the village. (Ord. No. 1-1987, § 16.12, eff. 1989)

State law reference—Ordinance procedure, MCL 125.584.

Secs. 30-44—30-60. Reserved.

DIVISION 2. SITE PLAN REVIEW*

Sec. 30-61. Scope.

Prior to the creation of a use or erection of a building in those districts and conditions cited below, a site plan shall be submitted in accordance with this division to the planning commission for approval. Site plans are required for the following uses and development to be created in the following districts:

(1) For permitted and special approval uses in:

a. RM, multiple-family residential district.

b. B-1 and B-2, business districts.

c. M, manufacturing district.

(2) For special approval uses in:

RA-1 and RA-2 residential districts.

(3) For any other rezoning petition or development which, in the opinion of the planning commission, may produce a subsequent request to the board of zoning appeals for a difficult or complex variance.

(Ord. No. 1-1987, § 12.01, eff. 1989)

Sec. 30-62. Submittal and review procedures.

(a) Before issuance of a building permit for construction, a site plan shall be approved by the planning commission. Said site plan shall be submitted to the planning commission in a two-stage review process:

(1) A preliminary site plan.

(2) A final site plan.

***State law reference—**Site plan, MCL 125.3501.

(b) The information required and specified in each stage of the site plan review process shall be presented to the planning commission in four copies by the property owner or petitioner.

(1) One copy to the secretary of the planning commission.

(2) One copy to the village clerk.

(3) One copy to the village building department.

(4) One copy to the village fire marshal.

(c) Prior to the presentation of the final site plan to the planning commission, the property owner or petitioner shall have secured approval from the county road commission, county drain commission, and the county health department for ingress/egress to the site, public utility location and sizing, and waste water treatment and portable water supply, respectively. (Ord. No. 1-1987, § 12.02, eff. 1989)

Sec. 30-63. Preliminary site plan.

(a) *Criteria.* The following information shall be included in the preliminary site plan:

(1) The date, north arrow and scale. The scale shall not be less than one inch equals 20 feet for property under three acres and at least one inch equals 100 feet for three to ten acres, and one inch equals 200 feet for those ten acres or larger.

(2) The dimensions of all lot and property lines, showing the relationship of the subject property or abutting properties.

(3) The location of all existing and proposed structures on the subject property and within 100 feet of the property.

(4) A topographic map of the subject property of a contour of not more than two feet interval.

(5) The names and addresses of the property owner and/or petitioner, and the professional (architect/engineer) responsible for the preparation of the preliminary site plan, said plan shall also bear the seal of said professional, unless waived by the planning commission.

(6) The location of all existing and proposed drives, parking areas and walkways.

(7) The location and right-of-way widths of all abutting streets and alleys.

(8) The type of wastewater and water system proposed.

(b) *Review process.* In the process of reviewing the preliminary site plan, the planning commission shall consider:

(1) The location and design of driveways providing vehicular ingress and egress from the site, in relation to streets giving access to the site and in relation to pedestrian traffic.

(2) The traffic circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will ensure:

a. Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.

b. Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.

(c) *Landscaping, fencing and walls.* The planning commission may further require landscaping, fences, and walls in pursuant of these objectives and the same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they appertain. The review by the planning commission shall follow the criteria set forth herein for review by the village council. Within 45 days after submittal of the preliminary site plan to the village by the applicant, the planning commission shall either recommend approval, disapproval, or request modifications in the preliminary site plan.
(Ord. No. 1-1987, § 12.03, eff. 1989)

Sec. 30-64. Final site plan.

(a) *Criteria.*

(1) The date, north arrow, and scale.

(2) The location, dimensions and proposed use or uses of all buildings and structures.

(3) The location and dimensions of all existing and proposed drives, sidewalks, curb openings, signs, exterior lighting, parking areas, loading and unloading areas, recreation and bicycle access areas.

(4) The location, dimensions and arrangements of all areas devoted to planting lawns, shrubs, and trees for any screening, decorative or other purposes.

(5) The location and dimensions of all structures on property abutting the property lines of the subject property and located within 100 feet of the property line.

(6) The location and dimensions of all easements on the subject property upon other properties.

(7) The location and dimensions of all abutting public or private roads, streets, or rights-of-way.

(8) The location and dimensions of all drainage facilities located on the subject property or on abutting properties.

(9) Proposed finish grade of buildings, driveways, walkways, parking lots, and landscaped areas.

(10) Contour shall be shown on all site plans (wo-foot interval maximum). This includes all existing ground, building, drive and/or parking lot elevations on the subject property and on adjacent land within 50 feet of the subject property.

(11) A summary schedule should be affixed, if applicable, which gives the following data: The number of dwelling units proposed, to include the number, size and location of one-bedroom units, two-bedroom units, and the residential area of the site in acres and in square feet, including breakdowns for any sub-areas or staging areas (excluding proposed rights-of-way).

(12) For multiple-family residential development site plans, there shall be shown typical elevation views of the front and side of each type of building proposed development.

(13) Other information as may be reasonably required by the planning commission in order to evaluate the proposed development.

(14) If portions of the project are to be completed in stages, a detailed statement of staging will be refined to be submitted. A less detailed plan of future stages will suffice initially, provided no building permit will be issued until said future stage final site plan is approved in accordance with the procedures set forth above.

(b) *Review and approval process.*

(1) In the process of reviewing the final site plan, the planning commission shall consider:

a. All provisions contained in section 30-63(b) relative to the preliminary site plan review process and any other applicable provisions of this division and this chapter shall have been met. Insofar as any provisions of this division shall be in conflict with the provisions of any other articles of this chapter, the provisions of this division shall apply.

b. Other information as may be reasonably defined by the planning commission in order to evaluate the proposed development.

(2) The review by the planning commission shall follow the criteria set forth herein for review by the village council. Within 60 days after submittal of the final site plan to the village by the applicant, the planning commission shall either recommend approval, disapproval, or request modifications in the final site plan. The village council shall take no action on the final site plan until it receives a written recommendation in connection with the final site plan from the planning commission.

(3) Approval of the final site plan shall be granted by the village council prior to the issuance of a building permit.

(4) Any final site plan approval shall be effective for a period of one year. If development is not undertaken within this period, the planning commission shall review progress to date and make a recommendation to the village council as to action relative to permitting continuation under the original site plan.

(5) A surety bond, cash bond, or an approved bank letter of credit may be required of the applicant for any development or portion thereof in an amount specified by the village council.

(6) Any changes or amendments to the final site plan shall be reviewed by the planning commission, and their recommendations referred to the village council for final approval.

(Ord. No. 1-1987, § 12.04, eff. 1989)

Sec. 30-65. Fees.

(a) Any application for site plan approval shall be accompanied by a fee as determined and established by resolution of the village council.

(b) Such fee may be utilized by the village council to obtain the services of one or more expert consultants qualified to advise as to whether the proposed development will conform to the applicable village ordinances, policies and standards, and for investigation and report of any objectionable elements which are of concern to the planning commission. Such consultants should report to the planning commission as promptly as possible.

(Ord. No. 1-1987, § 12.05, eff. 1989)

Sec. 30-66. Appeals.

The decision of the village council with respect to the site plan is appealable to the board of zoning appeals upon written request by the property owners or petitioner for a hearing before said board of zoning appeals. In the absence of such request being filed within 30 days after the decision is rendered by the village council, such decision becomes and remains final.

(Ord. No. 1-1987, § 12.06, eff. 1989)

Secs. 30-67—30-90. Reserved.

DIVISION 3. BOARD OF ZONING APPEALS*

Sec. 30-91. Creation.

There is hereby established a board of zoning appeals, which shall perform its duties and exercise its powers as provided by Public Act No. 110 of 2006 (MCL 125.3601 et seq.), in such a way that the objectives of this chapter shall be attained, public safety secured, and substantial justice done.

(Ord. No. 1-1987, § 17.01, eff. 1989)

Sec. 30-92. Membership.

(a) The board of zoning appeals shall consist of six members, all appointed by the village president, by and with the consent of the village council. Appointments shall be as follows:

(1) One member appointed for a period of one year;

(2) Two members appointed for a period of two years; and

(3) Two members appointed for period of three years, respectively;

***State law reference—**Board of appeals, MCL 125.3601 et seq.

(4) One ex officio member;

thereafter, each member to hold office for a full three-year term. The ex officio member shall be appointed from the membership of the village planning commission by the village president to serve a period of one year.

(b) Each member of the board of zoning appeals shall have been a resident of the village for at least two years prior to the date of his appointment, and shall be a qualified and registered elector of the village on such day and throughout his tenure of office.

(c) Members of the board of zoning appeals may be removed for cause by the village council only after consideration of written charges and a public hearing. Any vacancies in the board of zoning appeals shall be filled by village council for the remainder of the unexpired term. The board of zoning appeals shall annually elect its own chairperson, vice-chairperson and secretary. The compensation of the members of the board of zoning appeals shall be fixed by the village council.
(Ord. No. 1-1987, § 17.02, eff. 1989)

Sec. 30-93. Meetings.

All meetings of the board of zoning appeals shall be held at the call of the chairperson, and at such times as the board of zoning appeals may determine. All meetings of the board of zoning appeals shall be open to the public. The board of zoning appeals shall maintain a record of its proceedings, and shall keep such records of its findings, proceedings at hearings, and other official actions, all of which shall be immediately filed in the municipal building and shall be a public record. Four members of the board of zoning appeals shall constitute a quorum for the conduct of its business. The board of zoning appeals shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony, and the production of books, papers, files, and other evidence pertinent to the matters before it.
(Ord. No. 1-1987, § 17.03, eff. 1989)

State law references—Freedom of information act, MCL 15.231 et seq.; open meetings act, MCL 15.261 et seq.

Sec. 30-94. Appeals.

An appeal may be taken to the board of zoning appeals by any person, firm, or corporation, or by any officer, department, board, or bureau aggrieved by a decision of the building inspector. Such appeals shall be taken within such time as shall be prescribed by the board of zoning appeals by general rule, by filing with the building inspector and with the board of zoning appeals a notice of appeal specifying the grounds thereof. The building inspector shall forthwith transmit to the board of zoning appeals all of the papers constituting the record upon which action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the building inspector certifies to the board of zoning appeals, after the notice of appeal shall have been filed with him, that by reason of acts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property in which case the proceedings shall not be stayed otherwise than by a restraining order which may be

granted by a court of record. The board of zoning appeals shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.
(Ord. No. 1-1987, § 17.04, eff. 1989)

Sec. 30-95. Powers.

(a) *Limitation of power.* The board of zoning appeals shall not have the power to alter or change the zoning district classification of any property, not to make any change in the terms of this chapter or to permit any use in a district in which it is not permitted, but does have power to act on those matters where this chapter provides for an administrative review or interpretation and to authorize a variance as defined in this section and laws of the state.

(b) *Voting requirement.* The concurring vote of a majority of the members of the board of zoning appeals shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official or to decide in favor of the applicant any matter upon which they are required to pass under this chapter or to effect any variation in this chapter.

(c) *Interpretation of chapter and zoning map.* The board of zoning appeals shall have the power to interpret the provisions of this chapter and the zoning map accompanying this chapter.

(1) *Administrative review.* The board of zoning appeals shall hear and decide appeals from and review any order, requirement, decision, or determination made by any administrative official charged with enforcement and of any provision of this chapter. The board of zoning appeals shall also hear and decide all matters referred to it or upon which it is required to pass under this chapter.

(2) *Variance.* Where owing to special conditions, a literal enforcement of the use provisions of this chapter would involve practical difficulties or cause unnecessary hardships within the meaning of this chapter, the board of zoning appeals shall have power upon appeal in specific cases to authorize such variation or modifications of the use provisions of this chapter with such conditions and safeguards as it may determine as may be in harmony with the spirit of this chapter and so that public safety and welfare is secured and substantial justice done. No such variance or modification of the use provisions of this chapter shall be granted unless it appears beyond a reasonable doubt that all of the following facts and conditions exist:

a. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or class of uses in the same district or zone.

b. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity.

c. That the granting of such variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or improvements in such zone or district in which the property is located.

d. That the granting of such variance will not adversely affect the purposes or objectives of this chapter.

e. In consideration of all appeals and all proposed variations to this chapter, the board of zoning appeals shall, before making any variations from this chapter in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the village. Nothing herein contained shall be construed to give or grant to the board of zoning appeals the power or authority to alter or change this chapter or the zoning map, such power and authority being reserved to the village council of the village in the manner provided by law.

(3) *Permits.*

a. The board of zoning appeals shall have the power to permit the erection and use of a building or an addition to an existing building, of a public service corporation or for public utility purposes, in any permitted district to a greater height or larger area than the district requirements herein established, and permit the location in any use district of a public utility building, structure, or use. The board of zoning appeals shall find such use, height, area, building, or structure reasonably necessary for the public convenience and service, provided such building, structure, or use is designed, erected, and landscaped to conform harmoniously with the general architecture and plan of such district.

b. The board of zoning appeals shall have the power to permit the modification of the off-street automobile parking space or loading space requirements where, in the particular instance, such modifications will not be inconsistent with the purpose and intent of such requirements.

c. The board of zoning appeals shall have the power to permit temporary buildings and uses for periods not to exceed one year.

(4) *Special approval.* An appeal may be taken to the board of zoning appeals by any person, firm, or corporation, or by any officer, department, board or bureau aggrieved by a decision of the planning commission regarding application for a use permitted on special approval as provided for within the various land use districts in this chapter. Such appeals shall be taken within such time, and in such manner, as prescribed in section 30-94.

(Ord. No. 1-1987, § 17.05, eff. 1989)

Sec. 30-96. Orders.

In exercising the powers in section 30-95, the board of zoning appeals may reverse or affirm, wholly or partly, or may modify the orders, requirements, decisions, or determinations appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the building inspector from whom the appeal is taken.
(Ord. No. 1-1987, § 17.06, eff. 1989)

Sec. 30-97. Notice of hearing.

The board of zoning appeals shall make no recommendation except in a specific case and after a public hearing, conducted by the board of zoning appeals, has been held. Notice of the hearing of the appeal shall be given as required by section 103 of Public Act No. 110 of 2006 (MCL 125.3103).
(Ord. No. 1-1987, § 17.07, eff. 1989)

Sec. 30-98. Board approval.

The board of zoning appeals may require the appellant or applicant requesting a variance to submit all necessary surveys, plans, or other information the board may reasonably require. The board of zoning appeals may impose such conditions or limitations in granting a variance as it may deem necessary to comply with the spirit and purposes of this chapter.
(Ord. No. 1-1987, § 17.08, eff. 1989)

Sec. 30-99. Approval period.

No order of the board of zoning appeals permitting the erection or alteration of a building shall be valid for a period longer than two years, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit. No order of the board of zoning appeals permitting a use of a building or premises shall be valid for a period longer than two years unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alterations are started and proceed to completion in accordance with the terms of such permit.
(Ord. No. 1-1987, § 17.09, eff. 1989)

Sec. 30-100. Filing fee.

Application for a board of zoning appeals hearing shall be in writing and shall be accompanied by a filing fee as established by the village council which shall be paid over to the village treasurer at the time the notice of appeal is filed.
(Ord. No. 1-1987, § 17.10, eff. 1989)

Sec. 30-101. Effective date of action.

The decision of the board of zoning appeals shall not become effective until the expiration of five days from the entry of the order unless the board of zoning appeals shall find the immediate effect of the order is necessary for the preservation of property rights and so shall certify on the record.
(Ord. No. 1-1987, § 17.11, eff. 1989)

Secs. 30-102—30-130. Reserved.

ARTICLE III. DISTRICT REGULATIONS

DIVISION 1. GENERALLY

Sec. 30-131. Establishment of districts.

The village is hereby divided into the following zoning districts to be known as, and having the following names and symbols:

RA-1 Single-Family Residential District
RA-2 Two-Family Residential District
RM Multiple-Family Residential District
B-1 Central Business District
B-2 General Business District
M Manufacturing District
(Ord. No. 1-1987, § 3.01, eff. 1989)

Sec. 30-132. Official zoning map.

(a) *Generally.* For the purpose of this chapter, zoning districts as provided herein are bounded and defined as shown on a map entitled "Official Zoning Map of the Village of Britton." The official zoning map, with all explanatory matter thereon, is hereby made a part of this chapter.

(b) *Rules for interpretation.* Where uncertainty exists as to the boundaries of zoning districts as shown on the official zoning map, the following rules for interpretation shall govern:

(1) A boundary indicated as approximately following the centerline of a highway, alley, or easement shall be constructed as following such line.

(2) A boundary indicated approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line.

(3) A boundary indicated as approximately following a municipal boundary line of a city, village, or township shall be construed as following such line.

(4) A boundary indicated as following a railroad line shall be construed as being located midway in the right-of-way.

(5) A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in the shoreline, shall be construed as following the shoreline existing at the time of interpretation.

(6) The boundary indicated as following the centerline of a stream or river, canal, lake or other body of water shall be construed as following such centerline.

(7) A boundary indicated as parallel to, or an extension of, features in subsections (b)(1)—(6) of this section shall be so construed.

(8) A distance not specifically indicated on the official zoning map shall be determined by the scale of the map.

(9) Where a physical or cultural feature existing on the ground is at variance with that shown on the official zoning map or any other circumstances not covered by subsections (b)(1)—(8) of this section, the board of zoning appeals shall interpret the location of the zoning district boundary.

(10) Where a district boundary line divides a lot which is in single ownership at the time of adoption of this chapter, the board of zoning appeals may permit an extension of the regulations for either portion of the lot to the nearest lot line but not to exceed 50 feet beyond the district line into the remaining portion of the lot.

(11) A boundary indicated for a commercial or industrial district shall be made in writing and witnessed by the signature of the village president and clerk.

(c) *Authority of official zoning map.* Regardless of the existence of purported copies of the official zoning map which, from time to time, may be made or published, the official zoning map shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in the village. The official zoning map shall be located in the office of the village clerk and shall be open to public inspection.

(d) *Changes to official zoning map.* If, in accordance with the procedures of this chapter and Public Act No. 110 of 2006 (MCL 125.3101 et seq.), a change is made in a zoning district boundary, such change shall be entered onto the official zoning map by outlining the area or parcel of land that was rezoned, along with the new zoning district symbol and local amendment number. There shall also be recorded in the box labeled "REVISIONS" the following information:

(1) Date when the amendment was made;

(2) The local zoning amendment identification number; and

(3) The initials of the amending person.

For the purposes of this section only, the village president or clerk may make such changes.

(e) *Replacement of official zoning map.* In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature and the number of changes made thereto, the village council may adopt a new official zoning map which shall supersede the prior zoning map. The new official zoning map may correct drafting or other errors or omissions on the official zoning map but such corrections shall not have the effect of amending this chapter or the prior official zoning map. Unless the prior official zoning map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.
(Ord. No. 1-1987, § 3.02, eff. 1989)

Sec. 30-133. Number of residences on a lot.

Not more than one single-family dwelling unit shall be located on a lot, nor shall a single-family dwelling be located on the same lot with any other principal building or structure use.
(Ord. No. 1-1987, § 3.03, eff. 1989)

Sec. 30-134. Nonconforming uses.

(a) *Nonconformance regulated.*

(1) It is the intent of this section to permit legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage their survival.

(2) It is recognized that there exists within the districts established by this chapter and subsequent amendments, lots, structures, and uses of land and structures which were lawful before the ordinance from which this chapter is derived was passed or amended which would be prohibited, regulated, or restricted under the terms of this chapter or future amendments.

(3) Such uses are declared by this section to be incompatible with permitted uses in the districts involved. It is further the intent of this section that nonconforming uses shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited in the same district.

(4) A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of the ordinance from which this chapter is derived by attachment on a building or premises of additional signs intended to be seen from off the premises, or by addition of other uses of a nature which would not be permitted generally in the district involved.

(5) To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, constructions or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of the ordinance from which this chapter is derived and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a

permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

(b) *Nonconforming lots.* In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of the ordinance from which this chapter is derived. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be obtained through approval of the board of zoning appeals.

(c) *Nonconforming uses of land.* Where, at the effective date of adoption or amendment of the ordinance from which this chapter is derived, lawful use of land exists that is made no longer permissible under the terms of this chapter, as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

(1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the ordinance from which this chapter is derived.

(2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of the ordinance from which this chapter is derived.

(3) If such nonconforming use of land ceases for any reason for a period of more than 30 days, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.

(d) *Nonconforming structures.* Where a lawful structure exists at the effective date of adoption or amendment of the ordinance from which this chapter is derived that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

(1) No such structure may be enlarged or altered in a way which increases its nonconformity. Such structures may be enlarged or altered in a way which does not increase its nonconformity.

(2) Should such structure be destroyed by any means to any extent, one year will be allowed to rebuild what existed with a minimum side yard of five feet for a main building and three feet from any lot line to any accessory building.

(3) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is removed.

(e) *Nonconforming uses of structures and land.* If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of the ordinance from which this chapter is derived, that would not be permitted in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

(1) No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

(2) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of the ordinance from which this chapter is derived, but not such use shall be extended to occupy any land outside such building.

(3) If no structural alterations are made, any nonconforming use of a structure, or structure and land in combination, may be changed to another nonconforming use of the same or more restricted classification provided that the board of zoning appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the board of zoning appeals may require conditions and safeguards in accord with the purpose and intent of this chapter. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.

(4) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.

(5) When a nonconforming use of a structure, or structures and land in combination, is discontinued or ceases to exist for six consecutive months or for 18 months during any three-year period, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.

(6) Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

(f) *Repairs and maintenance.* On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing to an extent not exceeding 50 percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of the ordinance from which this chapter is derived shall not be increased.

(g) *Uses under exception provisions not nonconforming uses.* Any use for which a special exception is permitted as provided in this chapter shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district.

(h) *Change of tenancy or ownership.* There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, of structures, or of structures and land in combination.

(Ord. No. 1-1987, § 3.04, eff. 1989)

State law reference—Nonconforming uses and structures, MCL 125.3208.

Sec. 30-135. Temporary structures.

(a) *Temporary dwellings.* No cabin, garage, cellar, or basement, or any temporary structure whether of a fixed or movable nature may be erected, altered or moved upon or used in whole or in part for any dwelling purpose whatsoever for any time whatsoever except as provided in this section. During the period of construction of a new residential dwelling, or if a dwelling is destroyed or is damaged by natural or manmade event, such as fire, flood, windstorm, or tornado, to an extent that it is uninhabitable for a period of time, a temporary dwelling, including a mobile home, approved by the building inspector, may be moved onto the lot, after obtaining a permit therefor from the building inspector for use as a temporary dwelling during construction, replacement or repair of a permanent dwelling. The temporary dwelling shall be placed so as to conform to all yard requirements of the zoning district in which it is located, and shall be connected to a private water supply and sewage disposal systems approved by the county health department or to public water supply and sewage disposal systems.

(1) The building inspector shall establish a reasonable date for removal of the temporary dwelling, said date not to exceed six months' period for reasonable cause. The temporary dwelling shall be removed from the lot within two weeks of the date of occupancy of the replaced or repaired dwelling with the date of occupancy to be as listed on the certificate of occupancy. A performance bond in an amount to be established by resolution of council shall be provided to ensure removal of the temporary dwelling in accordance with the first extension of said permit.

(2) The building inspector shall provide a written statement setting forth the conditions of permission granted under this section to the residents so dislodged and shall retain a copy in his files.

(3) The building inspector shall notify the village council and planning commission in writing of each such permission granted under this section.

(b) *Temporary construction structures.* Temporary buildings and/or structures may be used as construction facilities provided that a permit is obtained for such use from the building inspector. The building inspector shall in each case establish a definite time limit on the use of such facilities, limits on the uses to which such facilities may be put, and a date by which such facilities are to be removed from the premises.
(Ord. No. 1-1987, § 3.05, eff. 1989)

Sec. 30-136. Completion of construction.

(a) Nothing in this chapter shall require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption of the ordinance from which this chapter is derived or later amendment which may apply. Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastening them in a permanent manner. Where excavation, demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction provided that the work shall be carried on diligently. In the case of such excavation, demolition or removal, however, this provision shall expire and not be in effect 365 days following the effective date of adoption or amendment of the ordinance from which this chapter is derived, unless a permit for the actual construction of a new building has been issued by the building inspector.

(b) Where a building permit has been issued in accordance with the law within 365 days of the effective date of the ordinance from which this chapter is derived and diligently pursued to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit was issued, and further, may upon completion by occupied by the use for which it was originally designed.

(c) Any basement, cellar, garage, or any incomplete structure without an occupancy permit in use as a dwelling on the effective date of adoption or amendment of said date, unless said structure has been completed in conformance with the regulations of the district in which it is located.
(Ord. No. 1-1987, § 3.06, eff. 1989)

Sec. 30-137. Essential services.

Essential services shall be permitted as authorized and regulated by law and by the ordinances of the village, it being the intention hereof to exempt such essential services from this chapter.
(Ord. No. 1-1987, § 3.07, eff. 1989)

Sec. 30-138. Visibility at intersections.

On a corner lot in any zoning district, no fence, wall, hedge, screen, structure, or planting shall be placed in such a manner as to materially impede the vision between the height of $2^1/_2$

and ten feet above the centerline grades of the intersecting streets in the area bounded by the street right-of-way lines of such corner lots and the line joining points along said street lies 20 feet from their point of intersection as measured along the street right-of-way lines.
(Ord. No. 1-1987, § 3.08, eff. 1989)

Sec. 30-139. Home occupation.

A home occupation may be permitted in a single-family detached dwelling within a zoning district where such dwelling is permitted, subject to the following conditions:

(1) No person outside of the family residing on the premises shall be engaged in such operation.

(2) A home occupation shall be conducted within the dwelling unit or within a building accessory thereto.

(3) There shall be no change in the outside appearance of the structure or premises, or other visible evidence of conduct of such home occupation, and therefore shall be no external or internal alterations not customary in residential areas.

(4) No article shall be sold or offered for sale on the premises except such as is prepared within this dwelling or accessory building or is provided as incidental to the service or profession conducted therein.

(5) Traffic generated by such operation shall not be greater than that for normal residential purposes.

(6) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odor, or electrical interferences which are nuisances to persons off the lot. Any electrical equipment process which creates visual or audible interference with any radio or television receivers off the premises or which cause fluctuations in line voltages off the premises shall be prohibited.

(7) Signs not customarily found in residential areas shall be prohibited; provided, however, that one non-illuminated, non-protruding name plate, not more than two square feet in area, may be attached to the building, and which sign shall contain only the name, occupation, and address of the premises.

(8) Home occupations may include: clothing alterations, scissor and tool sharpening, ironing, cosmetic and housewares sales (Avon, Amway, Tupperware, etc.), or giving instruction in a craft or fine art, and other uses of a similar character. (See definition of "home occupation.")

(Ord. No. 1-1987, § 3.09, eff. 1989)

Sec. 30-140. Transient and amusement enterprises.

Circuses, carnivals, other transient amusement enterprises, music festivals and similar temporary gatherings of people may be permitted in a B-1 or B-2 zoning district or on municipally owned property upon approval by the village council. Such enterprises shall be

permitted only on the finding by the village council that the location of such an activity will not adversely affect public health, safety, morals or general welfare. The village council may require posting of a bond or other acceptable security payable to the village in an amount sufficient to hold the village free of all liabilities incidental to the operation of such activity and which damages occurred and payable through such court.
(Ord. No. 1-1987, § 3.10, eff. 1989)

Sec. 30-141. Access to streets.

(a) In any residential, business, and industrial districts, every use, building, or structure established after the effective date of adoption or amendment of the ordinance from which this chapter is derived shall be on a lot or parcel which adjoins a public street, such street right-of-way to be at least 66 feet in width unless a greater width has been established and recorded prior to the effective date of the ordinance from which this chapter is derived, or shall adjoin a private street which has been approved as to a design and construction by the village council and the county road commission.

(b) Every building and structure constructed or relocated after the effective date of adoption or amendment of the ordinance from which this chapter is derived shall be so located on lots as to provide safe and convenient access for fire protection vehicles and required off-street parking and loading areas.
(Ord. No. 1-1987, § 3.11, eff. 1989)

Sec. 30-142. Accessory buildings.

Accessory buildings, except as otherwise permitted in this chapter, shall be subject to the following regulations:

(1) Where the accessory is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this chapter applicable to main buildings.

(2) Accessory buildings shall not be erected in any required yard (as defined in article I), except a rear yard.

(3) An accessory building may occupy not more than 25 percent of a required rear yard, plus 40 percent of any non-required rear yard, provided that in no instance shall the accessory building exceed the ground floor area of the main building.

(4) An accessory building shall be located on the rear half of the lot, except when structurally attached to the main building, not having a common party wall and except that in row house development or apartment districts, parking area location in the form of covered bays may be permitted in the rear of main buildings if the location is approved by the board of zoning appeals.

(5) No detached accessory building other than antennas shall be located closer than ten feet to any main building nor shall it be located closer than three feet to any side or rear lot line.

(6) No detached accessory building other than antennas in an RA-1, RA-2, or B-2 district shall exceed one story or 15 feet in height.

(7) When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot in rear of such corner lot, unless the building is structurally attached to the main building.

(8) Antenna of signal receiving apparatus are an accessory structure.

(Ord. No. 1-1987, § 3.13, eff. 1989)

Secs. 30-143—30-160. Reserved.

DIVISION 2. RA-1, SINGLE-FAMILY RESIDENTIAL DISTRICT

Sec. 30-161. Statement of purpose.

(a) The RA-1, single-family residential district is established to provide for residential areas at an urban density of development. The RA-1, single-family residential district is designed to promote a predominantly urban character and will and in protecting and preserving the existing character of the village.

(b) In pursuit of the above-stated purpose, lots are of a size that development can only be endorsed when urban services, such as sewer and water, are provided.

(c) This will encourage the maintenance of a suitable environment for residential and supportive uses.

(d) The regulations of this division shall apply to the RA-1, single-family residential district and shall be subject further to the provisions of division 1 of this article, relative to general district regulations.

(Ord. No. 1-1987, art. IV, eff. 1989)

Sec. 30-162. Principal uses permitted.

The following uses of land and structures shall be permitted only by right in the RA-1, single-family residential district:

(1) Single-family detached dwellings.

(2) Publicly owned and operated libraries, parks, and recreational facilities.

(3) Accessory buildings, provided that they shall be located as required in division 1 of this article, relative to general district regulations.

(4) Private swimming pools, exclusively for the use of residents or guests, subject to all yard space requirements of article V of this chapter, relative to supplementary district regulations.

(5) Historic sites.

(6) Home occupations as defined in division 1 of this article, relative to general district regulations.

(7) Manufactured homes when developed on individual lots in accordance with the provisions in section 30-388.

(8) State-licensed residential facilities subject to the provisions of section 206 of Public Act No. 110 of 2006 (MCL 125.3206).

(9) Other uses of a similar and no more objectionable character to the above uses which meet the intent and purpose of the district.

(Ord. No. 1-1987, § 4.01, eff. 1989)

Sec. 30-163. Uses permissible on special approval.

Under such conditions as the planning commission, upon review and determination, may impose to observe the spirit and purpose of this chapter, namely to permit those uses within the RA-1 and RA-2 districts which serve the needs of the persons residing in the general area of the village, which excluded the operation of any use which would tend to be a nuisance to the surrounding area, and subject further to the conditions imposed herein and in article IV of this chapter, relative to standards for special approval, the following uses may be permitted:

(1) Private parks, clubs, and recreational areas when located on a contiguous parcel of five or more acres of land.

(2) Nursery schools, day nurseries and child care centers; provided that such facilities are in conformance with all applicable state regulations.

(3) Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations when operation requirements necessitate the locating within the district in order to serve the immediate vicinity.

(4) Temporary buildings and uses for construction purposes for a period not to exceed one year.

(5) Professional offices of doctors, dentists or other professionals, and provided said uses are not in conflict with the overall residential character of the area and not contrary to the intent of this chapter.

(6) Churches and other facilities normally incidental thereto except cemeteries.

(7) Public, parochial and private elementary, intermediate schools, high schools offering courses in general education; not operated for profit.

(8) Municipal buildings and uses.

(9) Other uses of a similar character to the above uses.

(Ord. No. 1-1987, § 4.02, eff. 1989)

Sec. 30-164. Site plan review.

All special approval uses listed in section 30-163 are subject further to the requirements and provisions of article II, division 2 of this chapter, relative to site plan review and any other applicable regulations included in this chapter.
(Ord. No. 1-1987, § 4.03, eff. 1989)

Sec. 30-165. Area and size requirements.

See division 8 of this article, regarding the schedule of regulations, limiting height and size of buildings and minimum size of lots and yard by permitted land use for area and size requirements in the RA-1, single-family residential district.
(Ord. No. 1-1987, § 4.04, eff. 1989)

Sec. 30-166. Signs.

See article VII of this chapter for sign regulations in the RA-1, single-family residential district.
(Ord. No. 1-1987, § 4.05, eff. 1989)

Secs. 30-167—30-180. Reserved.

DIVISION 3. RA-2, TWO-FAMILY RESIDENTIAL DISTRICT

Sec. 30-181. Statement of purpose.

The RA-2, two-family residential district is established to provide an area where such use may be established to compliment existing land use where higher by limited density will not create an extensive detriment to prevailing or adjoining areas. As such, this zone will be considered the primary use.
(Ord. No. 1-1987, art. V, eff. 1989)

Sec. 30-182. Principal uses permitted.

The following uses of land and structures shall be permitted in the RA-2, two-family residential district:

(1) Single-family residences, manufactured homes, state licensed residential facilities, and the conditional uses as noted in division 2 of this article.

(2) Two-family residences upon special approval (conditional use) subject to minimum standards established below.

a. One full bath of at least 40 square feet containing a toilet, sink, and a shower or tub.

b. One kitchen or cooking area of at least 40 square feet containing space and hookups for a refrigerator, range and oven, and sink.

c. One bedroom containing not less than 120 square feet of space.

(3) Adequate fire breaks between living units as defined in the state construction code.

(4) If units are created from an existing structure, there shall be 1,800 square living feet of space prior to conversion. All units shall be designed so as to contain a minimum of 750 square feet of living space. Living space shall not be construed to include garages, breezeways, patios, decks, utility rooms or furnace rooms.

(5) Each unit shall have at least 2½ parking spaces (five for a duplex). Development of the parking area will be in accordance with the following:

a. Paved or crushed limestone.

b. Located only in rear or side yard.

c. Each space must be accessible without hindrance to traffic flow.

(6) All two-family units developed in this zone will be subject to an annual fire inspection by the appointed fire marshal. Notification will be given by the village council, building inspector or fire marshal to the owner and occupants.

(7) A minimum of two yards of covered garbage containers concealed from view of all adjoining developed property by a visual screen such as fencing or landscaping.

(Ord. No. 1-1987, § 5.01, eff. 1989)

Sec. 30-183. Site plan review.

All developments of two-family residences in the RA-2, two-family residential district shall be subject further to the requirements and provisions of article II, division 2 of this chapter, relative to site plan review, and any other applicable regulations included in this chapter.
(Ord. No. 1-1987, § 5.03, eff. 1989)

Sec. 30-184. Area and size requirements.

See division 8 of this article, relative to the schedule of regulations limiting height and size of buildings and minimum size of lots and yards by permitted land use for area and size requirements for the RA-2, two-family residential district.
(Ord. No. 1-1987, § 5.04, eff. 1989)

Sec. 30-185. Signs.

See article VII of this chapter for sign regulations in the RA-2, two-family residential district.
(Ord. No. 1-1987, § 5.05, eff. 1989)

Secs. 30-186—30-200. Reserved.

DIVISION 4. RM, MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Sec. 30-201. Statement of purpose.

The RM, multiple-family residential district is established to provide for more intensive residential use of land. A variety of dwelling types are accommodated including: duplexes, townhouses, row houses, terrace and garden apartments, and condominiums. The RM, multiple-family residential district is to be used only in those areas of the village which are served by public water and sanitary sewer facilities. By providing for higher intensity development through a multiple-family residential district, open space and natural features can be preserved for visual relief and enhancement. The regulations of this division shall apply to the RM, multiple-family residential district and shall be subject further to the provisions of division 1 of this article, relative to general district regulations.
(Ord. No. 1-1987, art. VI, eff. 1989)

Sec. 30-202. Principal uses permitted.

The following uses of land and structures shall be permitted only by right in the RM, multiple-family residential district:

(1) Single-family dwellings, manufactured homes and state-licensed residential facilities that conform to single-family schedule of regulations, division 8 of this article.

(2) Two-family dwellings, same as section 30-182.

(3) Multiple-family dwellings comprising efficiency units and units having one or more bedrooms, and constructed in multiunit structures.

(4) Publicly owned and operated libraries, parks, and recreational facilities.

(5) Municipal buildings and uses.

(6) Accessory buildings, provided that they shall be located as required in division 1 of this article, relative to general district regulations.

(7) Private swimming pools, exclusively for the use of residents or guests, subject to all yard space requirements of article V of this chapter, relative to supplementary district regulations.

(8) Mobile home parks constructed, licensed, operated, and maintained in accordance with the provisions of the mobile home commission act, Public Act No. 419 of 1976 (MCL 125.2301 et seq.), connected to a public water and sewer system and/or on-site water and wastewater treatment system acceptable by the state department of environmental quality, and the provisions outlined in section 30-387.

(9) Other uses of a similar and no more objectionable character to the above uses which meet the intent and purpose of the district.

(Ord. No. 1-1987, § 6.01, eff. 1989)

Sec. 30-203. Uses permissible on special approval.

Under such conditions as the planning commission, upon review and determination may impose to observe the spirit and purpose of this chapter, namely to permit those uses within the RM, multiple-family residential district which serve the needs of the persons residing in the general area of the village, which excludes the operation of any use which would tend to be a nuisance to the surrounding area, and subject further to the conditions imposed in this division and in article IV of this chapter, relative to standards for special approval, the following uses may be permitted:

(1) Nursery schools, day nurseries and child care centers; see previous article.

(2) A hospital or clinic, sanatorium, dwelling constituting a home for children or others than those residing therein or for the aged, indigent, or physically handicapped, a rest, nursing or convalescent home.

(3) Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations when operation requirements necessitate the locating within the district in order to serve the immediate vicinity.

(4) Roominghouses.

(5) Temporary buildings and uses for construction purposes in accordance with provisions outlined in division 1 of this article, relative to general district regulations.

(6) Churches and other facilities normally incidental thereto except cemeteries.

(7) Public, parochial and private elementary, intermediate schools and high schools offering courses in general education; not operated for profit.

(8) Rental offices as accessory to a multiple dwelling unit project.

(9) Other uses of a similar character to the above uses.

(Ord. No. 1-1987, § 6.02, eff. 1989)

Sec. 30-204. Site plan review.

All principal and special approval uses listed in section 30-203 are subject further to the requirements and provisions of article II, division 2 of this chapter, relative to site plan review and any other applicable regulations included in this chapter.

(Ord. No. 1-1987, § 6.03, eff. 1989)

Sec. 30-205. Area and size requirements.

See division 8 of this article, relative to the schedule of regulations, limiting height and size of buildings and minimum size lots and yards by permitted land use, for area and size requirements in the RM, multiple-family residential district.

(Ord. No. 1-1987, § 6.04, eff. 1989)

Sec. 30-206. Parking.

See article VI of this chapter for off-street parking and loading regulations in the RM, multiple-family residential district.
(Ord. No. 1-1987, § 6.05, eff. 1989)

Sec. 30-207. Signs.

See article VII of this chapter for sign regulations in the RM, multiple-family residential district.
(Ord. No. 1-1987, § 6.06, eff. 1989)

Secs. 30-208—30-230. Reserved.

DIVISION 5. B-1, CENTRAL BUSINESS DISTRICT

Sec. 30-231. Statement of purpose.

(a) The B-1, central business district is designed solely for the convenience shopping of persons residing in adjacent residential areas, to permit only such uses as are necessary to satisfy those limited basic shopping and/or service needs which by their very nature are not related to the shopping pattern of the comparative center.

(b) The regulations of this division shall apply to all B-1, central business districts and shall be subject further to the provisions of division 1 of this article, relative to general district regulations.
(Ord. No. 1-1987, art. VII, eff. 1989)

Sec. 30-232. Principal uses permitted.

The following uses of land and structures shall be permitted only by right in the B-1, central business district:

(1) Single-family dwellings, manufactured homes and state-licensed residential facilities that conform to single-family schedule of regulations of division 8 of this article.

(2) Any generally recognized retail business which supplies commodities on the premises, for persons residing in adjacent residential areas such as: groceries, meats, dairy products, baked goods, or other foods, drugs, dry goods, and notions, or hardware.

(3) Any personal service establishment that performs services on the premises for persons residing in adjacent areas, such as: shoe repair, tailor shops, beauty parlors, barber-shops, or laundromats.

(4) Other uses similar to the above and subject to the following restrictions:

a. All business establishments shall be retail or service establishments dealing directly with consumers.

b. All businesses servicing or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings.

(5) Publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations with service yards, but without storage yards.

(6) Accessory structures and uses customarily incidental to the above permitted principal uses, and provided that they shall be located as required in division 1 of this article, relative to general district regulations.

(7) Other uses of similar and no more objectionable character to the above uses that meet the intent and purpose of the district.

(Ord. No. 1-1987, § 7.01, eff. 1989)

Sec. 30-233. Uses permissible on special approval.

Under such conditions as the planning commission upon review and determination may impose to observe the spirit and purpose of this chapter, namely to permit those uses within the B-1 district which serves the needs of the persons residing in the general area of the village, which excludes the operation of any use which would tend to be a nuisance to the surrounding area, and subject further to the conditions imposed in this chapter and in article IV of this chapter, relative to standards for special approval, the following uses may be permitted in the B-1, central business district:

(1) Automobile service stations for sale of gasoline, oil, and minor accessories only, and where no automobile repair work is done, other than incidental service, but not including steam cleaning, undercoating, or motor vehicle body bumping provided that the conditions set forth in article V of this chapter, relative to supplementary district regulations, are met.

(2) Temporary buildings and uses for construction purposes for a period not to exceed one year.

(3) Residential living units accessory to primary storefront use.

(4) Any service establishment of an office-showroom or workshop nature of an electrician, decorator, dressmaker, tailor, shoemaker, baker, home appliance repair, photographic reproduction, and similar establishments that require a retail adjunct and of no more objectionable character than the aforementioned, subject to the provision that no more than five persons shall be employed at any time in the fabrication, repair, or processing of goods.

(5) Other uses of a similar character to the above uses.

(Ord. No. 1-1987, § 7.02, eff. 1989)

Sec. 30-234. Site plan review.

All principal and special approval uses listed in section 30-233 are subject further to the requirements and provisions of article II, division 2 of this chapter, relative to site plan review and any other applicable regulations included in this chapter.
(Ord. No. 1-1987, § 7.03, eff. 1989)

Sec. 30-235. Area and size requirements.

See division 8 of this article, relative to the schedule of regulations, limiting the height and size of buildings, and the minimum size of lot permitted by land use for area and size requirements in the B-1, central business district.
(Ord. No. 1-1987, § 7.04, eff. 1989)

Sec. 30-236. Off-street parking and loading requirements.

See article VI of this chapter for off-street parking and loading regulations in the B-1, central business district.
(Ord. No. 1-1987, § 7.05, eff. 1989)

Sec. 30-237. Signs.

See article VII of this chapter for sign regulations in the B-1, central business district.
(Ord. No. 1-1987, § 7.06, eff. 1989)

Secs. 30-238—30-260. Reserved.

DIVISION 6. B-2, GENERAL BUSINESS DISTRICT

Sec. 30-261. Statement of purpose.

(a) The B-2, general business district is designed to cater to the needs of a larger consumer population than served by the restricted B-1, central business district and for transient motoring traffic. The B-2, general business district is intended to be located at freeway interchanges and other major road intersections, as designated on the village land use plan. Furthermore, these uses should be concentrated so as to avoid undue congestion of feeder streets by reducing the number of entrances and exits onto major thoroughfares to promote smooth traffic flow at freeway interchanges and major road intersections, the protection of adjacent properties in other zones from the adverse influence of traffic, and to avoid strip commercial development.

(b) The regulations in this division shall apply to the B-2, general business district and shall be subject further to the provisions of division 1 of this article, relative to general district regulations.
(Ord. No. 1-1987, art. VIII, eff. 1989)

Sec. 30-262. Principal uses permitted.

The following uses of land and structures shall be permitted only by right in the B-2, general business district:

(1) Single-family dwellings, manufactured homes and state licensed residential facilities that conform to the single-family schedule of regulations in division 8 of this article.

(2) Any retail business or service establishment permitted in the B-1, central business district subject to all requirements of this section.

(3) All retail business, service establishments, or processing uses as follows:

a. Any retail business whose principal activity is the sale of merchandise in any enclosed building.

b. Any service establishment of an office-showroom or workshop nature of an electrician, decorator, dressmaker, tailor, shoemaker, baker, printer, upholsterer or an establishment doing radio, television, or home appliance repair, photographic reproduction, and similar establishments that require a retail adjunct and of no more objectionable character than the aforementioned subject to the provision that no more than five persons shall be employed at any time in the fabrication, repair, and other processing of goods.

c. Restaurants, or other places serving food or beverages.

(4) Other uses similar to the above and subject to the following restrictions:

a. All business establishments shall be retail or service establishment dealing directly with consumers.

b. All business, servicing, or processing, except for off-street parking, loading, and those open air uses indicated as being permissible on special approval in section 30-263, shall be conducted within completely enclosed buildings.

(5) Hotels/motels.

(6) Auto laundries when completely enclosed in a building.

(7) Bus passenger stations.

(8) New and used auto.

(9) Grain elevators and farm supply businesses.

(10) Governmental office or other governmental use; public utility offices, exchanges, transformer stations, pump stations, and service yards, but not including outdoor storage.

(11) Accessory buildings, provided that they shall be located as required in division 1 of this article, relative to general district regulations.

(12) Other uses of a similar and no more objectionable character to the above uses that meet the intent and purpose of the district.

(Ord. No. 1-1987, § 8.01, eff. 1989)

Sec. 30-263. Uses permissible on special approval.

Under such conditions as the planning commission, upon review and determination, may impose to observe the spirit and purpose of this chapter, namely to permit those uses within the B-2, general business district which serves the needs of the persons residing in the general area of the village, which excludes the operation of any use which would tend to be a nuisance to the surrounding area, and subject further to the conditions imposed herein and in article IV of this chapter, relative to standards for special approval, the following uses may be permitted:

(1) Businesses in the character of a drive-in, so-called open front store.

(2) Temporary buildings and uses for construction purposes for a period not to exceed one year.

(3) Open air business uses when developed in planned relationship with B-2 districts as follows:

a. Retail sales of plant materials not grown on site, and sale of lawn furniture, playground equipment, and other garden supplies.

b. Recreation space providing children's amusements when part of planned site development and not in conflict with required parking.

(4) Bowling alleys when the building walls are at least 100 feet from the district boundary of any residential district.

(5) Other uses of a similar character to the above uses.

(Ord. No. 1-1987, § 8.02, eff. 1989)

Sec. 30-264. Site plan review.

All principal and special approval uses listed in section 30-263 are subject further to the requirements and provisions of article II, division 2 of this chapter, relative to site plan review and any other applicable regulations included in this chapter.

(Ord. No. 1-1987, § 8.03, eff. 1989)

Sec. 30-265. Area and size requirements.

See division 8 of this article, relative to the schedule of regulations, limiting the height and size of buildings, and the minimum size of lot by permitted land use for area and size requirements for the B-2, general business district.

(Ord. No. 1-1987, § 8.04, eff. 1989)

Sec. 30-266. Off-street parking and loading requirements.

See article VI of this chapter for off-street parking and loading regulations in the B-2, general business district.

(Ord. No. 1-1987, § 8.05, eff. 1989)

Sec. 30-267. Signs.

See article VII of this chapter for sign regulations in the B-2, general business district. (Ord. No. 1-1987, § 8.06, eff. 1989)

Secs. 30-268—30-290. Reserved.

DIVISION 7. M, MANUFACTURING DISTRICT

Sec. 30-291. Statement of purpose.

(a) The M, manufacturing district is established to provide for light, primary industrial uses. Provisions of the M, manufacturing district ensures that these essential industrial facilities are kept from encroaching in areas or districts where they would be incompatible. All activities carried on within the manufacturing district shall be subject to limitations placed upon the amount of noise, smoke, glare, traffic and industrial effluent which shall be produced as a result of that activity.

(b) The regulations of this division shall apply to the M, manufacturing district and shall be subject further to the provisions of division 1 of this article, relative to general district regulations.
(Ord. No. 1-1987, art. IX, eff. 1989)

Sec. 30-292. Principal uses permitted.

The following uses of land and structures shall be permitted only by right in the M, manufacturing district:

(1) Manufacture, compounding, processing, packaging, treating and assembling from previously prepared materials, such as canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, grains, tobacco, wax, wood and yards, in the production of:

   a. Furniture and fixtures.

   b. Printing and publishing.

   c. Engineering, measuring, optic, medical, lenses, photographic and similar instruments.

   d. Pottery and ceramics using kilns.

   e. Tool, die, gauge and machine shops manufacturing small parts.

   f. Clothing.

   g. Jewelry.

(2) Manufacture of musical instruments, toys, novelties and metal or rubber stamps, or other small molded rubber products.

(3) Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.

(4) Manufacture and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.

(5) Wholesale and retail outlets.

(6) Warehouse, cartage businesses.

(7) Public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations, warehouses including storage yards, water and gas tanks and holders.

(8) Accessory buildings provided that they shall be located as required in division 1 of this article, relative to general district regulations.

(9) Other uses of a similar and no more objectionable character to the above uses which meet the intent and purpose of the district.

(Ord. No. 1-1987, § 9.01, eff. 1989)

Sec. 30-293. Uses permissible on special approval.

Under such conditions as the planning commission, upon review and determination, may impose to observe the spirit and purpose of this chapter, namely to permit those uses within the M, manufacturing district which serve the needs of the persons residing in the general area of the village, which excludes the operation of any use which would tend to be a nuisance to the surrounding area, and subject further to the conditions imposed in this division and in article IV of this chapter, relative to standards for special approval, the following uses may be permitted:

(1) Manufacture, compounding, processing, packaging, treating, and assembling from previously prepared materials in the production of.

(2) Laboratories including experimental, film, and testing.

(3) Automobile repair establishments, including body shops, steam cleaning and under-coating establishments.

(4) Contractors yards and building materials storage.

(5) Lumber and planing mills.

(6) Temporary buildings and uses for construction purposes for a period not to exceed one year.

(7) Any production, processing, fabrication or storage of materials, goods, or products which shall conform with the performance standards set forth in article V of this chapter, regarding supplementary district regulations (section 30-392), and which shall not, according to the findings of the board of zoning appeals, be injurious or

offensive to the occupants of adjacent premises by reason of the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic and noxious materials, odors, fire or explosive hazards, or glare or heat.

(8) Heating and electric power generating plants and all accessory uses; coal, coke and fuel yards and water supply and waste treatment facilities, in accordance with applicable state and federal regulations.

(9) Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.

(10) Any other use that is determined by the board of zoning appeals to be of the same general character as the above permitted principals and special approval uses.

(11) The production of fuels, subject to the provisions outlined in section 14.001.3, the Crude Oil Windfall Profit Tax Act of 1980 (P.L. 96-223) which regulates and encourages the production of alcohol fuel, through the Bureau of Alcohol, Tobacco and Firearms/ Department of Treasury, and in accordance with applicable state and/or national fire code regulations.

(12) Other uses of a similar character to the uses set out in this section.

(Ord. No. 1-1987, § 9.02, eff. 1989)

Sec. 30-294. Performance standards.

All principal and special approval uses listed in section 30-293 are subject further to the requirements and provisions of article V of this chapter, relative to supplementary district regulations, and section 30-392, regarding performance standards.

(Ord. No. 1-1987, § 9.03, eff. 1989)

Sec. 30-295. Site plan review.

All principal and special approval uses listed in section 30-293 are subject further to the requirements and provisions of article II, division 2 of this chapter, relative to site plan review and any other applicable regulations included in this chapter.

(Ord. No. 1-1987, § 9.04, eff. 1989)

Sec. 30-296. Area and size requirements.

See division 8 of this article for the schedule of regulations, limiting the height and size of buildings and the minimum size of lots and yards by permitted land use in the M, manufacturing district.

(Ord. No. 1-1987, § 9.05, eff. 1989)

Sec. 30-297. Parking and loading requirements.

See article VI of this chapter for off-street parking and loading regulations in the M, manufacturing district.

(Ord. No. 1-1987, § 9.06, eff. 1989)

Sec. 30-298. Signs.

See article VII of this chapter for sign regulations in the M, manufacturing district. (Ord. No. 1-1987, § 9.07, eff. 1989)

Secs. 30-299—30-320. Reserved.

DIVISION 8. SCHEDULE OF REGULATIONS

Sec. 30-321. Schedule of regulations limiting height and bulk of buildings and area by land use.

SCHEDULE OF REGULATIONS LIMITING HEIGHT AND BULK OF BUILDINGS AND AREA BY LAND USE											
Zoning Use Districts	*Minimum Lot Size Per Unit* [A,F]			*Maximum Height of Buildings*		*Minimum Yard Setback Dimensions (in feet)*				*Minimum Floor Area Per Dwelling Unit (in square feet)*	*Maximum Lot Coverage (percent)*
	Area in Square Feet	*Minimum*		*In Stories*	*In Feet*	*Front*	*Sides*		*Rear*		
		Width	*Depth*				*Least 1*	*Total 2*			
RA-1, Single-family	12,000	80			35	25[B,G]	10	20[D]	35	750[C]	30
RA-2, Two-family	12,000	80			35	25[B,G]	10	20[D]	35	750[C]	30
RM, Multiple-family:											
Two-family, duplex	14,000	120			35	25[B,G]	10	[D,J,L]	35	720[C]	30
Row house, townhouse, terrace, condominium	20,000[N]			2½	35	35[B,G]	10[J]	25[J,L]	35	800[K,C]	35
Apartment	20,000[N]			2½	35	35[B]	10[J]	25[J,L]	35	[M,C]	35
Mobile home park[E]	5 Acres			2	25						
B-1, Central business	—			2	35	25[G]	5[H]	15[H]	25[I]	—	—
B-2, General business	20,000			2	35	35	10	25	35	—	—
M, Manufacturing	30,000			2	60	40[O]	20[O]	40[O]	40[O]	—	—

FOOTNOTES FOR SCHEDULE OF REGULATIONS

[A]In determining required yard spaces and lot area for all land uses in any zoning district, the determination of such yard spaces shall be the distance from the building or structure on the lot to the nearest lot line. For those lots adjacent to a major or secondary thoroughfare or collector street, identified on the county's master plan for thoroughfare as a federal, state, county, or village road, the yard spaces shall be measured from the proposed future right-of-way lines for such thoroughfare to the building or structure on a lot or parcel of land. The following right-of-way shall be observed for the purpose of determination of lot area and yard spaces in the village. Rights-of-way for all other public roads or streets within a platted subdivision shall be at least 66 feet, unless platted for less than a 66-foot right-of-way in which case the platted width shall apply, providing not less than a 50-foot right-of-way shall be reserved.

[B]In all residential districts, the required front yard shall not be used for off-street parking, loading, or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials or prepared vehicle access drives.

[C]The minimum floor area per dwelling unit shall not include areas of basements, breezeways, unenclosed porches, terraces, attached garages, attached sheds or utility rooms.

[D]In the RA-1, RA-2 and RM residential districts, the width of side yards, which abut upon a street on the same side or on the opposite side of the same block, upon which other residential lots front, shall not be less than the required front yard for said homes which front upon said side street.

[E]See section 30-387 for mobile home park development standards.

[F]All publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations necessary to provide essential services to the area by governmental units or public utilities will be permitted on lots having the minimum yard setback, and maximum lot coverage (in percent) requirements set forth in the RA-1 district of this chapter and with a minimum lot size (in area) of 15,750 square feet.

[G]Where an existing front setback has been established by existing office, commercial, or residential buildings occupying 40 percent or more of the frontage within the same block, such established setback shall apply.

[H]Side yards are not required along interior side lot lines if all walls abutting or facing such lot lines are of fireproof masonry construction and entirely without windows or other openings. A side yard of 20 feet is required on all corner lots and whenever adjacent to a residential district.

[I]No rear yard is required in the B-1 district where the rear property line abuts upon a 20-foot alley, but where no alley exists, a rear yard of not less than 20 feet shall be provided.

[J]Row houses, terraces, townhouses, and condominiums may share common sidewalls, provided such walls are of approved fireproof and soundproof construction in all areas in which they are constructed in common.

[K]Minimum floor area for such dwelling units shall be 800 square feet in a three-bedroom unit and 600 square feet in a two-bedroom unit.

[L]Every lot on which an apartment dwelling is erected shall be provided with a side yard on each side of such lot. Each side yard shall be increased by one foot for each ten feet or part thereof by which length the multiple dwelling exceeds 40 feet in overall dimension along the adjoining plot line.

[M]The required minimum floor area for apartment dwelling units shall be as follows:

Efficiency unit	450 square feet
One-bedroom unit	600 square feet
Two-bedroom unit	750 square feet
Three-bedroom unit	900 square feet
Additional bedrooms	150 square feet

[N]Each apartment structure shall occupy a lot comprising not less than 20,000 square feet, provided that additional lot area shall be required for each dwelling unit contained within each apartment structure as follows:

Dwelling Unit	*Additional Lot Area*
Efficiency unit	1,500 square feet
One-bedroom unit	2,000 square feet
Two-bedroom unit	3,000 square feet
Three-bedroom unit	4,000 square feet
Extra bedroom, over three	1,000 square feet

[O]Those sides of a parcel within an M district which abut an RA-1, RA-2, or B-1 district shall be provided with a 20-foot greenbelt. Said greenbelt shall be completely obscuring and shall be subject to the approval of the building inspector.

(Ord. No. 1-1987, art. X, eff. 1989)

Secs. 30-322—30-350. Reserved.

ARTICLE IV. STANDARDS FOR SPECIAL APPROVAL USES*

Sec. 30-351. Statement of purpose.

(a) This article provides a set of procedures and standards for special uses of land or structures that, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the community as a whole.

(b) The regulations and standards in this article are designed to all, on one hand, practical latitude for the investor or developer, but at the same time maintain adequate provision for the protection of the health, safety, convenience, and general welfare of the community.
(Ord. No. 1-1987, art. XI, eff. 1989)

Sec. 30-352. Special approval procedures.

The application for a special approval use shall be submitted and processed under the following procedures:

(1) An application shall be submitted through the building inspector or clerk on a special form for that purpose. Each application shall be accompanied by the payment of a fee as established by the village council. The planning commission may waive the special approval fee if the applicant plans to locate within an existing building. In the event the allowance of a desired use requires both a rezoning and permission for a special approval use, both requests may be submitted jointly, subject to the following:

   a. The procedures in this chapter for each shall be followed as specified.

   b. All applicable standards and specifications required by this chapter shall be observed.

(2) The following is required for all special approval uses:

   a. The special form shall be completed in full by the applicant including a statement by the applicant that section 30-353 can be complied with.

   b. A completed site plan as specified in article II, division 2 of this chapter, relative to site plan review.

   c. Information pertinent to traffic, noise, or other potential nuisance may be required by the planning commission.

(3) The application together with all required data shall be transmitted to the planning commission for review. The planning commission shall then hold a public hearing. In such cases the notice requirements for public hearings shall be followed.

(4) A special approval use granted pursuant to this article shall be valid for one year from the date of approval. If construction has not commenced and proceeded meaningfully toward completion by the end of this one-year period, the zoning administrator shall notify the applicant in writing of the expiration of approval for the special approval use.

***State law reference—**Special land uses, MCL 125.3502.

(5) The planning commission shall have the authority to revoke any special approval use after the applicant has failed to comply with any of the applicable requirements of this article or any other applicable sections of this chapter.

(Ord. No. 1-1987, § 11.01, eff. 1989)

Sec. 30-353. Special approval standards.

Before formulating recommendations for a special approval use application, the planning commission shall require that the following general standards, in addition to those specific standards established for each use, shall be satisfied:

(1) The planning commission shall review each application for the purpose of determining that each proposed use meets the following standards and, in addition, shall find adequate evidence that each use on the proposed site will:

a. Be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.

b. Be served adequately by essential public facilities and services such as highway, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, or schools.

c. Not create excessive additional requirements at public cost for public facilities and services.

d. Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.

e. Be consistent with the intent and purpose of the zoning district in which it is proposed to locate such use.

(2) The planning commission may stipulate such additional conditions and safeguards deemed necessary for the general welfare for the protection of individual property rights, and for ensuring that the intent and objectives of this chapter will be observed. The breach of any condition, safeguard, or requirement shall automatically invalidate the granting of the special approval use.

(3) The general standards and requirements of this article are basic to all uses authorized by special approval. The specific and detailed requirements set forth in article V of this chapter relate to particular uses and are requirements which must be met by those uses in addition to the foregoing general standards and requirements where applicable.

(4) All applicable licensing ordinances shall be complied with.

(Ord. No. 1-1987, § 11.02, eff. 1989)

Secs. 30-354—30-380. Reserved.

ARTICLE V. SUPPLEMENTARY DISTRICT REGULATIONS

Sec. 30-381. Storage of materials.

(a) Garbage, ashes, rubbish and similar refuse to be stored outside a building in an apartment complex, mobile home park, all commercial and private recreational sites, and the commercial and industrial districts shall be stored within approved containers commercial and private recreational sites, and the commercial and industrial districts shall be stored within approved containers and situated in a centralized location on the site.

(b) The location or storage of abandoned, discarded or inoperative appliances, furniture or materials shall be regulated as follows: On any lot or parcel in any agricultural, residential, business, or manufacturing district, the owner or tenant shall locate and store such materials so as not to create a nuisance or be readily visible from adjacent property or public easements.

(c) Within the village limits, the storage upon any property of junk automobiles is hereby prohibited. For the purpose of this chapter, the term "junk automobile" shall include any motor vehicle, part of a motor vehicle, or former motor vehicle stored in the open, which is not currently licensed for use upon the highways of the state, or is either:

(1) Unusable or inoperable because of lack of, or defects in, component parts;

(2) Unusable or inoperable because of damage from collision, deterioration, or having been cannibalized;

(3) Beyond repair and therefore not intended for future use as a motor vehicle; or

(4) Being retained on the property for possible use of salvageable parts.

(d) The location or storage of flammable or explosive materials shall be regulated as follows, except for automobile service and repair stations in which case the regulations set forth in section 30-384 apply:

(1) On any parcel of land in any agricultural, business and manufacturing district, the owner or tenant shall not store flammable materials closer than 100 feet from a residential district and/or 300 feet from a residential building. Furthermore, no residential building shall be constructed within 300 feet of an existing flammable storage facility.

(2) The storage of flammable materials shall be in containers or storage facilities as approved by the local fire marshal or other designated fire official.

(3) Said containers or storage facilities shall be at least 40 feet from any side or rear lot line and 150 feet from the front lot line as measured from the edge of the road right-of-way.

(4) The storage of explosive materials shall be accordance with applicable state regulations.

(Ord. No. 1-1987, § 13.01, eff. 1989)

Sec. 30-382. Preservation of environmental quality.

The following shall apply for the preservation of environmental quality:

(1) In any zoning district, no river, stream, watercourse or drainageway, whether filled or partly filled with water or dry in certain seasons, shall be obstructed or altered in any way at any time by any person, except when done in conformance with county, state and federal laws and standards.

(2) No person shall alter, change, transform or otherwise vary the edge, bank or share of any lake, river or stream except as provided for inland lakes and streams, part 301 of Public Act No. 451 of 1994 (MCL 324.30101 et seq.).

(3) No person shall drain, remove, fill, change, alter, transform or otherwise vary the area, water level, vegetation or natural conditions of a marsh, swamp, or wetland except after receiving approval of the site plan from the soil erosion officer in accordance with the soil erosion and sedimentation control provisions, part 91 of Public Act No. 451 of 1994 (MCL 324.9101 et seq.), and from the planning commission in accordance with article II, division 2 of this chapter, relative to site plan review. Any alterations shall conform to the requirements of applicable state and federal agencies.

(Ord. No. 1-1987, § 13.02, eff. 1989)

Sec. 30-383. Transition strip greenbelt.

(a) A transition strip, when required by this chapter, shall be provided in accordance with this section. Where permitted, a decorative wood screen or masonry wall, six feet high, may be substituted for the transition strip if the planning commission determines that such screen or wall will equal the performance of the transition strip and where such lot is too limited in dimension or area to reasonable permit the installation of such strip. A hedge may also be substituted for a transition strip, provided that it will obtain a height of at least three feet at the end of the first growing season, and if the planning commission determines that such hedge will equal the performance of the transition strip. A screen, wall, hedge, or strip shall be adequately maintained at all times.

(b) The transition strip shall be landscaped with living plant materials. Such materials shall be planted within six months of the date of issuance of a certificate of occupancy.

(c) A security deposit, where not provided as part of performance guarantees required elsewhere in this article, shall be deposited with the village clerk until such time as the transition strip is planted. The transition strip shall be installed within the time required or the village council shall be authorized to use funds to install the transition strip. In all cases, however, the village council shall be authorized to withhold ten percent of the security deposit for a period of two years from the date of issuance of the certificate of occupancy to ensure that dead or dying nursery stock shall be replaced. Excess funds, if any, shall be returned to the depositor upon completion of the two-year period. It shall be the responsibility of the property owner to maintain the transition strip for its original purpose.

(Ord. No. 1-1987, § 13.03, eff. 1989)

Sec. 30-384. Automobile service and repair stations.

In addition to other regulations set forth in this chapter, all automobile gasoline service and repair stations and other automotive service and repair facilities shall conform to the following regulations:

(1) Sidewalks shall be separated from vehicular parking or circulation areas by curbs, wheel stops, or traffic islands. The portion of the property used for vehicular traffic shall be separated from landscaped areas by curb, except where driveways cross.

(2) The entire area used for vehicular service shall be paved.

(3) Hydraulic hoists, service pits, lubricating, greasing, washing and repair equipment and operations shall be located within a completely enclosed structure.

(4) The maximum widths of all driveways at the right-of-way line shall be no more than 30 feet.

(5) The angle of a driveway intersection with the street from the curbline to lot line shall not be less than 60 degrees.

(6) The curb cuts for ingress and egress to a service station shall not be permitted at such location that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall conform to specifications of the county road commission.

(7) Outdoor storage of trash, including new or discarded vehicle parts, shall be contained within a solid, unpierced enclosure.

(8) Storage of vehicles rendered inoperative, either through damage or disrepair or any other cause, and vehicles without current license plates, shall be limited to a period of not more than 30 days and then only for the purpose of temporary storage pending transfer to a junkyard. Such storage shall not occur in front of the building line. Such inoperative vehicles shall not be sold or advertised for sale on the premises.

(9) Minimum lot area shall be 10,000 square feet, and so arranged that ample space is available for motor vehicles which are required to wait.

(10) Automobile service stations shall not be located nearer than 100 feet to a school, church, public park or auditorium.

(Ord. No. 1-1987, § 13.04, eff. 1989)

Sec. 30-385. Kennels.

A kennel, licensed by the county and/or state, shall be subject to the following requirements:

(1) A minimum lot size shall be $1^1/_2$ acres.

(2) Structures or pens shall not be located less than 200 feet from a public right-of-way or less than 50 feet from a side or rear lot line.

(3) Kennels shall not be located less than 300 feet to the property line of an existing residence.

(4) Residential structures shall not be built less than 300 feet from an existing kennel structure.

(5) The kennel shall be established and maintained in accordance with the applicable state, county and village sanitation regulations.

(6) A site plan shall be prepared in accordance with article II, division 2 of this chapter, relative to site plan review.

(Ord. No. 1-1987, § 13.05, eff. 1989)

Sec. 30-386. Storage of recreational equipment.

(a) Recreational vehicles, boats and boat trailers, snowmobiles, trail cycles, all-terrain vehicles, travel trailers, motor homes, and similar equipment, and trailers, cases and boxes used for transporting recreational equipment whether occupied by such equipment or not, shall not be parked in front of the front building line of any lot in any residential district. Licensed campers, boats, and recreational trailers may be parked anywhere in a driveway or parking area on residential premises, provided, however, such equipment shall not be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

(b) Storage of such equipment, when permitted in a commercial district as a principal use of lot, shall be located behind all required lot lines with all required yards to be landscaped and properly and regularly maintained. The storage areas shall have a gravel surface, treated regularly to prevent erosion and blowing of dust. The storage area shall be fenced for security purposes.

(Ord. No. 1-1987, § 13.06, eff. 1989)

Sec. 30-387. Mobile home park regulations.

(a) *General requirements.*

(1) Each mobile home within a mobile home park shall contain a complete bathroom, kitchen facilities, sleeping accommodations and plumbing and electrical connections. Travel trailers, motor homes and other recreational vehicles shall not be occupied in a mobile home park.

(2) Mobile home skirting shall be vented. Louvered or similar vents shall be at least a minimum of 600 square inches per 1,000 square feet of living space. A minimum of one vent shall be placed at the front and rear of the mobile home and to each exposed side. An access panel of sufficient size to allow full access to utility hookups located beneath the mobile home shall be installed. All skirting shall be manufactured of fire-resistant material and certified as such by the manufacturer. Skirting shall be installed in a manner so as to resist damage under normal weather conditions to include, but not limited to, damage caused by freezing and front, wind, snow and rain.

(3) Storage of dangerous or combustible goods and articles underneath any mobile home or out-of-doors at any mobile home site shall be prohibited except in an approved enclosed storage facility.

(4) Canopies and awnings may be attached to any mobile home and may be enclosed, subject to mobile home site regulations, herein. When enclosed, such canopies and awnings shall be considered a part of the mobile home and building and occupancy permits issued by the building inspector shall be required.

(5) All garbage and rubbish shall be stored, and transferred in accordance with the procedures outlined in Part 5, Garbage and Rubbish Storage and Disposal, of the Mobile Home Commission Rules. Garbage and trash removal shall be made at least once per week, except during the summer when health conditions may warrant additional pickups. Incineration of garbage or rubbish on the site shall be prohibited.

(6) The business of selling new and/or used mobile homes as a commercial operation in connection with the operation of a mobile home development is prohibited. New or used mobile homes located on lots within the mobile home development to be used and occupied within the mobile home park may be sold by a licensed dealer and/or broker. This section shall not prohibit the sale of a new or used mobile home by a resident of the mobile home development provided the development permits the sale.

(7) Entry and exit fees shall be prohibited.

(8) All structures and utilities to be considered, altered, or repaired in a mobile home park shall comply with all applicable codes of the village, the state, the U.S. Department of Housing and Urban Development and the mobile home commission, including building, electrical, plumbing, liquefied petroleum gases and similar codes, and shall be constructed to the state standards in effect at that time. All structures and improvements to be constructed or made under the state construction code shall have a building permit issued therefor by the building inspector.

(9) A mobile home park shall have a public water and sewer system and/or on-site water and waste water treatment system acceptable by the state department of environmental quality.

(10) The site and surrounding area shall be suitable for residential use. It shall not be subject to hazards such as insect or rodent infestation, objectionable smoke, noxious odors, unusual noises, subsidence, or the probability of flooding or erosion. The soil, groundwater level, drainage, rock formation, and topography shall not create hazards to the property or to the health and safety of occupants.

(11) A mobile home park shall not be occupied unless at least ten or 25 percent of the expected total, whichever is less, of mobile home sites are available for occupancy at the time of opening of the park.

(12) A mobile home park shall not be developed on less than five acres. Individual sites within a park shall be developed with sites having 5,500 square feet per mobile home unit being served. This 5,500 square feet may be reduced by 20 percent provided that

the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of the site below 5,500 square feet at least an equal amount of land shall be dedicated as open space, but in no case shall the open space requirements be less than that required under Mich. Admin. Code 125.1946, Rule 946.

(13) If mobile homes, permanent buildings and facilities, and other structures abut a public right-of-way, they shall not be located closer than 50 feet from the boundary line, except that if the boundary line runs through the center of the public road, the 50 feet shall be measured from the road right-of-way line. This rule does not apply to internal roads if dedicated for public use, if the roads do not present a nuisance or safety hazard to the park tenants or condominium owners.

(14) The mobile home park shall be constructed pursuant to Public Act No. 96 of 1987 (MCL 125.2301 et seq.), and the rules promulgated thereunder.

(15) Landscaping and/or greenbelts shall be in conformance with the provisions of article II, division 2 of this chapter, relative to site review, and section 30-383. Common laundry drying yards, trash collection stations, surface-mounted transformers, and similar equipment and facilities shall be screened from view by plant materials or by manmade screens. Required landscape strips shall not be included in the calculation of required recreational areas. Parking shall not be permitted in any required buffer area.

(16) All mobile home parks shall be located within the multiple residential district as designated in article III, division 4 of this chapter.

(b) *Mobile home site regulations.* The Mobile Home Code, as established by the mobile home commission and the state department of labor and economic growth rules under the authority of Public Act No. 96 of 1987 (MCL 125.2301 et seq.), regulates mobile home park density, design, construction, licensing, and individual mobile home installation (anchoring and health aspects). All mobile home parks shall be constructed according to the standards of the code and the state department of labor and economic growth rules, which include specifications for internal road widths, lengths, turning radii, alignment, gradients, construction materials, curbing, parking, utilities, pedestrian circulation, pad size, maintenance, setbacks, screening, and health aspects. Any variance from these established standards granted by the village must be filed with the state mobile home commission, however, the commission may approve, disapprove, or revoke the variance upon the notice and hearing.

(c) *Utilities.* Each mobile home shall be suitably connected to sanitary sewer, water and other available utility lines and such connections shall meet the following regulations:

(1) A public water system or water system approved by the state department of labor and economic growth and the state department of environmental quality, and in accordance with Public Act No. 399 of 1976 (MCL 325.1001 et seq.), safe drinking water act, shall be provided within a mobile home park. The water supply shall be adequate for firefighting purposes.

(2) A public sewer system or wastewater treatment system approved by the state department of labor and economic growth and the state department of environmental quality shall be provided with a mobile home park.

(3) Each mobile home space shall be provided with at least a four-inch sanitary sewer connection. The sewer shall be closed when not connected to a mobile home and shall be capped so as to prevent any escape of odors.

(4) The plumbing connections to each mobile home site shall be constructed so that all lines are protected from freezing, from accidental bumping, or from creating any type of nuisance or health hazard.

(5) All electrical lines to each mobile home site shall be underground. Separate meters shall be installed for each site. All cable television and television lines shall be underground. Aboveground lines are allowed for the connection between the mobile home unit and the individual site utility pedestals.

(6) If central television antenna systems, cable television, or other such service are provided, the distribution system shall be underground and shall be constructed and installed pursuant to state and local codes and ordinances.

(7) An electrical service adequate for single-family residence needs shall be provided for each mobile home space. The installation shall comply with all state electrical regulations.

(8) All fuel oil and liquefied gas supplies shall be installed in a manner consistent with the requirements contained in the General Rules of the Michigan Mobile Home Commission as provided for in Public Act No. 96 of 1987 (MCL 125.2301 et seq.).

(d) *Access and parking.*

(1) All internal streets, driveways, motor vehicle parking spaces and walkways within the park shall be hard surfaced and shall further comply with the General Rules of the Michigan Mobile Home Commission as provided for in Pubic Act No. 96 of 1987 (MCL 125.2301 et seq.).

(2) All entrances and exits from a mobile home park shall abut a hard surfaced public road. Improvements to said hard surfaced roads, such as acceleration/deacceleration lanes, shall be made in accordance with county road commission standards.

(3) Cul-de-sac street, where proposed, shall have a turnaround with a minimum of 45 feet, in accordance with current county road commission standards, and shall have a maximum length of 300 feet.

(4) Entrances and exits for a mobile home park from county or state highways shall have written approval of the highway authority having jurisdiction before the final site plan for all or any phase of the mobile home park shall be approved by the mobile home commission.

(5) Where a proposed mobile home development is adjacent to properties that have existing public sidewalks on them and the sidewalk abuts the MHP parcel, the

developer shall also construct a sidewalk of equal width to act as a connection between, or an extension of the existing public sidewalk. Said sidewalk shall be necessary for only those portions of a mobile home park fronting upon a public thoroughfare.

(e) *Storage areas.* The on-site outdoor storage of boat trailers, boats, camping units, horse trailers, and similar equipment shall be prohibited. The mobile home park may provide, within the confines of the park, a common outdoor storage area for the storage of the above-mentioned equipment. Said storage area shall be surfaced with gravel, asphalt, or similar substances and shall be screened from view with plant materials or manmade screening devices.

(f) *Procedures and permits.* Application for permit to construct a mobile home park shall be submitted to the state department of labor and economic growth. The state department of labor and economic growth is the agency charged with the licensing of mobile home parks. Preparation of the application, support data, and local agency review of the above-mentioned materials shall conform to the requirements of Pubic Act No. 96 of 1987 (MCL 125.2301 et seq.).
(Ord. No. 1-1987, § 13.07, eff. 1989)

Sec. 30-388. Manufactured housing on individual lot regulations.

(a) *Scope.* The purpose of this section is to establish standards and regulations governing the location and appearance of manufactured housing in the village. It is the intent of these regulations to allow a mix of "housing types" and "living styles" in a manner which will not adversely affect existing neighborhoods. For this reason, standards have been set that will regulate the appearance of the manufactured house, allowing only those that are compatibly similar in appearance to site-built houses on individual lots in all zoning districts that allow single-family residences.

(b) *Location.* For the purposes of this chapter, manufactured housing may be located in the RA-1 and RA-2, single-family districts, subject further to the regulations contained herein.

(c) *General appearance and site standards.* To ensure the compatibility in appearance with site-built, a manufactured house shall meet the following design and site standards:

(1) Shall be constructed to the most current state or federal building standards. These include the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC 5401 et seq.), as amended.

(2) Have a minimum width of 24 feet and meet the minimal floor area standards of the district in which it is situated.

(3) Have two exterior doors (front and rear, or front and side), and where there is a difference in ground elevation, steps must be permanently attached, on a frost depth foundation, either to the perimeter wall, as outlined in subsection (c)(5) of this section, or to a porch connected to said perimeter wall.

(4) Have an exterior finish architecturally compatible to that in the surrounding area.

(5) It is firmly attached to a permanent foundation constructed on the site in accordance with the village state construction code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the state mobile home commission and shall have a perimeter wall as required above.

(6) The compatibility of design and appearance shall be determined in the first instance by the village building inspector upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the board of zoning appeals within a period of 15 days from the receipt of notice of said building inspector's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of "dwelling" as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks within 2,000 feet of the subject dwelling where such area is developed with dwellings to the extent of not less than 20 percent of the lots situated within said area; or, here said area is not so developed, by the character design and appearance of one or more residential dwellings located outside of mobile home parks throughout the village. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard design homes.

(7) Be connected to a public sewer or water system and/or waste treatment or potable water supply system approved by the village.

(8) No manufactured house shall be delivered to any lot in the village until the requirements of subsections (c)(6) and (7) of this section have been met.

(9) Said lot shall meet the minimum area and setback requirements for the district in which it is situated.

(10) The provisions of this section shall not apply to mobile homes situated in licensed mobile home parks.

(d) *Accessory structures.* Detached accessory structures, as permitted in this chapter, shall be built to the village building code. Where the accessory structure is attached to the manufactured house, it shall be similar in materials and integrity and meet the construction standards of the HUD Manufactured Housing Construction and Safety Standards Code or the state construction code.

(e) *Permits.* Prior to the installation of a manufactured house on a residential lot, the individual shall obtain a building permit from the building inspector. Said permit shall be valid for a period of one year from date of issuance. If installation is not completed in this timeframe, an extension of an additional six months may be granted, provided the applicant can show just cause for failure to complete said installation.
(Ord. No. 1-1987, § 13.08, eff. 1989)

Sec. 30-389. Swimming pools, private.

Private pools shall be permitted as an accessory use within the rear yard or side yard, provided they meet the following requirements:

(1) No swimming pool, or part thereof, shall be hereafter erected or constructed unless a building permit shall have first been issued for such work by the building inspector. However, structures less than 24 inches in depth will not be regulated by this section.

(2) There shall be a minimum distance of not less than ten feet between adjoining property lines, or alley rights-of-way and the outside of the swimming pool wall. Side yard setback shall apply if greater than ten feet.

(3) No swimming pool wall shall be located less than the applicable front yard setback from any street right-of-way line.

(4) No swimming pool shall be located in an easement.

(5) For the protection of the general public, all areas containing swimming pools shall be completely enclosed by a fence not less than four feet nor higher than six feet in height above the surface of the ground, of chainlink or equally impenetrable construction. All support members of said fence shall be on the swimming pool side thereof and all horizontal members shall be spaced not more than 1½ inches apart. The gates shall be of a self-closing and latching type with the latch on the inside of the gate and not readily available for children to open. Gates shall be capable of being securely locked. Such enclosures shall be located not more than 100 feet in distance from the swimming pool. A building or masonry wall at least four feet in height may be used as all or part of such swimming pool enclosure. If the swimming pool is constructed above ground so that the lowest entry point thereof is at least 4½ feet above ground level, and entry into such aboveground pool is only by means of a ladder that locks up into place when the pool is not in use, then the fence and gate required in this subsection shall not be required.

(6) All electrical installations or wiring in connection with swimming pools shall conform to the provisions of the state construction code. If service drop conductors or other utility wires cross under or over the proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation thereof before a permit shall be issued for the construction of the swimming pool.

(7) Permit. Upon compliance with all requirements of this section and upon determination by the building inspector that the proposed swimming pool will not be injurious to the general public health, safety, and welfare of the village and its citizens, the building inspector shall issue a permit conditioned upon compliance of the permit holder with the requirements of this section.

(8) Sanitation. No outdoor swimming pool shall be used unless adequate public health measures are periodically taken to ensure that the use thereof will not cause the spread of disease. Chlorine or bromine shall be used in the water of all such pools. The

current standards set by the state department of environmental quality to protect public health in the use of such swimming pools are hereby adopted and made a part of this chapter.

(Ord. No. 1-1987, § 13.09, eff. 1989)

Sec. 30-390. General requirements for private recreational facilities.

(a) Structures associated with such uses as private parks, country clubs, golf courses, golf driving ranges, and other similar recreational facilities operated for a profit shall be located at least 250 feet from a lot line or any adjacent residence or residential district and all ingress an egress from said parcel shall be directly onto a major thoroughfare. Structures associated with gun clubs shall be situated at a minimum of 1,000 feet from the edge of a public thoroughfare and/or residence or residential district.

(b) All primary activities associated with such operations and conducted out-of-doors or fashion that would significant or undue disturbance to adjacent uses shall be limited to hours of operation which shall not exceed 7:00 a.m. to 10:00 p.m., unless approval for an extension of that period is obtained from the village board of zoning appeals.

(Ord. No. 1-1987, § 13.10, eff. 1989)

Sec. 30-391. Fences and other protective barriers.

All fences of any nature, type or description located in the village shall conform to the following regulations:

(1) The erection, construction or alteration of any fence, wall or other type of protective barrier shall be approved by the building inspector as to their conforming to the requirements of the zoning district wherein they are required because of land use development and to the requirements of this section.

(2) Fences in all residential districts located along the line dividing two lots or parcels of land, which are not specifically required under the regulations for the individual zoning districts, shall conform to the following requirements:

a. No fence shall hereafter be erected in excess of six feet or less than three feet in height above the grade of the surrounding land.

b. No fence shall hereafter be located in the front yard or side yard abutting a street, of the lots or parcels in question, more than three feet in height.

c. All fences hereafter erected shall be of an ornamental nature of wood, chainlink or other metal construction. Barbed wire, spikes, nails, or any other sharp point or instrument of any kind is prohibited on top or on the sides of any fence.

(3) Fences of woven wire or chainlink topped by strands of barbed wire may be permitted in any district for lands surrounding public utility or municipal buildings or uses that, due to their nature would necessitate such protective enclosures to ensure public health, safety or general welfare of the community.

(4) Visibility at intersections shall be in accordance with the provisions of section 30-138.

(5) No fence in any zoning district shall hereafter be erected that contains an electrical charge or current.

(Ord. No. 1-1987, § 13.11, eff. 1989)

Sec. 30-392. Performance standards.

(a) *Statement of policy.* The following is a statement of policy of the village, with respect to certain uses within the commercial and manufacturing use districts:

(1) *Smoke.* It shall be unlawful for any person, firm or corporation to permit the emission of smoke from any source in the amount which shall be injurious or substantially annoying to persons residing in the affected area.

(2) *Airborne solids.* It shall be unlawful for any person to operate and maintain, or cause to be operated and maintained, any process or activity which shall cause injury to neighboring business or property.

(3) *Odor.* The emission of odors which shall be found to be obnoxious to any considerable number of persons at their place of residence shall be prohibited.

(4) *Gases.* The emission or release of corrosive or toxic gases, in amounts which are injurious or substantially annoying to persons living or working in the affected area, shall be prohibited.

(5) *Glare and radioactive materials.* Glare from any process or operation shall be shielded so as to be invisible beyond the property line of the premises on which the process is performed. Radiation, including radioactive materials and electromagnetic radiation such as that emitted by the X-ray process or diathermy, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.

(6) *Noise.* The noise permitted under any use of land shall be no greater than the normal level of traffic noise existing in the area at the time of such emission, when determined at the boundary of the property. Manufacturing districts may have higher levels of noise within their industrial premises, provided that berms, walls or other sound barriers of equal effect shall prevent their being substantially annoying to adjacent areas.

(7) *Vibration.* Machines or operations which cause vibrations shall be permitted in Manufacturing districts, provided that vibrations emanating therefrom shall not be discernable and substantially annoying or injurious to property beyond the lot lines of the affected premises.

(b) *Violations.* The violation of any of these standards may constitute a public nuisance and will be considered by the village officials when making decisions as to whether or not to institute litigation to abate such violation.

(Ord. No. 1-1987, § 13.12, eff. 1989)

Sec. 30-393. Churches and schools.

Under such conditions as the planning commission after hearing may impose to observe the spirit and purpose of this chapter, namely to permit those uses within a residentially zoned district which serve the needs of the persons residing in the general area of the village, which exclude the operation of any use which would tend to be a nuisance to the surrounding area and subject further to the conditions imposed, the following uses may be permitted:

(1) Churches, and other facilities normally incidental thereto.

(2) Public, parochial and private elementary, intermediate schools, high schools and/or schools or colleges offering courses in general education, not operated for profit. It is the expressed intent that the following requirements shall not apply to expansion or replacement of existing church or school buildings on the same existing site. Providing further that the following requirements and regulations shall apply to all proposed new construction and development:

a. There shall be submitted a detailed site plan of the proposed development which will include a general description, location, size and shape of the property involved. Scale of said site plan not to be less than one inch equals 100 feet.

b. No church or school building shall be erected within 500 feet of any zoning district in which churches and schools are not permitted or within 500 feet of any existing retail store building which is a legal nonconforming use, and 500 feet distance to be measured in the manner set forth in section 503 of Public Act No. 58 of 1998 (MCL 436.1503).

c. No church or school shall be located on a parcel of land less than $1\frac{1}{2}$ acres in area.

d. Access to the premises from abutting streets or highways shall be limited to curb breaks and/or entrance drives which are located not closer than 300 feet to any intersecting street on the same side of the street of highway.

e. Results of tests of subsurface soil conditions (test borings) made at the site of any proposed church or school building and certified by a civil engineer registered in the state shall be submitted to the building inspector, along with the written statement of a registered civil engineer or architect that such tests indicate the suitability of the site for the building for which a building permit is sought.

(Ord. No. 1-1987, § 13.13, eff. 1989)

Sec. 30-394. Signal receiving devices.

An antenna or any signal receiving device in zoning areas RA-1, RA-2, RM, B-1, and B-2 is an accessory building. (See also section 30-393 and section 30-395(c)(2).)
(Ord. No. 1-1987, § 13.14, eff. 1989)

Sec. 30-395. Uses not otherwise included within specific use district.

(a) Because the uses hereinafter referred to possess unique characteristics making it impractical to include them in a specific use district classification, they shall be considered for approval by the building inspector in accordance with provisions of article II, division 2 of this chapter. In every case, the use hereinafter referred to shall be specifically prohibited from an RA-1, RA-2, or RM district.

(b) These uses require special consideration since they service an area larger than the village or draw from a market beyond the village and require a sizeable land area, creating problems of control with reference to abutting use districts.

(c) Reference to those uses falling specifically within the intent of this section is as follows:

(1) *Outdoor theaters.* Because outdoor theaters possess the unique characteristics of being used only after dark, and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted in the B-2 district. Outdoor theaters shall further be subject to the following conditions:

a. The proposed internal design shall receive approval from the building inspector and village engineer as to adequacy of drainage, lighting and other technical aspects.

b. Points of ingress and egress shall be available to the outdoor theater from abutting major thoroughfares and shall not be available from a residential street.

(2) *Commercial television, cable television, radio towers, public utility microwaves, and public T.V. transmitting towers.* The construction, use and maintenance of radio and television towers, public utility microwaves and public T.V. transmitting towers, and their attendant facilities may be permitted by the planning commission under the hereinafter conditions specified, and after a public hearing is held relative thereto, providing:

a. Before approving and authorizing a use permit, there shall be submitted to the planning commission, an application which shall contain the names and addresses of parties of interest in said premises setting forth their legal interest in said premises, also a plot plan and description of the premises wherein operations are proposed and such other information as may be reasonably required by the building inspector to base an opinion as to whether a permit should be issued.

b. The positions of a tower or towers shall be located centrally on a continuous parcel of land not less than 1½ times the height of the tower or towers, measured from the base of said tower or towers to all points on each property line.

(Ord. No. 1-1987, § 13.16, eff. 1989)

Secs. 30-396—30-420. Reserved.

ARTICLE VI. OFF-STREET PARKING AND LOADING REGULATIONS

Sec. 30-421. General provisions for off-street parking.

(a) The regulations of this article shall be met in all districts whenever any uses are established or any building or structure is erected, enlarged, or increased in capacity.

(b) Plans and specifications showing required off-street parking spaces, including the means of access, ingress, egress, drainage and circulation shall be submitted to the building inspector and/or village engineer for review at the time of application for a building permit for

the erection or enlargement of a building or at the same time spaces are added or altered, unless a site plan is required under article II, division 2 of this chapter, relative to site plan review, in which case this requirement shall not apply.

(c) No parking area or parking space which exists at the time this chapter becomes effective, or which subsequently thereto is provided for the purpose of complying with the provisions of this chapter, shall thereafter be relinquished or reduced in any manner below the requirements established by this chapter.

(d) The storage of merchandise or vehicle parts in any parking lot in any district is prohibited.

(e) Parking of licensed motor vehicles in residential districts shall be limited to passenger vehicles, and not more than one commercial vehicle not to exceed $2^1/_2$-ton capacity shall be permitted for each dwelling unit. The commercial vehicle shall not be parked or stored in the front yard in a RA-1 or RA-2 district. The parking of any other type of commercial vehicle, except those belonging to a church or school or parked on church of school property, is prohibited in any residential district. Parking of recreation vehicles shall be regulated as provided in section 30-386. Parking spaces for dwelling units may be provided in garages, carports, or parking areas, or combinations thereof, and shall be located on the premises of the principal building.

(f) Off-street parking facilities required for buildings under separate ordinances or zoning laws shall be provided in accordance with the following table and identified by signs as being reserved for physically handicapped persons. Signs shall be located approximately six feet above grade. Each reserved parking space shall not be less than 12 feet wide. Where a curb exists between a parking lot surface and a sidewalk surface, an included approach or a curb cut with a gradient of not more than one foot in 12 feet and a width of not less than four feet shall be provided for wheelchair access. Parking spaces for the physically handicapped shall be located as close as possible to walkways and entrances. Signs shall be provided when necessary indicating the direction of travel to an accessible entrance.

Total Parking in Lot	*Registered Number of Accessible Physically Handicapped Spaces*
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total

Total Parking in Lot	*Registered Number of Accessible Physically Handicapped Spaces*
Over 1,000	20 plus 1 for each 100 over 100

(Ord. No. 1-1987, § 14.01, eff. 1989)

Sec. 30-422. Specifications for parking areas.

(a) Required off-street parking facilities shall be within 300 feet of the principal building for which the parking is intended.

(b) Every parcel of land hereafter used as a public or private area shall be developed and maintained in accordance with the following regulations:

(1) Off-street parking spaces shall not be closer than five feet, and driveways ten feet, to any property line, unless a wall, screen or compact planting strip is provided as a parking barrier along the property line, except in RA-1 and RA-2 districts in which case a minimum distance is not required for residences only.

(2) Off-street parking spaces shall not be located in the required front yard or within the required yard along any street.

(3) All off-street parking areas shall be drained so as to prevent direct drainage onto abutting properties and surface drainage onto public streets. All parking spaces in paved lots shall be marked with striping.

(4) Lighting fixtures used to illuminate any off-street parking areas shall be so arranged as to reflect the light away from any adjoining streets or residential lots.

(5) Any off-street parking area providing space for five or more vehicles shall be effectively screened, on any side which adjoins a lot in any residential district, by a wall, screen or compact planting strip not less than four feet in height.

(6) All off-street parking areas that make it necessary or possible for vehicles to back directly into a public street are prohibited, provided that this prohibition shall not apply to off-street parking areas of one-family or two-family dwellings.

(7) All spaces shall have access by means of aisles of lanes.

(8) Ingress and egress to parking lots shall be provided for all vehicles by means of clearly limited and defined drives.

(9) Aisles for access to all parking spaces on two-way aisles shall be designed and clearly marked for two-way movement. Aisles for angle parking spaces shall have one-way movement only and shall be clearly marked for one-way movement.

(10) Not more than 15 parking spaces shall be permitted in a continuous row in residential districts without being interrupted by landscaping. Not more than 20 parking spaces shall be permitted in a continuous row in commercial and industrial districts without being interrupted by landscaping.

(11) All required landscape areas and screens shall be maintained in a healthy and growing condition for plan materials, and all landscape areas and screens shall be maintained in a neat and orderly appearance.

(12) a. Each off-street parking space for automobiles shall not be less than 200 square feet in area, exclusive of access drives of aisles, shall have a minimum width of ten feet and shall be of useable shape and condition. An access drive shall be provided and, where a turning radius is necessary, it shall have a radius sufficient to permit an unobstructed flow of vehicles.

b. Parking aisles shall be:

1. For 90-degree parking, the aisle shall be not less than 24 feet in width;

2. For 60-degree parking, the aisle shall not be less than 18 feet in width;

3. For 45-degree parking, the aisle shall not be less than 13 feet in width;

4. For parallel parking, the aisle shall not be less than 12 feet in width, for one-way traffic, or 24 feet for two-way parking.

(c) Off-street parking facilities for trucks at restaurants, service stations, and similar establishments shall be of sufficient size to adequately serve trucks and not interfere with other vehicles that use the same facilities.
(Ord. No. 1-1987, § 14.02, eff. 1989)

Sec. 30-423. Calculating required number of parking spaces.

(a) Where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that floor area used for parking within the principal building, incidental service, storage, installations or mechanical equipment, heating systems, and similar uses.

(b) In stadiums, sport arenas, churches and other places of assembly in which those in attendance occupy benches, pews or other similar seating facilities, each 18 inches of such seating shall be counted as one seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.

(c) For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest shift.

(d) For requirements stated in terms of capacity or permitted occupancy, the number shall be determined on the basis of the largest ratings by the local, county or state, building, fire or health codes.

(e) Any fractional space shall be counted as one additional required space.

(f) Where a common municipal parking area is in existence the off-street parking requirements for commercial areas can be waived if sidewalks are provided and the lot is no more than a 500-foot distance measured along the sidewalks from the entrance of the establishment concerned. Any change in tenancy or use shall be judged as sufficient cause for review by the planning commission for the purpose of determining off-street parking requirements.

(g) The number of parking spaces required for land or buildings used for two or more purposes shall be the sum of the requirements for the various uses computed in accordance with this chapter. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use, except as provided in subsections (h) and (i) of this section.

(h) If a parking lot serves two or more uses where the operating hours of the uses do not overlap, the total number of required spaces may be less than the sum of requirements for each use, to a limit of the sum of one-half of the parking requirements of each use. In no case, however, shall the number of spaces required be less than the sum of the largest number of spaces required for one use plus one-half of the required spaces for each additional use. The building inspector shall determine the conditions of overlapping requirements and the amount of reductions in the required number of spaces which shall be permitted, in accordance with this subsection.

(i) Off-street parking spaces required for churches may be reduced by 50 percent where churches are located in nonresidential districts and within 300 feet of existing usable public or private spaces that qualify under this section. The required number of off-street parking spaces may also be reduced in accordance with subsection (h) of this section, if applicable.

(j) Where a use is not specifically listed in the schedule of off-street parking requirements in section 30-424, the parking requirements of a similar use shall apply. The building inspector shall make the interpretation.
(Ord. No. 1-1987, § 14.03, eff. 1989)

Sec. 30-424. Schedule of off-street parking requirements.

(a) *Residential districts.* Uses permitted in residential districts shall be as follows:

Dwellings, single-family	One space for each dwelling
Dwellings, two-family	Two and one-half spaces per unit (five total)
Dwellings, mobile home park	Two spaces per unit plus one space for each two employees of the park
Dwellings, multifamily	Two spaces for each dwelling unit
Dwellings - Senior citizen units	One space for each two dwelling units, plus one space for each employee.

Nursing homes, children's homes	One space for each four beds, plus one space for each two employees
Elementary and junior high schools	One space for each employee, plus one space for each classroom, including portables
Senior high schools	One space for each employee plus one space for each ten students of the rated capacity, plus one-half the requirements for auditoriums
Churches, auditoriums, sports arenas, theaters, assembly halls other than schools	One space for each four seats of maximum capacity
Libraries, museums	One space for each 500 square feet of floor area
Swimming pool clubs, tennis clubs and similar uses	One space for each two-member family, plus spaces as required for each accessory use, such as a restaurant
Golf course, except miniature "Par-3" courses	Three spaces for each golf hole and one space for each employee plus spaces required for each accessory use, such as a restaurant

(b) *Commercial district or by special approval.* Uses permitted in the commercial district and/or by special approval in other districts shall be as follows:

General retail sales—Establishments not elsewhere classified	One space for each 150 square feet of floor area
Furniture, appliance, household equipment stores and repair shops	One space for each 400 square feet of floor area, plus one space for each employee
Barbershops and beauty shops	Two spaces for each chair, plus one space for each employee
Restaurants, cocktail lounges taverns, and nightclubs	One space for each two patrons of maximum seating capacity, plus one space for each two employees
Professional and business offices	One space for each 100 square feet of floor area
Medical and dental offices, clinics	One space for each 100 square feet of floor area, plus one space for each employee

Self-serve laundry or dry cleaning stores	One space for each two washing, drying, or dry cleaning machines
Automobile service stations	One space for each gasoline pump, plus two spaces for each lubrication stall
Automobile or machinery sales and/or service establishments	One space for each 400 square feet of showroom floor area, plus one space for each service plus one space for each two employees
Bowling alleys	Five spaces for each alley, plus parking for accessory uses as provided herein
Funeral homes	Four spaces for each parlor or one space for each 50 square feet of floor area in parlors, whichever is greater, plus one space for each fleet vehicle
Shopping centers	Five and one-half spaces for each 1,000 square feet of leasable floor area
Private clubs, lodge halls	One space for each three persons of maximum capacity
Automobile wash	Five spaces for each washing stall (not including space in each stall)
Miniature golf and "Par-3" courses	One space for each golf hole, one space for each employee, plus spaces required for each accessory use, such as a restaurant

(c) *Manufacturing district and/or by special approval.* Uses permitted in the manufacturing district and/or by special approval shall be as follows:

Warehouses	One space for each 2,000 square feet of floor area, plus one space for each vehicle to be stored on the premises
Utility substations	One space for each employee
Contractors establishments	One space for each employee, plus one space for each vehicle stored on the premises

Industrial or research establishments	Off-street parking shall be provided for all employees and at least one space on-site for every two employees in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction
Wholesale establishments	One space for each 200 square feet of sales floor area, plus one space for each two employees, plus one space for each vehicle to be stored on the premises

(Ord. No. 1-1987, § 14.04, eff. 1989)

Sec. 30-425. Provisions for off-street loading facilities.

(a) In connection with every building or part thereof hereafter erected, except single-family and two-family dwellings, off-street loading and unloading spaces for uses which customarily receive or distribute material or merchandise by vehicles shall be provided on the same lot with such buildings. Off-street loading spaces are hereby required in order to avoid interference with public use of streets and parking areas.

(b) Plans and specifications showing required loading and unloading spaces and the means of ingress and egress and internal circulation shall be submitted to the building inspector and appropriate state or county agency for review at the time of application for a building permit for the erection or enlargement of a use of a building or structure or at the time such spaces are added or altered, except as required in article II, division 2 of this chapter, relative to site plan review, in which case this requirement shall not apply.
(Ord. No. 1-1987, § 14.05, eff. 1989)

Sec. 30-426. Specifications for loading activities.

(a) Each off-street loading/unloading space shall not be less than the following:

(1) In any residential district, a loading space shall not be less than ten feet in width and 25 feet in length, and if roofed space, not less than 15 feet in height.

(2) In a commercial district, a loading space shall not be less than ten feet in width and 60 feet in length, if a roofed space, not less than 15 feet in height.

(3) In a manufacturing district, a loading space shall be provided in the following ratio of space to usable floor area:

Gross Floor Area (in square feet)	*Loading and Unloading Space Required in Terms of Square Feet of Usable Floor Area*
0—20,000	One space

Gross Floor Area (in square feet)	*Loading and Unloading Space Required in Terms of Square Feet of Usable Floor Area*
20,001—100,000	One space, plus one space for each 20,000 square feet in excess of 20,001 square feet
100,001—500,000	Five spaces, plus one space for each 40,000 square feet in excess of 100,001 square feet
500,001 and over	Fifteen spaces, plus one space for each 80,000 square feet in excess of 500,001 square feet

(b) Subject to the limitations of subsection (d) of this section, a loading space may occupy part of any required side or rear yard, except the side yard along a street in the case of a corner lot shall not be occupied by such space. No part of a required front yard shall be occupied by such loading space.

(c) Any loading space shall not be closer than 50 feet to any lot located in residential districts unless wholly within a completely enclosed building or unless enclosed on all sides by a wall, fence, or compact planting strips not less than six feet in height, in which case such space shall not be located closer to the lot line than the required yard.

(d) Off-street loading facilities that make it necessary or possible to back directly into a public street shall be prohibited. All maneuvering of trucks and other vehicles shall take place on the site and not within a public right-of-way.
(Ord. No. 1-1987, § 14.06, eff. 1989)

Secs. 30-427—30-450. Reserved.

ARTICLE VII. SIGN REGULATIONS*

Sec. 30-451. Statement of purpose.

It is the intent and purpose of this article to provide proper regulation and control of all outdoor signs so that no sign will be reason of its size, location, construction or manner of display, endanger life and limb, confuse or mislead traffic, obstruct vision necessary for traffic safety, or otherwise endanger the public morals, health or safety; and further, to regulate such signs in such a way as to create land patterns compatible with other major land use objectives and to prevent such signs from causing annoyance or disturbance to the citizens and residents of the village.
(Ord. No. 1-1987, art. 15, eff. 1989)

***State law reference—**Highway advertising act, MCL 252.301 et seq.

Sec. 30-452. General provisions and prohibitions.

(a) All signs shall be designated, constructed and maintained so as to be appropriate in appearance with the existing or intended character of their vicinity and so as not to change the essential character of such area.

(b) No sign shall be illuminated by other than a steady continuously burning light, nor shall any open spark or flame, or intermittent or flashing illumination be permitted.

(c) No sign may be displayed which in word, color or form might be confused with recognized traffic safety symbols.

(d) No signs except those established by the village, county, state or federal government shall be located in, projected onto, or overhand any public right-of-way, unless permitted by council approval.

(e) No sign shall be enlarged, altered, or relocated except in conformity to the provisions of this chapter.

(f) No sign not included in the definitions of section 30-453 shall be erected, installed or maintained in the village.

(g) No sign or part of a sign shall move either by mechanical means or reaction to air current.

(h) No banners, pennants, balloons, spinners or streamers are permitted, except as allowed in this article.

(i) The construction of any such sign shall be such that it will withstand normal wind forces encountered in the area. All such signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or action of the elements.

Community events signs	All districts	4 square feet	
Construction signs	All districts	6 sq. ft./face for residential; not to exceed 100 sq. ft. all other districts	
Ground signs	All districts except residential	1 sq. ft./2 lin. ft. of lot frontage, not to exceed 80 sq. ft./face or 160 sq. ft. all faces combined	25 feet above nearest street surface
Individual property sale/rent signs	All districts	6 sq. ft. each of 2 faces residential: not to exceed 100 sq. ft. total all other districts	3 feet residential
Institutional bulletin boards	All districts	20 sq. ft./face; 4 sq. ft. total	6 feet above

Political campaign signs	All districts	6 sq. ft. each	
Private traffic direction signs	All districts except residential	3 sq. ft./face	5 feet
Public signs	All districts		
Special temporary signs	All districts	32 sq. ft./face; 64 sq. ft. total all faces	
Subdivision temporary signs	All districts	50 sq. ft. total for residential; 100 sq. ft. total for all other districts	
Wall signs	All districts	2 sq. ft./1.0 lin. ft. of building frontage for buildings not using permitted ground sign	

(Ord. No. 1-1987, § 15.01, eff. 1989)

Sec. 30-453. Special requirements by type of sign.

(a) *Community events signs.* A permit shall be issued by the building inspector for a community events sign.

(1) *Definition.* A "community events sign" is a temporary sign announcing local community events.

(2) *Districts permitted.* Community events signs are permitted in all districts subject to the conditions stated hereunder, and subject to the approval of the building inspector when in violation of these conditions or when occurring on public property rights-of-way.

(3) *Maximum size.* The maximum size of a community event sign shall not to exceed four square feet face area. Banners may be allowed to announce annual events provided they do not exceed 200 square feet of surface and a height of four feet.

(4) *Maximum duration of display.* The maximum duration of display for a community events sign shall be 14 days.

(5) *Religious displays.* Traditional religious holiday displays when occurring on private property are exempt from the restrictions of this subsection.

(b) *Construction signs.* A permit shall be issued by building inspector for a construction sign.

(1) *Definition.* A "construction sign" is a sign erected on a site which advises the public of the pertinent facts regarding the construction of the building and its site improvements.

(2) *Maximum number permitted.* The maximum number of construction signs permitted shall be one per building site.

(3) *Size restrictions by district.* The size of a construction sign shall be restricted by district as follows:

Residential	Six square feet per face.
All other districts	One square foot total sign area per two lineal feet of parcel frontage but in no case to exceed 100 square feet total sign area.

(4) *Restrictions.* Construction signs shall be removed within 14 days of issuance of certificate of occupancy or expiration of building permit, whichever occurs first.

(c) *Ground signs.* A ground sign shall require a permit and site plan review by planning commission.

(1) *Definition.* A "ground sign" is a freestanding sign supported by the ground or by uprights, braces, or pylons located in or upon the ground and not attached to a building.

(2) *Districts permitted.* Ground signs shall be permitted in all districts except residential.

(3) *Maximum number permitted.* The maximum number of ground signs permitted shall be one ground sign per building, shopping center, or group of buildings on a single lot, group of lots under common ownership or control, or an acreage parcel, regardless of the number of separate parties, tenants or uses contained therein.

(4) *Placement restrictions.* No part of a ground sign may be placed within ten feet of the front property line, and in no case less than 70 feet from the centerline of the road. No part of a ground sign may be placed within a required side yard and in no case within 20 feet of a side lot line. No part of a ground sign shall be attached to, supported by, or in any way connected to a building. A minimum two-foot horizontal separation shall be maintained between any sign or sign support element and any building or structure. No ground sign shall be placed in such a manner as to prevent any traveler on a curve or at an intersection of the highway from obtaining a clear view of approaching vehicles for a distance of 500 feet along the highway.

(5) *Height restrictions.*

a. *Maximum height.* The maximum height of a ground sign shall be 25 feet above the nearest street surface. If the parcel contains major topographic features that make the placement of the sign impractical, the planning commission may waive the 25-foot requirement.

b. *Minimum height.* The minimum height of any sign element of a ground sign, other than permitted support structure described herein, occurring within required setback yards shall be ten feet above street surface or ground elevation at sign, whichever is highest. Permitted support structures occurring within

required setback yards may not exceed one square foot in horizontal cross section, and multiple supports shall not be spaced closer than four feet apart. Permitted support structures for ground signs shall not extend more than one foot beyond sign at any point. A minimum vertical clearance of 15 feet shall be provided for any portion of a ground sign located within four feet of any drive or parking lot surface serving motor vehicles.

(6) *Maximum sign face area.* The maximum sign face area for a ground sign shall be one square foot per two lineal feet of frontage facing principal thoroughfare, but not to exceed 80 square feet per face, or 160 square feet for all faces combined, for each permitted ground sign.

(7) *Measurement of ground sign face area.* The area of ground signs shall include the total area within any regular geometric figure (circle, triangle, rectangle, etc.) enclosing the extreme limits of letters, symbols or other materials forming an integral part of the display or used to differentiate the sign from the background against which it is placed. A three-dimensional ground sign in which more than one face is visible from any place, or in which the least cross sectional dimension is greater than 18 inches, shall be measured from its three principal elevations in arriving at a total sign area.

(d) *Individual property sale or rent signs.*

(1) *Definition.* An "individual property sale or rent sign" is a temporary sign advertising the sale, rent or lease of the property upon which it is located.

(2) *Districts permitted.* Individual property sale or rent signs are permitted in all districts.

(3) *Maximum number permitted.* The maximum number of individual property sale or rent signs permitted shall be one per parcel frontage.

(4) *Size and area restrictions by district.* The size and area restrictions by district for individual property sale or rent signs shall be as follows:

Residential (permit not required)	Six square feet each of two faces three-foot height.
All other districts (permit to be issued by building inspector)	One square foot total sign per two lineal feet of parcel frontage but in no case to exceed 100 square feet total sign area.

(5) *Placement restrictions.* Property sale or rent signs in other than residential districts, and when consisting of a freestanding sign larger than six square feet face area, shall be subject to the setback requirements of article III, division 8 of this chapter, regarding the schedule of regulations.

(6) *Maximum duration.* A temporary permit for a period of one year shall be obtained for each individual property sale or rent sign and may be renewed upon the same conditions as set forth in this subsection (d).

(e) *Institutional bulletin boards.* A permit and site plan review are required by the planning commission for institutional bulletin boards.

(1) *Definition.* An "institutional bulletin board" is a sign upon which is displayed only the name of the religious institution, school, community center, club, or charitable institution which occupies the premises, and announcements concerning its services or activities.

(2) *Districts permitted.* Institutional bulletin boards are permitted in all districts subject to planning commission site plan review.

(3) *Maximum height.* The maximum height of an institutional bulletin board shall be six feet above grade.

(4) *Maximum number permitted.* The maximum number of institutional signs permitted shall be one per eligible institution.

(f) *Political campaign signs.*

(1) *Definition.* A "political campaign sign" is a sign or poster announcing candidates seeking political office and/or political issues and data pertinent thereto.

(2) *Districts permitted.* Political campaign signs are permitted in all districts; no permit is required.

(3) *Size restrictions by districts.* Size restrictions by district for political campaign signs shall be as follows:

Residential	Six square feet total sign area.
All other districts	One square foot total sign area per two lineal feet of parcel frontage, but in no case to exceed 100 square feet total sign area.

(4) *Maximum duration of display.* Political campaign signs shall be removed within seven days after the election. Lack of observance of this requirement is punishable by a penalty as set by the village council.

(g) *Portable signs.*

(1) *Definition.* A "portable sign" is a freestanding sign not permanently anchored or secured to the ground or to a building.

(2) *Approval; duration.* Portable signs are subject to planning commission approval for a specified duration not to exceed three months.

(h) *Private traffic direction signs.* A permit shall be issued by building inspector for private traffic direction signs.

(1) *Definition.* A "private traffic direction sign" is a sign directing traffic movement onto or within a premises, located entirely thereupon, and containing no advertising message or symbol.

(2) *Districts permitted.* Private traffic direction signs are permitted in all districts except residential.

(3) *Maximum size.* The maximum size of private traffic direction signs shall be three square feet per face; not to exceed five feet in height.

(4) *Placement restrictions.* Placement of private traffic direction signs shall be subject to review by the building inspector.

(i) *Projecting signs.*

(1) *Definition.* A "projecting sign" is any sign erected by a state, county, or local authority having jurisdiction over public property or right-of-way for the purpose of traffic control, public safety, or public information.

(2) *Districts permitted.* Projecting signs are prohibited in all districts.

(j) *Special temporary signs.* Special temporary signs shall not to exceed 32 square feet.

(1) *Placement; conformance with requirements of article.* Upon application, a special permit may be granted by the building inspector for the placement of a temporary sign, which temporary sign shall conform with the requirements stated within this article with regard to placement and size for new businesses pending installation of permanent signs and signs destroyed by natural causes, vandalism, and acts of God.

(2) *Duration.* In no event shall a permit for a special temporary sign be granted for a period exceeding 30 days.

(3) *Maximum sign face area.* The maximum sign face area for a special temporary sign shall be 32 square feet per face; 64 square feet total all faces.

(k) *Subdivision sale signs.* A sign permit and site plan review shall be required by the planning commission for a subdivision sale sign.

(1) *Definition.* A "subdivision sale sign" is a sign promoting the sale of lots or homes within a subdivision for which final plat approval has been received.

(2) *Maximum number permitted.* The maximum number of subdivision sale signs permitted shall be two per subdivision.

(3) *Maximum size according to districts.* The maximum size of subdivision sale signs according to districts shall be as follows:

Residential	50 square feet total sign area
All other districts	100 square feet total sign area

(4) *Setback restrictions.* Subdivision sale signs shall be placed in accordance with the building setback restrictions pertaining to the subdivision boundaries as defined by this chapter.

(l) *Wall signs.* A permit and site plan review by the planning commission are required for wall signs.

(1) *Definition.* A "wall sign" is a sign attached to, painted on, or otherwise placed upon an exterior building wall, including mansard roof facade with slope not less than 75 degrees, with the sign surface parallel to the building wall and not projecting more than 15 inches beyond the surface to which it is attached.

(2) *Districts permitted.* Wall signs are permitted in all districts.

(3) *Maximum number permitted.* There is no limit to the number of wall signs permitted.

(4) *Placement restrictions.* Wall signs may not be placed on other than the front vertical facade of the building wall generally parallel to the front lot line, or the side building facade in the instance of a corner lot.

(5) *Maximum sign face area.* The maximum sign face area for wall signs shall be two square feet per one lineal foot of building frontage, except signs for home occupations as outlined in section 30-139.

(6) *Measurement of wall sign area.* The area of wall signs shall include the total area within any regular geometric figure (rectangle, triangle, circle, etc.) enclosing the extreme limits of figures, symbols, or other graphic devices or forms as well as any frame forming an integral part of the display.

(Ord. No. 1-1987, § 15.02, eff. 1989)

Sec. 30-454. Permit requirements.

It shall be unlawful for any person to erect, alter, relocate, or maintain within the village any sign as defined herein unless specifically exempted under this article, without first obtaining a permit therefor from the building inspector, and making payment of any fee required by the village.

(1) *Application procedure.* Application for sign permits shall be made upon forms provided by the village and shall have attached thereto the following information:

a. The applicant must fill out a village sign application form obtained from the village clerk.

1. Information that must be included in the application is:

(i) *Location.* A written description of the site as well as an adequate staking of the requested sign location that would allow on-site inspection by the planning commission members.

(ii) *Scale drawing.* A drawing of the sign and supports at a scale of not less than one inch equals five feet which gives all dimensions of the sign.

(iii) *Schematic sketch showing relationship to roadway and adjacent land uses.* A schematic sketch or drawing of the site showing its relationship

to the roadway and adjacent land uses within 400 feet of the sign and any landscaping to be used in conjunction with the sign. Scale to be one inch equals 50 feet.

2. The applicant shall conform with all aspects of this article.

b. Application shall be made at least ten days prior to the regular meeting of the village planning commission. The village clerk will transfer all applications to the chairperson of the planning commission prior to the regular meeting.

c. The full application will be referred to the site plan review committee for its review. Applications will not be considered received until approved for completion and referred to the committee.

d. A report by the site plan review committee will be made to the planning commission within 45 days of receipt of application.

e. Determination of approval or disapproval by the village planning commission will be made after the report of the site plan review committee.

(2) *Signs exempt from permit requirements.* The following signs, as defined in this article, are exempt form permit requirements but remain subject to the conditions and limitations set forth herein:

a. Construction signs.

b. Public signs.

c. Political campaign signs.

d. Residential for sale signs.

e. Garage sale signs.

(3) *Permit fees.* A fee shall be paid for the issuance of a sign permit or renewal in accordance with a schedule of fees that shall be adopted by the village council. Such schedule of fees shall be designed to reimburse the village for all of its direct costs incurred in the inspection and regulation of signs and issuance of permits.

(4) *Nonconforming signs.*

a. It is intended to eliminate nonconforming, except as otherwise specifically set forth in this section, as rapidly as the police power of the village permits. Any lawfully erected sign the maintenance of which is made unlawful by this chapter may continue to be maintained exactly as such existed at the time when the maintenance thereof became otherwise unlawful under the provisions of this chapter.

b. No nonconforming sign:

1. Shall be changed to another nonconforming sign;

2. Shall have any changes made in the words or symbols used or the message displayed on the sign unless the sign is an off-premises advertising sign, or a bulletin board, or substantially similar type of sign, specifically designed for periodic change of message;
3. Shall be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type or design of the sign;
4. Shall be reestablished after the activity, business or usage to which it relates has been discontinued for 30 days or longer; or
5. Shall be reestablished after damage or destruction if the estimated expenses of reconstruction exceed 50 percent of the original cost.

c. The board of zoning appeals shall permit variances from subsection (4)b of this section or variances permitting the erection or maintenance of a nonconforming sign only upon the grounds established by law for the granting of zoning variances, or upon a finding that the grant of a variance will reduce the degree of nonconformance of an existing sign or will result in the removal of one or more lawfully nonconforming signs and replacement by a sign or signs more in keeping with the spirit, purpose and provisions of this chapter.

(Ord. No. 1-1987, § 15.03, eff. 1989)

Sec. 30-455. Sign erector registration.

(a) *Required.* No person shall engage in the business of erecting or installing signs for which permits are required by this chapter and needing the approval of the village planning commission without registering with the village to conduct such operations.

(b) *Servicing and maintenance.* The provisions of this section shall not apply to the serving or repairing of existing signs or to the altering of a sign specifically designed for periodic change of message without change in sign structure, such as a bulletin board or similar type of sign.

(Ord. No. 1-1987, § 15.04, eff. 1989)

Sec. 30-456. Unsafe and unlawful signs.

Any sign that constitutes a safety hazard, or that has been unlawfully installed, erected, or maintained in violation of any of the provisions of this chapter or of any other village ordinance or laws shall be removed in accordance with the provisions of the official building code of the village.

(Ord. No. 1-1987, § 15.05, eff. 1989)

Sec. 30-457. Construction requirements for signs.

All signs shall be constructed and maintained in accordance with the provisions of the applicable building code.

(Ord. No. 1-1987, § 15.06, eff. 1989)

Appendix A

FRANCHISES*

Article I. Ordinance No. 26.000—Consumers Energy Company Electric Franchise Ordinance

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Sec. 2. Consideration.
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Sec. 4. Hold harmless.
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Article II. Ordinance No. 4.009—D&P Cable, Inc., Franchise Ordinance

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Sec. 1. Short title.

***Editor's note—**Printed herein are the franchises granted by the city that are currently in effect. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

Sec. 2. Definitions.
Sec. 3. Grant of authority.
Sec. 4. Compliance with applicable laws and ordinances.
Sec. 5. Company liability; indemnification; insurance.
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Sec. 17. Publication costs.
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Sec. 19. Tree trimming.
Sec. 20. Revocation of franchise.

ARTICLE I. ORDINANCE NO. 26.000—CONSUMERS ENERGY COMPANY ELECTRIC FRANCHISE ORDINANCE

ORDINANCE NO. 26.000

CONSUMERS ENERGY COMPANY ELECTRIC FRANCHISE ORDINANCE

An ordinance, granting to Consumers Energy Company, its successors and assigns, the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges, waterways, and other public places, and to do a local electric business in the Village of Britton, Lenawee County, Michigan, for a period of 30 years.

The Village of Britton ordains:

Sec. 1. Grant, term.

The Village of Britton, Lenawee County, Michigan, hereby grants the right, power and authority to the Consumers Energy Company, a Michigan corporation, its successors and assigns, hereinafter called the "grantee," to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances for the purpose of transmitting, transforming and distributing electricity on, under, along and across the highways, streets, alleys, bridges, waterways, and other public places, and to do a local electric business in the Village of Britton, Lenawee County, Michigan, for a period of 30 years.

Sec. 2. Consideration.

In consideration of the rights, power and authority hereby granted, said grantee shall faithfully perform all things required by the terms hereof.

Sec. 3. Conditions.

No highway, street, alley, bridge, waterway or other public place used by said grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to the same order and condition as when said work was commenced. All of [the] grantee's structures and equipment shall be so placed on either side of the highways as not to unnecessarily interfere with the use thereof for highway purposes. All of [the] grantee's wires carrying electricity shall be securely fastened so as not to endanger or injure persons or property in said highways. The grantee shall have the right to trim trees if necessary in the conducting of such business, subject, however, to the supervision of the highway authorities.

Sec. 4. Hold harmless.

Said grantee shall at all times keep and save the village free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the structures and equipment hereby authorized. In case any action is commenced against the village on account of the permission herein given, said grantee shall, upon notice, defend the village and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

Sec. 5. Extensions.

Said grantee shall construct and extend its electric distribution system within said village, and shall furnish electric service to applicants residing therein in accordance with applicable laws, rules and regulations.

Sec. 6. Franchise not exclusive.

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

Sec. 7. Rates.

Said grantee shall be entitled to charge the inhabitants of said village for electric furnished therein, the rates as approved by the Michigan Public Service Commission, to which commission or its successors authority and jurisdiction to fix and regulate electric rates and rules regulating such service in said village are hereby granted for the term of this franchise. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said village, acting by its village council, or by said grantee.

Sec. 8. Revocation.

The franchise granted by this ordinance is subject to revocation upon 60 days' written notice by the party desiring such revocation.

Sec. 9. Michigan Public Service Commission jurisdiction.

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

Sec. 10. Repealer.

This ordinance, when accepted and published as herein provided, shall repeal and supersede the provisions of an electric ordinance adopted by the village council on December 16, 1968, entitled:

An ordinance, granting to Consumers Power Company, its successors and assigns, the right, power, and authority to construct, maintain, and use electric lines consisting of poles, masts, towers, crossarms, guys, braces, feeders, transmission and distribution wires, transformers

and other electrical appliances on, along and across the highways, streets, alleys, bridges and other public places in the Village of Britton, Lenawee County, Michigan, and to do a local electric business therein, for a period of 30 years.

and amendments, if any, to such ordinance whereby an electric franchise was granted to Consumers Energy Company.

Sec. 11. Effective date.

This ordinance shall take effect upon the day after the date of publication thereof; provided, however, it shall cease and be of no effect after 30 days from its adoption unless within said period the grantee shall accept the same in writing filed with the village clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between said village and said grantee.

We certify that the foregoing franchise ordinance was duly enacted by the village council of the Village of Britton, Lenawee County, Michigan, on the 18th day of January 1999.

ARTICLE II. ORDINANCE NO. 4.009—D&P CABLE, INC., FRANCHISE ORDINANCE

CABLE TELEVISION FRANCHISE

VILLAGE OF BRITTON

ORDINANCE NO. 4.009

ADOPTED 7/15/02

An ordinance granting a franchise to D&P Cable, Inc., its successors and assigns, to operate and maintain cable television systems in the village: setting forth conditions accompanying the grant of franchise providing for village regulation and use of the cable television systems and prescribing penalties for the violation of its provisions.

The Village of Britton ordains:

Sec. 1. Short title.

This ordinance shall be known and may be cited as the "2002 Cable Television Franchise Ordinance."

Sec. 2. Definitions.

For the purposes of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include [sic] the singular number include the plural number. The word "shall" is always mandatory and not merely discretionary.

1. "Village" is the Village of Britton.

2. "Company" is D&P Cable, Inc.

3. "Commission" is the village council of the Village of Britton.

4. "Council" is the village council of the Village of Britton.

5. "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

6. "F.C.C." is the Federal Communications Commission.

Sec. 3. Grant of authority.

1. Pursuant to full consideration and approval of the company's legal, character, financial, technical and other qualifications, and the adequacy, feasibility and extent of its construction arrangements, and as part of a full public proceeding affording due process, there is hereby granted by the village to the company, the right and privilege to construct, erect, operate, maintain, in, upon, along, across, above, over, and under the streets, alleys, public ways, and public places now laid out or dedicated, and all extensions thereof and additions thereto, in the village, poles, wires, cables, underground conduits, manholes and other television conductors, and fixtures necessary for the maintenance and operation in the village of a cable television system for the interception, sale and distribution of television signals.

2. Non-exclusive grant. The rights privileges herein set forth shall not be exclusive, and the village reserves the right to grant similar rights and privileges to any person at any time during the period of this franchise.

Sec. 4. Compliance with applicable laws and ordinances.

The company shall, at all times during the life of this franchise, be subject to all lawful exercise of the police power of the village and to such reasonable regulation as the village shall hereafter by resolution or ordinance provide.

Sec. 5. Company liability; indemnification; insurance.

The company shall indemnify and save the village and its agents and employees harmless from any and all claims for personal injury, property damage, patent infringement, copyright claims and any and all other claims of any kind whatsoever, including attorney fees, expenses of investigation and litigation, and any other expenses of any kind whatsoever with may arise from the installation or operation of the television antenna system or any other equipment owned or used by the company. In the event suit shall be filed against the village, either independently or jointly with the company, to recover for any such claim or demand, the company shall defend the village, its agents and employees, in said action, and in the event of a final judgment is obtained against the village or its agents or employees, either independently or jointly with the company, the company shall pay said judgment and all costs and hold the village and its agents and employees harmless therefrom. For the purpose of furnishing further assurance to the village in this respect the company shall at its expense, at all times, carry and maintain public liability insurance insuring the company and the village against any

and all liability arising from the installation or operation of said system. The policy or policies of insurance involved shall be subject to approval by the Commission and shall be maintained in the minimum amount of $100,000.00 for damage to property in any one occurrence, not less than $500,000.00 for injury or death to any one person, and not less than $1,000,000.00 for injury or death to all persons affected by any one occurrence. The company shall further maintain at all times, at its expense, workers' compensation coverage for all of its employees subject to such coverage. Certificates evidencing all of the foregoing insurance shall be filed with the village clerk prior to the effective date of this franchise.

Sec. 6. Service standards.

1. The company shall maintain and operate its system and render efficient service in accordance with the rules and regulations as are, or may be, set forth by the commission as provided for in section 12 of this ordinance, or by any state or federal regulatory agency.

2. Notice of interruption for repairs. Whenever it is necessary to shut off or interrupt service for the purpose of making repairs, adjustments, or installation, the company shall do so at such a time ad will case the least amount of inconvenience to its customers, and unless such interruption is unforeseen and immediately necessary, it shall give reasonable notice thereof to its customers.

3. Complaints. The company shall maintain a business office with a toll-free telephone listing, so located that maintenance service shall be promptly available to subscribers upon request. Notice of the procedures adopted by the company and the village for the investigation ad resolution of all complaints regarding system operations (a copy of which is attached hereto as Exhibit "A") [the exhibit is on file in the office of the village clerk] shall be given to each subscriber at the time of initial subscription to the cable system. Any person having a complaint regarding the company's operations may direct such complaint to the system manager or, if not satisfied with the disposition of such complaint, to the village clerk, Britton, Michigan 49229, or his/her designate, who shall have primary responsibility for the continuing administration of this franchise and implementation of complaint procedures. Such procedures may be changed from time to time by resolution of the village and copies of the procedure shall be available to all subscribers at the company's offices and village clerk's office.

4. Federal standards. This franchise is governed by and subject to all applicable rules and regulations of the F.C.C. Any modifications of the provisions of Part 76, Subpart K of the F.C.C.'s Rules shall be incorporated into this ordinance by the village and the company within one year of the adoption of the modifications. The company shall transmit black and white and color signals equaling or superior to the technical standards prescribed by the F.C.C.

5. The company shall at all times maintain and operate its system in such a manner that it will not interfere with regular television reception.

6. The company shall comply with Part 76, Subpart C of the Rules of the F.C.C. regarding signal carriage, subject to the system's existing channel capacity.

7. The system will also be engineered to provide an audio alert system. This system would allow certain authorized officials to automatically over-ride the "audio" signal on all channels and transmit and report emergency information.

Sec. 7. Company rules.

The company shall have the authority to promulgate such rules, regulations, terms and conditions governing the conduct of its business as shall be reasonably necessary to enable the company to exercise its rights and perform its obligations under this franchise, and to assure an uninterrupted service to each and all of its customers. Provided, however, that such rules, regulations, terms and conditions shall not be in conflict with the provisions hereof or of the laws of the State of Michigan or the United States of America, and shall be subject to the rules and regulations of the F.C.C. or any other regulatory agency having jurisdiction over cable television.

Sec. 8. Condition on street occupancy.

1. All transmission and distribution structures, lines and equipment erected by the company within the village shall be so located as to cause minimum interference with the proper use of streets, alleys, and other public ways and places, and to cause minimum interference with the proper use of streets and alleys, and to cause minimum interference with the rights or reasonable convenience of property owners who adjoin any of the said streets, alleys, or other public ways of places. The company shall obtain any required permits prior to construction.

2. In the case of any disturbance of pavement, sidewalk, driveway or other surfacing, the company shall, at its expense and in a manner approved by the village, replace and restore the same in as good condition as before said work was commenced, and shall maintain the restoration in an approved condition for a period of five years.

3. In new developments, or in those places where a subscriber or property owner requests that service connections be placed underground, trenching costs (or a fractional share of the joint trench costs based upon relatively required trench dimensions of joint users) for the underground installation may be charged to and will be borne by the developers, subscribers, or property owners; and provided further that in underground installations, amplifiers and subscriber tap-off devices may nevertheless be placed in appropriate housings on or above the surface of the ground.

4. The company shall use existing utility poles only and shall not erect or place additional poles within the village without prior consent of the council.

5. Upon receiving prior notice of at least two regular business days from a person properly authorized to use the village streets for the purpose of moving any building, the company shall raise or remove any or all of its cables or wires to allow the moving of such building. The company shall have the right to demand advance payment of the costs involved in removing or relocating said cables or wires from said person.

Sec. 9. Preferential or discriminatory practice prohibited.

The company shall not as to rates, charges, service, facilities, rules, regulations, or in any other respect, make or grant any preference or advantage to any person, nor subject any person to any prejudice or disadvantage, provided that nothing in this franchise shall be deemed to prohibit the establishment of a graduated scale of charges and classified rate schedules to which any customer coming within such classification would be entitled.

Sec. 10. Extension policy.

The company shall furnish service to any person within the corporate limits of the Village of Britton who requests such service at the rates herein set forth unless the consent of the village in writing is obtained to refuse service to any area or location which consent is not to be reasonably withheld.

Sec. 11. Approval of transfer.

The company shall not sell or transfer its plant or system to another, nor transfer any rights under this franchise to another, without commission approval. Provided, that no sale or transfer shall be effective until the vendee, assignee, or lessee has filed in the office of the village clerk an instrument, duly executed, reciting the fact of such sale, assignment, or lease, accepting the terms of the franchise, and agreeing to perform all conditions thereof.

Sec. 12. Village rights in franchise.

1. *Village rules.* The right is hereby reserved to the village to adopt, in addition to the provisions herein contained, and in other existing applicable ordinances, such additional regulations as it shall find necessary in the exercise of the police power provided that such regulations, by ordinance or otherwise, shall be reasonable, and not in conflict with the rights herein granted, and shall not be in conflict with the laws of the State of Michigan, or United States of America, or the rules and regulations of the F.C.C.

2. *Use of system by village.* The village shall have the right during the life of this franchise, free of charge, where aerial construction exists, of maintaining upon the poles of the company within the village limits the wire and pole fixtures necessary for a police and fire alarm system.

3. *Supervision and inspection.* The village shall have the right to supervise all construction or installation work performed subject to the provisions of this ordinance and to make such inspections as it shall find necessary to insure compliance with governing ordinances.

4. *Procedure after termination or revocation.* Upon the revocation of this franchise by the commission, or at the end of the term of this franchise, the village shall have the right to determine whether the company shall continue to operate and maintain its cable system pending the decision of the village as to the future maintenance and operation of such system.

5. *Drop connections.* The company shall provide one free installation, connection and service therefore, to each public school, library or other municipal building located within the corporate limits of the Village of Britton.

Sec. 13. Payment to the village.

The company shall pay to the village for the privilege of operating the cable television antennae system under this franchise a sum equivalent to three percent of the annual gross subscriber revenues taken in an received by it from delivery of television signals within the village. For the purposes of this franchise, gross subscriber revenues shall be limited to that revenue the licensee receives as a result of providing its customers with regular subscriber services, and shall not include revenues derived from per-program or per-channel charges, leased channel revenue, advertising revenues, or any other income derived from the system. The franchise fee set forth herein shall be due and payable in cash in full within 60 days following the close of each fiscal year of the company.

Sec. 14. Records and reports.

The village shall have access at all reasonable hours to all of the company's plans, contracts and engineering, accounting, financial, statistical, customer and service records relating to the property and the operation of the company and to all other records required to be kept hereunder. The following records and report shall be filed with the village clerk and in the local office of the company:

a. *Company rules and regulations.* Copies of such rules, regulations, terms and conditions adopted by the company for the conduct of its business.

b. *Gross subscriber revenues.* An annual summary report showing gross subscriber revenues received by the company from its operations within the village during the preceding year and such other information as the village shall request with respect to properties and expenses related to service by the company with the village.

Sec. 15. Term of franchise.

The franchise and rights herein granted shall take effect and be in force from and after the final passage hereof, as required by law and upon filing of acceptance by the company with the village clerk, and shall continue in force and effect for a term of 15 years after the effective date of this franchise.

Sec. 16. Acceptance of franchise.

If the company shall decide to exercise the rights and privileges set forth in this ordinance, it shall file in writing its unequivocal acceptance of all of the terms and provisions hereof with the village within 30 days of the final adoption of this ordinance. Such an acceptance shall constitute an agreement on the part of the company to comply with all of the terms, condition and provisions of this ordinance.

Sec. 17. Publication costs.

The company shall assume the cost of publication of this franchise as such publication is required by law and shall pay the same upon demand by the village.

Sec. 18. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions thereof.

Sec. 19. Tree trimming.

The company shall have the authority to trim trees upon overhanging village streets, alleys, sidewalks and other public places in order to prevent the branches of such trees from contacting its wires, cable, equipment, in accordance with village ordinance, and after a village permit is issued if required.

Sec. 20. Revocation of franchise.

This franchise is subject to revocation by the Britton Village Council in conformance with applicable law and procedure; provided, however, that in considering whether to revoke this franchise the Council shall take into account the following:

a. Whether the company complied with all material terms and conditions of this franchise, or if the company, by act or omission violated any material term or condition of this franchise or failed to cure such violation within a reasonable time after receiving written notice thereof.

b. Whether the company's failure to perform according to the provisions of this franchise is due to circumstances beyond its control.

The village shall not exercise its rights under this paragraph without first providing for a public hearing on the issues involved. All parties shall be given an opportunity to be heard in which reasonable due process shall be afforded. (Ord. No. 4.009 adopted 7/15/02.)

On motion Councilmember Escott, supported by Councilmember C. Bower, this ordinance was adopted by a unanimous vote on this 15th day of July, 2002.

ARTICLE III. ORDINANCE NO. 4.009—WESTMARC DEVELOPMENT JOINT VENTURE CABLE FRANCHISE ORDINANCE

CABLE TELEVISION FRANCHISE

VILLAGE OF BRITTON

ORDINANCE NO. 4.009

ADOPTED 10/21/02

An ordinance granting a renewal franchise to WestMarc Development Joint Venture, a Colorado general partnership, locally known as AT&T Broadband, its successors and assigns,

to operate and maintain cable television systems in the village: setting forth conditions accompanying the grant of franchise providing for village regulation and use of the cable television systems and prescribing penalties for the violation of its provisions.

The Village of Britton ordains:

Sec. 1. Short title.

This ordinance shall be known and may be cited as the "2002 Cable Television Franchise Ordinance."

Sec. 2. Definitions.

For the purposes of the ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When no inconsistent with the context, words used in the present tense include the singular number [sic] include the plural number. The word "shall" is always mandatory and not merely discretionary.

1. "Village" is the Village of Britton.
2. "Company" is WestMarc Development Joint Venture, locally known as AT&T Broadband.
3. "Commission" is the village council of the Village of Britton.
4. "Council" is the village council of the Village of Britton.
5. "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.
6. "F.C.C." is the Federal Communications Commission.

Sec. 3. Grant of authority.

1. Pursuant to full consideration and approval of the company's legal, character, financial, technical and other qualifications, and the adequacy, feasibility and extent of its construction arrangements, and as part of a full public proceeding affording due process, there is hereby granted by the village to the company, the right and privilege to construct, erect, operate, maintain, in, upon, along, across, above, over, and under the streets, alleys, public ways, and public places now laid out or dedicated, and all extensions thereof and additions thereto, in the village, poles, wires, cables, underground conduits, manholes, and other television conductors, and fixtures necessary for the maintenance and operation in the village of a cable television system for the interception, sale and distribution of television signals.

2. Non-exclusive grant. The rights privileges herein set forth shall not be exclusive, and the village reserves the right to grant similar rights and privileges to any person at any time during the period of this franchise. However, if another franchise granted has terms more favorable or less burdensome than the village's franchise ordinance, company will have the right to assume such terms and conditions.

Sec. 4. Compliance with applicable laws and ordinances.

The company shall, at all times during the life of this franchise, be subject to all lawful exercise of the police power of the village and to such lawful and reasonable resolution or ordinance of general applicability, as the same now exist, pursuant to state and federal law.

Sec. 5. Company liability; indemnification; insurance.

The company shall indemnify and save the village and its agents and employees harmless from any and all claims for personal injury, property damage, patent infringement, copyright claims and any and all other claims of any kind whatsoever, including attorney fees, expenses of investigation and litigation, and any other expense of any kind whatsoever which may arise from the installation or operation of the television antenna system or any other cable system equipment owned or used by the company. In the event suit shall be filed against the village, either independently or jointly with the company, the company shall pay said judgment and all costs and hold the village and its agents assurance to the village in this respect the company shall at its expense, at all times, carry and maintain public liability insurance insuring the company and the village against any and all liability arising form the installation or operation of said system. The policy or policies of insurance shall be maintained in the minimum amount of $100,000.00 for damage to property in any one occurrence, not less than $500,000.00 for injury or death to any one person, and not less than $1,000,000.00 for injury or death to all persons affected by any one occurrence. The company shall further maintain at all times, at its expense, worker's compensation coverage for all of its employees subject to such coverage. Certificates evidencing all of the foregoing insurance shall be filed with the village clerk prior to the effective date of this franchise.

Sec. 6. Service standards.

1. The company shall maintain and operate its system and render efficient service in accordance with the rules and regulations as are, or may be, set forth by the commission as provided for in section 12 of this ordinance, or by any state or federal regulatory agency.

2. Notice of interruption for repairs. Whenever it is necessary to shut off or interrupt service for the purpose of making repairs, adjustments, or installation, the company shall do so at such a time that will cause the least amount of inconvenience to its customers, and unless such interruption is unforeseen and immediately necessary, it shall give reasonable notice thereof to its customers.

3. Complaints. The company shall maintain a toll-free telephone listing, so that maintenance service shall be promptly available to subscribers upon request. Notice of the procedures for the investigation and resolution of all complaints regarding system operations shall be given to each subscriber at the time of initial subscription to the cable system. Any person having a complaint regarding the company's operations may direct such complaint to the company's customer service department or, if not satisfied with the disposition of such

complaint, to the village clerk, Britton, Michigan 49229, or his/her designate, who shall have primary responsibility for the continuing administration of this franchise and implementation of complaint procedures.

4. Federal standards. This franchise is governed by and subject to all applicable rules and regulations of the F.C.C. The company shall transmit black and white and color signals equaling or superior to the technical standards prescribed by the F.C.C.

5. The company shall at all times maintain and operate its system in such a manner that it will not interfere with regular television reception.

6. The company shall comply with Part 76, Subpart C of the Rules of the F.C.C. regarding signal carriage, subject to the system's existing channel capacity.

7. The system will also be engineered to provide an Audio Alert System. This system would allow certain authorized and trained officials to automatically over-ride the "audio" signal on all channels and transmit and report emergency information. [The] village shall hold the company harmless from any claims arising out of its use of the audio alert system.

Sec. 7. Condition on street occupancy.

1. All transmission and distribution structures, lines and equipment erected by the company within the village shall be so located as to cause minimum interference with the proper use of streets, alleys, and other public ways and places, and to cause minimum interference with the rights or reasonable convenience of property owners who adjoin any of the said streets, alleys, or other public ways of places. The company shall obtain any required permits prior to construction, pursuant to state law.

2. In the case of any disturbance of payment, sidewalk, driveway, or other surfacing, the company shall, at its expense and in a manner approved by the village, replace and restore the same in as good condition as before said work was commenced and shall maintain the restoration in an approved condition for a period of five years, pursuant to state law.

3. In new developments, or in those places where a subscriber or property owner requests that service connections be placed underground, trenching costs (or a fractional share of the joint trench costs based upon relatively required trench dimensions of joint users) for the underground installation may be charged to and will be borne by the developers, subscribers, or property owners; and provided further that in underground installations, amplifiers and subscriber tap-off devices may nevertheless be placed in appropriate housings on or above the surface of the ground.

4. The company shall use existing utility poles only and shall not erect or place additional poles within the village without prior consent of the council.

5. Upon receiving prior notice of at least ten regular business days from a person properly authorized to use the village streets for the purpose of moving any building; the company shall raise or remove any or all of its cables or wires to allow the moving of such building. The company shall have the right to demand advance payment of the costs involved in removing or relocating said cables or wires from said person.

[Sec. 8. Reserved.]

Sec. 9. Preferential or discriminatory practice prohibited.

The company shall not as to rates, charges, service, facilities, rules, regulations, or in any other respect, make or grant any preference or advantage to any person, nor subject any person to any prejudice or disadvantage, provided that nothing in this franchise shall be deemed to prohibit the establishment of a graduated scale of charges and classified rate schedules to which any customer coming within such classifications would be entitled. Nothing shall be construed to prohibit bulk rates, commercial rates or multiple service rates.

Sec. 10. Extension policy.

The company shall furnish service to any person within the corporate limits of the Village of Britton, as of the date of this franchise, who requests such service unless the written consent of the village is obtained to refuse service to any area or location which consent is not to be reasonably withheld. Company agrees to provide cable service to all residences in any land annexed by the village in the future, subject to a density requirement of 15 residences within 1320 cable-bearing strand feet (one-quarter cable mile) from the portion of the company's trunk or distribution cable which is to be extended.

Sec. 11. Approval of transfer.

The company shall not sell or transfer its right, title, or interest in this franchise to another, other than to an entity controlling, controlled by, or under common control with the company, without commission approval, such approval not to be unreasonably withheld. Provided that no sale or transfer shall be effective until the vendee, assignee, or lessee has filed in the office of the village clerk an instrument, duly executed, reciting the fact of such sale, assignment, or lease, accepting the terms of the franchise, and agreeing to perform all conditions thereof. No approval shall be required, however, for a transfer in trust, by mortgage, by other hypothecation, or by assignment of any rights, title, or interest of the company in the franchise in order to secure indebtedness.

Sec. 12. Village rights in franchise.

1. *Village rules.* The right is hereby reserved to the village to adopt, in addition to the provisions herein contained, and in other existing applicable ordinances such additional regulations as it shall find necessary in the exercise of its lawful police power provided that such regulations, by ordinance or otherwise, shall be reasonable, and not in conflict with the rights herein granted, and shall not be in conflict with the laws of the State of Michigan, or United States of America, or the rules and regulations of the F.C.C.

2. *Use of system by village.* The village shall have the right during the life of this franchise, free of charge, where aerial construction exists, of maintaining upon the poles of the company within the village limits the wire and pole fixtures necessary for a police and fire alarm system, providing such use does not interfere with the current or future use of the cable system.

3. *Supervision and inspection.* The village shall have the right to make construction or installation inspections as it shall find necessary to insure compliance with governing ordinances.

4. *Procedure after terminations or revocation.* Upon the revocation of this franchise by the Commission, or at the end of the term of this franchise, the village shall have the right to determine whether the company shall continue to operate and maintain its cable system pending the decision of the village as to the future maintenance and operation of such system, pursuant to federal cable law.

5. *Drop connections.* The company, upon written request, shall provide one free standard installation of up to 125 feet connection and basic cable service therefore, to each state accredited K-12 public school, library, or other municipal building located within the corporate limits of the Village of Britton that are passed by the cable system. The cable service shall be used for no-commercial purposes only. The village shall hold the company harmless from any and all liability or claims arising out of the provision and use of cable services required by this section.

Sec. 13. Payment to the village.

The company shall pay to the village for the privilege of operating the cable television antennae system under this franchise a sum equivalent to three percent of the annual gross subscriber revenues taken in and received by it from delivery of television signals within the village. For the purposes of this franchise, gross subscriber revenues shall be limited to that revenue the licensee receives as a result of providing its customers with regular subscriber services, and shall not include revenues derived from per-program or per-channel charges, leased channel revenue, advertising revenues, or any other income derived from the system. The franchise fee set forth herein shall be due and payable in cash in full within 60 days following the close of each fiscal year of the company.

Sec. 14. Records and reports.

The village shall have access during normal business hours and with at least 30 days' advance written notice, to all of the company's books and records as is reasonably necessary to ensure compliance with the terms of this franchise. Such notice shall specifically reference the subsection of the franchise that is under review, so that the company may organize the necessary books and records for easy access by the village.

a. *Gross subscriber revenues.* An annual summary report showing gross subscriber revenues received by the company from its operations within the village during the preceding year shall be filed with the village clerk.

Sec. 15. Term of franchise.

The franchise and rights herein granted shall take effect and be in force from and after the final passage hereof, as required by law and upon filing of acceptance by the company with the village clerk, and shall continue in force and effect for a term of 15 years after the effective date of this franchise.

Sec. 16. Acceptance of franchise.

If the company shall decide to exercise the rights and privileges set forth in this ordinance, it shall file in writing its unequivocal acceptance of all of the terms and provisions hereof with the village within 30 days of the final adoption of this ordinance. Such an acceptance shall constitute an agreement on the part of the company to comply with all the terms, condition, and provisions of this ordinance.

Sec. 17. Publication costs.

The company shall assume the cost of publication of this franchise as such publication is required by law and shall pay the same upon demand by the village. Noting precludes the company from passing this franchise-required cost to subscribers by a separate line item on the monthly bill.

Sec. 18. Severability.

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

Sec. 19. Tree trimming.

The company shall have the authority to trim trees upon overhanging village streets, alleys, sidewalks, and other public places in order to prevent the branches of such trees from contacting its wires, cable, equipment, in accordance with village ordinance, and after a village permit is issued, if required.

Sec. 20. Revocation of franchise.

This franchise is subject to revocation by the Britton Village Council in conformance with applicable federal and state law and procedure; provided, however, that in considering whether to revoke this franchise the council shall take into account the following:

a. Whether the company complied with all material terms and conditions of this franchise, or if the company, by act or omission violated any material term or condition of this franchise or failed to cure such violation within a reasonable time after receiving written notice thereof.

b. Whether the company's failure to perform according to the provisions of this franchise is due to circumstances beyond its control.

The village shall not exercise its rights under this paragraph without first providing company with written notice of violation and a 30-day period to cure or submit a plan to cure, following a 60-day notice of a public hearing on the issues involved. All parties shall be given an

opportunity to be heard in which reasonable due process shall be afforded. The company may appeal the village's determination to an appropriate court that shall have the power to review the decision of the village de novo. (Ord. No. 4.009 adopted 10/21/02.)

On motion Councilmember Larry Hall, supported by Councilmember Carl Bower, this ordinance was adopted by a unanimous vote on this 21st day of October, 2002.

CODE COMPARATIVE TABLE

PRIOR CODE

This table gives the location within this Code of those sections of the prior Code, as supplemented, that are included herein. Sections of the prior Code, as supplemented, not listed herein have been omitted as repealed, superseded, obsolete or not of a general and permanent nature. For the location of specific ordinances see the table immediately following this table.

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ORDINANCES

This table gives the location within this Code of those ordinances that are included herein. Ordinances not listed herein have been omitted as repealed, superseded or not of a general and permanent nature.

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***Note—**The adoption, amendment, repeal, omissions, effective date, explanation of numbering system and other matters pertaining to the use, construction and interpretation of this Code are contained in the adopting ordinance and preface which are to be found in the preliminary pages of this volume.

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