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# Village of Barryton (<https://villageofbarryton.com/>)

Life is Good Where the Rivers Meet





# Zoning Ordinance

## ZONING ORDINANCE – #01-1988

### BARRYTON, MICHIGAN

**EFFECTIVE DATE: JUNE 1, 1988**

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## TABLE OF CONTENTS

Table of Contents Page

Preamble

Article I

101 Short Title 1

Article II

201 Terminology 2

202 Definitions 3

Article III

301 Scope of Ordinance Regulations 18

302 Scope of District Regulations 21

Article IV

401 Zoning Districts – Intent 25

402 Zoning Map – Explanation 28

Article V

501 A-1 District Permitted Uses and Structures 29

502 R-1 District Permitted Uses and Structures 32

503 R-2 District Permitted Uses and Structures 35

504 C-1 District Permitted Uses and Structures 36

505 C-2 District Permitted Uses and Structures 38

506 IND District Permitted Uses and Structures 41

Article VI

601 Special Uses and Structures 44

602 Non-conforming Uses and Structures 73

Article VII

701 Village Council 78

702 Village Planning Commission 79

703 Village Zoning Board of Appeals 80

704 Zoning Administrator 82

705 Public Hearings 84

706 Violations and Penalties 86

707 Validity 87

708 Conflicting Ordinances 88

709 Effective Date 88

## **PREAMBLE**

An Ordinance to regulate and restrict the location and use of structures and land for residential, commercial, industrial and other related activities; to regulate and determine the area of yards and other open spaces near and around structures; to regulate and limit the density of population for said purposes to divide the Village into districts and to provide penalties for the violation of its provisions and to repeal all Zoning Ordinances and all amendments thereto.

Pursuant to the authority conferred by Act 207, Michigan Public Acts of 1921 as amended, now therefore:

THE VILLAGE OF BARRYTON, MICHIGAN ORDAINS:

## **ARTICLE I**

### **TITLE**

#### ***101 Short Title***

This Ordinance shall be known as the “BARRYTON VILLAGE ZONING ORDINANCE” and may be referred to herein as “this Ordinance”.

## **ARTICLE II**

### **TERMINOLOGY AND DEFINITIONS**

For the purpose of this Ordinance the following rules shall apply to the terminology in the text and the following definitions shall apply to words and phrases used in the text.

#### ***201 Terminology***

1. In case of any difference of meaning or implication between the text and any caption or illustration, the text shall take precedence.
2. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
3. Words used in the present tense shall include the future. Words used in the singular number shall include the plural and the plural the singular, unless the text clearly indicates the contrary.
4. The phrase “used for” includes “arranged for”, “designed for”, “intended for”, “maintained for” or “occupied for”.
5. The word “person” includes an individual, a corporation, a partnership, an incorporated association or any similar entity.
6. The word “occupied”, and the word “used” shall be considered to be followed by the words “or intended, arranged or designed to be used or occupied”.
7. Terms not herein defined shall have the meaning customarily assigned to them.

#### ***202 Definitions***

##### ***202:1 A***

**ACCESSORY USES AND STRUCTURES** – Uses and structures which are customarily accessory and clearly incidental and subordinate to, and on the same zoning lot as permitted principal uses and structures in any zoning district. **ALLEY** – Any dedicated public way affording a secondary



means of access to abutting property and not intended for general traffic , circulation. ALTERATION – Any change in size, shape or location of a building or structure in accordance with applicable construction codes.

#### *202:2 B*

BOARD OF APPEALS – The Zoning Board of Appeals of the Village of Barryton.

BUFFER – Also called BUFFER ZONE. An area established to protect one type of land use from the possibility of undesirable characteristics of another. The purpose is to screen out any potential objectionable features of the more intensive utilization of land from that of the less intensive. Normally, buffers consist of flat or mounded \ -4- Village of Barryton Digitalized 03/16/2018 grassy areas, areas planted with hardy shrubs and trees, with fences or walls usually placed to obscure vision by density or height.

BUILDING – Any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter or enclosure of persons, animals or property of any kind.

BUILDING LINE – The line limiting the minimum horizontal distance between the front of a structure and the front property line. Also called the SETBACK LINE.

#### *202:3 C*

CLINIC – An institution for the medical treatment of humans or in the case of a Veterinary Clinic, the medical treatment of small animals all dealing chiefly with outpatients.

CLUB OR LODGE – The room, building or other facilities used for the meetings of a group of people organized for a common purpose such as a fraternal organization or a society.

CONDITIONAL USE – A permitted use which by its general nature may not be located within a given Zoning District but as a specific use would be permitted providing all conditions which have been imposed by this Ordinance have been complied with. Also known as a SPECIAL USE.

CONDOMINIUM – An apartment building in which the apartments are owned individually or an apartment in such a building.

COUNTY – The County of Mecosta, Michigan.

#### *202:4 D*

DRIVE-IN FACILITIES – Any place or premises which offers the sale of goods or services to customers in vehicles including those establishments where customers may serve themselves and use the goods or services on the premises.

DWELLING, SINGLE-FAMILY – A detached residential dwelling unit including a mobile home, and a modular home, designed for and occupied by one family only.

DWELLING, TWO-FAMILY – A detached residential building containing two dwelling units, designed for occupancy by not more than two families.

DWELLING, MULTIPLE-FAMILY – A residential building designed to be occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

DWELLING UNIT – One or more habitable rooms which are occupied or intended for occupancy by one family with facilities for living, sleeping, cooking and eating.

*202:5 E*

ESSENTIAL SERVICES – Equipment and accessories reasonably necessary for the furnishing of adequate service by public utilities or governmental departments or commissions or for the public health or safety or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the essential service equipment.

*202:6 F*

FAMILY – An individual or two or more persons related by blood, marriage or adoption or not more than two (2) persons who need not be related by blood or marriage living together ‘ , in a dwelling unit.

FARM – A tract of land with or without structures on. Which any agricultural activity or the raising of livestock, poultry, or small animals is conducted as a source of income.

FENCE – An open barrier, serving as an enclosure, divider, or boundary, usually made of posts, boards, wire, stakes, rails, or masonry material.

FOSTER CARE HOME OR CENTER – As defined by Act 116, Michigan Public Acts of 1973, as amended, is a home in which minor children not related to an adult member of the household are provided care. This may be a “Foster family home”, a “Foster family group home”, a “Family day care home, or a “Group day care home” .

*202:7 G*

GARAGE, PRIVATE – An accessory building or portion of a main building designed for the storage of motor vehicles, recreational vehicles or similar vehicles owned and used by the occupants of the building to which it is accessory.

GARAGE, SERVICE – A commercial, facility used for the storage or care of motor vehicles where such vehicles are equipped for’ operation, repaired, or kept for remuneration, hire or sale providing that there be no outside storage of parts or inoperative vehicles.

GARAGE, REPAIR- A commercial facility used for the pair of motor vehicles and for the storage of such vehicles and the parts needed. for repair. Parts and vehicle storage may be permitted outside providing the storage area is screened from or not visible, from off the lot.

GASOLINE SERVICE STATION – Any structure or ( premises arranged, designed or used for the retail sales of fuels, lubricants,air, water and,other operating commodities for motor vehicles and including the customary space and facilities for the installation of such commodities on or in such vehicles and for the washing or polishing of such vehicles but not including the use of space or

facilities for the refinishing of motor vehicles or for the dismantling for the purpose of reuse or resale of motor vehicles or parts thereof or for the outdoor storage or repair of motor vehicles or parts thereof.

#### *202:8 H*

HEIGHT OF STRUCTURE – The vertical distance measured from the average established grade at the front of the structure to the highest point of the structure whether it be a roof, wall, parapet or similar appurtenance of the structure.

HOME OCCUPATION – Any occupation conducted within a dwelling unit by its occupants as a subordinate use and within one room thereof; provided that:

1. No stock in trade: may be kept or article sold or offered for sale in the dwelling except such as are produced by such home occupation.
2. No display of goods are visible from any public way. One unlighted sign no larger than 6 square feet may be erected.
3. One person other than dwelling occupants may be employed.
4. No such home occupation shall require interior or exterior alterations or the use of mechanical equipment except that are customarily utilized for residential or office purposes.

HOSPITAL – An establishment as defined in Act 139, Michigan Public Acts of 1956 as amended.

HOUSING FOR THE ELDERLY – An establishment other than a hospital or nursing home which provides room and board or housekeeping facilities for non-transient persons sixty-five (65) years of age or older.

#### *202:9 I*

Reserved for future use.

#### *202:10 J*

JUNK YARD – An open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles and also including an auto wrecking yard but not including uses established entirely within closed buildings.

#### *202:11 K*

KENNEL – Any premises on which dogs, cats or other household pets are maintained, boarded, bred or cared for, in return for remuneration or are kept for the purpose of sale.

#### *202:12 L*

LOADING SPACE OFF-STREET – Space logically and conveniently located for merchandise or passenger pickups and deliveries, located on the same lot with the use which it is to serve for the temporary parking of vehicles which are performing the said pickups and deliveries.

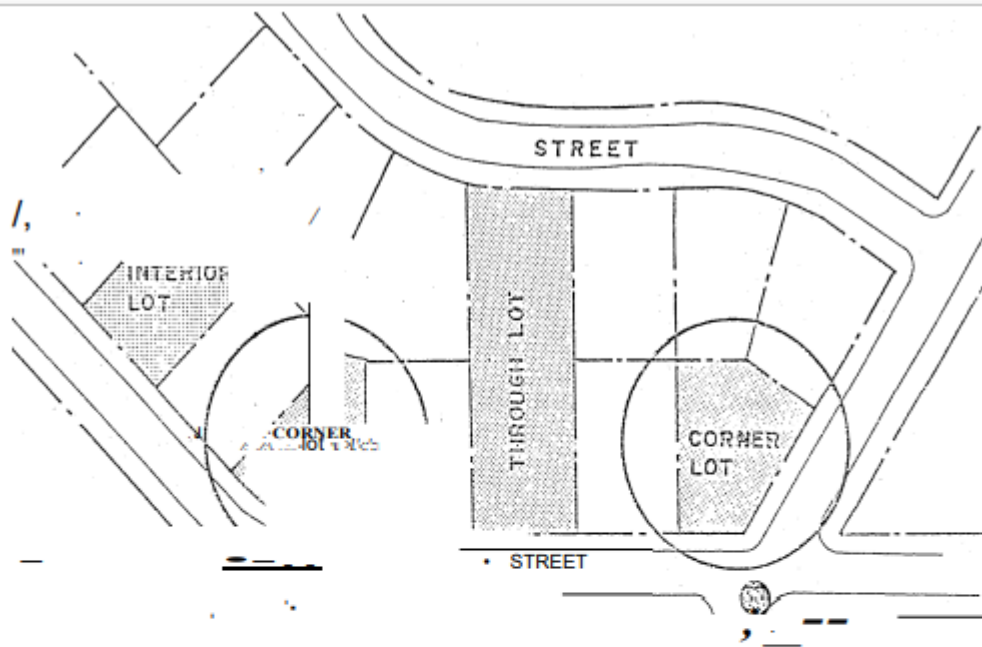
LOT – A parcel tract or portion of land separated from other parcels or portions of land by description on a recorded plat or by metes and bounds description.

LOT, CORNER – Any lot having at least two (2) contiguous sides abutting upon one or more streets or roads, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees.

LOT, DOUBLE FRONTAGE – Any lot including a corner lot, as defined herein, having two (2) or more sides abutting on one (1) or more streets or roads. Any lot line separating the lot from any street or road shall be construed as being a front lot line.

LOT LINE – Any line abounding a lot.

1. Front lot line the lot line separating the lot from any street or road right-of-way.



**INTERIOR THROUGH**      **a CORNER LOTS**



2. Rear lot line – The lot line opposite to and most distant from the front lot line as designated for each lot; in the case of irregularly-shaped lots, an imaginary line parallel to the front lot line but not less than ten (10) feet long measured within said lot.

3. Side lot line – Any lot line other than a front or rear lot line.

#### *202:13 M*

MOBILE HOME – A manufactured relocatable residential unit providing complete, independent living facilities for one family including permanent provision for living, sleeping, eating, cooking and sanitation. This definition does not include “modular homes”, “motor homes, or “travel trailers”.

MOBILE HOME PARK – A lot, parcel or tract of land used as the site of occupied mobile homes, including any structure, vehicle or enclosure used as part of the equipment of such mobile home park and licensed or licensable under the provisions of Act No. 243, P.A. of 1959, State of Michigan, as amended.

MODULAR HOME – A dwelling which consists of prefabricated units transported to the site on a removable undercarriage or flat-bed and assembled for permanent location on the lot.

MOTOR HOME – A recreational vehicle which is a self-propelled temporary living unit intended for recreation or vacation use and not intended to be placed on a residential lot as a dwelling unit.

#### *202:14 N*

NON-CONFORMING USE OR STRUCTURE – Any use or structure which was lawfully existing immediately prior to the time this Ordinance became effective and which does not now comply with the requirements thereof.

NURSERY SCHOOL – Also a “Child care center” or “Day care center” as defined by Act 116, Michigan Public Acts of 1973, as amended. An establishment which provides care for children apart from their parents or guardians for periods of less than 24 hours a day.

NURSING HOME – An establishment or institution, other than a hospital, having as one of its functions the rendering of care for periods of more than twenty-four (24) hours to individuals afflicted with illness, injury, infirmity or abnormality. 202:15 0 Reserved for future use.

#### *202:16 P*

PARKING SPACE, OFF-STREET – Any space used for the off-street parking of motor vehicles in all districts in accordance with this Ordinance.

PERSONAL SERVICES ESTABLISHMENTS – Establishments offering services for a fee or other remuneration such as financial institutions, barber and beauty shops, clothing repair shops, professional offices and other similar uses.

PLANNED UNIT DEVELOPMENT – A project consisting of a variety of uses which are compatible with each other. This project is intended 1 to be preplanned and subject to a number of conditions which would guarantee compatibility within the development as well as compatibility with the

surrounding area.

**POOL, PRIVATE SWIMMING** – Any artificially constructed basin or other structure for the holding of five hundred (500) or more gallons of water for the use by the owner, his family or guests for aquatic sports or recreation.

**PRINCIPAL USE** – The primary or chief purpose for which a lot is used.

**PUBLIC UTILITY** – Any person, firm, corporation, municipal department or board, duly authorized to furnish and furnishing to the public under Federal, State or Village regulations, electricity, gas, steam, communications, cablevision, transportation or water.

*202:17 Q*

Reserved for future use.

*202:18 R*

**RETAIL SALES ESTABLISHMENTS** – Establishments offering goods for sale such as food stores, drug stores, clothing sales, gift shops, hardware and appliance sales, restaurants and drinking places, variety stores and other similar uses.

**ROOMING HOUSE** – Also referred to as a boarding home, lodging house, fraternity house, sorority house or dormitory. A dwelling having one kitchen and used for the purpose of providing lodging or lodging and meals for pay or compensation of any kind, to more than two persons other than members of the family occupying such dwelling.

*202:19 S*

**SANITARY LANDFILL** – A method of disposing of refuse on land in accordance with the applicable laws of the State of Michigan.

**SETBACK LINE** – See BUILDING LINE.

### ***VILLAGE OF BARRYTON AMENDMENT TO ZONING***

Council member Collins moved, supported by Doke \_\_\_\_ -

The adoption of the following ordinance: An amendment to Section 202 of the Village of Barryton Zoning Ordinance, amending Section 202:10 by amending the definition of junk yard; adding to Section 202:19 by adding the definition for storage yard; adding to Section 202; 23 by adding the definition for warehouse: and an amendment to Section 506 of the Barryton Zoning Ordinance by amending Section 506:1 to not include those business practices which rely upon the use of scrap or junk materials for it business practices: and amending Section 506;3 by eliminating the ability to obtain special uses and structures for junk yards; and by deleting Section 601:4(11)..

**WHEREAS** a concern has risen over the health, safety, and welfare of the Village and its residents relating to the ability of junk yard, and scrap/salvage facilities being allowed to place potentially dangerous products within the village limits, and

**WHEREAS** the Village of Barryton does not have the adequate area to buffer the Village and / or its residents from the industrial practices of junk yards and scrap/salvage storage practices, and

**WHEREAS** The Village of Barryton desires to curtail expansion of any industry which would be considered a non-conforming use upon the adoption of this ordinance, and

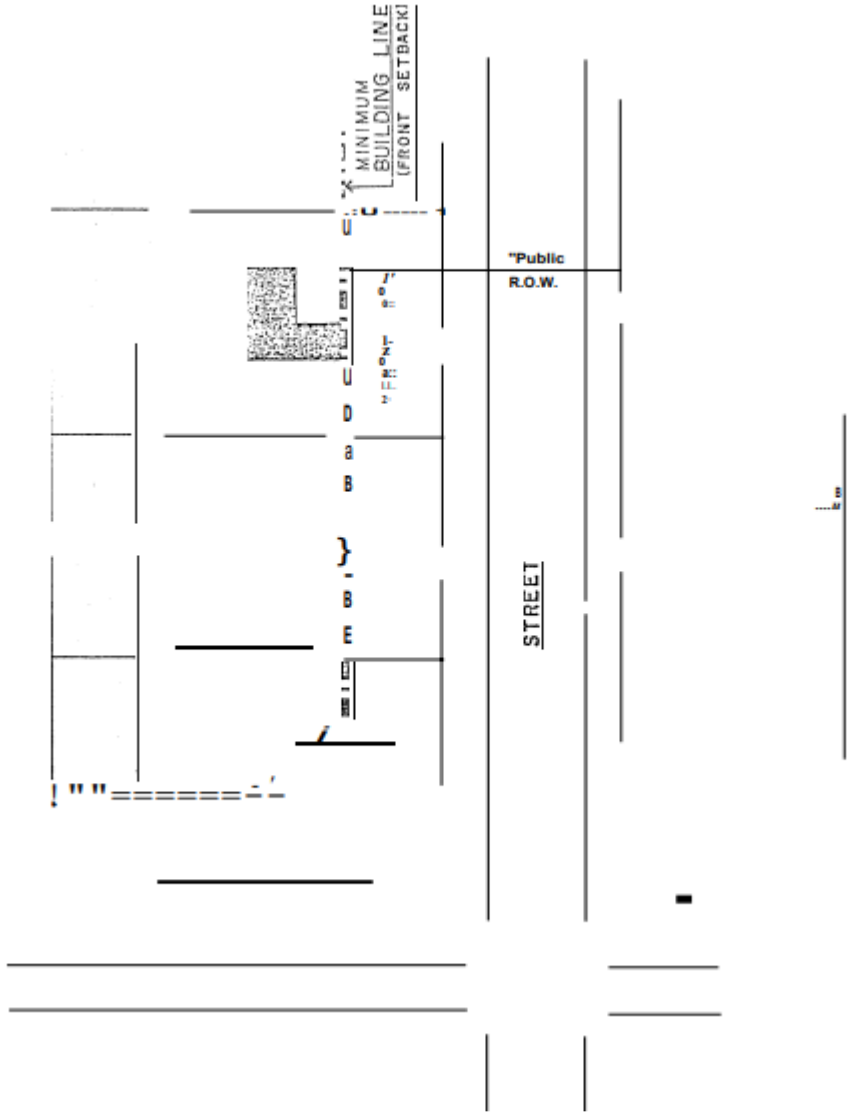
**WHEREAS** the Village attorney has recommended the following amendment to the Village of Barryton Zoning Ordinance, and

**WHEREAS** the proper public notice was given of the meeting held May 2nd 2001 at which the proposed zoning amendment was considered by the Village Council, and public hearing was conducted on the proposed zoning ordinance and amendment, and

**WHEREAS** The Village has complied with the procedure outlined in MCL 125,584. for the adoption and amendment of the village zoning ordinances.

NOW THEREFORE, THE VILLAGE OF BARRYTON ORDAINS: 1. Section 202:10 is amended as to the definition of junk yard as follows:

JUNK YARD-an open area,where waste,salvage, and/or scrap materials, including but not limited to scrap iron, and other metals, paper, rags, rubber tires ,and / or bottles, or ,any portion thereof, are bought, sold, exchanged, stored, baled, packed, processed, modified, disassembled and /or handled in any manner whatsoever, including but not limited to industrial research, manufacturing, processing, and/or assembling or any portion thereof. This definition does not include uses established entirely within enclosed buildings.



SIGN – Any device designed or intended to inform or attract the attention of any person.

SORORITY HOUSE – See ROOMING HOUSE.

*202:20 T*

TRAILER COACH – Any movable dwelling or mobile dwelling except as defined as a “mobile home” (Subsection 202:13; this Ordinance). Included as trailer coaches are travel trailers, campers, motor homes and similar recreation-type equipment used for temporary or recreation dwelling.

TRAILER COACH PARK – An area or premises on which space available is rented, held for rent, or on which free occupancy or camping is permitted for trailer coach owners or users on a temporary basis according to the provisions of Act 243, P.A. of 1959, State of Michigan, as amended.

*202:21 U*

USE – The purpose or activity for which the land or building thereon, is arranged, occupied or maintained.

*202:22 V*

VARIANCE – A deviation from the terms of this Ordinance, such as size, height, distance or area which is authorized by the Board of Appeals upon findings of practical difficulties and unnecessary hardships.

*202:23 W*

Reserved for future use.

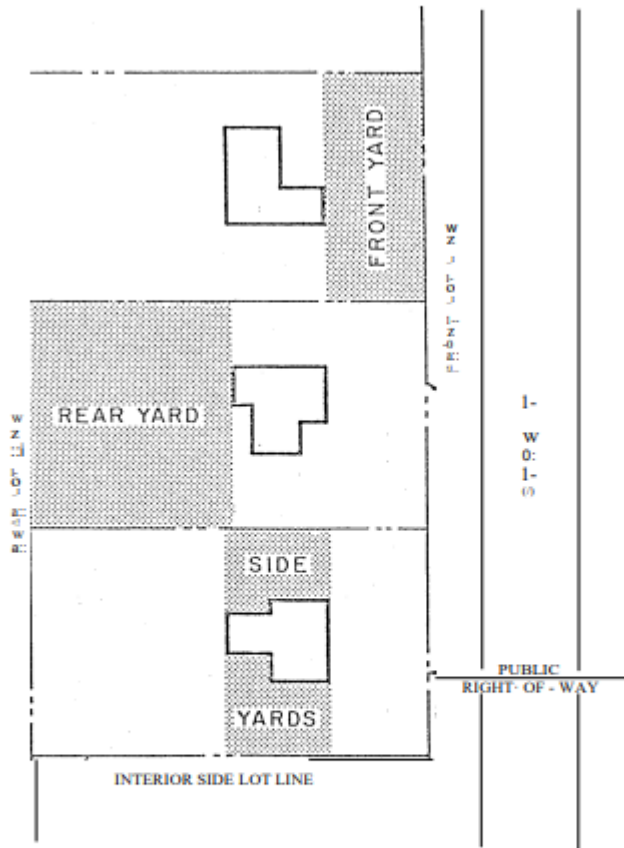
*202:24 X*

Reserved for future use.

*202:25 Y*

YARD – A portion of a lot which is unoccupied and unobstructed by a building from the ground upward, except as otherwise provided by this Ordinance.

- a. Yard, Front Required: An open space extending the full width of the lot, the depth of which is required by the provisions of this Ordinance and measured perpendicularly to the front lot line.
- b. Yard, Rear Required: An open space extending the full width of the lot, the depth of which is required by the provisions of this Ordinance and measured perpendicularly to the rear lot line.



## YARDS

c. Yard, Side Required: An open space extending from the required front yard to the required rear yard, the width of which is required by the provisions of this Ordinance and measured perpendicularly to the side lot line.

202:26 Z

**ZONING ADMINISTRATOR** – The duly authorized official of the Village of Barryton who is responsible for the administering and enforcing of this Ordinance.

**ZONING BOUNDARY LINES** – Lines on the zoning ordinance zoning map which indicate the limits of the individual zoning districts. Zoning boundary lines normally will follow the Village limits lines, centerlines of roads, streets, alleys, easements, railroads or those centerlines extended or lot lines.

**ZONING DISTRICTS** – The areas into which the Village of Barryton has been divided and for which the regulations and requirements governing use and size of lots and structures are specified in this Ordinance.



## **ARTICLE III**

### **GENERAL PROVISIONS**

#### ***301 Scope of Ordinance Regulations***

*301:1* The provisions of this Ordinance shall be held to be the minimum requirements and shall apply uniformly to each kind of class of structure or land.

*301:2* Where the conditions imposed by any provisions of this Ordinance upon the use of structures or land are either more or less restrictive than comparable conditions imposed by the provisions of any other lawful ordinance or of any law, resolution, rule or regulation of any kind, the regulations which are more restrictive (or which impose higher standards or requirements) shall govern.

*301:3* This Ordinance is not intended to nullify or lessen any easement, covenant or any other private agreement, provided that where the regulations of this Ordinance are more restrictive (or impose higher standards or requirements) than such easements, covenants or other private agreements, the regulations of this Ordinance shall govern.

*301:4* Structures or uses which were unlawfully existing at the time of the adoption of this Ordinance shall not become or be made lawful solely by reason of adoption of this Ordinance.

*301:5* All structures erected hereafter, all uses of land or structures established hereafter, all structural alterations or relocations of existing structures occurring hereafter and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this Ordinance which are applicable to the zoning districts in which such structures, uses or land shall be located.

*301:6* Nothing contained in this Ordinance shall in itself be deemed to be a consent, license or permit to use any property or to locate, construct or maintain any structure or facility or to conduct any trade, industry, occupation or activity.

*301:7* Any building permits issued prior to the effective date of this Ordinance shall be considered valid and any structure may be completed and used or occupied in accordance with plans, provided that use or occupancy is on the basis for which building permit was originally designated and provided that construction is begun within sixty (60) days. Any such use which would become non-conforming by virtue of the passage of this Ordinance shall thereafter be considered non-conforming and subject to the provisions of this Ordinance.

*301:8* Any structure or use lawfully existing at the time of adoption of this ordinance may be continued except as hereinafter provided in the regulations concerning non-conforming uses in this Ordinance.

*301:9* All land, property or territory hereafter to be annexed to Barryton Village shall be considered to be in an A-1 District until otherwise classified.

*301:10* Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition any structure or part thereof declared to be unsafe by any official charged with protecting the public safety upon such order of such official.

**301:11** The keeping of livestock, horses, cattle, goats, sheep, pigs or poultry shall not be permitted except by express permission of the Village Council.

**301:12** Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition any structure or part thereof declared to be unsafe by any official charged with protecting the public safety upon such order of such official. The keeping of livestock, horses, cattle, goats, sheep, pigs or poultry shall not be permitted except by express permission of the Village Council. In any district where a single-family dwelling is permitted by this Ordinance, such dwelling shall have a minimum area of seven hundred twenty (720) square feet, shall be placed on a permanent foundation and shall conform to the County Building Code as adopted an amended or followed by the Village of Barryton.

### **302 Scope of District Regulation**

**302:1** No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements of this Ordinance.

**302:2** No part of a yard or other open space or off street parking or loading space required about or in connection with any structure for the purpose of complying with this Ordinance, shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other structure or use.

**302:3** In case of a lot having a side yard along any zoning district boundary line, on the other side of which is a more restrictive district, said side yard shall have a width of not less than that required for the more restrictive district.

**302:4** No part of any required front yard shall be occupied for any accessory use or structure or for the storage of vehicles unless otherwise provided in this Ordinance.

**302:5** On any corner lot in the R-1 and R-2 Districts nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half. (2-1/2) feet and eight (8) feet above the established roadway grade within a triangle formed by the two roadway right-of-way lines and a line connecting them at points twenty-five (25) feet from the intersection of the right-of-way line.

**302:6** On double frontage lots, a front yard as prescribed for the district as herein established shall be provided on both streets.

**302:7** Every structure hereafter erected or relocated shall be on a lot adjacent to a public street or with access to an approved private street and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.

**302:8** In any district, more than one structure housing a permitted or permissible principal use or a structure housing more than one permitted or permissible use may be erected or maintained on a single lot provided that all other requirements of this Ordinance shall be met for each structure or for each use as though it were on an individual lot.

**302:9** In any R-1 or R-2 District, a permitted dwelling and permitted accessory structure may be constructed or altered on any single lot of record at the effective date of adoption of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance.

**302:10** In any district on any single lot where a structure intended for a permitted principal use is being constructed or altered, a secondary structure may be permitted and occupied as a temporary dwelling unit, construction office or security building provided that such secondary structure complies with all other applicable rules and regulations and also provided that occupancy of such secondary structure cease and the structure shall be removed within fourteen (14) days of the occupancy of the principal use structure.

**302:11** Any uses or buildings permitted in this Ordinance as accessory buildings or uses shall be clearly incidental to and on the same zoning lot as the principal use to which they are accessory. No accessory use or building shall be higher than the principal use or building. Accessory uses, or buildings may be located no closer than five feet (5') from either a side lot line or a rear lot line and unless otherwise specified in this Ordinance an accessory use shall not be located within a required front yard or a required side yard. Any permitted accessory use or building shall occupy no more than twenty-five percent (25%) of the required yard in which it is located.

**302:12** Any fences, walls or similar enclosures which are located in the required front yard in any residential district shall be of an "open-type" or "see through" material and shall not exceed four (4') feet in height. Also, any fences, wall or similar enclosures which are located in a required side yard or required rear yard in any residential district may be of an obscure type in nature but shall not exceed six (6') feet in height.

**302:13** Any fences, walls or other similar enclosures which are placed in any residential district shall be void of any barbed wire, spikes, sharp metal projections, broken glass or other similarly unsafe materials.

## **ARTICLE IV**

### **DESIGNATION AND PURPOSE OF ZONING DISTRICTS AND ZONING MAP**

#### ***401 Zoning Districts***

The following zoning districts are hereby established and the purpose or intended use of each district is stated. Permitted uses in each district are listed in Article V of this Ordinance.

**401:1** The A-1 District is established in recognition of the areas of sparse development customarily occurring in the areas on the outer limits of the Village. The areas which comprise the majority of this zoning district contain the principal agricultural activities and the uses which are customarily associated with or accessory to the agricultural activities. It is not intended that high concentration of development be permitted in his district except as authorized by this Ordinance. Uses which are not of an agricultural nature may be permitted in this district as Special Uses providing they comply with the applicable regulation pertaining to Special Uses as outlined in this Ordinance.

**401:2** The R-1 District is established to provide areas of general residential development. Desired development includes single-family and two-family dwellings. Services, facilities and uses incidental or accessory to residential development are included. Multiple family dwellings and other uses compatible with residential development including commercial uses may be permitted providing they comply with the applicable regulations pertaining to Special Uses as outlined in this Ordinance.

**401:3** The R-2 District is established to provide areas in recognition of the denser residential development in the community. This district provides for more concentrated single-family development, less restrictions on minimum lots and minimum yards and the inclusion in the district of commercial uses which are compatible with general occupancy of the area. It is not intended to permit industrial development or commercial development not associated with residential needs.

**401:4** The C-1 District is established to provide areas of concentrated commercial development in the business district of the community. Preferred uses are those of a retail or personal services nature which do not necessarily require large spaces for the display or sale of goods or services and which do not require immediate access on the site for motor vehicles. It is not intended to permit agricultural, residential or industrial development except as authorized in this Ordinance.

**3. Section 401:5 be amended and restated as follows:**

**401:5** The C-2 District is established to provide areas of general commercial development for the location of uses which are of a retail or personal service nature and for uses which require large spaces in which to conduct a commercial operation. In addition, this District is established to provide for uses compatible under R-1, R-2 and C I districts. It is intended that any uses permitted do not create a nuisance to surrounding areas by the emission of noise, fumes, smoke, vibrations, odors or other similar by-products which are not compatible with the general atmosphere of the total community. It is not intended that agricultural or industrial development be permitted in this district except as authorized by this Ordinance.

**4. Section 401 :6 be amended and restated as follows:**

**401:6** The IND District is established to provide areas of industrial development or manufacturing or uses which are compatible with industry or manufacturing. In addition, this District is established to provide for uses compatible under R-1, R-2, C-1, and C-2 districts. It is intended that all uses within this district conform to all, applicable codes and laws pertaining to noise, fumes, smoke, vibrations, odors and other similar nuisances. It is not intended to permit agricultural development or similar uses except as authorized by this Ordinance.

**5. Section 401:7 be added and slated as follows:**

Any use undertaken, or structure created at less than the maximum allowable use shall be made at the user's own risk, particularly that a maximum allowable use may later be made upon other properties within the district.

**6 Section 504-1: be amended as follows**

**504: 1** Principal Uses and Structures—C-I District

- I. All uses, and structures permitted in the R-1 District.
- 2 All uses, and structures permitted in the R-2 District
- 3 Retail sales establishments (except drive-in)
- 4 Personal services establishments (including drive-in)
- 5 Clinics
- 6 Offices
- 7 Public Utility facilities without storage yards
- 8 Dwelling units when located in the second or higher floor level above another principal use.

401:5 The C-2 District is established to provide areas of general commercial development for the location of uses which are of a retail or personal services nature and for uses which require large spaces in which to conduct a commercial operation. It is intended that any uses permitted do not create a nuisance to surrounding areas by the emission of noise, fumes, smoke, vibrations, odors or other similar by-products which are not compatible with the general atmosphere of the total community. It is not intended that residential development be permitted in this district except as authorized by this Ordinance.

401:6 The IND District is established to provide areas of industrial development or manufacturing or uses which are compatible with industry or manufacturing. It is intended that all uses within this district conform to all applicable codes and laws pertaining to noise, fumes, smoke, vibrations, odors and other similar nuisances. It is not intended to permit residential or commercial development or similar uses except as authorized by this Ordinance.

### **402 Zoning Map**

The areas comprising the zoning districts and the boundaries of said districts are hereby established as shown on the official zoning map entitled “ZONING MAP, VILLAGE OF BARRYTON, MECOSTA COUNTY, MICHIGAN”.

402:1 The Zoning Map, which together with any explanatory matter thereon is hereby adopted by reference and declared to be a part of this Ordinance.

402:2 The Zoning Map shall be maintained in the Barryton Village Hall and shall show all changes which are made in district boundaries according to procedures set forth in this Ordinance.

402:3 District boundary lines as shown on the Zoning Map, unless otherwise indicated, shall be construed as following lot lines, Barryton Village limits lines, centerlines of highways, streets, roads, alleys easements, railroads, streams or these centerlines extended or projected.

402:4 Questions concerning district boundary lines as shown on the Zoning Map shall be decided by the Zoning Board of Appeals.

## **ARTICLE V**

## PERMITTED USES BY DISTRICT

### ***501 A-1 District – Permitted Uses and Structures***

Within any A-1 District, no structure or premises shall hereafter be used, erected, converted or altered externally in whole or in part if said use is not in accordance with the intent of Subsection 401:1, this Ordinance, except as otherwise provided in this Ordinance, for any other than one or more of the following permitted uses:

#### *501:1 Principal Uses and Structures – A-1 District*

1. General farming including gardening, crop raising, orchards, nurseries and other similar agricultural activities.
2. Single family detached dwellings and two-family dwellings.
3. Private kennels.
4. Cemeteries.
5. Public and private conservation areas for the preservation of water, oil, open space, forest or wildlife resources.
6. Religious institutions; churches, synagogues, temples, etc.
7. schools, either public or private not operated for a profit.
8. Day care or nursery.
9. Governmental administrative buildings.
10. Public parks and recreation areas.
11. Foster care facilities.

All principal uses and structures in the A-1 District shall be subject to the area, location and height restrictions as specified on the accompanying SCHEDULE OF A-1 DISTRICT REGULATIONS or to more restrictive laws, regulations or codes which are legally in force.

#### *501:2 Accessory Uses and Structures – A-1 District*

1. Private garages and carports.
2. Stands for display or sales of agricultural products raised on the premises provided that there shall be no more than one (1) stand for each premises and also provided that the size of any such stand shall not exceed four hundred (400) square feet in floor area.
3. Home occupations including or similar to: barber or beauty shops, brokerage, professional office, art or photographic studio, sale of home-made merchandise, etc.



4. Permanent outside storage of privately owned major recreational equipment including or similar to campers, boats, travel trailers, snowmobiles, etc. provided that said equipment shall be unoccupied and shall not be located in a front yard.

5. Any other accessory uses and structures which are similar to the above listed accessory uses and structures which are customarily incident to any of the principal uses and structures.

All accessory uses and structures in the A-1 District shall be subject to the area, location and height restrictions which are applicable to the principal use to which they are incident and as specified on the accompanying SCHEDULE OF A-1 DISTRICT REGULATIONS or to more restrictive laws, regulations or codes which are legally in force.

*501:3 Special Uses and Structures A-1 District*

1. Retail sales establishments.
2. Personal services establishments.
3. Public utilities facilities without storage yards.
4. Clubs or lodges. All special uses and structures in the A-1 District shall be subject to

Permitted Uses	Minimum Lot Size		Minimum Yard			Maximum
	Area	Width	Front	Rear	Side	Height
1. General Farming	N/R	N/R	N/R	N/R	N/R	N/R
2. Single family, Two Family Dwellings	12,000 sq. ft.	80 ft.	35 ft.	35 ft.	10 ft.	35 ft.
3. Private Kennels	N/R	N/R	35 ft.	35 ft.	10 ft.	N/R
4. Cemeteries	As Determined by the Planning Commission					
5. Public and Private Conservation Areas	N/R	N/R	N/R	N/R	N/R	N/R
6. Religious Institutions	2/1,000 sq. ft.	80 ft.	35 ft.	35 ft.	10 ft.	N/R
7. Schools, Private or Public	10 Acres	N/R	35 ft.	35 ft.	10 ft.	N/R
8. Day Care or Nurseries	12,000 sq. ft.	80 ft.	35 ft.	35 ft.	10 ft.	35 ft.
9. Governmental Administrative Buildings	1 Acre	80 ft.	35 ft.	35 ft.	10 ft.	N/R
10. Public Parks & Recreational Areas	N/R	N/R	N/R	N/R	N/R	N/R
11. Foster Care Facilities	12,000 sq. ft.	80 ft.	35 ft.	35 ft.	10 ft.	35 ft.
12. Accessory Uses & Structures Not Elsewhere Specified			35 ft.	35 ft.	10 ft.	35 ft.
13. Special Uses & Structures	As Specified in this Ordinance					

N/R - No minimum/maximum requirements

**VILLAGE OF BARRYTON**

Council member Dan Hanel following ordinance. moved supported by Paula Hadley , the adoption of the following ordinance .

AN AMENDMENT TO SECTIONS 502 AND 503 OF THE VILLAGE OF BARRYTON ZONING ORDINANCE, CORRECTING A TYPOGRAPHICAL ERROR IN SECTION 502:3 ADDING, 502:4 AND 503:4 WITH PROVISIONS FOR THE ALLOWANCE OF THE REDUCTION OF CERTAIN SET-BACK REQUIREMENTS, EXEMPTING CERTAIN NONCONFORMING LOTS-OF-RECORD FROM THE MINIMUM LOT SIZE AND LOT WIDTH REQUESTS, AND AMENDING SECTIONS 502:2 AND 502:3 TO REFLECT THE RECOGNITION OF THE NEW SECTION 502:4.

**WHEREAS**, a concern has arisen over the need to correct the confusion created by the typographical error that depicts Sub Section 502:3 on page 34 of the Ordinance as being a second Sub Section 503:3, and

**WHEREAS**, a concern has arisen over the need to address alternative setback requirements for corner lots and/or Double Frontage Lots to allow structured development and beautification in the Village, and

**WHEREAS**, the County of Mecosta has successfully adopted a similar method to provide alternatives for determining setbacks in similar situations, and

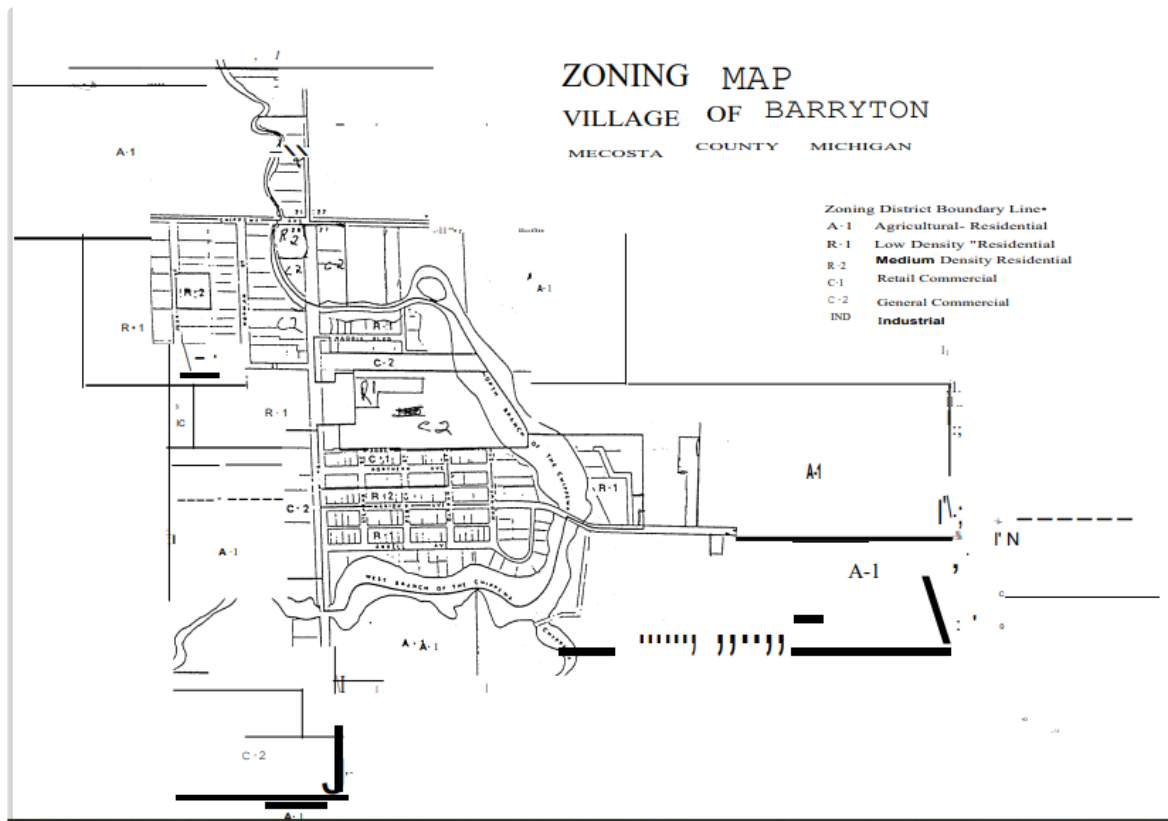
**WHEREAS**, the Village Attorney has recommended the following amendment to the Village of Barryton zoning ordinance, and

**WHEREAS**, after proper public notice was given of the meeting held June 29, 1998, at which the proposed zoning ordinance amendment was considered by the Village Council, and a public hearing was conducted on the proposed zoning ordinance amendment, and

**WHEREAS**, the Village has complied with the procedure outlined in MCL 125.584 for the adoption and amendment of village zoning ordinances,

NOW THEREFORE, THE VILLAGE OF BARRYTON ORDAINS:

I. Section 502 of the Village Zoning Ordinance, erroneously depicting Subsection 502:3 on pages 34 thereof as Section 503:3, is amended to be correctly numbered as Subsection 502:3. 2. Section 502 of the Village Zoning Ordinance is amended by adding Subsection 502:4. It states as follows: 502:4 Alternate R-1 District Regulations I. Setback requirements, excepting waterfront setbacks, for uses that do not fit the minimum area and/or width requirements set forth on Schedule of R-1 District Regulations because they are corner lots and/or Double Frontage Lots, may be reduced by the Zoning Administrator to equal the average of the actual existing setbacks of those lots which are located within 300 feet of, and are on the same side of the street as the lot in question; provided that the front setback shall not be less than 10 feet, and side or rear setbacks are not less than 4 feet.



restrictions, regulations and conditions as specified in this Ordinance or to more restrictive laws, regulations or codes which are legally in force.

### **502 R-1 District – Permitted Uses and Structures**

Within an R-1 District, no structure or premises shall hereafter be used, erected, converted or altered externally in whole or in part if said use is not in accordance with the intent of Subsect on 401:2, this Ordinance, except as otherwise provided in this Ordinance for any other than one or more of the following permitted uses.

#### **502:1 Principal Uses and Structures – R-1 District I**

1. Single family and two-family dwellings.
2. Governmental administrative buildings.
3. Schools, either public or private not operated for a profit.
4. Public medical and health facilities.
5. Public parks.
6. Religious institutions; churches, synagogues, temples, etc.
7. Cemeteries.
8. Foster care facilities and senior citizen housing.

All principal uses and structures in the R-1 District shall be subject to the area, location and height restrictions as specified on the accompanying SCHEDULE OF R-1 DISTRICT REGULATIONS or to more restrictive laws, regulations or codes which are legally in force.

*502:2 Accessory Uses and Structures*

1. Private garages and carports.
2. Private swimming pools.
3. Home occupations.
4. Permanent outside storage of privately owned major recreational equipment including or similar to campers, boats, travel trailers, snowmobiles, etc. provided that said equipment shall be unoccupied and shall not be located in a front yard.
5. The keeping of not more than two (2) roomers or boarders (by a resident family).
6. Any other accessory uses and structures which are similar to the above listed accessory uses and structures which are customarily incident to any of the principal uses and structures.

All accessory uses and structures in the R-1 District shall be subject to the area, location and height restrictions which are applicable to the principal use to which they are incident and as specified on the accompanying SCHEDULE OF R-1 DISTRICT REGULATIONS or to more restrictive laws, regulations or codes which are legally in force.

*503:3 Special Uses and Structures – R-1 District*

1. Rooming houses.
2. Clubs or lodges.
3. Public utilities facilities without storage yards.
4. Retail sales facilities.
5. Personal services facilities.

All Special Uses and structures in the R-1 District shall be subject to all restrictions, regulations and conditions as specified in this Ordinance or to more restrictive laws, regulations or codes which are legally in force.

**SCHEDULE OF R-1 DISTRICT REGULATIONS**

Permitted Uses	Minimum Area	Lot Sizes Width	Minimum Yard			Maximum Height
			Front	Rear	Side	
1. Single Family Dwellings and Two-Family Dwellings	12,000 sq. ft.	80 ft.	35 ft.	35 ft.	10 ft.	35 ft.
2. Governmental Administrative Buildings	1 Acre	80 ft.	35 ft.	35 ft.	10 ft.	N/R
3. Schools, Public or Private	10 Acres	N/R	35 ft.	35 ft.	10 ft.	N/R
4. Public Medical and Health Facilities	12,000 sq. ft.	80 ft.	35 ft.	35 ft.	10 ft.	35 ft.
5. Public Parks	N/R	N/R	N/R	N/R	N/R	N/R
6. Religious Institutions	24,000 sq. ft.	80 ft.	35 ft.	35 ft.	10 ft.	N/R
7. Cemeteries	As Determined by the Planning Commission					
8. Foster Care Facilities and Senior Citizen Housing	12,000 sq. ft.	80 ft.	35 ft.	35 ft.	10 ft.	35 ft.
9. Accessory Uses and Structures Not Elsewhere Specified	-	--	35 ft.	35 ft.	10 ft.	35 ft.
10. Special Uses & Structures	As Specified in this Ordinance					

N/R - No minimum/maximum requirements

**503 R-2 District – Permitted Uses and Structures**

Within any R-2 District, no structure or premises shall hereafter be used, erected, converted or altered externally in whole or in part if said use is not in accordance with the intent of Section 401:3, this Ordinance, unless herein provided, for any other than one or more of the following permitted uses.

**503:1 Principal Uses and Structures**

1. All uses permitted in the R-1 District.
2. Multiplesfamily dwellings and condominiums.
3. Rooming houses.
4. Public recreational facilities.

**503:2 Accessory Uses and Structures**

1. All uses permitted in the R-1 District.
2. Playground equipment.

**503:3. Special Uses and Structures**

1. Grocery stores.
2. Gasoline service stations.

- 3. Public utilities facilities.
- 4. Planned Unit Development.
- 5. Clubs or lodges.

**SCHEDULE OF R-2 DISTRICT**

Permitted Use	Minimum Lot Area	Size Width	Front	Minimum Rear	Yard Side	Maximum Height
1. Single Family and Two Family Dwellings	12,000 sq. ft.	80 ft.	35 ft.	35 ft.	10 ft.	35 ft.
2. Multiple Family Dwellings and Condominiums	3,000 sq. ft. for each family unit	N/R	35 ft.	35 ft.	10 ft.	35 ft.
3. Rooming Houses	12,000 sq. ft.	80 ft.	35 ft.	35 ft.	10 ft.	35 ft.
4. Public Recreation	N/R	N/R	N/R	N/R	N/R	N/R
5. Foster Care Facilities and Senior Citizen Housing	12,000 sq. ft.	80 ft.	35 ft.	35 ft.	10 ft.	35 ft.
6. Accessory Uses and Structures Not Elsewhere Specified	--	--	35 ft.	35 ft.	10 ft.	35 ft.
7. Special Uses of Structures	As Specified in this Ordinance					

N/R - No minimum/maximum requirements

**504 C-1 District – Permitted Uses and Structures**

Within any C-1 District, no structure or premises shall hereafter be used, erected, converted or altered externally in whole or in part if said use is not in accordance with the intent of Section 401:4, this Ordinance unless herein provided, for any other than one or more of the following permitted uses.

**504:1 Principal Uses and Structures**

- 1. Retail sales establishments (except drive-in).
- 2. Personal services establishments (including drive-in).
- 3. Clinics.
- 4. Offices.
- 5. Public utility facilities without storage yards.
- 6. Dwelling units when located only in the second or higher floor level above another principal use.

**504:2 Accessory Uses and Structures**

- 1. Signs in accordance with this Ordinance.
- 2. Other uses customarily incidental and accessory to principal permitted uses.



#### *504:2 Accessory Uses and Structures*

1. Garages when accessory to a legally permitted residence.
2. Other uses customarily incidental and accessory to principal permitted uses.

#### *504:3 Special Uses and Structures*

1. Gasoline service stations.
2. Other uses compatible with the intent of the C-1 District after review and approval in accordance with the provisions as set forth in this Ordinance.

All Principal Uses, Accessory Uses and Special Uses in the C-1 District shall be subject to Off-Street Parking and Loading Regulations as specified in this Ordinance.

There shall be no minimum requirements for lot area, lot width, front yards, rear yards or side yards in the C-1 District.

Maximum height for all structures in the C-1 District shall be forty (40) feet.

#### ***505 C-2 District – Permitted Uses and Structures***

Within any C-2 District, no structure or premises shall hereafter be used, erected, converted or altered externally in whole or in part if said use is not in accordance with the intent of Subsection 401:5, this Ordinance, except as otherwise provided in this Ordinance for any other than one or more of the following permitted uses:

#### *505:1 Principal Uses and Structures – C-2 District*

- 1, Retail sales establishments including drive-in.
2. Personal services establishments including drive-in.
3. Clinics.
4. Offices.
5. Motels, hotels.
6. Commercial recreational activities.
7. New and used automobile sales and service.
8. Gasoline service stations and body shops.
9. Theaters including drive-in.
10. New and used mobile home sales and service.
11. New and used recreational vehicle sales and service.
12. Public utility facilities.

#### *505:2 Accessory Uses and Structures – C-2 District*

1. Storage buildings and storage yards.
2. Signs in accordance with applicable regulations.
3. Private garages and storage sheds when accessory to detached single family dwellings lawfully existing at the time of the effective date of this Ordinance.

*505:3 Special Uses and Structures – C-2 District*

1. Warehousing and storage areas.

All principal and accessory uses in the C-2 District shall be subject to the following area, height and location regulations and also to Off-Street Parking and Loading Regulations according to this Ordinance. Special uses shall be subject to applicable regulations according to this Ordinance.

1. Minimum lot area – one-half (1/2) acre.
2. Maximum height – forty (40) feet.
3. Minimum yards
  - a. front – twenty-five (25) feet, except that any signs or any off-street parking may be located on the front lot line.
  - b. rear – twenty-five (25) feet except that off-street parking may be permitted in the required rear yard.
  - c. side – fifteen (15) feet for structures only and providing that at least one (1) side yard be clear of storage or display to permit access by emergency vehicles.
  - d. corner lots – twenty-five (25) feet from each right-of-way line.
4. Minimum lot width – none.
5. Off-Street Parking – in accordance with this Ordinance.

***506 IND District – Permitted Uses and Structures***

Within any IND District, no structure or premises shall hereafter be used, erected, converted or altered externally in whole or in part if said use is not in accordance with the intent of Subsection 401:6, this Ordinance, except as otherwise provided in this Ordinance for any other than one or more of the following permitted uses.

*506:1 Principal Uses and Structures – IND District*

1. Offices.
2. Industrial research facilities.
3. Public utilities facilities.
4. Trade contractors, building materials suppliers and wholesalers.
5. Radio and television antennae (towers, masts, etc.).

6. Warehousing.
7. Ag products storage and sales.
8. Storage yards.
9. Transportation, maintenance and servicing facilities.
10. Industrial plants for manufacturing, processing and assembling.
11. Machine shops and welding shops.
12. Gasoline service stations.
13. Automotive body shops.
14. Petroleum products storage.

*506: 2 Accessory Uses and Structures – IND District*

1. Signs in accordance with applicable regulations.
2. Any use customarily incidental to the permitted principal use.
3. Private garages and storage sheds when accessory to detached single family dwellings lawfully existing at the time of the effective date of this Ordinance.

*506:3 Special Uses and Structures – IND District*

1. Sanitary landfills.
2. Junk yards. All principal and accessory uses in the IND District Shall be subject to the following area height and location regulations and also to Off-Street Parking and Loading Regulations according to this Ordinance.
  1. Minimum lot area – none.
  2. Minimum height – none.
  3. Minimum yards
    - a. Front – 50 ft.
    - b. Rear – 25 ft.
    - c. Side – 30 ft., each side.
  4. Minimum lot width – none.
  5. Off-Street Parking – in accordance with this Ordinance, provided that, transient or customer parking is allowed in the front yard commencing 25 feet from the street right-of-way line. It is the intent of this section to allow parking within the required front yard provided that a clear, unobstructed area of 25 feet from the right-of-way line is maintained at all times.

Special uses shall be subject to applicable regulations according to this Ordinance.

## **ARTICLE VI**

### **SPECIAL REGULATIONS**

#### ***601 Special Uses and Structures***

##### *601:1 Intent*

The regulation of land uses in Barryton is accomplished by this Zoning Ordinance which designates zoning districts and sets forth uses allowed in each district. The intent of this Section of the Ordinance is to recognize and provide for certain uses which may not logically belong in any particular district or which may be allowable only if they comply with standards which ensure their being harmonious with the general character of the district in which they may be located.

##### *601:2 General Provisions*

1. Only uses which have been designated as Special Uses in each: respective zoning district shall be considered for approval as Special Uses.
2. All uses of land or structures which are designated as Special Uses in this Ordinance shall require the granting of a Special Use Permit in accordance with the procedures of Subsection 601:3, this Ordinance, prior to the issuance of a Building Permit.
3. A request for the approval of Special Use Permit may be considered, provided the following conditions are assured:
  - a. The proposed use will comply with all Special Use regulations as specified in Subsection 601:4 as well as complying with all appropriate regulations applicable to the district.
  - b. The proposed use is in harmony with the purpose and intent of this Ordinance.
  - c. The proposed use will not adversely affect the health and safety of the / public and residents of the area and will not be detrimental to the use or development of adjacent properties or of the general neighborhood.
  - d. The proposed use will comply with all applicable laws, ordinances and regulations of Barryton, Mecosta County and the State of Michigan.
4. The Planning Commission may recommend and the Village Council impose additional conditions and stipulations which are deemed necessary for the protection of the neighborhood and the general welfare of the public.
5. Approval of a request for a Special Use . . . Permit shall not be granted if the Planning Commission, Village Council or any official of Barryton finds that such Special Use would fail to comply with any of the requirements of this Ordinance.
6. The Planning Commission or the Village Council may require that the applicant, requesting authorization for a Special Use, furnish any engineering or architectural drawings, specifications, site plans, operating plans or any other reasonable data or information deemed necessary to completely clarify the proposed Special Use.

7. In any case, where a Special Use has not been established within one year after the granting for approval of the Special Use Permit, then without further action by the Planning Commission or the Village Council the Special Use Permit shall become null and void and the Building Permit shall be cancelled.

8. Violations of this Section or of any other portions of this Ordinance shall result in the automatic cancellation of the Building Permit and or the Special Use Permit. Reinstatement may be made by the Zoning Administrator when all violations have been corrected.

#### *601:3 Administration and Procedure*

1. Initiation of Request for Special Use – Any person owning or having an interest in property in Barryton may initiate a request to operate or maintain a Special Use in Barryton by submitting an application for a Special Use Permit.-

2. Application for Special Use Permit – An application for a Special Use Permit shall be filed with the Zoning Administrator on a prescribed form. The application shall be accompanied by such plans, drawings or other data furnished by the applicant including a written statement by the applicant. Such plans, data and statement shall indicate in necessary detail the type of use, size, location and estimated time until occupancy of the proposed use.

3. Review of Application by Zoning Administrator – The Zoning Administrator shall review the application and supporting documents and indicate, by endorsement, that the application has been properly executed. Application is then forwarded to Planning Commission for review and hearing.

4. Review and Hearing by Planning Commission – Upon receipt, in proper form of the Special Use application, the Planning Commission shall review said application to ensure that all conditions of this Section have been complied with. The Planning Commission shall hold at least one public hearing on each application for a Special Use Permit. Notice of said hearing shall be: (a) published in a newspaper of general circulation in Barryton, (b) mailed by certified mail to the applicant, and (c) mailed by U. S. Mail to any owners or occupants of surrounding properties. Notices of public hearing shall be published or mailed no less than fifteen (15) days prior to such hearing.

5. Recommendation by Planning Commission – For each application for a Special Use Permit, the Planning Commission shall recommend to the Village Council; approval, conditional approval or denial of the Special Use Permit. Communication shall state reasons and conditions of recommendation.

6. Review and Decision by Village Council Upon receipt of the application and supporting data and the recommendation with supporting data from the Planning Commission, the Village Council shall review said application. Based on this review to determine if all conditions have been complied with, the Village Council shall approve or deny the request for the Special Use Permit.

7. Effect of Approval of Request for Special Use Permit – The Special Use Permit shall become effective on the date of the favorable vote by the Village Council. Approval of the request for the Special Use Permit shall authorize the Zoning Administrator to issue the Permit.

8. Effect of Denial of Request for Special Use Permit – In the event that a request for a Special Use Permit is denied wholly or in part by the Village Council an application for a permit for the same Special Use shall not be resubmitted for a period of one year from the date of said order of denial, except on the grounds of new evidence or proof of changed conditions found to be valid by the Planning Commission and the Village Council.

*601:4 Standards for Special Uses and Structures*

Following are the uses and structures which are classified as Special Uses and Structures for which a building permit or certificate of occupancy will be granted provided that the specified conditions, standards and regulations for each use have been met.

1. Retail sales establishments – A-1, R-1 Districts.
2. Personal services establishments – A-1, R-1 Districts.
3. Public utilities facilities – A-1, R-1, R-2 Districts.
4. Rooming houses – R-1 District.
5. Clubs or lodges – A-1, R-1, R-2 Districts.
6. Grocery stores – R-2 District.
7. Gasoline service stations – R-2, C-1 District.
8. Planned Unit Development – R-2 District.
9. Warehousing and storage areas – C-2 District.
10. Sanitary landfill – IND District.
11. Junk yards – IND District. –

*601:4 1. Retail Sales Establishments – A-1, R-1 Districts*

- a. Retail sales establishments may include or be similar to: grocery stores, restaurants and drinking places, variety stores, or any other uses deemed by the Planning Commission to be of a character compatible with the surrounding areas.
- b. The site, lot or parcel accommodating the retail sales or personal services facility shall have a minimum area of one-half (1/2) acre.
- c. The buildings shall be located not less than forty (40) feet from all property lines. The maximum height of said buildings shall be thirty-five feet.
- d. On-site parking shall be provided at a ratio of not less than three (3) square feet of parking area for each one (1) square foot of gross building area. Entrance and exit drives shall be provided to permit safe and convenient access between parking areas and approved public or private roadways. Parking areas and drives shall be improved with compacted gravel, stone or a hard surfaced material and shall be well drained into an approved drainage system.

e. Any lighting on the premises, for parking areas, yard lighting, sign lighting or other similar types of exterior lighting shall be a steady light with the source not visible off the premises.

f. Any retail sales establishment shall be screened on all sides which abut a residential lot or parcel. Said screen may be a fence or wall or planted materials which shall obscure vision and provide a separation between the two uses. Said screen shall be a minimum of five (5) feet in height.

*601:4 2. Personal Services Establishments – A-1, R-1 Districts*

a. Personal services establishments may include or be similar to: professional offices, brokerages, banks or any other uses deemed by the Planning Commission to be of a character compatible with the surrounding area.

b. The site, lot or parcel accommodating the personal services facility shall have a minimum area of one-half (1/2) acre.

c. The buildings shall be located not less than forty (40) feet from all property lines. The maximum height of said buildings shall be thirty-five (35) feet.

d. On-site parking shall be provided at a ratio of not less than three (3) square feet of parking area for each one (1) square foot of gross building area. Entrance and exit drives shall be provided to permit safe and convenient access between parking areas and approved public or private roadways. Parking areas and drives shall be improved with compacted gravel, stone or a hard surfaced material and shall be well drained into an approved drainage system.

e. Any lighting on the premises, for parking areas, yard lighting, sign lighting or other similar types of exterior lighting shall be a steady light with the source not visible off the premises.

f. Any personal services establishment shall be screened on all sides which abut a residential lot or parcel. Said screen may be a fence or wall or planted materials which shall obscure vision and provide a separation between the two uses. Said screen shall be a minimum of five (5) feet in height.

*601:4 3. Public Utilities Facilities – A-1, R-1, R-2 Districts*

a. The public utilities facility may be located within the district when operating requirements are necessary to serve the immediate vicinity.

b. The site, lot or parcel accommodating each public utilities facility shall have a minimum area of twelve thousand (12,000) square feet.

c. Any buildings or structures shall be located not less than thirty-five (35) feet from all property lines.

d. Any lighting on the premises for yard lighting, sign lighting or other similar types of exterior lighting shall be a steady light with the source not visible off the premises.

e. Surrounding grounds may be used for the temporary parking of service or maintenance vehicles or for parking of employees or attendant's vehicles while driver is on the premises but shall not be used for the storage of equipment, supplies or construction materials.

f. Any property line abutting a residential lot or parcel shall be screened-with a fence, wall or planted materials. Said screen shall obscure vision and provide separation between the two uses. ‘

*601:4 4. Rooming Houses – R-1 District*

a. The site, lot or parcel accommodating a rooming house shall have a minimum area of twelve thousand (12,000) square feet and a minimum width of eighty (80) feet.

b. Any permitted structures shall be located not less than forty (40) feet from front and rear lot lines and not less than ten (10) feet from side lot lines. The maximum height of said structures shall be thirty-five (35) feet.

c. On-site parking shall be provided at a ratio of on (1) space for each lodging room plus one (1) space for each two (2) permanent residents. Entrance and exit drives shall be provided to permit safe and convenient access between parking areas and approved public or private roadways. Parking areas shall be improved with compacted gravel, stone or a hard-surfaced material and shall be well drained.

d. Any lighting on the premises, for parking areas, yard lighting, sign lighting or other similar types of exterior lighting shall be a steady light with the source not visible off the premises.

*601:4 5. Clubs or Lodges – A-1, R-1, R-2 Districts*

a. Clubs or lodges are rooms, buildings or other facilities used for the meetings of a group of people organized for a common purpose such as a fraternal organization or a society.

b. The lot accommodating a club or lodge shall have a minimum area of one (1) acre with a minimum width of eighty (80) feet.

c. Any buildings or structures on the premises shall be located not less than forty (40) feet from the front lot line, thirty-five (35) feet from the rear lot line and twenty (20) feet from side lot lines. The maximum height of said buildings shall be thirty-five (35) feet.

d. Off-street parking shall be provided in the rear yard only at a ratio of one (1) space for each two hundred (200) square feet of usable floor area in the building. Entrance/exit drives shall be provided to permit safe and convenient access between parking areas and approved private or public streets. Parking areas shall be paved and well drained to permit runoff of surface water into an improved drainage system.

e. Any lighting on the premises, for parking areas, yard lighting, sign lighting or other types of exterior lighting shall be a steady light with the source of light not visible off the premises.

f. Any parking or drive areas which are within a required yard abutting a residential lot shall be screened with a fence or wall or planted materials such as trees or shrubs which shall obscure vision and ; provide separation between the two uses. Said screen shall be a minimum of five (5) feet in height.

*601:4 6. Grocery Stores – R-2 District*



- a. Grocery stores may include but not be limited to: general stores, food markets, supermarkets, delicatessens or other similar food stores established as a convenience shopping facility for residents of the surrounding area.
- b. The site, lot or parcel accommodating the grocery store shall have a minimum area of twelve thousand (12,000) square feet and a minimum width of eighty (80) feet.
- c. Any buildings or structures on the premises shall be located not less than thirty-five (35) feet from the front lot line, thirty-five (35) feet from the rear lot line and ten (10) feet from the side lot lines. The maximum height of any structure shall be thirty-five (35) feet.
- d. Off-street parking shall be provided in the rear yard only at a ratio of one (1) space for each one hundred (100) square feet of usable sales floor area in the building. Entrance/exit drives shall be provided to permit safe and convenient access between parking areas and approved public or private streets. Parking areas and drives shall be improved surface and well drained to permit runoff of surface water.
- e. Any lighting on the premises, for parking areas, yard lighting, sign lighting or other similar types of exterior lighting shall be a steady light with the source not visible off the premises.
- f. Any parking or drive areas which are within a required yard abutting a residential lot shall be screened with a fence or wall or planted materials which shall obscure vision and provide separation between the two uses. Said screen shall be a minimum of five (5) feet in height.

*601:4 7. Gasoline Service Stations – R-2, c-1 District*

- a. The lot accommodating a gasoline service station shall have a minimum area of twelve thousand (12,000) square feet with a minimum width of eighty (80) feet.
- b. Buildings shall not be located closer than thirty (30) feet from the front and rear lot lines and not closer than ten (10) feet from side lot lines.
- c. Parking and underground store areas and drives may be located within any required yard.
- d. All sales, services and storage shall be within an enclosed building, with the exception of parking and loading areas.
- e. All drives and parking areas shall be paved and well drained into an approved drainage system.
- f. Any gasoline service station which abuts a residential property shall be screened with fence or wall or planted materials which shall obscure vision and provide separation between the uses.
- g. Drives shall be located so as not to create a traffic hazard between vehicles entering or leaving the service station and vehicles traveling on adjacent streets.

*601:4 8 • Planned Unit Development – R-2 District*

*Intent*

It is the intent of this Special Use to provide a more desirable living environment by retaining the natural character of the Village through the preservation of open spaces, woodlands, streams, ponds, water frontage, hills, and similar natural assets. It is further intended that this permitted use encourage a more creative approach to residential development through the planned reduction or grouping of lots while maintaining the overall density of the zoning district.

#### *Procedure*

The Planning Commission may authorize the establishment and occupation of a Planned Development in any R-2 District through the issuance of a Special Use Permit as outlined and directed in Section 501, this Ordinance.

#### *General Provisions*

In addition to all other requirements to which any Special Use must conform any Planned Development shall meeting the following standards:

1. Minimum site shall be ten (10) acres.
- 2 • Ownership shall be under one proprietor\* and shall be developed and administered as an integral unit. (\*"proprietor" to be defined as a person, firm, association, partnership, corporation or combination of any of them which may hold any interest of ownership in some property).
3. Average residential density shall not exceed 3.6 dwelling units per acre, except in a mobile home park the density shall not exceed 7 0 dwelling units per acre.
4. For all area gained through the reduction or grouping of lots an equal area shall be set aside for the common use of the lot owners or residents within the development. This area shall be under legal procedure which shall grant a covenant or deeded interest therein so that it shall be assured of remaining undeveloped.
5. The proposed Planned Development shall meet minimally all standards herein, as well as State, County, and Village laws or ordinances including the provisions of this Ordinance except as specifically exempted.

#### *Permitted Uses and Structures*

Within any Planned Development, no structure shall hereafter be used, erected, converted or altered externally in whole or in part if said use is not in accordance with the intent as stated in this Section except as otherwise provided in this Ordinance, for any other than one or more of the following permitted uses:

1. Principal Uses and Structures
  - 1) Single family residences.
  - 2) Two family residences.

- 3) Condominiums, townhouses, or other similar housing types which may be defined as privately owned single family dwellings with no side yards between adjacent units. There shall not be more than ten (10) units per building.
- 4) Multiple family dwellings. There shall not be more than ten (10) units per building.
- 5) Mobile homes in a mobile home park.
- 6) Recreational areas for the private use of the Planned Development lot owners including, but not limited to: golf courses, tennis courts, swimming pools, skiing and tobogganing hills, and play areas.
- 7) Open spaces including, but not limited to: fields, wooded areas, streams, ponds, parks, scenic hills.
- 8) General farming excluding the keeping or raising of livestock.
- 9) Hotels, motels, eating and drinking establishments to a maximum usage of five percent (5%) of the total site, and providing that the Planned Development has a minimum site area of eighty (80) acres.

## 2. Accessory Uses and Structures

- 1) Carports and garages.
- 2) Storage buildings, provided that they are located on the lot designated for the dwelling; and that they do not exceed four hundred (400) square feet of floor area.
- 3) Clubhouses and structures incidental to permitted recreational uses.
- 4) Barns and structures associated with general farming, provided that they are located on the designated individual lot.

### *Area, Height and Placement Regulations*

Within any Planned Development, no structure shall hereafter be used, erected, converted or altered externally in whole or in part if said use is not in compliance with the following regulations:

1. Maximum height – thirty-five (35) feet.
2. Minimum yards
  - 1) Front – thirty-five (35) feet.
  - 2) Side – ten (10) feet per single family and two family. No minimum between adjacent multiple family dwellings in the same building, provided that fifteen (15) feet be maintained between any building.
  - 3) Rear – thirty-five (35) ft. Planning Commission may reduce this requirement for individual lots if the rear yard of the lot 8but common land, open space or recreation area as required in Paragraph 4 under General Provisions, this Section.

3. Perimeter setbacks – There shall be a required yard of forty (40) feet along all exterior boundary lines of the Planned Development site. This area shall be landscaped to provide a visual barrier from outside the property.

*General Site and Development Requirements*

1. Access Drive – there shall be improved access drives which shall provide unrestricted access to a main road or highway from the Planned Development site. There shall be a distance of no less than 600 feet between access drives along public roadways.
2. Parking – there shall be improved, well drained off-street parking areas within the Planned Development at the following ratio:
  - 1) Residences – two (2) spaces per dwelling.
  - 2) Hotels, motels – one (1) space per sleeping room plus one (1) space for each three (3) employees.
  - 3) Eating and drinking places – one (1) space for each three (3) seats provided for patron use plus one (1) space for each two (2) employees.
  - 4) Mixed or combined uses on the same lot – sum of requirements for the individual uses computed separately.
  - 5) Any principal or accessory use not listed in Paragraphs 1 or 2 under Permitted Uses and structures, this Section shall conform to regulations which pertain to the permitted use to which it is most closely related. Any additions of nonrelated principal or accessory uses shall require the amendment of this Section of this Ordinance.
4. The application for a Special Use Permit for the Planned Development will be accompanied by all necessary plans, drawings, specifications and reports indicating all proposed structures and facilities in the Planned Development.
- 5 • After application for a Special Use Permit for the Planned Development no changes or additions may be made to plans, specifications, etc. such changes will require reapplication for a new Special Use Permit.

*601:4 9. Warehousing and Storage – C-2 District*

- a. The site, lot or parcel accommodating any warehousing facilities or storage yards shall have a minimum area of one (1) acre.
- b. Any buildings, or structures used for the containment of stored materials shall be located no closer than fifty (50) feet from any property line.
- c. Any scrap, waste, junk or refuse material and any inoperable mechanical equipment shall be stored in a building.
- d. Any operable mechanical equipment and any materials not classified as scrap, junk or waste may be stored in open yards on the premises providing such storage is no closer than twenty (20) feet from any property line.

- e. Storage yards shall be graded to provide adequate drainage but not to adjoining properties and shall be surfaced with compacted stones or gravel or with a hard-surfaced material.
- f. Any lighting on the premises for parking areas, yard areas, sign lighting or similar types of exterior lighting shall be a steady light with the source not visible off the premises.
- g. There shall be no burning of any waste, scrap, junk or any other similar materials on the premises.

*601:4 10. Sanitary Landfill – IND District*

- a. A sanitary landfill as defined by Michigan State Act 641 P.A. 1978, as amended and Michigan Department of Public Health “Solid Waste Management Act”, shall be the only approved method of outdoor disposal of refuse.
- b. Any sanitary landfill within the Village limits shall be owned and operated by the Village.
- c. There shall be no burning of refuse in a sanitary landfill.
- d. A landfill shall not be construed to mean an open dump or a modified open dump.
- e. All sanitary landfill operations shall take place no closer than three hundred thirty (330) feet from any property line.
- f. Any land to be used for a sanitary landfill shall be surrounded by a protective barrier to contain any blowing debris and to discourage entrance to the site except through a controlled gateway.
- g. A landfill site shall be easily accessible in all weather conditions via an improved roadway.

*601:4 11. Junk Yards – IND District*

- a. The site, lot, or parcel accommodating any junk yard shall have a minimum area of five (5) acres.
- b. Any building, fences, walls or other structures shall be located no closer than fifty (50) feet from any property line.
- c. Any scrap, waste, junk or other refuse material and, any inoperable mechanical equipment shall be stored in a building or in an open yard surrounded by a solid fence or wall with a height equal to items stored therein but in no case less than ten (10) feet high. A fence or wall may have one or more solid door or gateway for access to yard. Junk items stored five hundred feet or further from any property line need not be obscured by a fence or wall.
- d. Any operable equipment and any materials not classified as scrap, junk or waste may be stored in open yards without a surrounding fence provided that said equipment or materials are located no closer than fifty (50) feet from any property line.
- e. Storage yards shall be graded to provide adequate drainage and shall be surfaced with compacted stones or gravel or with a hard-surfaced material.
- f. Any lighting on the premises for parking areas, yard areas, sign lighting or other similar types of exterior lighting shall be a white, steady light with the source not visible off the premises.

g. There shall be no burning of any waste, scrap, junk or other similar materials on the premises.

### **602 Non-Conforming Uses and Structures**

When a Zoning Ordinance is developed and adopted or amended, rules and regulations are imposed which would prevent the establishment or retention of certain existing land uses and structures in the places where they are located. These uses, and structures are referred to as “non-conforming”. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival.

#### *602:1 General Rules for Non-Conforming Uses and Structures*

1. A non-conforming use or structure is that which is not specifically designated in a given zoning district as a principal use, accessory use or special use but was lawfully existing immediately prior to the time this Ordinance became effective.
2. A non-conforming use or structure can be made conforming only by:
  - a. Ordinance amendment.
  - b. Changing the use or structure to that as listed as principal, accessory or special use as designated in the district concerned as provided by this Ordinance.
  - c. Variance, provided that only the terms of this Ordinance such as lot size, lot dimension, distance from lot lines or height restrictions are involved.
3. A non-conforming use or structure may not be enlarged, extended, increased or moved in any district in which this use is not designated as a principal, accessory or special use.
4. If the operation of a non-conforming use or structure ceases for any reason for a period of more than one hundred eighty (180) days, the subsequent use of the land or structure shall be treated using the regulations specified in this Ordinance for a special use in the district in which the land or use or structure is located. In the event that a non-conforming use or structure has been terminated due to action by any governmental agency or if the use is of a seasonal nature and has ceased to operate for a period of twelve (12) or more months, reinstatement for operation may be made by action taken by the Barryton Village Council with a favorable vote.
5. A non-conforming use or structure may revert to another non-conforming use or structure providing that in the opinion of the Zoning Board of Appeals the new use is of a nature that is less non-conforming than the original use.
6. Any non-conforming use or structure may be materially altered or repaired to bring it to a safe condition provided that the cubic content of such use or structure is not enlarged.
7. Change of ownership of a non-conforming use or structure does not remove the non-conforming status nor does it change any time limits imposed by this Ordinance.
8. If any parcel of land has located oh it a non-conforming use or structure, no additional structure shall be erected, placed or otherwise located on such parcel until the non-conformity is removed.

9. In the event that a non-conforming use or structure has been accidentally destroyed or damaged to any extent, such non-conforming use or structure may be repaired or replaced providing reconstruction does not in any way increase its non-conformity. Any debris that is remaining as a result of the destruction or damage shall be removed from the site within thirty (30) days. Also, providing that substantial evidence of construction be shown within the subsequent twelve (12) month period.

602:2 Repair or replacement of non-bearing walls, fixtures, wiring, or plumbing may be performed in or on a non-conforming structure or portion of a structure containing a non-conforming use provided:

1. During any consecutive twelve-month period, extent of repair or replacement shall not exceed ten percent (10%) of the current replacement cost of the non-conforming structure;
2. Cubic contents of the structure shall not be increased;

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

#### *602:3 Replacement Cost*

Replacement cost as used in the above provisions is the cost of restoring the structure to its original condition as appraised by a qualified appraiser employed by the Village Council. Persons aggrieved by said appraisal may appeal to the Zoning Board of Appeals.

### **VILLAGE OF BARRYTON**

Council member· JAMES BARRY moved supported by PAULA HADLEY , the adoption of the following ordinance.

AN AMENDMENT TO SECTION 602 OF THE VILLAGE OF BARRYTON ZONING ORDINANCE, ADDING §602:4 WITH PROVISIONS FOR RECOGNIZING VALID NON CONFORMING USES AND STRUCTURES

**WHEREAS**, a concern has arisen over the need to recognize and track valid non-conforming uses and structures, and

**WHEREAS**, in the absence of a process by which valid non-conforming uses and structures can be recognized and registered, landowners and the zoning administrator are left with significant uncertainty over the zoning status of, property in the Village, and

**WHEREAS**, the Village Attorney has recommended the following amendment to the Village of Barryton zoning ordinance, and

**WHEREAS**, after proper public notice was given of the meeting held JANUARY 8, 1997 ,at which the proposed zoning ordinance amendment was considered by the Village Council, and a public hearing was conducted on the proposed zoning ordinance amendment, and

**WHEREAS**, the Village has complied with the procedure outlined in MCL 125.584 for the adoption and amendment of village zoning ordinances,

**NOW**, THEREFORE, THE VILLAGE OF BARRYTON ORDAINS:

1. Section 602 of the Village Zoning Ordinance is amended by adding Section 602:4

602:4 Recognition of non-conforming uses and structures

1. The zoning administrator shall investigate all known or alleged non conforming uses and structures and shall report each alleged non-conforming use or structure to the Village Council along with a recommendation to recognize or deny the existence of the alleged non-conforming use or structure based on the applicable provisions of the Barryton Zoning Ordinance generally found in Section 602.

2. Upon a finding or determination by a majority of the Village Council that an alleged non-conforming use or structure actually exists within the meaning of the Barryton Zoning Ordinance, the zoning administrator shall issue to the property owner written recognition of the non-conforming use or structure, specifying the zoning district, the road address and legal description of the affected parcel, and the nature of the non conforming use or structure. A copy shall be kept by the zoning administrator.

3. A property owner, the zoning administrator, or the Village Council can request recognition of an alleged non-conforming use or structure according to the procedure described in Section 602:4.

4. A property owner shall be given the opportunity to present testimony, exhibits, and other evidence before the Village Council in support of a request to recognize a non-conforming use or structure.

5. The procedure in Section 602:4 shall be the only method for recognizing valid non-conforming uses and structures in the Village of Barryton.

6. The Village Council may require a site plan or sketch of the site or structure(s) from the property owner as a condition to recognizing the exact size, location, dimensions or other characteristics of the non-conforming use or structure.

7. The decision of the Village Council shall be final. However, a person having an interest affected by a decision of the Village Council may appeal to circuit court according to the statutory process provided in MCL 125.585(11); MSA 5.2935(11).

2. This ordinance amendment shall be effective thirty (30) days after adoption by the Village Council, which is F E B R U A R Y 7, 1997

3. The Village Clerk shall publish 1 notice of adoption in the newspaper within 15 days of adoption.

Yeas: 5 (FIVE)

Nays: 0 (NONE)


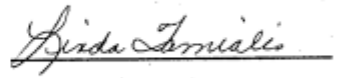
The Village President declared the Ordinance adopted



Dated: January 8, 1997

Published

Barryton Village  
President  
Barryton Village  
Clerk

## ARTICLE VII

### ADMINISTRATION AND ENFORCEMENT

#### **701 Village Council**

##### *701:1 Establishment and Authority*

The Village Council is established by provisions of the Village Charter by which all powers of the Village shall be vested and all matters of policy of the Village shall be determined by the Council. For the purposes of this Ordinance, the Village Council, as provided in the Village Charter and in Michigan State Statutes as amended, Act 285 P.A. 1931 and Act 207 P.A. 1921 may develop and maintain or may appoint a Planning Commission, Zoning Board of Appeals and a Zoning Administrator to develop and maintain a Zoning Ordinance and to report any findings, violations and recommendations to the Village Council for appropriate legislative action.

##### *701:2 Duties and Procedures*

For the purposes of administering this Ordinance all matters concerning Zoning shall be directed to the Village Council for referral to the appropriate official, commission or board for proper action. In any case which will involve an amendment or change to the text or map of this Ordinance the Village Council shall adopt a resolution directing the Planning Commission to conduct a public hearing and to make recommendations back to the Village Council for final legislative action. In all matters pertaining to the administering of this Ordinance, the decision of the Village Council shall be final except for appeals which have been decided by the Zoning Board of Appeals in accordance with Section 703, this Ordinance and Section 5, Act 207 P.A. 1921, as amended.

#### **702 Village Planning Commission**

##### *702:1 Appointment and Establishment*

The Village Planning Commission is authorized by the provisions of the Municipal Planning Commission Act being Act 285, P.A. 1931 State of Michigan which states that the Planning Commission shall be appointed by the Village Council. For the purposes of administering this Ordinance and by authority of the City and Village Zoning Act, being Act 207, P.A. 1921 State of Michigan, the Village Council may appoint the Village Planning Commission to perform the duties as specified in said Act.

##### *702:2 Duties and Responsibilities*

The Planning Commission is authorized to adopt Rules of Procedure consistent with the statutes of Michigan, the provisions of the Village Charter and the provisions of this Ordinance. The Planning Commission as directed by the Village Council shall develop and administer this Ordinance. All matters pertaining to the amendment or the changing of the Ordinance text or map or for a Special Use Permit request shall be referred to the Planning Commission For each request for an amendment or change of the Ordinance or for Special Use Permit the Planning Commission shall review the request; conduct a Public Hearing and forward recommendations for approval, conditional approval or denial to the Village Council which shall make the final decision on the request.)

### **703 Zoning Board of Appeals**

#### *703:1 Appointment and Establishment*

The Zoning Board of Appeals is authorized by the provisions of the City and Village Zoning Act, being Act 207, P.A. 1921 State of Michigan which states that the Village Council may act as Zoning Board of Appeals or the Village Council may appoint the Zoning Board of Appeals. The Board of Appeals shall be appointed in accordance with Section 5 of -81- Village of Barryton Digitalized 03/16/2018 Act 207, P.A. 1921. Such Board of Appeals shall consist of not less than five (5) members and it may fix rules and regulations to govern its procedure.

#### *703:2 Duties and Responsibilities*

The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirements, decision or determinations made by an administrative official charged with the enforcement of this Ordinance. The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property nor to make any change in the terms of this Ordinance but does have the power to act on those matters where this Ordinance provides for administrative review or interpretation and to authorize a variance after proper review and public hearing. Any decision of the Zoning Board of Appeals, after following correct and lawful procedure, shall be final after the expiration of five (5) days from the date of entry of such decision unless the Zoning Board of Appeals shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record.

### **704 Zoning Administrator**

#### *704:1 Appointment and Authority*

The Zoning Administrator may also be the Building Inspector, Village Manager, Village Administrator or any other official who shall be charged with administering this Ordinance. The Zoning Administrator may be employed in accordance with Section 5 of Act 285 Michigan P.A. 1931, as amended and the provisions of the Village Charter.

#### *704:2 Duties and Responsibilities*

The Zoning Administrator shall be responsible for the updating and maintenance of the “master copy” of the Zoning Ordinance text and map. He shall be thoroughly familiar with the provisions of this Ordinance in order to administer it adequately.

The Zoning Administrator shall make periodic checks of all properties in the Village to assure compliance with this Ordinance. Any violations of this Ordinance shall be reported in writing to the Village Council for further action.

The Zoning Administrator shall review all applications for Building Permits to assure that the proposed use is in compliance with the terms of this Ordinance.

The Zoning Administrator shall receive all requests for rezoning, Ordinance amendments, variances, Special Use Permits and to forward these requests to the proper official, commission or council. He shall, under no circumstances, be permitted to make changes in any part of this Ordinance or to vary the terms of this Ordinance in carrying out his duties as Zoning Administrator.

Prior to the occupancy of any structure or use permitted by the provisions of this Ordinance, the Zoning Administrator shall issue a Certificate of Occupancy stating that the proposed use is in compliance with the provisions of this Ordinance.

The Zoning Administrator shall act as a non-voting advisor to the Village Council, Planning Commission and Zoning Board of Appeals. Any information, data or statements presented to these bodies by the Zoning Administrator shall be purely advisory in nature or the purpose of clarification and coordination and will not restrict decisions made by these bodies.

All applications for building permits submitted to the Zoning Administrator for review shall be accompanied by a Zoning Permit. Such Zoning Permit shall consist of a drawing on a sheet of paper no smaller than 8-1/2" x 11" prepared by the applicant. This drawing shall indicate the size, shape and location of the lot, size, shape and location of the proposed building or use and shall be sufficiently dimensional so as to be clearly understood. The permit shall contain the signature of the applicant to verify intent and the signature of the Zoning Administrator to verify review. Both signatures shall be dated.

### ***705 Public Hearings***

Official Public Hearings shall be conducted by the respective agency, board, commission, board of appeals or legislative body at any time this Ordinance is amended, supplemented, changed or otherwise altered or in any circumstance in which a Public Hearing is required by State enabling legislation, Village Charter or this ordinance.

Each Public Hearing shall be for the purpose of permitting residents and property owners to state views, opinions, suggestions and questions about the item for which the Hearing is being held. Public Hearings shall be open for public attendance and participation within the procedures adopted for conducting such Hearing.

Each Public Hearing shall be conducted in accordance with the procedures adopted by the respective board, commission or council. An official record of each Public Hearing shall be made by means of a verbatim transcript, a copy of which shall be maintained as a public record.

#### *705:1 Zoning Ordinance Amendment Hearings*

For each proposed amendment to this Ordinance the Village Council, by resolution, shall direct the Planning Commission to conduct at least one (1) Public Hearing and to forward its recommendations for approval or denial to the Village Council. For each proposed amendment for which the Planning Commission has forwarded its recommendation, the Village Council may conduct a (1) Public Hearing.

Each Public Hearing shall be announced not less than fifteen (15) days prior to the date of the Hearing by publication in a newspaper of general circulation in the community and by registered mail to all public utilities and railroads operating within the Corporate Limits of the Village. Each Public Hearing notice shall state the date, time and place of the Public Hearing.

#### *705:2 Special Use Permit Hearings*

For each application for a Special Use Permit the Planning Commission shall conduct a Public Hearing in accordance with procedures outlined in Subsection 601:3, this Ordinance. Matters to be considered shall be the provisions as stipulated for respective uses in accordance with Subsection 601:4, this Ordinance.

#### *705:3 Appeals Hearings for Interpretation, Administrative Review or Variance*

For each case in which the Zoning Board of Appeals has the authority to act on matters concerning interpretation, administrative review or a variance the Board of Appeals shall conduct a Public Hearing.

Each Public Hearing shall be announced not less than fifteen (15) days prior to the date of the Hearing by publication in a newspaper of general circulation in the community and by personal delivery or by U. S. Mail to the appellant, to the officer from whom the appeal is taken, to the respective owners on record of real property within three hundred (300) feet of the property in question and to the occupants of all single and two-family dwellings within three hundred (300) feet at the addresses given in the last assessment, roll. If the tenants name is not known, the term "Occupant" may be used.

### **706 Violations and Penalties**

Any owner or agent, and any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply therewith or with any of the requirements thereof or who shall erect, structurally alter, enlarge, rebuild or move any building or buildings or any structure, or who shall put into use any lot or land in violation of any detailed statement or plan submitted hereunder, or who shall refuse reasonable opportunity to inspect any premises, shall be liable to a fine of not more than \$200.00 or to imprisonment for not more than ninety days, or to both such fine and imprisonment. Each and every day such violation continues shall be deemed a separate and distinct violation.

The owner of any building or structure, lot or land or part thereof, where anything in violation of this Ordinance shall be placed or shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection therewith and who assists in the commission of such violation shall each be guilty of a separate violation and upon conviction thereof, shall each be liable to the fine or imprisonment, or both, as specified in this Section.

**707 Validity**

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

**708 Conflicting Ordinances**

All other ordinances and parts of ordinances or amendments thereto, of the Village of Barryton, in conflict with the provisions of this Ordinance are hereby repealed.

**709, Effective Date**

This Ordinance shall take effect on JUNE 1, 1988 (date)

Village of Barryton Digitalized 03/16/2018

The Village of Barryton is an equal opportunity provider

**BARRYTON 1909**



July 2023

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**VILLAGE OF BARRYTON  
MECOSTA COUNTY  
MICHIGAN  
BOOK OF ORDINANCES**

**Current with the local legislation passed through the adoption of this Book. All previous versions of the Village Ordinances are hereby repealed.**

**Village of Barryton**

**94 Angel Ave. P.O. Box 31**

**Barryton, MI 49305**

**(989) 382-7822 [barrytongov@gmail.com](mailto:barrytongov@gmail.com)**

BOOK OF ORDINANCES

TABLE OF CONTENTS

<b>HEADING</b>	<b>PAGE</b>
<b>Title I            General Information</b>	
<a href="#">Village of Barryton Contact List</a>	16
<b><u>Chpt. 1            Adopting Ordinance - Ordinance # 44-2023</u></b>	<b>18</b>
Section 1 Intent	18
Section 2 Book of Ordinances	18
Section 3 Approval and Adoption	18
Section 4 Distribution	18
Section 5 Publishing	18
Section 6 Effective	18
<b><u>Chpt. 2            General Provisions</u></b>	<b>19</b>
Section 1 Title of Book of Ordinances*	19
Section 2 Headings and Captions	19
Section 3 Definitions	19
Section 4 Rules of Interpretation	19
Section 5 Severability	20
Section 6 Reference to Offices, Acts Required	20
Section 7 Official Time	20
Section 8 Reasonable Time	20
Section 9 Book Revisions	20
Section 10 Contents of the Book	20
Section 11 Section Histories, Statutory References	20
Section 12 Notices Served by the Village	20
Section 13 Municipal Civil Infractions	21
Section 14 Responsibility for Prohibited Acts	22
Section 15 Penalty	22
Section 16 Adopted	23
<b>Title II            Administrative</b>	
<b><u>Chpt. 3            Appointment of Village Clerk - Ordinance # 36-2023</u></b>	<b>24</b>
Section 1 Intent	24



Section 2 Establishment of Office*	24
Section 3 Filing of Petition	24
Section 4 Adoption	24
Section 5 Severability	24
Section 6 Effective	24
<b><u>Chpt. 4 Appointment of Village Treasurer - Ordinance # 37-2023</u></b>	<b>26</b>
Section 1 Establishment of Office*	26
Section 2 Filing of Petition	26
Section 3 Adoption	26
Section 4 Severability	26
Section 5 Effective Date	26
<b><u>Chpt. 5 Barryton Department of Public Works - Ordinance # 38-2023</u></b>	<b>28</b>
Section 1 Department Established	28
Section 2 Director of Public Works	28
Section 3 Notice to be Published	28
<b><u>Chpt. 6 Barryton Ordinance Violation Bureau - Ordinance # 2-2023</u></b>	<b>30</b>
Section 1 Bureau Established	30
Section 2 Location	30
Section 3 Disposition of Violations	30
Section 4 Procedure	30
Section 5 Violation Ticket	30
Section 6 Schedule of Violations*	31
Section 7 Severability	35
Section 8 Effective	35
<b><u>Chpt. 7 Barryton Parking Violation Bureau - Ordinance # 3-2023</u></b>	<b>36</b>
Section 1 Bureau Established*	36
Section 2 Location	36
Section 3 Disposition of Violations	36
Section 4 Procedure	36
Section 5 Violation Ticket	36
Section 6 Schedule of Violations	37
Section 7 Severability	37

Section 8	Effective	37
<b><u>Chpt. 8</u></b>	<b><u>Barryton Planning Commission - Ordinance # 42-2023</u></b>	<b>39</b>
Section 1	Intent*	39
Section 2	Village of Barryton Planning Commission	39
Section 3	Membership	39
Section 4	Officers	39
Section 5	Meetings*	40
Section 6	Notice to be Published	40
Section 7	Severability	40
Section 8	Effective	41
<b><u>Chpt. 9</u></b>	<b><u>Barryton Police Department - Ordinance # 35-2023</u></b>	<b>42</b>
Section 1	Barryton Police Department*	42
Section 2	Severability	42
Section 3	Effective	42
<b><u>Chpt. 10</u></b>	<b><u>Elected Council Compensation - Ordinance # 1-2023</u></b>	<b>43</b>
Section 1	Intent	43
Section 2	Village President	43
Section 3	Council Members	43
Section 4	Severability	43
Section 5	Effective	43
<b><u>Chpt. 11</u></b>	<b><u>Terms of Office - Ordinance # 40-2023</u></b>	<b>45</b>
Section 1	Term of Office*	45
Section 2	Currently Held Offices	45
Section 3	Filing of Petition	45
Section 4	Adoption	46
Section 5	Severability	46
Section 6	Effective	46
<b>Chpt. 12</b>	<b>Reserved</b>	
<b>Title III</b>	<b>Business Regulations</b>	
<b><u>Chpt. 13</u></b>	<b><u>Hawkers, Peddlers, and Solicitors - Ordinance # 26-2023</u></b>	<b>47</b>
Section 1	Intent	47
Section 2	Definition	47

Section 3 License	47
Section 4 Registration of Charitable/ Religious Organizations	49
Section 5 Public Safety	49
Section 6 Prohibited Conduct	50
Section 7 Hours of Operation	50
Section 8 Display of License	50
Section 9 Enforcement	50
Section 10 Penalty	50
Section 11 Severability	50
Section 12 Effective	51
<b><u>Chpt. 14 Medical Marijuana - Ordinance # 30-2023</u></b>	<b>52</b>
Section 1 Legislative Intent	52
Section 2 Indemnification of Village*	52
Section 3 Reservation of Legislative Prerogative	52
Section 4 Definitions*	52
Section 5 Marihuana Facilities Authorized	54
Section 6 Village License Required, Number of Licenses Available	55
Section 7 Proof of Insurance	56
Section 8 Inspection of Licensed Premises	56
Section 9 Other Laws Remain Applicable	57
Section 10 Application Requirements	57
Section 11 Location and Zoning Requirements	59
Section 12 Minimum Operational Standards	59
Section 13 Outdoor Growing	60
Section 14 Licenses Generally*	60
Section 15 Home Delivery by Provisioning Center	60
Section 16 Application Denial or License Revocation	61
Section 17 Penalties	61
Section 18 Severability	62
Section 19 Effective	62
<b><u>Chpt. 15 Recreational Marijuana - Ordinance # 31-2023</u></b>	<b>63</b>
Section 1 Legislative Intent	63

Section 2 Indemnification of Village*	63
Section 3 Reservation of Legislative Prerogative	63
Section 4 Definitions*	63
Section 5 Marihuana Facilities Authorized	65
Section 6 Village License Required, Number of Licenses Available	66
Section 7 Proof of Insurance	67
Section 8 Inspection of Licensed Premises	67
Section 9 Other Laws Remain Applicable	68
Section 10 Application Requirements	68
Section 11 Location and Zoning Requirements	70
Section 12 Minimum Operational Standards	71
Section 13 Outdoor Growing	71
Section 14 Designated Consumption Center	71
Section 15 Licenses Generally*	71
Section 16 Application Denial or License Revocation	72
Section 17 Penalties	72
Section 18 Severability	73
Section 19 Effective	73
<b><u>Chpt. 16      Retail Merchandise on Sidewalks - Ordinance # 25-2023</u></b>	<b>74</b>
Section 1 Intent	74
Section 2. Penalty	74
Section 3 Severability	74
Section 4 Effective	74
<b><u>Chpt. 17      Snow Regulations - Ordinance # 21-2023</u></b>	<b>76</b>
Section 1 Title, Purpose	76
Section 2 Downtown Sidewalk Snow and Ice Removal	76
Section 3 Obstruction of Safety Vision by Removal or Deposit of Snow, Ice, or Slush Prohibited*	77 77
Section 4 Parkin	77
Section 5 Penalty	77
Section 6 Severability	77
Section 7 Effective	77

<b>Chpt. 18</b>	<b>Reserved</b>	
<b>Chpt. 19</b>	<b>Reserved</b>	
<b>Title IV</b>	<b>General Regulations</b>	
<b><u>Chpt. 20</u></b>	<b><u>Animal Regulations - Ordinance # 10-2023</u></b>	<b>79</b>
Section 1	Purpose*	79
Section 2	Animal and Fowl Regulation	79
Section 3	Poisonous Substance Prohibited	79
Section 4	Feeding Required	79
Section 5	Sanitary Requirements	79
Section 6	Regulation of Dogs*	79
Section 7	Regulation of Cats	81
Section 8	Penalty	81
Section 9	Severability	81
Section 10	Effective	82
<b><u>Chpt. 21</u></b>	<b><u>Blight - Reduction or Elimination of - Ordinance # 9-2023</u></b>	<b>83</b>
Section 1	Purpose*	83
Section 2	Causes of Blight or Blighting Factors	83
Section 3	Enforcement and Violations	86
Section 4	Sanctions*	87
Section 5	Severability	87
Section 6	Effective	88
<b><u>Chpt. 22</u></b>	<b><u>Campfire and Open Burning - Ordinance # 20-2023</u></b>	<b>89</b>
Section 1	Intent	89
Section 2	Definitions	89
Section 3	Open Burning of Refuse	89
Section 4	Open Burning of Yard Waste	89
Section 5	Burning Permits	91
Section 6	Liability	91
Section 7	Right of Entry and Inspection	91
Section 8	Enforcement and Penalties	91
Section 9	Severability	92
Section 10	Effective	92

<b><u>Chpt. 23</u></b>	<b><u>Curfew of Minor Children - Ordinance # 6-2023</u></b>	<b>93</b>
Section 1	Purpose*	93
Section 2	Curfew for Children Under 12 Years Old	93
Section 3	Curfew for Children Under the Age of 16	93
Section 4	Aiding a Minor in Violation of the Curfew Law*	93
Section 5	Penalties	93
Section 6	Severability	93
Section 7	Effective	93
<b><u>Chpt. 24</u></b>	<b><u>Damage To Traffic Signs - Ordinance # 7-2023</u></b>	<b>95</b>
Section 1	Intent	95
Section 2	Penalty	95
Section 3	Severability	95
Section 4	Effective	95
<b><u>Chpt. 25</u></b>	<b><u>Firearms - Ordinance # 5-2023</u></b>	<b>97</b>
Section 1	Intent	97
Section 2	Penalty	97
Section 3	Severability	97
Section 4	Effective	97
<b><u>Chpt. 26</u></b>	<b><u>Fireworks Regulations - Ordinance # 15-2023</u></b>	<b>99</b>
Section 1	Intent*	99
Section 2	Definitions*	99
Section 3	Permits Required	99
Section 4	Permit Application, Fee, Decision of Village Council	99
Section 5	Liability Insurance	99
Section 6	Fireworks Regulation*	99
Section 7	Violations, Fines, and Penalties*	101
Section 8	Severability	101
Section 9	Effective	101
<b><u>Chpt. 27</u></b>	<b><u>Garage Sales, Rummage Sales, and Yard Sales - Ordinance # 24-2023</u></b>	<b>103</b>
Section 1	Intent	103
Section 2	Exceptions	103
Section 3	Penalty	103

Section 4 Severability	103
Section 5 Effective	103
<b><u>Chpt. 28      General Offenses - Ordinance # 4-2023</u></b>	<b>105</b>
Section 1 Offenses Against Person	105
Section 2 Domestic Assaults*	105
Section 3 Property Offenses	105
Section 4 Offenses Against Government	107
Section 5 Breach of the Peace Offenses	107
Section 6 Offenses on School Grounds	108
Section 7 Retail Fraud	108
Section 8 Public Nudity Prohibited	108
Section 9 Dishonored Checks	109
Section 10 Alcohol Offenses*	110
Section 11 Penalty	112
Section 12 Severability	114
Section 13 Effective	114
<b><u>Chpt. 29      Grass and Leaves - Ordinance # 22-2023</u></b>	<b>115</b>
Section 1 Intent	115
Section 2 Regulations*	115
Section 3 Penalties	116
Section 4 Severability	116
Section 5 Effective	116
<b><u>Chpt. 30      Litter - Ordinance # 11-2023</u></b>	<b>117</b>
Section 1 Intent	117
Section 2 Regulations	117
Section 3 Penalty	117
Section 4 Severability	117
<b><u>Chpt. 31      Mobile Homes and Modular Homes - Ordinance # 28-2023</u></b>	<b>119</b>
Section 1 Intent	119
Section 2 Enforcement and Violations	119
Section 3 Sanctions*	119
Section 4 Severability	120

Section 5 Effective	120
<b><u>Chpt. 32 ORV Regulations - Ordinance # 13-2023</u></b>	<b>122</b>
Section 1 Purpose	122
Section 2 Definitions	122
Section 3 General Regulations	122
Section 4 ORV Regulations	122
Section 5 Rules of Operation	122
Section 6 Penalties	123
Section 7 Severability	123
Section 8 Effective	123
<b><u>Chpt. 33 Outdoor Wood-Fired Burner/Boiler - Ordinance # 19-2023</u></b>	<b>125</b>
Section 1 Intent	125
Section 2 Purpose	125
Section 3 Definitions	125
Section 4 Outdoor Wood-fired Burners/Boilers	125
Section 5 Right of Entry and Inspection	125
Section 6 Enforcement and Penalties	125
Section 7 Severability	126
Section 8 Effective	126
<b><u>Chpt. 34 Parking - Semi-Trailers - Ordinance # 34-2023</u></b>	<b>127</b>
Section 1 Intent	127
Section 2 Penalty	127
Section 3 Adoption	127
Section 4 Severability	127
Section 5 Effective	127
<b><u>Chpt. 35 Pollution - Ordinance # 12-2023</u></b>	<b>128</b>
Section 1 Intent	128
Section 2 Sewage Defined	128
Section 3 Penalty	128
Section 4 Severability	128
Section 5 Effective	128
<b><u>Chpt. 36 Proper Container - Ordinance # 23-2023</u></b>	<b>130</b>



Section 1 Intent	130
Section 2 Yard Waste Disposal	130
Section 3 Penalty	130
Section 4 Severability	131
Section 5 Effective	131
<b><u>Chpt. 37 Public Nuisance - Ordinance # 18-2023</u></b>	<b>132</b>
Section 1 Public Nuisances Defined	132
Section 2 Noises Prohibited	132
Section 3 Deposit of Unwholesome Substances	132
Section 4 Dangerous Structures	132
Section 5 Penalty*	133
Section 6 Severability	134
Section 7 Effective	134
<b><u>Chpt. 38 School Parking - Ordinance # 8-2023</u></b>	<b>135</b>
Section 1 Intent	135
Section 2 Penalty	135
Section 3 Severability	135
Section 4 Effective	135
<b><u>Chpt. 39 Semi-Trailer Regulations - Ordinance # 17-2023</u></b>	<b>137</b>
Section 1 Intent	137
Section 2 Enforcement	137
Section 3 Penalty	137
Section 4 Severability	137
Section 5 Effective	138
<b><u>Chpt. 40 Sidewalk and Crosswalk Construction - Ordinance # 43-2023</u></b>	<b>139</b>
SEGMENT ONE - CONSTRUCTION	139
Section 1 Construction Petition, Resolution by Council	139
Section 2 Construction Material	139
Section 3 Intention to Construct, Notification of Committee	139
Section 4 Specifications for Building	139
Section 5 Top Dressing Specifications	139
Section 6 Width of Designated Sidewalks	139

Section 7 Driveways, Crossings, Sidewalks	139
Section 8 Top Dressing, Appearance	140
Section 9 Crosswalks, Construction Directed by Council	140
Section 10 Notification to Build, Neglect, or Refusal to Comply	140
Section 11 Duties of Director of Public Works (DPW)	140
Section 12 Repairs, Responsibility of Owner	140
Section 13 Posting Notice, Unoccupied Premises	141
Section 14 Removal of Snow, Ice, Rubbish, or Other Nuisances	141
Section 15 Applicability of Ordinance	141
Section 16 Rebate	141
Section 17 Penalty	141
SEGMENT TWO - USE OF STREETS AND SIDEWALKS	141
Section 1 Obstruction, Exception	141
Section 2 Use of Wagon, Carriage, or Another Vehicle	141
Section 3 Placement of Material for Building or Repairing, Consent	141
Section 4 Awning Restrictions	142
Section 5 Parking on Crosswalks or Footway	142
Section 6 Removing Buildings, Permission Required	142
Section 7 Riding Bicycle or Tricycle on Sidewalk	142
Section 8 Penalty	142
Section 9 Severability	142
Section 10 Effective	142
<b><u>Chpt. 41 Snowmobile Regulations - Ordinance # 14-2023</u></b>	<b>144</b>
Section 1 Purpose	144
Section 2 Definitions	144
Section 3 Snowmobile Regulation	144
Section 4 Prohibited Areas	145
Section 5 Hours of Operation	145
Section 6 Negligence	145
Section 7 Penalties	145
Section 8 Severability	145
Section 9 Effective	146

<b><u>Chpt. 42</u></b>	<b><u>Use Engine Brakes - Ordinance # 16-2023</u></b>	<b>147</b>
Section 1	Operation of Engine Brakes Declared a Nuisance	147
Section 2	Prohibition	147
Section 3	Use Permitted in Emergency Situations	147
Section 4	Penalties	147
Section 5	Severability	147
Section 6	Effective	147
<b>Chpt. 43</b>	<b>Reserved</b>	
<b>Chpt. 44</b>	<b>Reserved</b>	
<b>Title V</b>	<b>Public Works</b>	
<b><u>Chpt. 45</u></b>	<b><u>Restated Sewer Usage - Ordinance # 33-2023</u></b>	<b>149</b>
Intent		149
Article I	-Definitions	149
Article II	- Use of Public Sewers Required	152
Article III	- Private Sewage Disposal	153
Article IV	- Building Sewers and Connections	153
Article V	- Use of the Public Sewers	157
Article VI	- Sewer User Charge System	158
Article VII	- Payments and Collections*	160
Article VIII	- Powers, Authority, and Conditions to Enter Properties	162
Article IX	- Protection from Damage	162
Article X	- Conditions and Service	162
Article XI	- Penalties	163
Article XII	- Validity	164
Article XIII	- Ordinance Amendment in Force	164
<b><u>Chpt. 46</u></b>	<b><u>Solid Waste Regulations - Ordinance # 29-2023</u></b>	<b>165</b>
Section 1	General Regulations	165
Section 2	Definitions	165
Section 3	Accumulation of Solid Waste	166
Section 4	Unauthorized Dumping and Littering	166
Section 5	Prohibited Wastes	166
Section 6	Anti-scavenging Provisions	167

Section 7	Pre-collection Requirements - Residential	167
Section 8	Pre-collection Requirements - Commercial	167
Section 9	Pre-collection Requirements - Other	167
Section 10	Commercial Refuse Container Specifications	167
Section 11	Authority, Costs, Notice to Remove Solid Waste	167
Section 12	Material Collection Licenses	168
Section 13	Penalties	168
Section 14	Rules and Regulations	169
Section 15	Severability	169
Section 16	Effective	169
<b>Chpt. 47</b>	<b>Reserved</b>	
<b>Chpt. 48</b>	<b>Reserved</b>	
<b>Title VI</b>	<b>Special Ordinances</b>	
<b><u>Chpt. 49</u></b>	<b><u>Consumers Power Company Electric Franchise - # 4-12-17</u></b>	<b>170</b>
Section 1	Grant, Term	170
Section 2	Consideration	170
Section 3	Conditions	170
Section 4	Hold Harmless	170
Section 5	Extensions	170
Section 6	Franchise Not Exclusive	170
Section 7	Rates	171
Section 8	Revocation	171
Section 9	Michigan Public Service Commission, Jurisdiction	171
Section 10	Repealer	171
Section 11	Effective Date	171
<b><u>Chpt. 50</u></b>	<b><u>Fence - Boundary, and Interior - Ordinance # 27-2023</u></b>	<b>173</b>
Section 1	Title	173
Section 2	Zoning Compliance Permits	173
Section 3	Penalty	173
Section 4	Effective	174
<b><u>Chpt. 51</u></b>	<b><u>The Michigan Vehicle Code - Ordinance # 41-2023</u></b>	<b>175</b>
Section 1	Code and Amendments and Revisions Adopted*	175

Section 2	References in Code	175
Section 3	Notice to be Published	175
Section 4	Penalties	175
Section 5	Effective Date	175
<b><u>Chpt. 52</u></b>	<b><u>Ordinance Addressing Floodplain Management Provisions of the</u></b>	<b>176</b>
	<b>State Construction Code - Ordinance # 11-2019</b>	
Section 1	Agency Designated*	176
Section 2	Code Appendix Enforced*	176
Section 3	Designation of Regulated Flood-Prone Hazard Areas*	176
Section 4	Repeals	176
Section 5	Publication	176
<b><u>Chpt. 53</u></b>	<b><u>State Law - Misdemeanors - Ordinance # 32-2023</u></b>	<b>178</b>
Section 1	Intent*	178
Section 2	Severability	178
Section 3	Effective	178
<b>Chpt. 54</b>	<b>Reserved</b>	
<b><u>APPENDIX A</u></b>	<b><u>References to Legal Citations</u></b>	<b>179</b>
<b><u>APPENDIX B</u></b>	<b><u>Common Edits/Amendments Throughout Documents</u></b>	<b>183</b>
<b><u>APPENDIX C</u></b>	<b><u>References to Repealed Ordinances</u></b>	<b>190</b>
<b><u>APPENDIX D</u></b>	<b><u>References to Ordinances</u></b>	<b>192</b>
<b><u>APPENDIX E</u></b>	<b><u>Ordinance Histories</u></b>	<b>195</b>
<b><u>INDEX</u></b>		<b>197</b>

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\* Indicates a legal citation within the text of that Section. See Appendix A for more information.

**TITLE I      GENERAL INFORMATION**

**VILLAGE OF BARRYTON CONTACT LIST**

VILLAGE OFFICE	94 Angel Ave. P.O. Box 31	989-382-7822
	Office Hours	Mon. 8 am - 1 pm Tue. 10 am - 3 pm
		<a href="mailto:barrytongov@gmail.com">barrytongov@gmail.com</a> <a href="http://www.villageofbarryton.com">www.villageofbarryton.com</a>
VILLAGE CLERK	Melissa Lazzaro	989-382-7822
	Office Hours	Mon. 8 am - 1 pm
		<a href="mailto:barrytongov@gmail.com">barrytongov@gmail.com</a>
VILLAGE TREASURER	Courtney Garchow	989-382-7822
	Office Hours	Tue. 10 am - 3 pm
		<a href="mailto:barrytongov@gmail.com">barrytongov@gmail.com</a>
VILLAGE PRESIDENT	James Soriano	<a href="mailto:jsvillageofbarryton@gmail.com">jsvillageofbarryton@gmail.com</a>
VILLAGE PRO-TEMPORE/ TRUSTEE	Kathryn Kerr	<a href="mailto:kkvillageofbarryton@gmail.com">kkvillageofbarryton@gmail.com</a>
VILLAGE TRUSTEE	Evelyn Jones	<a href="mailto:ejvillageofbarryton@gmail.com">ejvillageofbarryton@gmail.com</a>
VILLAGE TRUSTEE	Steven Hammond	<a href="mailto:shvillageofbarryton@gmail.com">shvillageofbarryton@gmail.com</a>
VILLAGE TRUSTEE	Lavonne Horstman	<a href="mailto:lhvillageofbarryton@gmail.com">lhvillageofbarryton@gmail.com</a>
CHIEF OF POLICE	Scott Morgan	989-382-7822
		<a href="mailto:barrytonpolice@gmail.com">barrytonpolice@gmail.com</a>
DPW DIRECTOR	Thomas Brown	989-857-9111

CODE ENFORCEMENT OFFICER	Kathryn Kerr	989-289-2556	<a href="mailto:kkvillageofbarryton@gmail.com">kkvillageofbarryton@gmail.com</a>
ZONING ADMINISTRATOR	Thomas Brown	989-857-9111	<a href="mailto:barrytondpw@gmail.com">barrytondpw@gmail.com</a>
SALVAGE INSPECTORS	Scott Morgan	989-382-7822	
	James Durham	989-382-7822	

ADOPTING ORDINANCE

SECTION 1. INTENT

An ordinance approving and adopting the 2023 Village of Barryton Book of Ordinances.

SECTION 2. BOOK OF ORDINANCES

- A. WHEREAS, the organizing of current village ordinances is helpful to the public and village staff in providing a single publication in which all village ordinances are arranged, indexed, and made available to all interested persons, and
- B. WHEREAS, the Village Ordinance Committee has worked to assemble, review, and proofread all of the village’s ordinances currently in force, and
- C. Now, THEREFORE, the Village of Barryton, Mecosta County, Michigan ordains

SECTION 3. APPROVAL AND ADOPTION

The 2023 Book of Ordinances prepared by the Village of Barryton Ordinance Committee is approved and adopted as the complete Village of Barryton Book of Ordinances.

SECTION 4. DISTRIBUTION

Copies of the Book of Ordinances shall be kept in the Village Clerk’s office, Barryton Public Library, and the Village website, and made available to the general public for review, inspection, and obtaining copies of the General Law Village Act and the Book of Ordinances.

SECTION 5. PUBLISHING

The Village Clerk is directed to publish this ordinance, in whole or in summary, in a newspaper of general circulation as required by State Law.

SECTION 6. EFFECTIVE

The ordinance shall become effective upon publication.

Yeas: 5    Nays: 0                      Ordinance Declared: Adopted                      Effective Date: 03-08-2023

Melissa Lazzaro

James Soriano

Village Clerk

Village President

I hereby certify the publishing of this Ordinance, in whole or in part, in a newspaper of general circulation as required by State Law.

Name of Newspaper: Big Rapids Pioneer

Date Published: 03-15-2023

Melissa Lazzaro

03-13-2023

Village Clerk

Date



**SECTION 1: TITLE OF BOOK OF ORDINANCES**

The Book of Ordinances was adopted by the Village of Barryton Council pursuant to Public Act 3 of 1895, MCL 61.1 et. seq., as amended<sup>1</sup>, State of Michigan, and ordered printed.

**SECTION 2: HEADINGS AND CAPTIONS**

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

**SECTION 3: DEFINITIONS**

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

- A. BOOK or THIS BOOK OF ORDINANCES. This Book includes all additions and amendments thereto known as the "Village of Barryton Book of Ordinances".
- B. CHARTER. The Charter of the Village of Barryton
- C. COUNCIL. The legislative or governing body of the Village.
- D. COUNTY. The County of Mecosta.
- E. MAY. The act referred to is permissive.
- F. MUNICIPALITY. The Village of Barryton, Mecosta County, Michigan
- G. OFFICER, OFFICE, EMPLOYEE, COMMISSION, or DEPARTMENT. An officer, office, employee, commission, or department of this municipality unless the context clearly requires otherwise.
- H. OFFICERS. The several officers' titles mean such officers of the Village.
- I. PERSON. Includes firms, joint adventures, partnerships, corporations, clubs, and all associations or organizations of natural persons, either incorporated or unincorporated, howsoever operating or named and whether acting by themselves or by a servant, agent, or fiduciary, and includes all legal representatives, heirs, successors, and assigns thereof.
- J. PUBLIC PLACE. Any street, alley, park, canal, waterway, beach, public building, or any place of business or assembly open to the public or frequented by the public.
- K. SHALL. The act referred to is mandatory.
- L. STATE. The State of Michigan.
- M. SUNDAYS and LEGAL HOLIDAYS. Whenever any act required to be done pursuant to the provisions of this code falls on a Sunday or legal holiday, that act shall be performed on the next succeeding business day.
- N. WRITTEN or IN WRITING. May include any form of reproduction or expression of language.

**SECTION 4: RULES OF INTERPRETATION**

The construction of all ordinances of this municipality shall be by the following rules unless such construction is plainly repugnant to the intent of the Village Council or of the context of the same ordinance:

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<sup>1</sup> Public Act 3 of 1895, MCL 61.1 et. seq., as amended. See Appendix A.

- A. AND or OR. Either conjunction shall include the other as if written “and/or,” if the sense requires it.
- B. Acts by assistants. When a statute or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, such requisition shall be satisfied by the performance of a such act by an authorized agent or deputy.
- C. Gender; singular and plural; tenses. Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.
- D. General term. A general term following a specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

**SECTION 5: SEVERABILITY.**

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

**SECTION 6: REFERENCE TO OFFICES; ACTS REQUIRED.**

Whenever in accordance with the provisions of this book any specific act is required to be done by any designated officer or official of the Village, such act may be performed by any duly authorized Village officer or employee.

**SECTION 7: OFFICIAL TIME.**

Whenever time is referred to it means eastern standard time or the time officially in force in the village.

**SECTION 8: REASONABLE TIME**

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

**SECTION 9: BOOK REVISIONS**

The Village Clerk is directed and authorized to order or reorder the numbering of the sections of the Village Book that have been affected by the enactment, repeal, or amendment of ordinances.

**SECTION 10: CONTENTS OF THE BOOK**

- A. This book contains all ordinances of a general and permanent nature of the Village and includes ordinances dealing with municipal administration, utilities and services, parks and public grounds, streets and sidewalks, zoning and planning, police regulations [i.e., general regulations], and traffic regulations.
- B. The adoption of this book 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 book.

**SECTION 11: SECTION HISTORIES; STATUTORY REFERENCES**

- A. As histories for the Book Ordinances, the specific number and passage date of the original ordinance, and the most recent three amending ordinances, if any, are listed following the text of the Ordinance. Example: (Ord. 10, passed 5-13-60; Am. Ord. 15, passed 1-1-70; Am. Ord. 20, passed 1-1-80; Am. Ord. 25, passed 1-1-85)
- B. If a statutory cite is set forth as a “statutory reference” following the text of the section, this indicates that the reader should refer to that statute for further information.

**SECTION 12: NOTICES SERVED BY THE VILLAGE**

- A. Notice regarding sidewalk repairs, sewer connections, dangerous structures, abating nuisances, or any other act, the expense of which, if performed by the village, may be assessed against the premises under the provisions of this book, shall be served:

1. By delivering the notice to the owner personally or by leaving the same at his residence, office or place of business with some person of suitable age and discretion.
  2. By mailing the notice by certified or registered mail to the owner at his last known address.
  3. By mailing the notice by regular mail to the last known address of the owner and posting the notice in some conspicuous place on the real property.
  4. If the owner is unknown, by posting the notice in some conspicuous place on the premises at least five days before the act or action concerning which the notice is given is required or is to occur.
- B. No person shall interfere with, obstruct, mutilate, conceal or tear down any official notice or placard posted by any Village officer, unless permission is given by the officer to remove the notice.
- C. Notice regarding real property within the Village may be made to an owner via first-class mail to a local contact person designated by the owner.

### **SECTION 13: MUNICIPAL CIVIL INFRACTIONS**

- A. Definition. “Municipal civil infraction” means a civil infraction involving a violation of any of the following ordinances of the Village:
1. Noise ordinance regulations are specified in Ordinance # 4-2023 and Ordinance # 18- 2023.
  2. Nuisance and litter provisions specified in Ordinance # 4-2023, Ordinance #11-2023, Ordinance # 16-2023, Ordinance # 18-2023, Ordinance # 20-2023, and Ordinance # 33-2023.
  3. Blight and junk ordinance regulations in Ordinance # 9-2023 and Ordinance # 18-2023.
  4. All animal ordinance regulations in Ordinance # 10-2023 and Ordinance # 18-2023.
  5. All ordinance provisions for skateboards, roller skates, and bicycles in Ordinance # 43-2023.
  6. All garbage, rubbish, trash, and yard waste regulations in Ordinance # 4-2023, Ordinance # 9-2023, Ordinance # 18-2023, Ordinance # 20-2023, Ordinance # 23-2023, and Ordinance # 29-2023.
  7. All fire prevention regulations in Ordinance # 15-2023, Ordinance # 19-2023, and Ordinance # 20-2023.
  8. All Ordinance provisions for sidewalks specified in Ordinance # 13-2023, Ordinance # 14-2023, Ordinance # 21-2023, and Ordinance # 25-2023.
  9. Any other ordinance section or provision, the violation of which is designated specifically as a municipal civil infraction.
- B. Violation. A violation includes any act which is prohibited or made or declared to be unlawful or an offense by Village ordinance, and any omission or failure to act where the act is required by Village ordinance.
- C. Authorized Village Officials.
1. Zoning Administrator. The Zoning Administrator is designated as the authorized Village official to issue municipal civil infractions for alleged violations of the Village zoning ordinance.
  2. Code Enforcement Officer. The Code Enforcement Officer is designated as the authorized Village official to issue municipal civil infraction citations for the alleged violations of:
    - a. Nuisance, litter, blight, and junk regulations specified in Ordinance # 4-2023, Ordinance # 9-2023, Ordinance #11-2023, Ordinance # 16-2023 , Ordinance # 18-2023, Ordinance # 20-2023 and Ordinance # 33-2023.
    - b. Garbage, rubbish, trash, and yard waste regulations in Ordinance # 4-2023, and Ordinance # 9-2023, Ordinance # 18-2023, Ordinance # 20-2023, Ordinance # 23-2023, Ordinance # 29-2023.

c. All other ordinances within the Book of Ordinances.

3. Police officers. All certified police officers within the Village's Department of Public Safety, and certified police officers from other jurisdictions assisting the Department of Public Safety, are designated as authorized village officials to issue municipal civil infraction citations for alleged violations of all village ordinances for which the penalty is not a misdemeanor.

D. The basis for issuing municipal civil infraction citations.

1. An authorized village official can issue a municipal civil infraction citation upon witnessing a person violate an ordinance, or upon the official's investigation and reasonable cause to believe that a person is responsible for a municipal civil infraction.
2. An authorized village official may issue a municipal civil infraction citation to a person if, based upon investigation of a complaint by someone who allegedly witnessed the person violate an ordinance, the official has reasonable cause to believe the person is responsible for a municipal civil infraction.
3. In a municipal civil infraction action involving the use or occupancy of land or a building or other structure, a copy of the citation need not be personally served upon the alleged violator but may be served upon an owner or occupant of the land, building, or structure by posting the copy to the building or structure.
4. In addition, a copy of the citation shall be sent by first-class mail to the owner of the land, building, or structure at the owner's last known address.
5. The citations serve as the complaint in a municipal civil infraction action and may be filed either on paper or electronically.

E. Penalty.

1. The penalty for a municipal civil infraction shall be a fine of not less than \$25 and not more than \$500, plus costs of not less than \$9 and not more than \$500.
2. Costs may include all expenses, direct and indirect, to which the Village has been put in connection with the municipal civil infraction up to the entry of judgment.
3. The Village may seek or employ all other remedies and sanctions available under state law for municipal civil infractions.
4. The penalty for repeat offenses of the same ordinance provision within two years of a prior offense shall be a fine of not less than \$50 and not more than \$1,000, plus costs and all other remedies and sanctions available under state law for municipal civil infractions.

#### **SECTION 14: RESPONSIBILITY FOR PROHIBITED ACTS.**

Whenever any act is prohibited by this BOOK, by an amendment thereof, or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding or abetting of another person to do said act.

#### **SECTION 15: PENALTY.**

A. General penalty.

Whenever in this BOOK or in any ordinance of the Village any act is prohibited or is made or declared to be unlawful or an offense, or whenever in the such ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provision of this ordinance shall be punished by a fine not exceeding \$500 or imprisonment for a term not exceeding 90 days, or both, except whenever a specific penalty is herein otherwise provided.

B. Continuing violations.

In addition to the penalty provided in division (A) of this section, any condition caused or permitted to exist in violation of the provisions of this book, or any ordinance shall be deemed a new and separate offense for each day that such condition continues to exist.

**SECTION 16: ADOPTED**

I hereby certify that the General Provisions of the Book of Ordinances and thereby the Book of Ordinances was adopted at the 03-08-2023 regular council meeting and shall take effect twenty (20) days after adoption.

Yeas: 5 Nays: 0 Ordinance declared: Adopted Effective Date: 03-28-2023

*Melissa Lazzaro*

*James Soriano*

Village Clerk

Village President

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I hereby certify the publishing of this Ordinance, in whole or in part, in a newspaper of general circulation as required by State Law.

Name of Newspaper: Big Rapids Pioneer

Date Published: 03-15-2023

*Melissa Lazzaro*

03-13-2023

Village Clerk

Date

**TITLE II ADMINISTRATIVE**

**CHPT. 3 ORDINANCE # 36-2023**

**APPOINTMENT OF VILLAGE CLERK**

THE VILLAGE OF BARRYTON, MECOSTA COUNTY, MICHIGAN ORDAINS:

**SECTION 1: INTENT**

- A. An ordinance to provide for the appointment of the Village of Barryton Village Clerk.
- B. This Ordinance is a consolidation of the Village of Barryton ORDINANCE # 7-1-2013 APPOINTMENT OF VILLAGE OF BARRYTON VILLAGE CLERK, the previous amendments thereto, as well as those amendments contained herein, and shall now be known as the Village of Barryton ORDINANCE # 36-2023 APPOINTMENT OF VILLAGE CLERK.<sup>2</sup>

**SECTION 2: ESTABLISHMENT OF OFFICE**

- A. As authorized by the General Law Village Act, Public Act 3 of 1895, MCL 62.1(3)<sup>3</sup>, as amended, the village clerk shall be chosen by nomination by the village president and appointment by a majority vote of the village council.
- B. Details for the said position are contained in the job description as approved by the council.

**SECTION 3: FILING OF PETITION**

- A. This ordinance shall take effect 45 days after the date of its adoption unless a petition signed by not less than ten (10%) percent of the registered electors of the village is filed with the acting village clerk or village office within such 45 days.
- B. If a petition is filed within such period of time, this ordinance shall then take effect only upon its approval at the next general village or special village election held on the question of whether the ordinance shall be approved.
- C. Notice of the delayed effect of this ordinance and the right of petition under this section shall be published separately at the same time and in the same manner as the ordinance or a notice of the ordinance is published in a local newspaper of general circulation.

**SECTION 4: ADOPTION**

- A. This ordinance shall be adopted by an affirmative vote of at least two-thirds of the members of the village council.
- B. The adoption of this ordinance 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 ordinance.

**SECTION 5: SEVERABILITY**

The provisions of the Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

**SECTION 6: EFFECTIVE**

- A. This ordinance shall take effect forty-five (45) days after publication. All ordinances or parts of ordinances in conflict are hereby repealed.

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<sup>2</sup> Ordinance History. See Appendix E

<sup>3</sup> General Law Village Act, Public Act 3 of 1895, MCL 62.1(3)

B. I hereby certify the adoption of this ordinance at the 03-08-2023 council meeting and cause the same to be published as required by law.

Yeas: 5 Nays: 0

Ordinance Declared: Adopted

Effective Date: 04-22-2023

*Melissa Lazzaro*

*James Soriano*

Village Clerk

Village President <sup>4</sup>

I hereby certify the publishing of this Ordinance, in whole or in part, in a newspaper of general circulation as required by State Law.

Name of Newspaper: Big Rapids Pioneer

Date Published: 03-15-2023

*Melissa Lazzaro*

03-13-2023

Village Clerk

Date

<sup>4</sup> 2023 Amendments and Corrections. See Appendix B.

APPOINTMENT OF VILLAGE TREASURER

THE VILLAGE OF BARRYTON, MECOSTA COUNTY, MICHIGAN ORDAINS:

SECTION 1: ESTABLISHMENT OF OFFICE

- A. As authorized by Section 1(3) Chapter II of the General Law Village Act, Public Act 3 of 1895, MCL 62.1(3)<sup>5</sup>. as amended, the village treasurer shall be chosen by nomination by the village president and appointment by a majority vote of the village council. Details for the said position are contained in the job description as approved by the council.
- B. This Ordinance is a consolidation of the Village of Barryton ORDINANCE # 7-2-2013 APPOINTMENT OF VILLAGE OF BARRYTON VILLAGE CLERK, the previous amendments thereto, as well as those amendments contained herein, and shall now be known as the Village of Barryton ORDINANCE # 37-2023 APPOINTMENT OF VILLAGE TREASURER.<sup>6</sup>

SECTION 2: FILING OF PETITION

- A. This ordinance shall take effect 45 days after the date of its adoption unless a petition signed by not less than ten percent of the registered electors of the village is filed with the acting village clerk or village office within such 45 days.
- B. If a petition is filed within such period of time, this ordinance shall then take effect only upon its approval at the next general village or special village election held on the question of whether the ordinance shall be approved.
- C. Notice of the delayed effect of this ordinance and the right of petition under this section shall be published separately at the same time and in the same manner as the ordinance or a notice of the ordinance is published in a local newspaper of general circulation.

SECTION 3: ADOPTION

- A. This ordinance shall be adopted by an affirmative vote of at least two-thirds of the members of the village council.
- B. The adoption of this ordinance 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 ordinance.

SECTION 4: SEVERABILITY

The provisions of the Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

SECTION 5: EFFECTIVE DATE

- A. This ordinance shall take effect forty-five (45) days after publication. All ordinances or parts of ordinances in conflict are hereby repealed.
- B. I hereby certify the adoption of this ordinance at the 03-08-2023 council meeting and cause the same to be published as required by law.

Yeas: 5 Nays: 0 Ordinance Declared: Adopted Effective Date: 04-22-2023

Melissa Lazzaro

James Soriano

<sup>5</sup> General Law Village Act, Public Act 3 of 1895, MCL 62.1(3)

<sup>6</sup> Ordinance History. See Appendix E



I hereby certify the publishing of this Ordinance, in whole or in part, in a newspaper of general circulation as required by State Law.

Name of Newspaper: Big Rapids Pioneer

Date Published: 03-15-2023

*Melissa Lazzaro*

03-13-2023

Village Clerk

Date

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<sup>7</sup> 2023 Amendments and Corrections. See Appendix B

**BARRYTON DEPARTMENT OF PUBLIC WORKS ( DPW)**

THE VILLAGE OF BARRYTON, MECOSTA COUNTY, MICHIGAN ORDAINS:

**SECTION 1: DEPARTMENT ESTABLISHED**

- A. The Village of Barryton Department of Public Works (also referred to as the "DPW" or "Department") is hereby created to provide the citizens of the Village of Barryton with the construction, improvement, and maintenance of infrastructure, public structures, property, and provide essential public services.
- B. This Ordinance is a consolidation of the Village of Barryton ORDINANCE # 8-2013 AN ORDINANCE TO ESTABLISH THE VILLAGE OF BARRYTON DEPARTMENT OF PUBLIC WORKS (VILLAGE OF BARRYTON DPW), the previous amendments thereto, as well as those amendments contained herein, and shall now be known as the Village of Barryton ORDINANCE # 38-2023 VILLAGE OF BARRYTON DEPARTMENT OF PUBLIC WORKS.<sup>8</sup>

**SECTION 2: DIRECTOR OF PUBLIC WORKS**

- A. The Department of Public Works shall be organized under the direction of the Director of Public Works, who shall be appointed by the Village Council.
- B. The Director of Public Works shall be responsible for the following:
  - 1. Preparation of an annual budget.
  - 2. The preparation and implementation of short and long-term work plans.
  - 3. The daily oversight of Department operations and personnel.
  - 4. Be accountable to the Village Council for the operation of the Department of Public Works.
  - 5. Supervise all employees and contractors for the Department of Public Works.
  - 6. The orientation and training of Department personnel.
  - 7. The proper care, repair, and maintenance of Department equipment, vehicles, and other items.
  - 8. The creation and keeping of maintenance records and logs regarding Department equipment and facilities.
  - 9. Such other duties as specified periodically by the Village Council.
  - 10. Such other duties as specified by the Village of Barryton Zoning Ordinance.

**SECTION 3: NOTICE TO BE PUBLISHED**

- A. The Village Clerk shall publish this ordinance in the manner required by law.
- B. This ordinance shall take effect immediately after adoption.
- C. All ordinances or parts of ordinances in conflict are hereby repealed.
- D. The adoption of this ordinance 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 ordinance.

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<sup>8</sup> Ordinance History. See Appendix E

E. I hereby certify the adoption of this ordinance at the 03-08-2023 council meeting and cause the same to be published as required by law.

Yeas: 5 Nays: 0

Ordinance Declared: Adopted

Effective Date: 03-08-2023

*Melissa Lazzaro*

*James Soriano*

Village Clerk

Village President<sup>9</sup>

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I hereby certify the publishing of this Ordinance, in whole or in part, in a newspaper of general circulation as required by State Law.

Name of Newspaper: Big Rapids Pioneer

Date Published: 03-15-2023

*Melissa Lazzaro*

03-13-2023

Village Clerk

Date

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<sup>9</sup> 2023 Amendments and Corrections. See Appendix B

**BARRYTON ORDINANCE VIOLATION BUREAU**

THE VILLAGE OF BARRYTON, MECOSTA COUNTY, MICHIGAN ORDAINS:

**SECTION 1: BUREAU ESTABLISHED**

- A. A Bureau for the purpose of handling alleged ordinance violations within the village is hereby established. The Ordinance Violations Bureau shall be under the supervision and control of the Chief of Police.
- B. This Ordinance is a consolidation of Village ORDINANCE # 2-2015 AN ORDINANCE TO ESTABLISH THE BARRYTON ORDINANCE VIOLATION BUREAU, the previous amendments adopted thereto, as well as those amendments contained herein, and shall now be known as the Village of Barryton ORDINANCE # 2-2023 BARRYTON ORDINANCE VIOLATION BUREAU.<sup>10</sup>

**SECTION 2: LOCATION**

The Chief of Police shall, subject to the approval of the Village Council, establish a convenient location for the Ordinance Violations Bureau, appoint qualified Village employees to administer the Bureau, and adopt rules and regulations for the operation thereof.

**SECTION 3: DISPOSITION OF VIOLATIONS**

- A. No violation not scheduled in Sec. 6 shall be disposed of by the Ordinance Violations Bureau.
- B. The fact that a particular violation is scheduled shall not entitle the alleged violator to the disposition of the violation at the Bureau and in any case, the person in charge of such Bureau may refuse to dispose of such violation in which case any person having knowledge of the facts may make a sworn complaint before the court having jurisdiction of the offense as provided by law.

**SECTION 4: PROCEDURE**

- A. No violation may be settled at the Ordinance Violations Bureau except at the specific request of the alleged violator.
- B. No penalty for any violation shall be accepted from any person who denies having committed the offense and in no case shall the person who is in charge of the Bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to a such alleged violation.
- C. No person shall be required to dispose of an ordinance violation at the Ordinance Violations Bureau and all persons shall be entitled to have any such violation processed before a court having jurisdiction thereof if they so desire.
- D. The unwillingness of any person to dispose of any violation at the Ordinance Violations Bureau shall not prejudice him or in any way diminish the rights, privileges, and protection accorded to him by law.

**SECTION 5: VIOLATION TICKET**

- A. The issuance of a traffic ticket or notice of violation by a police officer or ordinance officer of the Village shall be deemed an allegation of an ordinance violation.
- B. Such a traffic ticket or notice of violation shall indicate the length of time in which the person to whom the same was issued must respond before the Ordinance Violations Bureau.
- C. It shall also indicate the address of the Bureau, the hours during which the Bureau is open, the amount of the penalty scheduled for the offense for which the ticket was issued, and advise that a civil infraction, which will be processed before a court having jurisdiction or warrant for the arrest of the person out of such court to whom the ticket was issued, will be sought if such a person fails to respond within the time limited.

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<sup>10</sup> Ordinance History. See Appendix E

**SECTION 6: SCHEDULE OF VIOLATIONS**

<b>ORDINANCE # &amp; SEC</b>	<b>NAME</b>	<b>OFFENSE</b>	<b>FINE</b>	<b>PENALTY/NOTES</b>
01-1988	Zoning	first	up to \$200	and/or 90 days in jail Each day is another violation
4-2023 Sec. 2(B)(3)	General offenses	first	up to \$500	and/or 93 days in jail
4-2023 Sec. 7	General offenses	first	up to \$500 or 3 times value, whichever is greater	and /or 93 days in jail plus restitution and actual costs of prosecution
4-2023 Sec 9(H)	General Offenses	first	up to \$500	and/or 90 days in jail or an equal amount of community service plus actual costs of prosecution plus mandatory restitution
4-2023 Sec. 11	General Offenses	first	up to \$500	and/or 93 days in jail or an equal amount of community service plus actual costs of prosecution plus mandatory restitution
4-2023 Sec. 11(G)(2)	General Offenses	first	½ of the maximum set for the completed act,	Except Restitution will be fully assessed.
4-2023 Sec. 11(D)	General Offenses	first	\$25 - \$500	costs of \$9 - \$500
4-2023 Sec. 11(G)(1) licensee	General Offenses	first	up to \$500	up to 90 days in jail
4-2023 Sec. 11(G)(2) non-licensee	General Offenses	first	\$1000	up to 60 in jail
		Subsequent	\$ 1000	up to 90 days in jail plus Community service
4-2023 Sec. 11(H)	General Offenses	first	up to \$100	plus community service & Substance abuse screening & assessment at his / her own expense
		Second	up to \$200	plus substance abuse prevention Or substance abuse treatment & rehab services & community service, substance abuse screening & assessment at his/her own expense & sanctions against

license

Subsequent up to \$500 plus substance abuse prevention  
Or substance abuse treatment &  
rehab services & community  
service, substance abuse  
screening & assessment at his/her  
own expense & sanctions against  
license

4-2023 Sec. 11(I) General offenses first up to \$500 up to 90 days in jail &  
Community service or all above

4-2023 11(B) General offenses first Except for those offenses for which a specific  
penalty is otherwise provided, any person  
convicted under this chapter shall be subject to a  
maximum penalty of 90 days in jail, or an equal  
amount of community service, or any  
combination thereof not exceeding 90 days, plus  
\$500 fine, plus actual costs of prosecution, plus  
mandatory restitution to victims.

5-2023 Firearms first \$25 - \$500 plus costs of \$9 - \$500

6-2023 Sec. 2, 3 Curfew first \$50  
Second \$100 juvenile petition filed in probate  
court  
Subsequent \$250 juvenile petition filed in probate  
court

7-2023 Damage to Traffic signs first \$25 - \$500 plus costs of \$9 - \$500

Subsequent \$50 - \$1000 plus costs of \$9 - \$500

8-2023 School parking first \$25 - \$500 plus costs of \$9 - \$500 & can be  
Towed at owner's expense

Subsequent \$50 - \$1000 plus costs of \$9 - \$500 & can be  
Towed at owner's expense

9-2023 Reduction or first \$25 - \$500 plus costs of \$9 - \$500

Elimination of Blight Subsequent \$50 - \$1000 plus costs of \$9 - \$500

10-2023 Animal first \$25 - \$500 plus costs of \$9 - \$500  
Each day is another violation

10-2023	Animal	repeat	\$50 - \$1000	plus costs of \$9 - \$500 Each day is another violation
11-2023	Litter	first	\$25 - \$500	plus costs of \$9 - \$500
		repeat	\$50 - \$1000	plus costs of \$9 - \$500
12-2023	Pollution	first	\$25 - \$500	plus costs of \$9 - \$500
		repeat	\$50 - \$1000	plus costs of \$9 - \$500
13-2023	ORV	first	\$25 - \$500	plus costs of \$9 - \$500
		repeat	\$50 - \$1000	plus costs of \$9 - \$500
14-2023	Snowmobiles	first	\$25 - \$500	plus costs of \$9 - \$500
		repeat	\$50 - \$1000	plus costs of \$9 - \$500
15-2023	Fireworks	first	\$25 - \$500	plus costs of \$9 - \$500
		repeat	\$50 - \$1000	plus costs of \$9 - \$500
16-2023	Use of Engine Brakes	first	\$25 - \$500	plus costs of \$9 - \$500
17-2023	Semi Trailers	first	\$25 - \$500	plus costs of \$9 - \$500
		repeat	\$50 - \$1000	plus costs of \$9 - \$500
18-2023	Public Nuisance	first	\$25 - \$500	plus costs of \$9 - \$500
		repeat	\$50 - \$1000	plus costs of \$9 - \$500
19-2023	Outdoor Wood Boiler/Burner	first	\$25 - \$500	plus costs of \$9 - \$500
		repeat	\$50 - \$1000	plus costs of \$9 - \$500 Each day is another violation
		repeat	\$50 - \$1000	plus costs of \$9 - \$500 Each day is another violation
20-2023	Campfire & Open Burn	first	\$25 - \$500	plus costs of \$9 - \$500
		repeat	\$50 - \$1000	plus costs of \$9 - \$500
21-2023	Snow	first	\$25 - \$500	plus costs of \$9 - \$500
		repeat	\$50 - \$1000	plus costs of \$9 - \$500
21-2023(3)(E)	Snow	first	\$100	
22-2023	Grass & Leaves	first	\$25 - \$500	plus costs of \$9 - \$500
		repeat	\$50 - \$1000	plus costs of \$9 - \$500
23-2023	Proper Container	first	\$25 - \$500	plus costs of \$9 - \$500
		repeat	\$50 - \$1000	plus costs of \$9 - \$500 Each day is another violation
		repeat	\$50 - \$1000	plus costs of \$9 - \$500 Each day is another violation
24-2023	Sidewalk	first	\$25 - \$500	plus costs of \$9 - \$500
		repeat	\$50 - \$1000	plus costs of \$9 - \$500 Each day is another violation

Each day is another violation

25-2023	Retail Merchandise On Sidewalk	first	\$25 - \$500	plus costs of \$9 - \$500
		repeat	\$50 - \$1000	plus costs of \$9 - \$500
26-2023	Hawkers, Peddlers & Solicitors	first	\$25 - \$500	plus costs of \$9 - \$500
		repeat	\$50 - \$1000	plus costs of \$9 - \$500
27-2023	Amended Zoning	first	\$25 - \$500	plus costs of \$9 - \$500
		repeat	\$50 - \$1000	plus costs of \$9 - \$500
28-2023	Mobile Homes and Modular Homes	first	\$50 - \$500	plus costs of \$9 - \$500
			all other remedies provided by state law	
			\$500 justice system assessment	
			Lien can be placed on property for nonpayment	
			Each day is another violation.	
		Repeat	\$100 - \$1000	plus costs of \$9-\$500
			All other remedies provided by state law	
			\$500 justice system assessment	
			Lien can be placed on property for nonpayment	
			Each day is another violation.	
29-2023	Solid Waste	first	\$25 - \$500	plus costs of \$9 - \$500
		repeat	\$50 - \$1000	plus costs of \$9 - \$500
30-2023	Medical Marihuana	first	\$500	plus costs per day of violation
		second	\$1500	plus costs per day of violation
		Subsequent	\$3000	plus costs per day of violation
31-2023	Recreational Marihuana	first	\$500	plus costs per day of violation
		second	\$1500	plus costs per day of violation
		Subsequent	\$3000	plus costs per day of violation
33-2023	Sewer Ordinance	first	\$25 - \$500	plus costs of \$9 - \$500
				Each day is another violation
		repeat	\$50 - \$1000	plus costs of \$9 - \$500
				Each day is another violation

B. If a violation remains unpaid thirty (30) days after it is due, the Village, in addition to any remedies allowed in this ordinance or by state law, at its option, may elect to proceed as follows:

1. Perfect the lien and/or proceed with the intent to perfect the lien under the provisions of the Revised Judicature



Act of 1961, Act 236 of 1961, MCL 600.8731<sup>11</sup> since the charges for services are made a lien on all premises served thereby, and are hereby recognized to constitute such lien;

2. Whenever any such charge against any piece of property, or property owner shall be delinquent for three (3) months or more, on May 1st, the Village official or officials in charge of the collection thereof shall certify annually, on June 1st of each year to the Mecosta County Equalization Department the facts of such delinquency whereupon such charges shall be by him/her entered upon the next tax roll as a charge against such premises, or premises owner 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.

## SECTION 7: SEVERABILITY

The provisions of the Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

## SECTION 8: EFFECTIVE

- A. The Village Clerk shall publish this ordinance in the manner required by law.
- B. The adoption of this ordinance 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 ordinance.
- C. This ordinance shall take effect twenty (20) days after adoption.
- D. All ordinances or parts of ordinances in conflict are hereby repealed.
- E. I hereby certify the adoption of this ordinance at the 03-08-2023 council meeting and cause the same to be published as required by law.

Yeas: 5 Nays: 0

Ordinance Declared: Adopted

Effective Date: 03-28-2023

Melissa Lazzaro

James Soriano

Village Clerk

Village President<sup>12</sup>

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I hereby certify the publishing of this Ordinance, in whole or in summary, in a newspaper of general circulation as required by State Law.

Name of Newspaper: Big Rapids Pioneer

Date Published: 03-15-2023

Melissa Lazzaro

03-13-2023

Village Clerk

Date

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<sup>11</sup> Revised Judicature Act of 1961, Act 236 of 1961, MCL 600.8731. See Appendix A.

<sup>12</sup> 2023 Amendments and Corrections. See Appendix B

**BARRYTON PARKING VIOLATION BUREAU**

THE VILLAGE OF BARRYTON, MECOSTA COUNTY, MICHIGAN ORDAINS:

**SECTION 1: BUREAU ESTABLISHED**

- A. Pursuant to Section 8395 of the Revised Judicature Act, State of Michigan, as added by Public Act 236 of 1961, MCL 600.8395<sup>13</sup>, a parking violations bureau, for the purpose of handling alleged parking violations within the Village, is hereby established. The Parking Violations Bureau shall be under the supervision and control of the Chief of Police.
- B. This Ordinance is a consolidation of Village ORDINANCE # 3-2015 AN ORDINANCE TO ESTABLISH THE BARRYTON PARKING VIOLATION BUREAU, the previous amendments adopted thereto, as well as those amendments contained herein, and shall now be known as the Village of Barryton ORDINANCE # 3-2023 BARRYTON PARKING VIOLATION BUREAU.<sup>14</sup>

**SECTION 2: LOCATION**

The Chief of Police shall, subject to the approval of the Village Council, establish a convenient location for the Parking Violations Bureau, appoint qualified Village employees to administer the Bureau, and adopt rules and regulations for the operation thereof.

**SECTION 3: DISPOSITION OF VIOLATIONS**

- A. No violation not scheduled in Sec. 6 shall be disposed of by the Parking Violations Bureau.
- B. The fact that a particular violation is scheduled shall not entitle the alleged violator to the disposition of the violation at the Bureau and in any case, the person in charge of such Bureau may refuse to dispose of such violation in which case any person having knowledge of the facts may make a sworn complaint before the court having jurisdiction of the offense as provided by law.

**SECTION 4: PROCEDURE**

- A. No violation may be settled at the Parking Violations Bureau except at the specific request of the alleged violator.
- B. No penalty for any violation shall be accepted from any person who denies having committed the offense and in no case shall the person who is in charge of the Bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to the such alleged violation.
- C. No person shall be required to dispose of a parking violation at the Parking Violations Bureau and all persons shall be entitled to have any such violation processed before a court having jurisdiction thereof if they so desire.
- D. The unwillingness of any person to dispose of any violation at the Parking Violations Bureau shall not prejudice him/her or in any way diminish the rights, privileges, and protection accorded to him by law.

**SECTION 5: VIOLATION TICKET**

- A. The issuance of a traffic ticket or notice of violation by a police officer or parking officer of the Village shall be deemed an allegation of a parking violation.
- B. Such a traffic ticket or notice of violation shall indicate the length of time in which the person to whom the same was issued must respond before the Parking Violations Bureau.
- C. It shall also indicate the address of the Bureau, the hours during which the Bureau is open, the amount of the penalty scheduled for the offense for which the ticket was issued, and advise that a warrant for the arrest of the person to whom the ticket was issued will be sought if such a person fails to respond within the time limited.

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<sup>13</sup> Revised Judicature Act, State of Michigan, as added by Public Act 236 of 1961, MCL 600.8395. See Appendix A.

<sup>14</sup> Ordinance History. See Appendix E

## SECTION 6: SCHEDULE OF VIOLATIONS

VIOLATION	FINE
Parking too far from curb	\$ 10.00
Angle Parking Violations	\$ 10.00
Obstructing Traffic	\$ 25.00
Driving over a sidewalk or curb	\$ 50.00
Prohibited Parking (Signs Unnecessary)	\$ 50.00
On Sidewalk	\$ 50.00
On the Street, 2:00 a.m. - 6:00 a.m. 11/1 to 3/31	\$ 25.00
In Front/Blocking of Drive	\$ 10.00
Within intersection	\$ 25.00
Double Parking	\$ 10.00
Within 200 feet of an accident where emergency personnel are in attendance	\$ 50.00
Blocking emergency exit	\$ 50.00
On private property without permission	\$ 10.00
In prohibited zone (sign required)	\$ 50.00
In alley	\$ 10.00
Wrong side boulevard roadway	\$ 10.00
Loading zone violation	\$ 10.00
Parked in a designated handicapped zone	\$ 50.00

- A. All fines shall be doubled on all violations not paid within seven (7) days, excluding Sundays and legal holidays; and after ten (10) days a complaint and civil infraction will be issued.
- B. The Chief of Police can authorize a Village Employee as a parking officer and they shall be authorized to issue tickets for scheduled parking violations in this section.
- C. Vehicles parked in any manner which is in violation of any of the offenses listed in this section may be towed at the owner's expense after two (2) subsequent parking citations have been issued on separate days.
- D. Exception: If snowfall requires a vehicle to be moved which is parked in violation of any of the listed offenses it can be removed immediately at the owner's expense regardless of the amount of snowfall.

## SECTION 7: SEVERABILITY

The provisions of the Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

## SECTION 8: EFFECTIVE

- A. The Village Clerk shall publish this ordinance in the manner required by law.
- B. The adoption of this ordinance 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 ordinance.

- C. This ordinance shall take effect twenty (20) days after adoption.
- D. All ordinances or parts of ordinances in conflict are hereby repealed.
- E. I hereby certify the adoption of this ordinance at the 03-08-2023 council meeting and cause the same to be published as required by law.

Yeas: 5 Nays: 0 Ordinance Declared: Adopted Effective Date: 03-28-2023

*Melissa Lazzaro*  
Village President

*James Soriano*  
Village Clerk<sup>15</sup>

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I hereby certify the publishing of this Ordinance, in whole or in summary, in a newspaper of general circulation as required by State Law.

Newspaper published in: Big Rapids Pioneer

Date Published: 03-15-2023

*Melissa Lazzaro*

03-13-2023

Village Clerk

Date

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<sup>15</sup> 2023 Amendments and Corrections. See Appendix B

**BARRYTON PLANNING COMMISSION**

THE VILLAGE OF BARRYTON, MECOSTA COUNTY, MICHIGAN ORDAINS:

**SECTION 1: INTENT**

- A. The Village of Barryton Council creates the Village of Barryton Planning Commission with the power to make, adopt, extend, add to, or otherwise amend, and carry out plans for lands within the Village limits.
- B. The following rules of procedure are hereby adopted by the Village of Barryton Planning Commission to facilitate the performance of its duties and responsibilities as outlined in the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801 et. seq., as amended<sup>16</sup>, the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101 et. seq., as amended<sup>17</sup>, and the Open Meetings Act, Public Act 267 of 1976, MCL 15.261 et. seq., as amended<sup>18</sup>.
- C. This Ordinance is a consolidation of Village of Barryton ORDINANCE # 10-2017 AN ORDINANCE TO ESTABLISH THE VILLAGE OF BARRYTON PLANNING COMMISSION, the previous amendments thereto, as well as those amendments contained herein, and shall now be known as the Village of Barryton ORDINANCE # 42-2023 BARRYTON PLANNING COMMISSION.<sup>19</sup>

**SECTION 2: VILLAGE OF BARRYTON PLANNING COMMISSION**

The Village of Barryton Planning Commission (also referred to as the “Planning Commission”)

**SECTION 3: MEMBERSHIP**

- A. The Planning Commission shall be composed of seven (7) members appointed by the Village President subject to the approval of a majority vote of the members of the Village Council.
  - 1. All members, other than the ex officio member, shall be appointed for three (3) year staggered terms.
  - 2. The term of the ex officio member shall expire with his/her term on the Village Council.
  - 3. A vacancy on the Planning Commission shall be filled for the remainder of the unexpired term.
  - 4. The Planning Commission shall notify the Zoning Administrator of any vacancies.
  - 5. Publication of the vacancy and solicitation of applications may occur as needed.
- B. Village Council Representative.
  - 1. Two (2) members of the Village of Barryton Council may serve as the ex officio member of the Planning Commission.
  - 2. Village Council members cannot be Chairperson of the Planning Commission.

**SECTION 4: OFFICERS**

**A. SELECTION AND TENURE.**

- 1. At the first regular meeting each December, the Planning Commission shall select from its membership a Chairperson and Secretary.

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<sup>16</sup> Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801 et. seq., as amended. See Appendix A.

<sup>17</sup> Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101 et. seq., as amended. See Appendix A.

<sup>18</sup> Open Meetings Act, Public Act 267 of 1976, MCL 15.261 et. seq., as amended. See Appendix A.

<sup>19</sup> Ordinance History. See Appendix E

2. Such officers shall be elected by a majority vote of the membership of the Planning Commission and shall take office immediately following their election.
3. All officers shall serve a term of one (1) year, or until their successors are selected and assume office, except as noted in B. and C., below.
4. If a vacancy occurs, a replacement will be elected at the next regular meeting. All officers shall be eligible for re-election for consecutive terms in the same office.

#### B. CHAIRPERSON

1. The Chairperson shall preside at all meetings of the Planning Commission, and shall conduct all meetings in accordance with the rules adopted herein.
2. The Chairperson, with assistance from the Planning Commission Secretary and the Zoning Administrator, shall set the agenda and compile meeting packets.

#### C. SECRETARY

1. The Secretary shall perform such duties as the Planning Commission may determine, including providing sufficient information from which to prepare the minutes of each meeting.
2. The meeting minutes shall contain, but not be limited to, a brief synopsis of the meeting, including a complete restatement of all motions and record of votes, conditions, or recommendations made on any action and record of attendance.
3. A recording secretary may be utilized subject to the approval of the Village Council; however, the Planning Commission Secretary is ultimately responsible for the state of the minutes.
4. All pertinent documentation regarding Planning Commission proceedings is also the responsibility of the Secretary.

### SECTION 5: MEETINGS

#### A. Open Meetings Act<sup>20</sup> Compliance.

All meetings of the Planning Commission shall comply with the requirements of the Open Meetings Act.

#### B. Regular Meetings.

1. The Planning Commission shall hold not less than six (6) regular meetings each year.
2. Regular meetings of the Planning Commission will be held on the first Wednesday of each month beginning at 6:00 p.m. in the Village Hall unless otherwise rescheduled by resolution of the Planning Commission.
3. Other meetings may be held as necessary.
4. When a regular meeting falls on a legal holiday or upon a day resulting in a conflict, the Planning Commission shall, if possible, select a suitable alternate meeting date in the same month as the originally scheduled meeting.
5. For a regular Planning Commission meeting that is rescheduled, a public notice stating the date, time, and place of the meeting shall be posted at the Village offices at least eighteen (18) hours before the meeting.

### SECTION 6: NOTICE TO BE PUBLISHED

The Village Clerk shall publish this ordinance in the manner required by law

### SECTION 7: SEVERABILITY

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<sup>20</sup> Open Meetings Act, Public Act 267 of 1976, MCL 15.261 et. seq., as amended. See Appendix A.

The provisions of the Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

**SECTION 8: EFFECTIVE**

- A. The adoption of this ordinance 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 ordinance.
- B. This ordinance shall take effect twenty (20) days after adoption.
- C. All ordinances or parts of ordinances in conflict are hereby repealed.
- D. I hereby certify the adoption of this ordinance at the 03-08-2023 council meeting and cause the same to be published as required by law.

Yeas: 5 Nays: 0

Ordinance Declared: Adopted

Effective Date: 03-28-2023

Melissa Lazzaro

James Soriano

Village Clerk

Village President<sup>21</sup>

I hereby certify the publishing of this Ordinance, in whole or in part, in a newspaper of general circulation as required by State Law.

Name of Newspaper: Big Rapids Pioneer

Date Published: 03-15-2023

Melissa Lazzaro

03-13-2023

Village Clerk

Date

<sup>21</sup> 2023 Amendments and Corrections. See Appendix B

BARRYTON POLICE DEPARTMENT

THE VILLAGE OF BARRYTON, MECOSTA COUNTY, MICHIGAN ORDAINS:

SECTION 1: BARRYTON POLICE DEPARTMENT

- A. The Barryton Police Department will be established in accordance with the requirements set forth by the State of Michigan and the Michigan Commission on Law Enforcement Standards (MCOLES) {Public Act 289 of 2016, MCL 28.601 et. seq.}<sup>22</sup>.
- B. The Department shall enforce the laws of the State of Michigan, the County of Mecosta, and the ordinances of the Village of Barryton within its village limits and jurisdiction.
- C. This Ordinance is a consolidation of the Village of Barryton ORDINANCE # 9-2005 BARRYTON POLICE DEPARTMENT, the previous amendments thereto, as well as those amendments contained herein, and shall now be known as the Village of Barryton ORDINANCE # 35-2023 BARRYTON POLICE DEPARTMENT.<sup>23</sup>

SECTION 2: SEVERABILITY

All ordinances or parts of ordinances in conflict are hereby repealed.

SECTION 3: EFFECTIVE

- A. The village clerk shall publish this ordinance in the manner required by law.
- B. The adoption of this ordinance 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 ordinance.
- C. This ordinance shall take effect immediately after adoption.
- D. I hereby certify the adoption of this ordinance at the 03-08-2023 council meeting and cause the same to be published as required by law.

Yeas: 5 Nays: 0 Ordinance Declared: Adopted Effective Date: 03-08-2023

Melissa Lazzaro

Village President

James Soriano

Village Clerk<sup>24</sup>

I hereby certify the publishing of this Ordinance, in whole or in part, in a newspaper of general circulation as required by State Law.

Name of Newspaper: Big Rapids Pioneer

Date Published: 03-15-2023

Melissa Lazzaro

Village Clerk

03-13-2023

Date

<sup>22</sup> Michigan Commission on Law Enforcement Standards (MCOLES) {Public Act 289 of 2016, MCL 28.601 et. seq.}. See Appendix A

<sup>23</sup> Ordinance History. See Appendix E

<sup>24</sup> 2023 Amendments and Corrections. See Appendix B



**CHPT. 10      ORDINANCE # 1-2023**  
**ELECTED COUNCIL COMPENSATION**

THE VILLAGE OF BARRYTON, MECOSTA COUNTY, MICHIGAN ORDAINS:

**SECTION 1: INTENT**

- A. Compensation for the following elected positions of the Barryton Village Council will be as follows until changed through the amendment process at fiscal year budget adoption meetings.
- B. This Ordinance is a consolidation of Village ORDINANCE # 1-2015 ELECTED COUNCIL COMPENSATION, the previous amendments adopted thereto, as well as those amendments contained herein, and shall now be known as the Village of Barryton ORDINANCE # 1-2023 ELECTED COUNCIL COMPENSATION.<sup>25</sup>

**SECTION 2: VILLAGE PRESIDENT**

- A. Village President: \$3800 annually; paid quarterly; half of that amount (\$1900) contingent upon receiving marijuana licensing fees and attending all monthly marijuana workshops and training.
- B. If the Village stops receiving the marijuana fees, the pay shall revert back to the previous amount.
- C. If the president fails to attend the monthly marijuana workshops or training, the president shall not be compensated for that month.

**SECTION 3: COUNCIL MEMBERS**

Four Members: \$3000 annually; paid quarterly; half of that amount (\$1500) contingent upon receiving marijuana licensing fees and attending all monthly marijuana workshops and training.

- A. If the village stops receiving the marijuana fees, the pay shall revert back to the previous amount.
- B. If the trustee fails to attend the monthly marijuana workshops or training, the trustee shall not be compensated for that month.

**SECTION 4: SEVERABILITY**

- A. The provisions of the Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.
- B. The Village Clerk shall publish this ordinance in the manner required by law.

**SECTION 5: EFFECTIVE**

- A. The adoption of this ordinance 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 ordinance.
- B. This ordinance shall take effect immediately upon adoption.
- C. All ordinances or parts of ordinances in conflict are hereby repealed.
- D. I hereby certify the adoption of this ordinance at the 03-08-2023 Council Meeting and cause the same to be published as required by law.

Yeas: 5    Nays: 0                      Ordinance Declared: Adopted                      Effective Date: 03-08-2023

Melissa Lazzaro

James Soriano

<sup>25</sup> Ordinance History. See Appendix E

I hereby certify the publishing of this Ordinance, in whole or in part, in a newspaper of general circulation as required by State Law.

Name of Newspaper: Big Rapids Pioneer

Date Published: 03-15-2023

*Melissa Lazzaro*

03-13-2023

Village Clerk

Date

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<sup>26</sup> 2023 Amendments and Corrections. See Appendix B.

**TERMS OF OFFICE**

THE VILLAGE OF BARRYTON, MECOSTA COUNTY, MICHIGAN ORDAINS:

**SECTION 1: INTENT**

- A. As authorized by the General Law Village Act, Act 3 of 1895, MCL 62.1 et. seq., as amended<sup>27</sup>, the terms of office shall be staggered and there shall be four trustees, who with the president, shall constitute the council.
- B. This Ordinance is a consolidation of the Village of Barryton ORDINANCE # 6-2014 AN ORDINANCE AMENDING ORDINANCE NO. 10-2013 TO PROVIDE FOR STAGGERED TERMS OF OFFICE FOR VILLAGE TRUSTEES, AND TO EXTEND ONE PROSPECTIVE TERM OF OFFICE TO 6 YEARS AND TO CLARIFY THE TERMS OF OFFICE FOR CURRENT TRUSTEES, the previous amendments thereto, as well as those amendments contained herein, and shall now be known as the Village of Barryton ORDINANCE # 40-2023 TERMS OF OFFICE.<sup>28</sup>

**SECTION 2: TERM OF OFFICE**

- A. Four village trustees shall be elected to staggered four-year terms of office at biennial elections, with an equal number of seats to be filled at each election.
- B. This ordinance shall not shorten the term of any incumbent trustee, or shorten or eliminate a prospective term unless the nomination deadline for that term is not less than 30 days after the effective date of this ordinance.
- C. The prospective term of office for the Trustee seat currently held by Lavonne Horstman that begins in 2023, will be a 2 year term of office, with the next election in 2024, for what will then be a four (4) year term of office.

**SECTION 3: CURRENTLY HELD OFFICES**

Trustees of the Village of Barryton are:

- A. Kathryn Kerr
  - 1. 4-year term elected in 2020
  - 2. next election in 2024 for a 4-year term
- B. Evelyn Jones
  - 1. 4-year term elected in 2020
  - 2. next election in 2024 for a 4-year term
- C. Steven Hammond
  - 1. 4-year term elected in 2022 to
  - 2. next election in 2026 for a 4-year term
- D. Lavonne Horstman
  - 1. 2-year term appointed in 2023
  - 2. next election in 2024 for a 4-year term

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<sup>27</sup> General Law Village Act, Act 3 of 1895, MCL 62.1 et. seq., as amended

<sup>28</sup> Ordinance History: See Appendix E

**SECTION 4: FILING OF PETITION**

- A. This ordinance shall take effect 45 days after the date of its adoption unless a petition signed by not less than ten (10%) percent of the registered electors of the village is filed with the village clerk or village office within such 45 days.
- B. If a petition is filed within such a period of time, this ordinance shall take effect only upon its approval at the next general village or special village election held on the question of whether the ordinance shall be approved.
- C. Notice of any delayed effect of this ordinance and the right of petition under this section shall be published separately at the same time and in the same manner as the ordinance or a notice of the ordinance is published in a local newspaper of general circulation.

**SECTION 5: ADOPTION**

- A. This ordinance shall be adopted by an affirmative vote of at least two-thirds (2/3) of the members of the village council.
- B. The adoption of this ordinance 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 ordinance.

**SECTION 6: SEVERABILITY**

The provisions of the Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

**SECTION 7: EFFECTIVE**

- A. This ordinance shall be effective immediately after adoption.
- B. All ordinances or parts of ordinances in conflict are hereby repealed.
- C. The village clerk shall certify the adoption of this ordinance and cause the same to be published as required by law.

Yeas: 5 Nays: 0 Ordinance Declared: Adopted Effective Date: 03-08-2023

Melissa Lazzaro

James Soriano

Village Clerk

Village President<sup>29</sup>

I hereby certify the publishing of this Ordinance, in whole or in part, in a newspaper of general circulation as required by State Law.

Name of Newspaper: Big Rapids Pioneer

Date Published: 03-15-2023

Melissa Lazzaro

03-13-2023

Village Clerk

Date

<sup>29</sup> 2023 Amendments and Corrections. See Appendix B

HAWKERS, PEDDLERS, AND SOLICITORS REGULATIONS

THE VILLAGE OF BARRYTON, MECOSTA COUNTY, MICHIGAN ORDAINS

**SECTION 1: INTENT**

An ordinance to regulate:

- A. The sale or solicitation of goods, merchandise, services, or donations within the Village of Barryton, Mecosta County, Michigan, upon or from public streets, parks, and upon or from private property or premises not owned, rented, leased, managed, or occupied under a valid claim of right or title by hawkers, peddlers, vendors, door-to-door salesmen or solicitors.
- B. To provide penalties for the violation of such regulations.
- C. To repeal all ordinances or parts of ordinances in conflict therewith.
- D. This Ordinance is a consolidation of the Village of Barryton ORDINANCE # 26-2015 HAWKERS, PEDDLERS, AND SOLICITORS REGULATIONS, the previous amendments thereto, as well as those amendments contained herein, and shall now be known as the Village of Barryton ORDINANCE # 26-2023 HAWKERS, PEDDLERS, AND SOLICITORS REGULATIONS.<sup>30</sup>

**SECTION 2: DEFINITIONS**

- A. The terms HAWKING, PEDDLING, VENDING, DOOR-TO-DOOR SELLING, or SOLICITING or any variation of the same shall be defined for the purpose of this Ordinance as any activity involving selling or soliciting.

The sale of any goods, merchandise, services, or donations upon or from the public streets, parks, and places or upon or from private property or premises not owned, rented, leased, managed, or occupied under a valid claim of right or title by the person, firm or corporation engaged in such selling or soliciting activity.

- B. CHARITABLE/RELIGIOUS ORGANIZATION shall be defined for the purposes of this Ordinance as a benevolent, educational, philanthropic, humane, patriotic, or charitable nonprofit organization of persons which solicit or obtain donations solicited from persons for benevolent, educational, philanthropic, humane, patriotic or charitable purposes.

This term shall also include any duly constituted religious organization no part of the income of which injures to the direct benefit of any individual if the said organization has received a declaration of current tax-exempt status from the United States.

**SECTION 3: LICENSE**

- A. License required.
  - 1. No person, firm, or corporation shall hereafter operate or engage in, either directly or indirectly, any business of hawking, peddling, vending, door-to-door selling, or soliciting within the Village of Barryton without first obtaining a license therefor from the Village Clerk, which shall only be issued where the applicant qualifies therefor under the terms of this Ordinance.
  - 2. This requirement shall not apply to Charitable/Religious Organizations or appointed representatives soliciting donations on behalf of the same.

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<sup>30</sup> Ordinance History. See Appendix E.

B. Issuance of License.

No such license shall be issued unless and until

1. The required license fee has been paid to the Village of Barryton.
2. A written application therefor has been filed with said Clerk accurately disclosing the following information:
  - a. Name and address of the applicant.
  - b. Name and Address of all individuals who will be hawking, peddling, vending, door-to-door selling, or soliciting within the Village of Barryton on behalf of the applicant..
  - c. A list of products or services to be sold or solicited.
  - d. The area of solicitation.
  - e. A general description of the method of solicitation.
  - f. The name of the last five municipalities in which such business was previously conducted and the dates of the same.
  - g. The particular hours each day and the dates when the business is proposed to be conducted within the Village of Barryton.
  - h. A copy of the order form or contract to be used in the solicitation and any other written or printed material to be employed for the information of customers.
  - i. A copy of any identification card to be carried by each solicitor.
  - j. If a vehicle is to be used, a description of the same, and license plate number.

C. Investigation.

1. The Village Clerk shall forward such application to the Chief of Police, who shall cause an investigation to be made of the applicant's character and business responsibility as he or she deems necessary for the protection of the public good.
2. After such investigation, the Chief of Police shall endorse upon such application his or her approval or disapproval and forward the application to the Village Clerk.
3. If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall, in writing, state the reasons therefore and attach the same to the application.

D. Bond Requirement.

A surety bond in the amount of \$1000.00 or cash bond or bank letter in the amount of \$500.00 shall be filed with the Village Clerk before the issuance of any such license to an applicant therefore who is not a citizen of the County of Mecosta or does not have a previously established place of business within the County of Mecosta for a period of not less than six (6) months previous to the license application, conditioned upon the applicant and all employees and representatives of the applicant conducting business within the Village in accordance with the Ordinance and without any undue influence, misrepresentation or failure of disclosure of material information concerning the subject of solicitation.

E. Duration of License, Renewal.

1. No license shall be issued for a longer period than twelve (12) months.

2. Successive licenses may be obtained upon the payment of the required license fee and filing of any changes in the information shown on the original application provided all the regulations herein contained have previously been fully complied with.

F. License Fee.

1. The 12-month license fee for a corporation, firm, partnership, association, organization, or individual shall be \$100.00 which shall cover all solicitors whose names are on file with the Village Clerk.
2. A similar 6-month license shall be \$75.00
3. A similar 3-month license shall be \$50.00.
4. A one-day license shall be \$15.00 and a weekend/two-day license shall be \$25.00.

G. Prior Criminal Conviction.

No license shall be issued to any applicant who either:

1. has been convicted of any criminal offense involving undue influence in the solicitation, misrepresentation, failure of disclosure of material information concerning the subject of solicitation, or Felony fraud of any nature or
2. whose employees or agents have been convicted of the same.

H. Revocation of License.

Any license may be revoked at any time by the Village Clerk or by the Village Council for any failure to comply with the terms of this Ordinance or for any conduct on the part of the applicant or his or its agents or employees involving misrepresentation or failure of disclosure of material information concerning the subject of solicitation.

#### **SECTION 4: REGISTRATION OF CHARITABLE/RELIGIOUS ORGANIZATIONS**

- A. No Charitable/Religious Organizations may engage in any hawking, peddling, vending, door-to-door selling, or solicitation unless the organization has first registered with the Village Clerk by filling out and filing with said clerk a registration form disclosing the following information:
  1. Name and address of the applicant.
  2. The area of place of solicitation.
  3. A general description of the method of solicitation.
  4. The particular hours each day and the dates when the business is supposed to be conducted within the Village of Barryton.
- B. No such registration shall be effective for a longer period than 6 months.
- C. Successive registrations may be obtained by applying thereafter in writing to the village Clerk and by filing any changes in the information shown on the original registration form.

#### **SECTION 5: PUBLIC SAFETY**

- A. In no case shall a hawker, peddler, or solicitor conduct their business from a public street or thoroughfare.
- B. Any vendor selling food or drink items shall submit an updated Department of Public Health certificate when applying for a license in the Village of Barryton.
- C. Trash containment and removal procedures shall be submitted to the Village Clerk and approved by the Department of Public Safety supervisor before a license is granted.
- D. All hawkers, peddlers, and solicitors shall conduct their business from private property.

- E. Written permission from the property owner shall be submitted to the Village Clerk when applying for a license.
- F. All setback and sign ordinance requirements shall be met before a license is granted.

## **SECTION 6: PROHIBITED CONDUCT**

The following conduct by a hawker, peddler, and solicitor is prohibited:

- A. Entering a private residence under pretenses other than for peddling.
- B. Remaining in a private residence or on the premises after the owner or occupant thereof has requested any such person to leave.
- C. Going in and upon the premise of a private residence by such person to peddle when the owner or occupant thereof has displayed a “no soliciting” or “no peddling” sign on such premises.
- D. Peddling or Soliciting at a private residence on Sunday or on a state or national holiday.
- E. Any hawking, peddling or soliciting in violation of the Barryton Zoning Ordinance.

## **SECTION 7: HOURS OF OPERATION**

No hawking, peddling, vending, door-to-door selling, or soliciting, including any such activity performed on behalf of a Charitable/Religious Organization shall take place from the hours of 9 o'clock p.m. to 8 o'clock a.m.

## **SECTION 8: DISPLAY OF LICENSE**

It shall be the duty of every person and all their agents, employees, or representatives who secure a license under the terms of this Ordinance to display said license to any enforcement officer or any person when required to do so.

## **SECTION 9: ENFORCEMENT**

It shall be the duty of the Department of Public Safety, and the Chief of Police of the Village to require any person seen selling or offering the sale of goods, wares, and merchandise while traveling from place to place in the Village and who is not known by the Department of Public Safety, and the Chief of Police of the Village to be duly licensed to produce his license and to enforce the provisions of this Ordinance against any person found violating the same.

## **SECTION 10: PENALTY**

Any person, corporation, partnership, or any other legal entity who shall violate or fail to comply with any of the provisions of this Ordinance or any of the regulations adopted in pursuance thereof, shall be fined as follows:

- A. The penalty for a violation of this ordinance by any person, corporation, partnership, or any other legal entity who shall violate or fail to comply with any of the provisions of this Ordinance or any of the regulations adopted in pursuance thereof shall be a Village civil infraction with a fine of not less than \$25 and not more than \$500, plus costs of not less than \$9 and not more than \$500.
- B. Costs may include all expenses, direct and indirect, to which the Village has been put in connection with the Village civil infraction up to the entry of judgment.
- C. The Village may seek or employ all other remedies and sanctions available under state law for municipal civil infractions.
- D. The penalty for repeat offenses of the same ordinance provision within two years of a prior offense shall be a fine of not less than \$50 and not more than \$1,000, plus costs and all other remedies and sanctions available under state law for municipal civil infractions.

## **SECTION 11: SEVERABILITY**

The provisions of the Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.



**SECTION 12: EFFECTIVE**

- A. The Village Clerk shall publish this ordinance in the manner required by law.
- B. The adoption of this ordinance 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 ordinance.
- C. This ordinance shall take effect twenty (20) days after adoption.
- D. All ordinances or parts of ordinances in conflict are hereby repealed.
- E. I hereby certify the adoption of this ordinance at the 03-08-2023 council meeting and cause the same to be published as required by law.

Yeas: 5 Nays: 0

Ordinance Declared: Adopted

Effective Date: 03-28-2023

*Melissa Lazzaro*

*James Soriano*

Village Clerk

Village President<sup>31</sup>

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I hereby certify the publishing of this Ordinance, in whole or in part, in a newspaper of general circulation as required by State Law.

Name of Newspaper: Big Rapids Pioneer

Date Published: 03-15-2023

*Melissa Lazzaro*

03-13-2023

Village Clerk

Date

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<sup>31</sup> 2023 Amendments and Corrections. See Appendix B

MEDICAL MARIHUANA ORDINANCE

THE VILLAGE OF BARRYTON, MECOSTA COUNTY, MICHIGAN ORDAINS:

**SECTION 1. LEGISLATIVE INTENT**

- A. The purpose of this ordinance is to regulate and control, through the powers of the Village of Barryton (“Village”), the licensing and operations of marihuana facilities to the extent permissible under the Michigan Medical Marihuana Facilities Licensing Act.
- B. This regulation is created to promote and protect the public health, safety, and welfare of the residents by setting forth the manner in which marihuana facilities can be operated in the Village. Further, the purpose of this chapter is to:
  - 1. Authorize the establishment of marihuana facilities within the Village and provide standards and procedures for the review, issuance, renewal, and revocation of Village-issued permits for such facilities.
  - 2. Impose fees to defray and recover the cost to the Village of the administrative and enforcement costs associated with marihuana facilities; and
  - 3. Coordinate with laws and regulations enacted by the state addressing marihuana
- C. The Village finds that the activities described in this Chapter are significantly connected to the public health, safety, security, and welfare of its citizens and are therefore necessary to regulate and enforce safety, security, fire, policing, health, and sanitation practices related to such activities.
- D. This Ordinance is a consolidation of the Village of Barryton ORDINANCE # 9-2022 MEDICAL MARIHUANA ORDINANCE, the previous amendments thereto, as well as those amendments contained herein, and shall now be known as the Village of Barryton ORDINANCE # 30-2023 MEDICAL MARIHUANA ORDINANCE.<sup>32</sup>

**SECTION 2. INDEMNIFICATION OF VILLAGE**

- 1. By accepting a permit issued pursuant to this Chapter, the holder waives and releases the Village, its officers, elected officials, and employees from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of medical marihuana facility owners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations.
- 2. By accepting a permit issued pursuant to this Chapter, the holder agrees to indemnify, defend and hold harmless the Village, its officers, elected officials, employees, and insurers, against all liability, claims, or demands arising on account of any claim of diminution of property value by a property owner whose property is located in proximity to a licensed medical marihuana facility, arising out of the operation of a medical marihuana facility or any claim based on an alleged injury to business or property by reason of a claimed violation of the federal Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. Section 1964(c).<sup>33</sup>

**SECTION 3: RESERVATION OF LEGISLATIVE PREROGATIVE**

- A. The Village Council reserves the right to amend or repeal this chapter in any matter, including, but not limited to the complete elimination of any type or number of marihuana facilities authorized to operate in the Village.
- B. Nothing in this chapter may be held or construed to grant or “grandfather” any marihuana facility a vested right, license, permit, or privilege to continued operations within the Village.

**SECTION 4. DEFINITIONS**

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<sup>32</sup> Ordinance History. See Appendix E

<sup>33</sup> Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. Section 1964(c). See Appendix A

- A. Words and phrases contained in the Michigan Medical Marihuana Facilities Licensing Act (“MMFLA”), MCL 333.27101 et seq.<sup>34</sup>, the Medical Marihuana Act (“MMMA”), MCL 333.26421 et seq.<sup>35</sup>, the Marihuana Tracking Act (“MTA”), MCL 333.27901 et seq.<sup>36</sup>, and the permanent rules regarding medical marihuana promulgated by the State, shall have the same meaning in this Chapter as in the acts and rules. If at any time, a word or phrase set forth in this Chapter conflicts with a definition in the MMMA or MMFLA then the definition in the MMMA or MMFLA shall apply.
- B. This Ordinance shall not limit an individual or entity’s rights under the MMMA or the MMFLA.
- C. Any term defined by 21 USC 860(e)<sup>37</sup> referred to in this Chapter shall have the definition given by 21 USC 860(e).
- D. All activities related to medical marihuana, including those related to a medical marihuana provisioning center, a medical marihuana grower facility, a medical marihuana secured transporter, a medical marihuana processor, or a medical marihuana safety compliance facility shall be in compliance with the rule of the Cannabis Regulatory Agency, the rules of the Michigan Department of Licensing and Regulatory Affairs, or any successor agency, the rule and regulations of the Village, the MMMA, MMFLA, and the MTA.
- E. Any use which purports to have engaged in the cultivation or processing of marihuana into a usable form, or the distribution of marihuana, or the testing of marihuana either prior to or after enactment of this Chapter but without obtaining the required licensing set forth in this Chapter, shall be deemed to be not legally in compliance with this Chapter and state law and shall not be entitled to legal nonconforming status under this provision or state law.
- F. The following words and phrases shall have the following definitions when used in this Ordinance:
  - 1. ACT means The Michigan Regulation and Taxation of Marihuana Act, being Initiated Law 1 of 2018, M.C.L. 333.27951 et seq.<sup>38</sup>, as amended, and its corresponding emergency and/or administrative rules.
  - 2. APPLICATION means an application for a license pursuant to the terms and conditions set forth in the MMFLA.
  - 3. AUTHORIZED PERSON means
    - a. An owner of a facility.
    - b. The directors, officers, members, partners, and individuals of a facility that is a corporation, limited liability company, partnership, or sole proprietorship.
    - c. Any person who is in charge or on the premises of the facility during business hours.
  - 4. CHAPTER means this Chapter 14.
  - 5. CLERK means the Village of Barryton Clerk.
  - 6. DEPARTMENT means the Michigan Department of Licensing and Regulatory Affairs, or its successor agency.
  - 7. FACILITY means a medical marihuana facility as defined in the MMFLA, which is required to be licensed under this Chapter and possess a state license or approval to operate from the State. Facility types include:
    - a. Medical marihuana provisioning center.
    - b. Medical marihuana processor.
    - c. Medical marihuana grower facility.
    - d. Marihuana secure transporter.

<sup>34</sup> Michigan Medical Marihuana Facilities Licensing Act (“MMFLA”), MCL 333.27101 et seq. See Appendix A.

<sup>35</sup> Medical Marihuana Act (“MMMA”), MCL 333.26421 et seq. See Appendix A.

<sup>36</sup> Marihuana Tracking Act (“MTA”), MCL 333.27901 et seq. See Appendix A.

<sup>37</sup> 21 USC 860(e). See Appendix A.

<sup>38</sup> Initiated Law 1 of 2018, M.C.L. §§ 333.27951 et seq

- e. Medical marihuana safety compliance facility.
8. GROWER means a commercial or business entity that cultivates and sells marihuana to other facilities, as permitted by the MMFLA, including the following:
    - a. Class A grower, allows for a maximum of 500 plants under the MMFLA.
    - b. Class B grower, allows for a maximum of 1,000 plants under the MMFLA.
    - c. Class C grower, allows for a maximum of 1,500 plants under the MMFLA.
  9. MARIHUANA means the same as is defined by the MMFLA.
  10. MEDICAL MARIHUANA means as defined by MMA, MCL 333.26423<sup>39</sup>.
  11. LICENSEE means the person granted a Village license to operate a marihuana facility.
  12. PERMITTED PROPERTY means real property comprised of a lot, parcel, or another designated unit of real property upon which the marihuana facility is situated.
  13. PROCESSOR means a commercial or business entity that purchases marihuana from a grower and extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center.
  14. PROVISIONING CENTER means
    - a. A commercial or business entity that is licensed to operate or granted approval by the State pursuant to the MMFLA and is licensed by the Village, pursuant to this Chapter, that sells, supplies, or provides medical marihuana to registered qualifying patients only and permitted by State law and the permanent rules.
    - b. This includes any commercial property or business where marihuana is sold in conformance with State law and regulation.
    - c. A noncommercial or nonbusiness location used by a primary caregiver to assist a qualifying patient, as defined in the MMA, MMFLA, or MTA is not a medical marihuana provisioning center for the purposes of this Chapter.
  15. SAFETY COMPLIANCE FACILITY means a commercial or business entity that extracts resin from marihuana or creates a marihuana-infused product, processes, and packages marihuana, and sells or otherwise transfers marihuana to marihuana operations, to the extent permitted by State law and rules.
  16. SECURE TRANSPORTER means a commercial or business entity that is licensed to operate, pursuant to the MMFLA, and is licensed to operate by the Village, pursuant to the terms of this Chapter, which stores marihuana and transports marihuana between medical marihuana facilities for a fee and in accordance with State law.
  17. STATE LICENSE means a valid state operating license issued under the MMFLA.
  18. VILLAGE LICENSE means a current and valid license that is issued by the Village under this Chapter to the licensee permitting the operation of a medical marihuana facility.

## **SECTION 5. MARIHUANA FACILITIES AUTHORIZED**

- A. Pursuant to the MMFLA, the Village hereby authorizes the operation of the following types of properly licensed commercial medical marihuana facilities:
  1. Class A Growers.
  2. Class B Growers.

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<sup>39</sup> MMA, MCL 333.26423. See Appendix A.

3. Class C Growers.
4. Processors.
5. Provisioning Center.
6. Safety Compliance Facilities.
7. Secure Transports.

## **SECTION 6. VILLAGE LICENSE REQUIRED, NUMBER OF LICENSES AVAILABLE**

- A. The number of commercial medical marijuana facility licenses allowed at any time to be granted by the Village Clerk shall not exceed the following maximums within the Village:
  1. Class A Grow – 2.
  2. Class B Grow-Unlimited.
  3. Class C Grow – Unlimited.
  4. Processor – Unlimited.
  5. Provisioning Center – 1.
  6. Safety Compliance – Unlimited.
  7. Secure Transport – Unlimited.
- B. The Village may review and amend these numbers by resolution annually or as it determines to be necessary and/or advisable.
- C. No person shall operate a facility for which an annual license, as provided for in this Chapter, has not been issued. A marijuana facility operating without a State license, Village license, or approval is hereby declared to be a public nuisance.
- D. A license issued under this Chapter shall be valid for 1 year after the date of issuance.
- E. In order to renew an existing license, the licensee shall submit an application for renewal no earlier than ninety (90) days or later than sixty (60) days before the expiration date of the license.
- F. The application shall be accompanied by a renewal fee of \$5,000.
- G. The issuance of any license pursuant to this Chapter does not create an exception, defense, or immunity to any person in regard to any potential criminal or civil liability the person may have under any Federal or State law or Village ordinance.
- H. A license issued under this Chapter is only valid for the location of the facility and the type of facility that is stated on the license application.
- I. The licensee must at all times hold a valid and current state license and shall provide a copy of their state license to the Village Clerk.
- J. A licensee, upon acceptance of a license, consents to inspections of the facility by the Village to ensure compliance with this Chapter.
- K. A license issued by the Village under this Chapter shall be conspicuously posted in the facility where it can be easily seen by the public.
- L. There shall be an annual non-refundable application fee to defray the administrative and enforcement costs associated with marijuana facilities located in the Village of not more than \$5,000 per licensed facility.

- M. The annual non-refundable fee required under this chapter shall be due and payable with the application for a permit and upon the application for renewal of any such permit under this chapter, the permit and fee requirements of this chapter apply to all marihuana facilities whether operated for profit or not for profit.
- N. The permit fee requirement set forth in this chapter shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any state regulating agency, or by Village ordinance, including, by way of example, applicable fees for site plan review, zoning review or inspections.

## **SECTION 7: PROOF OF INSURANCE**

- A. An operational marihuana facility shall at all times maintain full force and effect for the duration of the permit, worker's compensation insurance as required by state law, and general liability insurance with minimum limits of \$1,000,000 per occurrence and a \$2,000,000 aggregate limit issued from a company licensed to do business in Michigan having a AM Best rating of at least B++.
- B. A permittee shall provide proof of insurance to the Village Clerk in the form of a certificate of insurance evidencing the existence of a valid and effective policy, the name of the insurer, the effective date and expiration date of each policy, the policy number, and the names of the additional insured.
- C. A permittee or its insurance broker shall notify the Village Clerk of any cancellation or reduction in coverage within seven days of receipt of the insurer's notification to that effect.
- D. The permittee shall obtain and submit proof of substitute insurance to the Village Clerk within five (5) business days in the event of expiration or cancellation of coverage and may be submitted electronically, in the drop box, or in person.
- E. A non-operational facility shall at all times maintain in full force and effect insurance and/or bonds in an amount and coverage type as required by the Act.
- F. A secure transporter shall provide proof of no-fault automobile insurance with a company licensed to do business in Michigan with limits of liability not less than \$1,000,000 per occurrence combined single limit for bodily injury and property damage, vehicle registration, and registration as a commercial motor vehicle for all vehicles used to transport marihuana or marihuana-infused product.
- G. Any failure to maintain or lapse in the insurance coverage required by this chapter will be grounds for revocation of the Village-issued operating permit.

## **SECTION 8: INSPECTION OF LICENSED PREMISES**

- A. During all business hours and other times when the premises are occupied by the licensee with full access to all areas, all licensed premises shall be subject to examination and inspection by the Village Police Department, Village President, and Village Code Enforcement Officer for the purpose of investigating and determining compliance with the provisions of this chapter and any other applicable state and local laws and regulations.
- B. All inspections shall be done in compliance with the CRA protocol to protect the facility from possible contamination or loss of intellectual property. This includes showering before arriving and bringing clean clothes to change into prior to full access.
- C. Consent to inspection. Application for a marihuana business license or operation of a marihuana business, or leasing property to a marihuana business, constitutes consent by the applicant, all owners, managers, and employees of the business, and the owner of the property to permit the Village staff to conduct routine examinations and inspections of the marihuana business to ensure compliance with this chapter or any other applicable law, rule, or regulation.
- D. For purposes of this chapter, examinations, and inspections of marihuana businesses and recordings from security cameras in such businesses are part of the routine policy of enforcement of this chapter for the purpose of protecting the public safety, individuals operating and using the services of the marihuana business and the adjoining properties and neighborhood.

- E. Application for a marihuana business permit constitutes consent to the examination and inspection of the business by the Barryton Police Department or Village Code Enforcement Officer without a search warrant, and consent to the seizure of any surveillance records, camera recordings, reports, or other materials required as a condition of a marihuana permit without a search warrant.
- F. A marihuana facility permittee or an employee or agent of the permittee, shall not threaten, hinder, or obstruct a law enforcement officer or Village inspector or investigator in the course of making an examination or inspection of the marihuana facility and premises and shall not refuse, fail, or neglect to cooperate with a law enforcement officer, inspector, or investigator in the performance of his or her duties to enforce this chapter, the MMFLA, or applicable state administrative rules.

## **SECTION 9: OTHER LAWS REMAIN APPLICABLE**

- A. To the extent the state adopts any additional or stricter law or regulation governing the sale or distribution of marihuana, the additional or stricter regulation shall control the establishment or operation of any marihuana commercial entity in the Village.
- B. Compliance with any applicable state law or regulation shall be deemed an additional requirement for issuance or denial of any permit under this chapter, and noncompliance with any applicable state law or regulation shall be grounds for revocation or suspension of any permit issued.

## **SECTION 10. APPLICATION REQUIREMENTS**

- A. An application for a new license shall be submitted to the Village Clerk on a form provided by the Village.
- B. The applicant shall provide the following information, under penalty of perjury, on the Village-issued form approved by, or acceptable to, the Village Clerk and/or Village President.
- C. Such information is required for the applicant, the proposed manager of the marihuana facility, and all persons who are true parties of interest in the marihuana facility that is the subject of the application.
- D. An application for a medical marihuana facility license, required by this chapter, shall not be considered complete until all of the following are received by the Village Clerk:
  - 1. If the applicant is an individual, the applicant's name, date of birth, physical address, email address, one or more phone numbers, including emergency contact information, and a copy of a government-issued photo identification card of the applicant.
  - 2. If the applicant is not an individual, the names, dates of birth, physical addresses, email addresses, and one or more phone numbers of each stakeholder of the applicant, including the designation of a stakeholder as an emergency contact person, articles of incorporation or organization, internal revenue service SS-4 EIN, and the operating agreement or bylaws of the applicant entity.
  - 3. The name, date of birth, physical address, copy of photo identification, and email address of any operator, manager, or employee other than the applicant.
  - 4. The name and address of the proposed medical marihuana facility.
  - 5. Applicant or licensee shall keep records of the results of a criminal history background check performed pursuant to MMFLA and shall provide copies for every applicant, licensee, stakeholder, and employee to the Village Clerk within five (5) business days of receipt and may be submitted electronically, in the drop box or in person.
  - 6. An affirmation under oath as to whether the applicant or operator has had a business license revoked or suspended, and if revoked or suspended, the reason for such action.
  - 7. A copy of the proposed business plan for the marihuana facility, including but not limited to, the proposed ownership structure of the medical marihuana operation, including percentage ownership of each person, their name, and a description of their position within the organization.

8. Provide either proof of ownership of the entire premises wherein the marijuana operation is to be operated, or a lease for the premises along with written consent from the property owner to use the premises as a licensed marijuana facility.
9. A security plan that meets the requirements outlined in the rules of the Department of Licensing and Regulatory Affairs, as may be updated or amended from time to time.
10. A floor plan of the marijuana operation, as well as a scale diagram illustrating the property, including all available parking spaces, all available handicapped accessible parking, and noting storage spaces for any flammable or combustible substances.
11. Verify compliance with State-mandated marketing and advertising restrictions as outlined in the rule of the Department of Licensing and Regulatory Affairs.
12. A location area map of the marijuana operation and surrounding area that identifies the relative locations and the distances to the setback areas stated in Section 11(A).
13. An odor plan to address any potential odors stemming from the use, storage, growing, or processing of marijuana.
14. Any other information requested by the Village Clerk to assist in the review of the application.
15. A statement that neither the applicant nor any true party of interest is in default to the Village for any property tax, special assessment, utility charge, fines, fees, or any other financial obligation owed to the Village.
16. A statement that the applicant has reviewed and agrees to conform its hiring and public accommodation practices to the state and federal anti-discrimination laws
17. A statement that the applicant consents to inspections, examinations, searches, and seizures required or undertaken pursuant to a criminal investigation or code enforcement investigation of this chapter.
18. Upon receipt of a completed application the Village Clerk may circulate the application to all affected service areas and departments of the Village to determine whether the application is in full compliance with all applicable laws, rules, and regulations.
19. If the Clerk identifies or is informed of a deficiency in an application, the applicant shall have one period of five (5) business days to correct the deficiency after notification by the Village Clerk.
20. Complete applications for a marijuana facility operating permit determined to be in full compliance with the requirements of this chapter shall be issued a marijuana facility approval certificate.
21. The Village Clerk shall issue a marijuana facility approval certificate if the inspection, background checks, and all other information available to the Village verify that the applicant has submitted a full and complete permit application, complies with applicable zoning and location requirements, and is prepared to operate business as set forth in the application, all in compliance with the Village ordinances and any other applicable law, rule, or regulation.
22. A marijuana facility approval certificate only means that the applicant has submitted a valid application for a marijuana facility operating permit, and is eligible to receive the appropriate marijuana facility license from the Department.
23. The applicant shall not locate or operate a marijuana facility in the Village without obtaining a state operating license approved by and issued by the Department.
24. A certificate issued by the Village will expire and be void after one year, or on the date that the State approval is denied by a final order to the applicant, whichever first occurs.
25. Within sixty (60) days from the issuance of a marijuana facility approval certificate by the Village Clerk, the applicant must submit proof to the Village Clerk that the applicant has submitted a partial application with the Department for prequalification or a state operating license or has submitted a full application for such license.



26. If the applicant fails to submit such proof, then the approval shall be canceled by the Village Clerk.
  27. If an approved applicant is denied prequalification for a state operating license or is denied on the full application for a state operating license, then the approval shall be canceled by the Village Clerk.
  28. A condition of the issuance of a marihuana operating permit includes, at a minimum, the operation of the business in compliance with all of the plans and information provided to the Village as part of the application.
  29. A permittee must update any change in the information provided to the Village as part of the application within five (5) business days of such change during the term of the permit and may be submitted electronically, in the drop box, or in person.
  30. The failure to timely update a change in information will be grounds for suspension or revocation of the operating permit
- E. Failure to provide required or requested information may result in an incomplete application determination and may result in denial or revocation of licensure.
  - F. Upon confirmation by the Village Clerk that an application for a Marijuana Facility is complete, the application shall be transmitted to the Village Board of Trustees for final approval of the Marijuana Facility license.
  - G. No such Marijuana Facility license shall be considered issued or approved until approved by a vote of the Village Board of Trustees.
  - H. The Village Board of Trustees may impose such reasonable terms and conditions on a Marijuana Facility license as may be necessary to protect the public health, safety, and welfare of Village residents, and to obtain and maintain compliance with the requirements of this Chapter and applicable state law.

## **SECTION 11. LOCATION AND ZONING REQUIREMENTS**

- A. No medical marihuana provisioning center shall be located within
  1. Five hundred (500) feet of public parks or a tax-exempt religious institution.
  2. One thousand (1000) feet of an operational school, including pre-kindergarten located within a school.
  3. For the purpose of calculating the buffering and dispersion requirements of this section, the distance shall be measured from the main entrance in a straight line to the adjacent street, along the centerline of the street or streets of address between two fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the buffered use nearest to the contemplated location of the marihuana operation and from the part of the contemplated location nearest to the buffered use.
- B. Medical marihuana facilities shall be limited to those zoning districts as described below:
  1. For Class A Grower, Class B grower, Class C Grower, and Processors: IND.
  2. For Provisioning Centers, Secure Transport, or Safety Testing: C-1, C-2, or IND.
- C. No marihuana facility shall be located within another business except as permitted by the Cannabis Regulatory Agency.

## **SECTION 12. MINIMUM OPERATIONAL STANDARDS**

Except as may be preempted by State law or regulation:

- A. Every medical marihuana provisioning center must be located in a building.
- B. Consumption of marihuana shall be prohibited on the premises of a marihuana facility except as permitted by Village Charter or State law.

- C. No marihuana operation shall be operated in a manner creating a nuisance that hinders the public health, safety, and welfare of the residents of the Village.
- D. Security surveillance cameras shall be installed to monitor all entrances, the interior, and exterior of the premises as well as fire alarm systems which are professionally monitored and operated 24 hours a day, 7 days a week.
- E. The premises shall be open for inspection during stated operating hours upon probable cause that a violation of this Chapter has occurred.
- F. The marihuana offered for sale and distribution must be packaged and labeled in accordance with State law and marihuana grown or transported shall be properly tagged and entered into the statewide monitoring system.
- G. Any and all criminal activities or attempted violations of any law at the marihuana facility shall be reported promptly to the Chief of Police or Village Clerk within 24 hours of occurrence or its discovery, whichever is sooner.
- H. The failure to timely report criminal activity is a violation of this chapter and may result in sanctions up to and including the suspension, revocation, or non-renewal of the facility's operating permit.

### **SECTION 13. OUTDOOR GROWING**

- A. "The outdoor, indoor, or mixed light cultivation of medical marihuana shall not endanger the comfort, repose, health, or safety of any of those persons or the public".
- B. The premises shall be open for inspection during stated operating hours upon probable cause that a violation of this Chapter has occurred.
- C. Any grower facility shall maintain a logbook and/or database indicating the number of marihuana plants and each plant shall be properly tagged as required by the MMMA and MMFLA.
- D. Any grower facility subject to this Section shall maintain fencing around the cultivation area such that no marijuana plants are visible to the public.
- E. All fencing and structures must be one hundred (100) feet from the nearest residential property line.

### **SECTION 14. LICENSES GENERALLY**

- A. To the extent permissible, all information submitted with an application for a license or license renewal is confidential and exempt from disclosure under the Michigan Freedom of Information Act, 1976 PA 442, MCL 15.231 et seq.<sup>40</sup>
- B. Licensees may transfer a license issued under this Chapter to a different individual or entity upon receiving written approval from the Village Clerk.
- C. In order to request approval to transfer a license to a different individual or entity, the licensee must make a written request to the Village Clerk, indicating the current licensee and the proposed licensee.
- D. Upon receiving a written request, the Village Clerk shall consider the request as a new application for a Village license and regular application procedure shall be followed.
- E. Licensees shall report any other change to the information required by this Chapter to the Village Clerk within five (5) business days of the change and may be submitted electronically, in the drop box, or in person. Failure to do so may result in suspension or revocation of the Village license.
- F. The amount of marihuana on the permitted property and under the control of the facility's licensee, owner, or operator of the facility shall not exceed the amount permitted by State law or the Village license.

### **SECTION 15. HOME DELIVERY BY PROVISIONING CENTER**

- A. A provisioning center may employ an individual to engage in the home delivery of a marihuana product for sale or transfer to a registered qualifying patient.

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<sup>40</sup> Michigan Freedom of Information Act, 1976 PA 442, MCL 15.231 et seq. See Appendix A.

- B. A provisioning center that wishes to utilize home delivery shall establish procedures to allow the delivery of marihuana products to a patient at the patient’s home address.
- C. Pursuant to rule 82, the following procedures shall apply to home deliveries by provisioning centers:
  - 1. Online orders and payments of a marihuana product may be accepted through a secure website that authenticates access by registered qualifying patients.
  - 2. A provisioning center shall ensure that only an authenticated and verified registered qualifying patient may view on the provisioning center’s website a marihuana product that is available for home delivery.
  - 3. The provisioning center creates a home delivery procedure that is subject to inspection and examination including, but not limited to, record keeping and tracking requirements.
  - 4. These procedures may be amended at any time by the Cannabis Regulatory Agency or its successor.
  - 5. The designated home delivery employee must meet all the requirements as set forth in rule 81 and is an employee of the provisioning center.

**SECTION 16. APPLICATION DENIAL OR LICENSE REVOCATION**

- A. Any license issued under this chapter may be revoked by the Village Clerk after an administrative hearing if the Village Clerk finds and determines that grounds for revocation exist.
- B. Any grounds for revocation must be provided to the licensee at least ten (10) days prior to the date of the hearing and may be served electronically, by first-class mail, or in person.
- C. A license applied for or issued may be denied or revoked upon the finding of any of the following:
  - 1. A material violation of any provision of this chapter, including, but not limited to, the failure to provide the information required by this chapter, any information found to be false, misleading or incomplete, or a material violation of the MMFLA or the corresponding rules promulgated by the Cannabis Regulatory Agency or its successor.
  - 2. Any conviction of a disqualifying felony by the licensee, stakeholder, or any person holding an ownership interest in the license; provided, however, the licensee shall be given reasonable time to rescind the ownership of any such disqualified person.
  - 3. Commission of fraud, misrepresentation, or the making of a false statement by the applicant, licensee, or any stakeholder while engaging in any activity for which this chapter requires a license.
  - 4. Failure to obtain or maintain a license or renewed license from the Village Clerk pursuant to this chapter.
  - 5. Failure of the licensee or the medical marihuana facility to obtain or maintain a license or approval from the State pursuant to the MMFLA.
  - 6. The medical marihuana facility is determined by the Village to have become a public nuisance or otherwise is operating in a manner detrimental to the public health, safety, or welfare.
  - 7. Cultivation, processing, sale, or display of marihuana that is visible from a public place.

**SECTION 17. PENALTIES**

- A. The Village may require an applicant or licensee for a marihuana facility to produce documents, records, or any other material pertinent to the investigation of an application or alleged violation of this chapter.
- B. Failure to provide the required material may be grounds for application denial or license revocation.
- C. Any person in violation of any provision of this chapter, including the operation of a marihuana facility without a license, is a municipal civil infraction.

- D. Each day the violation continues shall be a separate offense.
- E. Notwithstanding any other provision of this ordinance to the contrary, violators shall be subject to the following fines, the first violation is \$500, the second violation is \$1,500, and each subsequent offense is \$3,000, plus costs, per day of violation.
- F. All fines imposed shall be paid within 45 days after the effective date of the order imposing the fine or as otherwise specified in the order.
- G. Other remedies, the foregoing sanctions are in addition to the Village's right to seek other appropriate and proper remedies, including actions in law.

**SECTION 18. SEVERABILITY**

- A. The provisions of the Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.
- B. The Village Clerk shall publish this ordinance in the manner required by law.

**SECTION 19. EFFECTIVE**

This ordinance amendment shall take effect twenty (20) days after adoption.

Yeas 5    Nays 0                      Ordinance declared: Adopted                      Effective Date: 03-28-2023

Melissa Lazzaro

James Soriano

Village President

Village Clerk<sup>41</sup>

I hereby certify the publishing of this Ordinance, in whole or in part, in a newspaper of general circulation as required by State Law.

Name of Newspaper: Big Rapids Pioneer                      Date Published: 03-15-2023

Melissa Lazzaro

03-13-2023

Village Clerk

Date<sup>42</sup>

<sup>41</sup> Ordinance History. See Appendix E

<sup>42</sup> 2023 Amendments and Corrections. See Appendix B

RECREATIONAL MARIHUANA ORDINANCE

THE VILLAGE OF BARRYTON, MECOSTA COUNTY, MICHIGAN ORDAINS:

**SECTION 1. LEGISLATIVE INTENT**

- A. The purpose of this ordinance is to regulate and control, through the powers of the Village, the licensing and operations of marihuana facilities to the extent permissible under the Michigan Regulation and Taxation of Marihuana Act.
- B. This regulation is created to promote and protect the public health, safety, and welfare of the residents of the Village.
  - 1. Authorize the establishment of marihuana facilities within the village and provide standards and procedures for the review, issuance, renewal, and revocation of village-issued permits for such facilities.
  - 2. Impose fees to defray and recover the cost to the Village of the administrative and enforcement costs associated with marihuana facilities; and
  - 3. Coordinate with laws and regulations enacted by the state addressing marihuana
- C. The Village finds that the activities described in this Chapter are significantly connected to the public health, safety, security, and welfare of its citizens and are therefore necessary to regulate and enforce safety, security, fire, policing, health, and sanitation practices related to such activities.
- D. This Ordinance is a consolidation of the Village of Barryton ORDINANCE # 10-2022 RECREATIONAL MARIHUANA ORDINANCE, the previous amendments thereto, as well as those amendments contained herein, and shall now be known as the Village of Barryton ORDINANCE # 31-2023 RECREATIONAL MARIHUANA ORDINANCE.<sup>43</sup>

**SECTION 2. INDEMNIFICATION OF VILLAGE**

- A. By accepting a permit issued pursuant to this Chapter, the holder waives and releases the Village, its officers, elected officials, and employees from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of marihuana facility owners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations.
- B. By accepting a permit issued pursuant to this Chapter, the holder agrees to indemnify, defend and hold harmless the Village, its officers, elected officials, employees, and insurers, against all liability, claims, or demands arising on account of any claim of diminution of property value by a property owner whose property is located in proximity to a licensed marihuana facility, arising out of the operation of a marihuana facility or any claim based on an alleged injury to business or property by reason of a claimed violation of the federal Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. Section 1964(c).<sup>44</sup>

**SECTION 3. RESERVATION OF LEGISLATIVE PREROGATIVE**

- A. The Village Council reserves the right to amend or repeal this chapter in any matter, including, but not limited to the complete elimination of any type or number of marihuana facilities authorized to operate in the Village.
- B. Nothing in this chapter may be held or construed to grant or “grandfather” any marihuana facility a vested right, license, permit, or privilege to continued operations within the Village

**SECTION 4. DEFINITIONS**

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<sup>43</sup> Ordinance History. See Appendix E

<sup>44</sup> Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. Section 1964(c). See Appendix A

- A. Words and phrases contained in the Michigan Medical Marihuana Facilities Licensing Act (“MMFLA”), MCL 333.27101 et seq.<sup>45</sup>, the Medical Marihuana Act (“MMMA”), MCL 333.26421 et seq.<sup>46</sup>, Marihuana Tracking Act (“MTA”), MCL 333.27901 et seq.<sup>47</sup>, Michigan Regulation and Taxation of Marihuana Act (MRTMA), MCL 333.27951 et seq.<sup>48</sup>, and any emergency rules promulgated by the State, shall have the same meaning in this Chapter as in the acts and rules. If, at any time, a word or phrase set forth in this Chapter conflicts with a definition in the MMMA, MMFLA, or MRTMA then the definition in the act shall apply.
- B. This Ordinance shall not limit an individual or entity’s rights under the MMMA, MMFLA, MTA, or MRTMA and these acts supersede this Chapter where there is a conflict between them.
- C. Any term defined by 21 USC 860(e)<sup>49</sup> referred to in this Chapter shall have the definition given by 21 USC 860(e).
- D. All activities related to non-medical marihuana shall be in compliance with the rules of the Michigan Department of Licensing and Regulatory Affairs, or any successor agency, the rules and regulations of the Village and MRTMA.
- E. Any use which purports to have engaged in the cultivation or processing of marihuana into a usable form, or the distribution of marihuana, or the testing of marihuana either prior to or after enactment of this Chapter but without obtaining the required licensing set forth in this Chapter, shall be deemed to be not legally in compliance with this Chapter and/or state law and shall not be entitled to legal nonconforming status under this provision or state law.
- F. The following words and phrases shall have the following definitions when used in this Ordinance:
  1. ACT means The Michigan Regulation and Taxation of Marihuana Act, being Initiated Law 1 of 2018, M.C.L. 333.27951 et seq.<sup>50</sup>, as amended, and its corresponding emergency and/or administrative rules.
  2. APPLICATION means an application for a license pursuant to the terms and conditions set forth in the MRTMA.
  3. AUTHORIZED PERSON means:
    - a. An owner of a facility.
    - b. The directors, officers, members, partners, and individuals of a facility that is a corporation, limited liability company, partnership, or sole proprietorship.
    - c. Any person who is in charge or on the premises of the facility during business hours.
  4. CHAPTER means this Chapter 15.
  5. CLERK means the Village Clerk of Barryton.
  6. DEPARTMENT means the Michigan Department of Licensing and Regulatory Affairs, or its successor agency.
  7. DESIGNATED CONSUMPTION ESTABLISHMENT means any commercial space that legally permits the use of marihuana by those persons 21 years of age or older.
  8. FACILITY means a marihuana facility as defined in the MRTMA, which is required to be licensed under this Chapter and possess a state license or approval to operate from the State. Facility types include
    - a. Marihuana provisioning center or retailer.
    - b. Marijuana designated consumption establishment.
    - c. Marihuana microbusiness.

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<sup>45</sup> Michigan Medical Marihuana Facilities Licensing Act (“MMFLA”), MCL 333.27101 et seq. See Appendix A.

<sup>46</sup> Medical Marihuana Act (“MMMA”), MCL 333.26421 et seq. See Appendix A.

<sup>47</sup> Marihuana Tracking Act (“MTA”), MCL 333.27901 et seq. See Appendix A.

<sup>48</sup> Michigan Regulation and Taxation of Marihuana Act (MRTMA), MCL 333.27951 et seq. See Appendix A.

<sup>49</sup> 21 USC 860(e). See Appendix A.

<sup>50</sup> Initiated Law 1 of 2018, M.C.L. §§ 333.27951 et seq.

- d. Marihuana processor.
  - e. Marihuana grower facility.
  - f. Marihuana secure transporter.
  - g. Marihuana safety compliance facility.
9. GROWER means a commercial or business entity that cultivates and sells marihuana to other facilities, as permitted by the MRTMA, including the following:
- a. Class A grower, which allows for a maximum of 100 plants under the MRTMA.
  - b. Class B grower, which allows for a maximum of 500 plants under the MRTMA
  - c. Class C grower, which allows for a maximum of 2,000 plants under the MRTMA.
  - d. Excess marihuana grower, is a person for whom the state has issued 5 Class C marihuana grower licenses under the MRTMA.
10. MARIHUANA means the same as is defined by the MMMA, MMFLA and MRTMA.
11. MARIHUANA EVENT ORGANIZER means a person licensed to apply for a temporary marihuana event license under these rules.
12. MARIHUANA MICROBUSINESS means a business that cultivates not more than 150 plants; processes and packages it and sells it to individuals who are 21 years of age or older or to a safety compliance facility but not to other businesses.
13. MARIHUANA RETAILER means a licensee located in the Village that is licensed or approved to operate by the State pursuant to the MRTMA and is licensed by the Village to obtain marihuana from marihuana facilities and sell or otherwise transfer marihuana to a marihuana facility and to individuals who are 21 years of age or older.
14. PERMITTED PROPERTY means real property comprised of a lot, parcel, or another designated unit of real property upon which the marihuana facility is situated.
15. PROCESSOR means a commercial or business entity that purchases marihuana from a grower and extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center.
16. SAFETY COMPLIANCE FACILITY means a commercial or business entity that extracts resin from marihuana or creates a marihuana-infused product, processes and packages marihuana, and sells or otherwise transfers marihuana to marihuana operations, to the extent permitted by State law and rules.
17. SECURE TRANSPORTER means a commercial or business entity that is licensed to operate, pursuant to the MRTMA, and is licensed to operate by the Village, pursuant to the terms of this Chapter, which stores marihuana and transports marihuana between marihuana facilities for a fee and in accordance with State law.
18. STATE LICENSE means a valid state operating license issued under the MRTMA.
19. TEMPORARY MARIHUANA EVENT means a license held by a marihuana event organizer for an event where the onsite sale or consumption of marihuana products, or both, are authorized at the location indicated on the state license during the dates indicated on the state license.
20. VILLAGE LICENSE means a current and valid license that is issued by the Village under this Chapter to the licensee permitting the operation of a marihuana facility.

## **SECTION 5. MARIHUANA FACILITIES AUTHORIZED**

- A. Pursuant to the MRTMA, the Village hereby authorizes the operation of the following types of properly licensed commercial adult-use marihuana facilities:

1. Class A Growers.
2. Class B Growers.
3. Class C Growers (including Excess Marijuana Growers).
4. Processors.
5. Retailers.
6. Microbusiness.
7. Safety Compliance Facilities.
8. Secure Transports.
9. Designated Consumption Establishment.
10. Temporary Marihuana Event/Event Organizer.

**SECTION 6. VILLAGE LICENSE REQUIRED; NUMBER OF LICENSES AVAILABLE**

- A. The number of commercial marihuana facility licenses allowed at any time to be granted by the Village Clerk shall not exceed the following maximums within the Village:
1. Class A Grow – 2.
  2. Class B Grow-Unlimited.
  3. Class C Grow –Unlimited.
  4. Processor –Unlimited.
  5. Retailer – 1.
  6. Microbusiness – 0.
  7. Marihuana event organizer – 1.
  8. Temporary marihuana event –Unlimited.
  9. Designative consumption establishment – 1.
  10. Safety Compliance – Unlimited.
  11. Secure Transport –Unlimited.
- B. The Village may review and amend these numbers by resolution annually or as it determines to be necessary and/or advisable.
- C. No person shall operate a facility for which an annual license, as provided for in this Chapter, has not been issued.
- D. A marihuana facility operating without a state license, Village license, or approval is hereby declared to be a public nuisance.
- E. A license issued under this Chapter shall be valid for one (1) year after the date of issuance.
- F. In order to renew an existing license, the licensee shall submit an application for renewal no earlier than ninety (90) days or later than sixty (60) days before the expiration date of the license.
- G. The application shall be accompanied by a renewal fee of \$5,000.





President, and Village Code Enforcement Officer for the purpose of investigating and determining compliance with the provisions of this chapter and any other applicable state and local laws and regulations.

- B. All inspections shall be done in compliance with the CRA protocol to protect the facility from possible contamination or loss of intellectual property. This includes showering before arriving and bringing clean clothes to change into prior to full access.
- C. Consent to inspection, Application for a marihuana business license or operation of a marihuana business, or leasing property to a marihuana business, constitutes consent by the applicant, all owners, managers, and employees of the business, and the owner of the property to permit the Village staff to conduct routine examinations and inspections of the marihuana business to ensure compliance with this chapter or any other applicable law, rule, or regulation.
- D. For purposes of this chapter, examinations, and inspections of marihuana businesses and recordings from security cameras in such business are part of the routine policy of enforcement of this chapter for the purpose of protecting the public safety, individuals operating and using the services of the marihuana business and the adjoining properties and neighborhood.
- E. Application for a marihuana business permit constitutes consent to the examination and inspection of the business by the Barryton Police Department or Village Code Enforcement Officer without a search warrant, and consent to the seizure of any surveillance records, camera recordings, reports, or other materials required as a condition of a marihuana permit without a search warrant.
- F. A marihuana facility permittee or an employee or agent of the permittee, shall not threaten, hinder, or obstruct a law enforcement officer or Village inspector or investigator in the course of making an examination or inspection of the marihuana facility and premises and shall not refuse, fail, or neglect to cooperate with a law enforcement officer, inspector, or investigator in the performance of his or her duties to enforce this chapter, the MMFLA, or applicable state administrative rules.

#### **SECTION 9: OTHER LAWS REMAIN APPLICABLE**

- A. To the extent the state adopts any additional or stricter law or regulation governing the sale or distribution of marihuana, the additional or stricter regulation shall control the establishment or operation of any marihuana commercial entity in the Village.
- B. Compliance with any applicable state law or regulation shall be deemed an additional requirement for issuance or denial of any permit under this chapter, and noncompliance with any applicable state law or regulation shall be grounds for revocation or suspension of any permit issued.

#### **SECTION 10. APPLICATION REQUIREMENTS**

- A. An application for a new license shall be submitted to the Village Clerk on a form provided by the Village.
- B. The applicant shall provide the following information, under penalty of perjury, on the Village-issued form approved by, or acceptable to, the Village Clerk and/or Village President.
- C. Such information is required for the applicant, the proposed manager of the marihuana facility, and all persons who are true parties of interest in the marihuana facility that is the subject of the application.
- D. An application for a marihuana facility license, required by this chapter, shall not be considered complete until all of the following are received by the Village Clerk:
  - 1. If the applicant is an individual, the applicant's name, date of birth, physical address, email address, one or more phone numbers, including emergency contact information, and a copy of a government-issued photo identification card of the applicant.
  - 2. If the applicant is not an individual, the names, dates of birth, physical addresses, email addresses, and one or more phone numbers of each stakeholder of the applicant, including the designation of a stakeholder as an emergency contact person, articles of incorporation or organization, internal revenue service SS-4 EIN, and the operating agreement or bylaws of the applicant entity.

3. The name, date of birth, physical address, copy of photo identification, and email address of any operator, manager, or employee if other than the applicant.
4. The name and address of the proposed marihuana facility.
5. Applicant or licensee shall keep records of the results of a criminal history background check performed pursuant to MRTMA and shall provide copies for every applicant, licensee, stakeholder, and employee to the Village Clerk within five (5) business days of receipt and may be submitted electronically, in the drop box or in person.
6. An affirmation under oath as to whether the applicant or operator has had a business license revoked or suspended, and if revoked or suspended, the reason for such action.
7. A copy of the proposed business plan for the marihuana facility, including but not limited to, the proposed ownership structure of the marihuana operation, including percentage ownership of each person, their name, and a description of their position within the organization.
8. Provide either proof of ownership of the entire premises wherein the marihuana operation is to be operated; or a lease for the premises along with written consent from the property owner to use the premises as a licensed marihuana facility.
9. A security plan that meets the requirements outlined in the rules of the Department of Licensing and Regulatory Affairs, as may be updated or amended from time to time.
10. A floor plan of the marihuana operation, as well as a scale diagram illustrating the property, including all available parking spaces, all available handicapped accessible parking, and noting storage spaces for any flammable or combustible substances.
11. Verify compliance with State-mandated marketing and advertising restrictions as outlined in the rule of the Department of Licensing and Regulatory Affairs.
12. A location area map of the marihuana operation and surrounding area that identifies the relative locations and the distances to the setback areas stated in Section 11.
13. An odor plan to address any potential odors stemming from the use, storage, growing, or processing of marihuana.
14. Any other information requested by the Village Clerk to assist in the review of the application.
15. Failure to provide required or requested information may result in an incomplete application determination and may result in denial or revocation of licensure.
16. A statement that neither the applicant nor any true party of interest is in default to the Village for any property tax, special assessment, utility charge, fines, fees, or any other financial obligation owed to the Village.
17. A statement that the applicant has reviewed and agrees to conform its hiring and public accommodation practices to the state and federal anti-discrimination laws
18. A statement that the applicant consents to inspections, examinations, searches, and seizures required or undertaken pursuant to a criminal investigation or code enforcement investigation of this chapter.
19. Upon receipt of a completed application the Village Clerk may circulate the application to all affected service areas and departments of the Village to determine whether the application is in full compliance with all applicable laws, rules, and regulations.
20. If the Clerk identifies or is informed of a deficiency in an application, the applicant shall have one period of five (5) business days to correct the deficiency after notification by the Village Clerk.
21. Complete applications for a marihuana facility operating permit determined to be in full compliance with the requirements of this chapter shall be issued a marihuana facility approval certificate.

22. The Village Clerk shall issue a marihuana facility approval certificate if the inspection, background checks, and all other information available to the Village verify that the applicant has submitted a full and complete permit application, complies with applicable zoning and location requirements, and is prepared to operate business as set forth in the application, all in compliance with the Village ordinances and any other applicable law, rule, or regulation.
  23. A marihuana facility approval certificate only means that the applicant has submitted a valid application for a marihuana facility operating permit, and is eligible to receive the appropriate marihuana facility license from the Department.
  24. The applicant shall not locate or operate a marihuana facility in the Village without obtaining a state operating license approved by and issued by the Department.
  25. A certificate issued by the Village will expire and be void after one year, or on the date that the State approval is denied by a final order to the applicant, whichever first occurs.
  26. Within sixty (60) days from the issuance of a marihuana facility approval certificate by the Village Clerk, the applicant must submit proof to the Village Clerk that the applicant has submitted a partial application with the Department for prequalification or a state operating license or has submitted a full application for such license.
  27. If the applicant fails to submit such proof, then the approval shall be canceled by the Village Clerk.
  28. If an approved applicant is denied prequalification for a state operating license or is denied on the full application for a state operating license, then the approval shall be canceled by the Village Clerk.
  29. A condition of the issuance of a marihuana operating permit includes, at a minimum, the operation of the business in compliance with all of the plans and information provided to the Village as part of the application.
  30. A permittee must update any change in the information provided to the Village as part of the application within five (5) business days of such change during the term of the permit and may be submitted electronically, in the drop box or in person.
  31. The failure to timely update a change in information will be grounds for suspension or revocation of the operating permit
- E. The Village Board of Trustees may impose such reasonable terms and conditions on a Marijuana Facility license as may be necessary to protect the public health, safety, and welfare of Village residents, and to obtain and maintain compliance with the requirements of this Chapter and applicable state law.

## **SECTION 11. LOCATION AND ZONING REQUIREMENTS**

- A. No marihuana facility shall be located within
  1. Five hundred feet of public parks or a tax-exempt religious institution.
  2. One thousand feet of an operational school, including pre-kindergarten that is located within a school.
  3. For the purpose of calculating the buffering and dispersion requirements of this section, the distance shall be measured from the main entrance in a straight line to the adjacent street, along the centerline of the street or streets of address between two fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the buffered use nearest to the contemplated location of the marihuana operation and from the part of the contemplated location nearest to the buffered use.
- B. Marihuana facilities shall be limited to those zoning designations as provided herein:
  1. For Class A Grower, Class B Grower, Class C Grower, and Processors: IND.
  2. For Retail, Microbusinesses, Designated Consumption Establishments, Secure Transport, or Safety Testing: C-1, C-2, or IND.

- C. No marihuana facility shall be located within another business except as permitted by the Cannabis Regulatory Agency.

## **SECTION 12. MINIMUM OPERATIONAL STANDARDS**

Except as may be preempted by State law or regulation:

- A. Every marihuana provisioning center must be located in a building.
- B. Consumption of marihuana shall be prohibited on the premises of a marihuana facility except as permitted herein.
- C. No marihuana operation shall be operated in a manner creating a nuisance that hinders the public health, safety, and welfare of the residents of the Village.
- D. Security surveillance cameras shall be installed to monitor all entrances, the interior, and exterior of the premises as well as fire alarm systems which are professionally monitored and operated 24 hours a day, 7 days a week.
- E. The premises shall be open for inspection during stated operating hours upon probable cause that a violation of this Chapter has occurred.
- F. The marihuana offered for sale and distribution must be packaged and labeled in accordance with State law and marihuana grown or transported shall be properly tagged and entered into the statewide monitoring system.
- G. Any and all criminal activities or attempted violations of any law at the marihuana facility shall be reported promptly to the Chief of Police or Village Clerk within 24 hours of occurrence or its discovery, whichever is sooner.
- H. The failure to timely report criminal activity is a violation of this chapter and may result in sanctions up to and including the suspension, revocation, or non-renewal of the facility's operating permit.

## **SECTION 13. OUTDOOR GROWING**

- A. "The outdoor, indoor or mixed-light cultivation of marihuana shall not endanger the comfort, repose, health, or safety of any of those persons or the public"
- B. The premises shall be open for inspection during stated operating hours upon probable cause that a violation of this Chapter has occurred.
- C. Any grower facility shall maintain a logbook and/or database indicating the number of marihuana plants and each plant shall be properly tagged as required by State law.

## **SECTION 14. DESIGNATED CONSUMPTION ESTABLISHMENT**

- A. Any commercial space that legally permits the use of marihuana shall designate a consumption area accessible only by persons 21 years of age or older, and, shall obtain and maintain a license from the State and Village as provided herein.
- B. A designated consumption establishment must comply with all State laws and rules pursuant to MRTMA, including but not limited to, a ventilation system that directs air from the marihuana consumption area to the outside of the building through a filtration system sufficient to remove visible smoke consistent with all applicable building codes and ordinances and adequate to substantially eliminate the odor at the property line.
- C. The sale of marihuana is limited only to facilities licensed to conduct sales of marihuana products.

## **SECTION 15. LICENSES GENERALLY**

- A. To the extent permissible, all information submitted with an application for a license or license renewal is confidential and exempt from disclosure under the Michigan Freedom of Information Act, 1976 PA 442, MCL 15.231 et seq.<sup>51</sup>

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<sup>51</sup> Michigan Freedom of Information Act, 1976 PA 442, MCL 15.231 et seq. See Appendix A.

- B. Licensees may transfer a license issued under this Chapter to a different individual or entity upon receiving written approval from the Village Clerk.
- C. In order to request approval to transfer a license to a different individual or entity, the licensee must make a written request to the Village Clerk, indicating the current licensee and the proposed licensee.
- D. Upon receiving a written request, the Village Clerk shall consider the request as a new application for a Village license and regular application procedure shall be followed.
- E. Licensee shall report any other change to the information required by this Chapter to the Village Clerk within five (5) business days of the change and may be submitted electronically, in the drop box, or in person. Failure to do so may result in suspension or revocation of the Village license.
- F. The amount of marihuana on the permitted property and under the control of the facility's licensee, owner, or operator of the facility shall not exceed the amount permitted by State law or the Village license.

**SECTION 16. APPLICATION DENIAL OR LICENSE REVOCATION**

- A. Any license issued under this chapter may be revoked by the Village Clerk after an administrative hearing if the Village Clerk finds and determines that grounds for revocation exist.
- B. Any grounds for revocation must be provided to the licensee at least 10 days prior to the date of the hearing and may be served electronically, by first-class mail, or in person.
- C. A license applied for or issued may be denied or revoked upon the finding of any of the following:
  - 1. A material violation of any provision of this chapter, including, but not limited to, the failure to provide the information required by this chapter, any information found to be false, misleading or incomplete, or, a material violation of the MRTMA or the corresponding rules promulgated by the Cannabis Regulatory Agency or its successor.
  - 2. Any conviction of a disqualifying felony by the licensee, stakeholder, or any person holding an ownership interest in the license; provided, however, the licensee shall be given reasonable time to rescind the ownership of any such disqualified person.
  - 3. Commission of fraud or misrepresentation or the making of a false statement by the applicant, licensee, or any stakeholder while engaging in any activity for which this chapter requires a license.
  - 4. Failure to obtain or maintain a license or renewed license from the Village Clerk pursuant to this chapter.
  - 5. Failure of the licensee or the marihuana facility to obtain or maintain a license or approval from the State pursuant to the MRTMA.
  - 6. The marihuana facility is determined by the Village to have become a public nuisance or otherwise is operating in a manner detrimental to the public health, safety, or welfare.
  - 7. Cultivation, processing, sale, or display of marihuana that is visible from a public place.

**SECTION 17. PENALTIES**

- A. The Village may require an applicant or licensee for a marihuana facility to produce documents, records, or any other material pertinent to the investigation of an application or alleged violation of this chapter.
- B. Failure to provide the required material may be grounds for application denial or license revocation.
- C. A violation of this chapter, including the operation of a marihuana facility without a license, is a municipal civil infraction.
- D. Each day the violation continues shall be a separate offense.

- E. Notwithstanding any other provision of this ordinance to the contrary, violators shall be subject to the following fines, the first violation is \$500, the second violation is \$1,500, and each subsequent offense is \$3,000, plus costs, per day of violation.
- F. Any person in violation of any provision of this chapter, including the operation of a marihuana facility without a license, shall be subject to a civil fine of \$500.00, plus costs, per day of violation.
- G. All fines imposed shall be paid within 45 days after the effective date of the order imposing the fine or as otherwise specified in the order.
- H. Other remedies, the foregoing sanctions are in addition to the Village's right to seek other appropriate and proper remedies, including actions in law.

**SECTION 18. SEVERABILITY**

- A. The provisions of the Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.
- B. The Village Clerk shall publish this ordinance in the manner required by law.

**SECTION 19. EFFECTIVE**

This ordinance shall take effect twenty (20) days after adoption.

Yeas 5 Nays 0 Ordinance declared: Adopted Effective Date: 03-28-2023

Melissa Lazzaro

James Soriano

Village President

Village Clerk<sup>52</sup>

I hereby certify the publishing of this Ordinance, in whole or in part, in a newspaper of general circulation as required by State Law.

Name of Newspaper: Big Rapids Pioneer Date Published: 03-15-2023

Melissa Lazzaro

03-13-2023

Village Clerk

Date<sup>53</sup>

<sup>52</sup> Ordinance History. See Appendix E

<sup>53</sup> 2023 Amendments and Corrections. See Appendix B.

RETAIL MERCHANDISE ON SIDEWALKS

THE VILLAGE OF BARRYTON, MECOSTA COUNTY, MICHIGAN ORDAINS

SECTION 1: INTENT

- A. It will be unlawful for any business, within the Village of Barryton, to leave any retail merchandise on the sidewalk after the establishment has closed for the day without the express permission of the Village Council.
- B. This Ordinance is a consolidation of the Village of Barryton ORDINANCE # 25-2015 RETAIL MERCHANDISE ON SIDEWALKS, the previous amendments thereto, as well as those amendments contained herein, and shall now be known as the Village of Barryton ORDINANCE # 25-2023 RETAIL MERCHANDISE ON SIDEWALKS.<sup>54</sup>

SECTION 2: PENALTY

- A. The penalty for a violation of this ordinance shall be a Village civil infraction with a fine of not less than \$25 and not more than \$500, plus costs of not less than \$9 and not more than \$500.
- B. Costs may include all expenses, direct and indirect, to which the Village has been put in connection with the Village civil infraction up to the entry of judgment.
- C. The Village may seek or employ all other remedies and sanctions available under state law for municipal civil infractions.
- D. The penalty for repeat offenses of the same ordinance provision within two years of a prior offense shall be a fine of not less than \$50 and not more than \$1,000, plus costs and all other remedies and sanctions available under state law for municipal civil infractions.

SECTION 3: SEVERABILITY

The provisions of the Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

SECTION 4: EFFECTIVE

- A. The adoption of this ordinance 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 ordinance.
- B. This Ordinance Shall Take Effect Twenty (20) Days After Adoption.
- C. All Ordinances or Parts of Ordinances in Conflict Are Hereby Repealed.
- D. I hereby certify the adoption of this ordinance at the 03-08-2023 council meeting and cause the same to be published as required by law.

Yeas: 5 Nays: 0

Ordinance Declared: Adopted

Effective Date: 03-28-2023

Melissa Lazzaro

James Soriano

Village Clerk

Village President<sup>55</sup>

<sup>54</sup> Ordinance History. See Appendix E

<sup>55</sup> 2023 Amendments and corrections. See Appendix B



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I hereby certify the publishing of this Ordinance, in whole or in part, in a newspaper of general circulation as required by State Law.

Name of Newspaper: Big Rapids Pioneer

Date Published: 03-15-2023

*Melissa Lazzaro*

03-13-2023

Village Clerk

Date

SNOW REGULATIONS

THE VILLAGE OF BARRYTON, MECOSTA COUNTY, MICHIGAN ORDAINS:

**SECTION 1: INTENT**

- A. The downtown sidewalk snow and ice removal section of this ordinance ensures all customers and walkers are safe and free of hazardous conditions as they visit and shop in our community.
- B. This ordinance is a consolidation of the Village of Barryton ORDINANCE # 21-2015 SNOW, the previous amendments thereto, as well as those contained herein, and shall now be known as the Village of Barryton ORDINANCE # 21-2023 SNOW REGULATIONS.<sup>56</sup>

**SECTION 2: DOWNTOWN SIDEWALK SNOW AND ICE REMOVAL**

- A. Owners, occupants, and persons in control of any property shall be responsible for keeping all sidewalks adjoining the property clear of snow and ice as provided in this section.
- B. Ice shall be cleared by removal or application of sufficient quantities of deicing material or sand.
- C. Failure to remove snow or ice from a sidewalk for a period of 24 consecutive hours is a violation of this ordinance.
- D. On sidewalks in the downtown area, accumulations of two or more inches of snow that falls and ice that forms, between the hours of 7:00 am. and 7:00 p.m., shall be removed immediately, with any snow that accumulates or ice that forms after 7:00 p.m. to be removed by 7:00 a.m. of the following day, with failure to comply with these requirements being a violation of this ordinance.
- E. This Ordinance shall be enforced by such person(s) who shall be so designated by the Village Council.
- F. The owner and/or tenants of any premises found to be not in compliance with this ordinance will be given notice by way of posting of property.
- G. If snow and/or Ice are not removed from the premises within 24 hours after the date of posting such notice, the owner and/or tenants of the premises shall be subject to Village penalties as set forth in this ordinance.
- H. The Village of Barryton is also hereby authorized and empowered to pay for the removal of the snow and/or ice or to order the removal by any authorized Village representative.
- I. Where costs of removal or any civil infractions issued are not paid by an owner within sixty (60) days after the removal of such snow and or ice or violations of any sections of this ordinance, then the Village Council shall cause to be recorded in the Treasurer's Office the date and premises on which removal was done or the violation occurred.
- J. The recording of a such statement:
  - 1. Shall constitute a lien on the property and shall remain in full force and effect for the amount due in principal and interest until final payment has been made.
  - 2. Shall be collected in the manner provided by law for the collection of taxes.
  - 3. The total amount shall be subject to a delinquent penalty of 1% per month in the event the same is not paid in full on or before the date of the tax bill upon which said charge appears to become delinquent.
  - 4. Said sworn statements recorded in accordance with the provisions hereof shall be notice to every person concerned that the amount of the statement plus interest, constitutes a charge against the premises described in the statement that the same is due.

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<sup>56</sup> Ordinance History. See Appendix E

### **SECTION 3: OBSTRUCTION OF SAFETY VISION BY REMOVAL OR DEPOSIT OF SNOW, ICE, OR SLUSH PROHIBITED**

- A. In the spirit and letter of the Michigan Vehicle Code, Public Act 300 of 1949, Sec. 677A, MCL 257.77:<sup>57</sup>
  - 1. A PERSON shall not include the Village or State or a political subdivision of the Village/State or an employee of the Village or State or a political subdivision of the Village or State operating within the scope of his duties.
  - 2. SAFETY VISION means an unobstructed line of sight enabling a driver to travel upon, enter, or exit a roadway in a safe manner.
- B. A person shall not remove, or cause to be removed, snow, ice, or slush onto or across a roadway or the shoulder of the roadway in a manner that obstructs the safety vision of the driver of a motor vehicle other than off-road vehicles.
- C. A person shall not deposit, or cause to be deposited, snow, ice, or slush onto or across a roadway or the shoulder of the roadway in a manner that obstructs the safety vision of the driver of a motor vehicle.
- D. A person shall not deposit, or cause to be deposited, snow, ice, or slush on any roadway or highway.
- E. A person who violates this section is responsible for a civil infraction and shall be ordered to pay a civil fine of not more than \$100.00.

### **SECTION 4: PARKING**

It shall be unlawful for any reason to cause, allow, permit, or suffer any vehicle to stand or be parked on any street within the Village corporate limits between the hours of two o'clock (2:00) a.m. and six o'clock (6:00) a.m. between November 1st through March 31st, contingent upon the weather.

### **SECTION 5: PENALTY**

- A. The penalty for a violation of this ordinance shall be a Village civil infraction with a fine of not less than \$25 and not more than \$500, plus costs of not less than \$9 and not more than \$500.
- B. Costs may include all expenses, direct and indirect, to which the Village has been put in connection with the Village civil infraction up to the entry of judgment.
- C. The Village may seek or employ all other remedies and sanctions available under state law for municipal civil infractions.
- D. The penalty for repeat offenses of the same ordinance provision within two years of a prior offense shall be a fine of not less than \$50 and not more than \$1,000, plus costs and all other remedies and sanctions available under state law for municipal civil infractions.
- E. Exception: If snowfall requires a vehicle to be moved which is parked in violation of any of the listed offenses it can be removed immediately at the owner's expense regardless of the amount of snowfall.

### **SECTION 6: SEVERABILITY**

The provisions of the Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

### **SECTION 7: EFFECTIVE**

- A. The adoption of this ordinance shall not be interpreted as authorizing or permitting any use of a structure or premises in violation of any ordinance of the Village in effect on the date of adoption of this ordinance.
- B. This ordinance shall take effect twenty (20) days after adoption.
- C. All ordinances or parts of ordinances in conflict are hereby repealed.

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<sup>57</sup> Michigan Vehicle Code, Public Act 300 of 1949, Sec. 677A, MCL 257.77. See Appendix A.

D. I hereby certify the adoption of this ordinance at the 03-08-2023 council meeting and cause the same to be published as required by law.

Yeas: 5 Nays: 0

Ordinance Declared: Adopted

Effective Date: 03-28-2023

*Melissa Lazzaro*

*James Soriano*

Village Clerk

Village President<sup>58</sup>

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I hereby certify the publishing of this ordinance, in whole or in part, in a newspaper of general circulation as required by State Law.

Name of Newspaper: Big Rapids Pioneer

Date Published: 03-15-2023

*Melissa Lazzaro*

03-13-2023

Village Clerk

Date

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<sup>58</sup> 2023 Amendments and Corrections. See Appendix B

CHPT. 20 ORDINANCE # 10-2023

ANIMAL ORDINANCE

THE VILLAGE OF BARRYTON, MECOSTA COUNTY, MICHIGAN ORDAINS:

**SECTION 1: PURPOSE**

- A. Consistent with the letter and spirit of the DOG LAW OF 1919, PUBLIC ACT 339 OF 1919, as amended (MCL 287.261 et seq.)<sup>59</sup>, and the MECOSTA COUNTY, MICHIGAN ANIMAL REGULATIONS<sup>60</sup>, it is the purpose of this Ordinance to establish regulations on the owning and/or keeping of animals in the Village of Barryton, Mecosta County, Michigan.
- B. This Ordinance is a consolidation of Village of Barryton ORDINANCE # 10-2015 ANIMAL ORDINANCE, the previous amendments thereto, as well as those amendments contained herein, and shall now be known as the Village of Barryton ORDINANCE # 10-2023 ANIMAL ORDINANCE.<sup>61</sup>

**SECTION 2: ANIMAL AND FOWL REGULATION**

It shall be unlawful for any person to keep any animal or fowl within 100 feet of any dwelling, street, alley, or public place, except household pets, and further, horses and cattle cannot be kept within the Village unless the parcel is zoned A-1 and the parcel contains 5 acres or more.

**SECTION 3: POISONOUS SUBSTANCE PROHIBITED**

It shall be unlawful to throw or deposit poisoned meat, or any poison or harmful substances in any street, alley, or public place, or on any private premises within the Village, for the purpose of destroying any dog, bird, fowl, or another animal.

**SECTION 4: FEEDING REQUIRED**

It shall be unlawful to feed any animal unwholesome or unsuitable food, or unclean water to drink which is likely to cause or produce disease in the animal.

**SECTION 5: SANITARY REQUIREMENTS**

Every person lawfully keeping or harboring any animal, shall keep or cause to be kept all manure, or offal therefrom, which shall be deposited or accumulated from such animal, securely and closely confined to or buried upon his premises and in such manner as will prevent it from being scattered from such place of deposit into or upon any street, sidewalk, alley or gutter of the Village; and shall so cover and care for it as to prevent any malodorous or offensive condition to exist and to prevent any nuisance to arise therefrom.

**SECTION 6: REGULATION OF DOGS**

A. Definitions

1. KENNEL

- a. Shall be construed as an establishment wherein or whereon 3 or more dogs are confined and kept for sale, boarding, breeding, or training purposes, for remuneration, and a kennel facility shall be so constructed as to prevent the public or stray dogs from obtaining entrance thereto and gaining contact with dogs lodged in the kennel {Dog Law of 1919, Public Act 339 of 1919, as amended (MCL 287.270)}<sup>62</sup>

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<sup>59</sup> DOG LAW OF 1919, PUBLIC ACT 339 OF 1919, as amended (MCL 287.261 et seq.). See Appendix A.

<sup>60</sup> MECOSTA COUNTY, MICHIGAN ANIMAL REGULATIONS. See Appendix A.

<sup>61</sup> Ordinance History. See Appendix E.

<sup>62</sup> Dog Law of 1919, Public Act 339 of 1919, as amended (MCL 287.270). See Appendix A.

b. Any person who keeps or operates a kennel may, in lieu of the individual license required under the Dog Law of 1919, apply to the county treasurer for a kennel license entitling him to keep or operate a kennel..

2. HOBBY KENNEL shall mean a place that breeds a special kind of dog or animal for hunting or something of similar nature. Animals can be kept for up to 6 months and they will not add to the total number of their household.

#### B. Leash Required

1. It shall be unlawful for the owner, or any other person having the possession, care, custody, or control thereof, to permit any dog to run at large upon the public streets, walks, parks, or other public places within the Village unless such dog shall be attached to a leash of sufficient strength to restrain a such dog in such manner as to be kept under the control of the person accompanying it.

2. It shall be unlawful for the owner, or any person having the possession, care, custody, or control thereof, to permit any female dog that is in heat to run at large upon the public streets, walks, parks, or other public places within the Village, unless such dog shall be attached to a leash of sufficient strength to restrain a such dog in a manner as to be kept under the control of the person accompanying it.

#### C. License Required

1. It shall be unlawful for any person to own a dog six (6) months or older unless it is licensed. {Dog Law of 1919, Public Act 339 of 1919, as amended (MCL 287.261 et seq.)}<sup>63</sup>

2. It shall be unlawful for a person to own a dog six (6) months or older that does not wear a collar and tag at all times, except when engaged in hunting activities accompanied by his or her owner. {Dog Law of 1919, Public Act 339, as amended (MCL 287.262)}<sup>64</sup>

#### D. Number of Dogs Allowed

Consistent with the letter and spirit of the Mecosta County, Michigan Animal Ordinance no person shall own or harbor more than:

1. Three (3) dogs if they own or possess up to one (1) acre of property.

2. Six (6) dogs if they own or possess one (1) to three (3) acres of property.

3. Ten (10) dogs if they own or possess three (3) to ten (10) acres of property.

4. Fifteen (15) dogs if they own or possess more than ten (10) acres of property.

#### E. Curbing of Dogs

The owner, or any other person having the possession, care, custody, or control thereof, any dog shall pick up, bag, or box, and remove such feces from such animals upon any street, alley, sidewalk, parking area, or private property of another village resident.

#### F. Barking, Howling

It shall be unlawful for any person to own, harbor, or keep any dog which shall cause annoyance or disturbance to persons by frequent and habitual barking, howling, or yelping.

#### G. Vicious Dogs

It shall be unlawful for any person to suffer or permit a vicious, fierce, or dangerous dog to go unconfined and unrestrained on such person's premises or to run at large.

#### H. Report to Police

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<sup>63</sup> Dog Law of 1919, Public Act 339 of 1919, as amended (MCL 287.261 et seq.). See Appendix A.

<sup>64</sup> Dog Law of 1919, Public Act 339, as amended (MCL 287.262). See Appendix A.

1. If any person is bitten by a dog, it shall be the duty of that person, or the owner or custodian of the dog having knowledge of the same, to report the same to the Police Department or Animal Control Officer within 12 hours thereafter.
2. If the owner or custodian of any dog has any reason to believe or suspect that such dog has become infected with rabies, it shall be the duty of that person to report the same to the Police Department or Animal Control Officer within 12 hours thereafter.

#### I. Quarantine

1. In the event of any report as set forth in Subsection E, the Police Department or Animal Control Officer shall seize such a dog and deliver it to the Animal Shelter.
2. The Animal Control Officer shall hold such a dog in quarantine until a laboratory analysis by a licensed veterinarian is made to determine whether the dog is infected.
3. The Animal Control Officer shall promulgate and adopt rules for such cases and for the disposition of any dog delivered into his custody.

### **SECTION 7: REGULATION OF CATS**

- A. It shall be unlawful for any person in the Village to have possession or custody of any cat without having it under control and/or confined to his premises at all times; provided, that the provisions of this division shall not apply to possession or custody of any cat less than four months of age when proof of age can be and on request is submitted to a Police Officer.
- B. It shall be unlawful for any person to refuse to show or exhibit, at any reasonable time, any cat in his possession or custody to any Police Officer or Animal Control Officer.
- C. It shall be unlawful for any person in the Village to possess, harbor, shelter, or keep more than four adult cats, except in veterinary hospitals and pet shops. For the purpose of this subchapter, an adult cat shall be deemed to be any cat six months old or older. It shall also be unlawful to maintain any cat or cats so as to create a nuisance by way of noise, odor, or otherwise.
- D. Any Police Officer or other person, designated by the Village, is authorized to impound any cat found running at large within the Village. In the event capture cannot be effected, the Police Officer or such other person is authorized to destroy such a cat.
- E. Any impounded cat not redeemed within 72 hours shall be disposed of in such a manner as prescribed for impounded dogs by the County of Mecosta.

### **SECTION 8: PENALTY**

- A. Any person who violates any animal control ordinance regulation in Ordinance # 10-2023, shall be subject to the following minimum penalties which shall be assessed in addition to any other lawful sentence the Court may impose.
- B. The penalty for a violation of this ordinance shall be a Village civil infraction shall be a fine of not less than \$25 and not more than \$500, plus costs of not less than \$9 and not more than \$500.
- C. Costs may include all expenses, direct and indirect, to which the Village has been put in connection with the Village civil infraction up to the entry of judgment.
- D. The Village may seek or employ all other remedies and sanctions available under state law for municipal civil infractions.
- E. The penalty for repeat offenses of the same ordinance provision within two years of a prior offense shall be a fine of not less than \$50 and not more than \$1,000, plus costs and all other remedies and sanctions available under state law for municipal civil infractions.
- F. Each day a violation of this Ordinance continues to exist constitutes a separate violation.

### **SECTION 9: SEVERABILITY**

The provisions of the Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

**SECTION 10: EFFECTIVE**

- A. The Village Clerk shall publish this ordinance in the manner required by law.
- B. The adoption of this ordinance 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 ordinance.
- C. This ordinance shall take effect twenty (20) days after adoption.
- D. All ordinances or parts of ordinances in conflict are hereby repealed.
- E. I hereby certify the adoption of this ordinance at the 03-08-2023 council meeting and cause the same to be published as required by law.

Yeas: 5 Nays: 0 Ordinance Declared: Adopted Effective Date: 03-28-2023

Melissa Lazzaro

James Soriano

Village Clerk

Village President<sup>65</sup>

I hereby certify the publishing of this Ordinance, in whole or in part, in a newspaper of general circulation as required by State Law.

Name of Newspaper: Big Rapids Pioneer

Date Published: 03-15-2023

Melissa Lazzaro

03-13-2023

Village Clerk

Date

<sup>65</sup> 2023 Amendments and Correction. See Appendix B



**BLIGHT - REDUCTION OR ELIMINATION OF**

THE VILLAGE OF BARRYTON, MECOSTA COUNTY, MICHIGAN ORDAINS

**SECTION 1: PURPOSE**

- A. Consistent with the letter and spirit of Blighted Area Rehabilitation, Public Act 344 of 1945, as amended (MCL 125.71 et seq.)<sup>66</sup>, it is the purpose of this Ordinance to prevent, reduce or eliminate blight or potential blight in the Village of Barryton, Mecosta County, Michigan by the prevention or elimination of certain environmental causes of blight or blighting factors.
- B. This Ordinance is a consolidation of the Village of Barryton ORDINANCE # 9-2015 REDUCTION OR ELIMINATION OF BLIGHT, BLIGHTING FACTORS, OR CAUSES OF BLIGHT WITHIN THE VILLAGE OF BARRYTON, MECOSTA COUNTY, MICHIGAN, AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF, the previous amendments thereto, as well as those amendments contained herein, and shall now be known as the Village of Barryton ORDINANCE # 9-2023 BLIGHT - REDUCTION OR ELIMINATION OF.<sup>67</sup>

**SECTION 2: CAUSES OF BLIGHT OR BLIGHTING FACTORS**

It is hereby determined that the following uses, activities, and structures are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods. On or after the effective date of this Ordinance it shall be unlawful for any person, corporation, or other entity to maintain or permit to be maintained any of the following causes of blight or blighting factors upon any property in the Village of Barryton, Mecosta County, Michigan owned, leased, rented, or occupied by such person, corporation, or other entity:

- A. Outdoor Storage of Junk Motor Vehicles.
  - 1. The term JUNK MOTOR VEHICLES shall include any motor vehicle which is not licensed for use on the highways of the State of Michigan and any motor vehicle, whether licensed or not, which is inoperable.
  - 2. INOPERABLE means incapable of being operated or propelled under its own power by reason of dismantling, disrepair, or any other cause.
  - 3. Any motor vehicle which has a main component part missing or unattached shall be construed as being dismantled or in a state of disrepair.
  - 4. No junk motor vehicles shall be parked, kept, or stored on any premises of real property within the Village of Barryton for more than fourteen (14) days except
    - a. In a completely enclosed garage or other building.
    - b. At a state-licensed business that engages in the sale, repair, or dismantling of motor vehicles;
    - c. Provided however that one unlicensed, but operable motor vehicle, may be displayed for sale outdoors by the owner of the said vehicle on his/her premises, for a period not exceeding sixty (60) days;
    - d. Provided further those operable motor vehicles which are for sale and displayed at a licensed and established new or used motor vehicle dealership may be stored outdoors;
    - e. Inoperable motor vehicles may be parked and kept outdoors on the premises of a motor vehicle repair garage facility for a period of thirty (30) days, with an additional thirty (30) day extension upon presentation to the enforcing officer of written proof that the offending vehicle is involved in insurance claim litigation and that additional time is required for settlement before the vehicle can be moved.

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<sup>66</sup> Blighted Area Rehabilitation, Public Act 344 of 1945, as amended (MCL 125.71 et seq.). See Appendix A.

<sup>67</sup> Ordinance History. See Appendix E

B. Outdoor Storage of Junk Recreational Vehicles, Equipment, and Watercraft.

1. The term JUNK RECREATIONAL VEHICLES, EQUIPMENT, AND WATERCRAFT shall include, but is not limited to
  - a. Any motorhome or motorized dwelling, travel trailer, pickup camper, pop-up trailer, tent trailer, and similar equipment, boat, pontoon boat, watercraft, boat trailer, or other device designed for water recreational purposes all of which are not registered with the State of Michigan,
  - b. Shall also include, whether registered or not, all of the foregoing items which are inoperable for any reason.
2. INOPERABLE means incapable of being propelled under its own power or being unable to operate or function by reason of dismantling, disrepair, or any other cause. Any of the mentioned items which have a main component part missing or unattached shall be construed as being dismantled or in a state of disrepair.
3. No junk recreational vehicles, equipment, and watercraft shall be parked, kept, or stored on any premises of real property within the Village of Barryton for more than fourteen (14) days except in a completely enclosed garage or other building;
4. Provided however that one unlicensed, but operable recreational vehicle, equipment, and watercraft may be displayed for sale outdoors by the owner of same on his/her premises, for a period not exceeding sixty (60) days;
5. Provided further that recreational vehicles, equipment, and watercraft which are for sale or on the premises of a licensed and established new or used recreational vehicle, equipment, and watercraft dealership for storage or repair may be stored outdoors.

C. Outdoor Storage of Junk Machinery and Equipment.

1. The term JUNK MACHINERY AND EQUIPMENT shall include all machinery and equipment which is inoperable.
2. INOPERABLE means incapable of being propelled under its own power or being unable to operate or function by reason of dismantling, disrepair, or any other cause. No junk machinery or equipment shall be parked, kept, or stored on any premises for more than 14 consecutive days except in a completely enclosed garage or other building.

D. Outdoor Storage of Building Materials.

1. Building materials shall include, but not be limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, fence posts and fencing material of either wood or metal, or any other materials used in constructing any structure or fence.
2. No building materials shall be kept or stored on any premises except in a completely enclosed garage or other building;
3. Provided, however, that the outdoor orderly storage of building materials is permitted for any premises for which there is in full force and effect a valid building permit for construction upon the premises, and the materials are intended for use in connection with such construction.

E. Accumulation of Rubbish and Garbage.

1. RUBBISH shall include all combustible and noncombustible waste materials, including but not limited to: bottles, glass, cans, metals, paper, cartons and boxes, rubber, leather, parts of machinery or motor vehicles, appliances stored in the open, remnants of wood, metal or any other materials and/or building materials, or other cast-off material of any kind whether or not the same could be put to any reasonable use.
2. GARBAGE shall include the animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

3. All premises shall be kept free from the accumulation of rubbish or garbage.
4. All rubbish and garbage shall be placed in containers for waste haulers and shall not be exposed to a public road except at 12 pm or after the day before that same are to be removed from the premises.

F. Uninhabitable Dwelling.

The existence of any structure or part of a structure which, because of fire, wind, another natural disaster, or physical deterioration is no longer habitable as a dwelling, nor useful for any other purpose for which it may have been intended.

G. Vacant Dwelling.

The existence of any vacant dwellings, garages, or other outbuildings unless same are kept securely locked with windows kept glazed or neatly boarded up, and otherwise protected to prevent entrance thereto by vandals or unauthorized members of the public.

H. Partially Completed Structure.

The existence of any partially completed structure unless such structure is in the course of the construction in accordance with a valid and existing building permit, and unless such construction is completed within a reasonable time, according to the building permit.

I. Graffiti.

Graffiti including but not limited to words, symbols, or drawings on the exterior of any building, fence, wall, pole, sidewalk, tree, or other structure must be removed within fifteen (15) calendar days of written notice to the property owner, tenant, or occupant.

J. Solid Waste.

The existence of solid waste such as excessive animal feces or human waste on the property.

K. Outside Placement of Indoor Furniture.

No person shall store, collect, park, leave, deposit, maintain, reserve, put aside for future use, permit, or allow on any porch, balcony, roof, or in a yard, except in a completely enclosed building or structure, any upholstered furniture, furniture, mattresses, appliances, materials, and other similar products not designed, built, and manufactured for outdoor use unless such is in an enclosed porch or balcony.

L. Exterior Surfaces.

Buildings or structures with damaged or defective building exteriors, that are unpainted (except color coated or natural finish coated), or where the paint on the building exterior is mostly worn off, cracked, or peeling; or where roofing or other exterior materials or components are deteriorated, mostly infected with dry rot, or warped so as to constitute an unsightly blighted appearance, or that contributes to property degradation.

M. Fences, Gates, and Walls.

It shall be unlawful for any person owning, leasing, occupying, or having charge of any property within the Village of Barryton to allow any fence, gate, wall, or similar structure on the property to sag, or lean, in obvious disrepair, or have missing boards or bricks, or to be fallen over or collapsed, or to otherwise be in an obviously unsafe condition, or be left in a state of partial construction or disrepair.

N. It shall be unlawful for any person owning, leasing, occupying, or having charge of any real property within the Village of Barryton, or owner of any personal property, to maintain such property in such a manner that any of the following conditions are found to exist thereon:

1. Shopping Carts – The abandonment of shopping carts visible from the public right-of-way on private or public property.

2. Sight Obstruction – The accumulation of any material, the placement of any object, or the allowance of overgrown vegetation on private property that obstructs the view of drivers on public streets or alleys.
3. Physical Obstruction – The placement of any object in the public right-of-way including, but not limited to the following:
  - a. Portable recreation equipment such as basketball hoops, hockey nets, and skateboard ramps;
  - b. Abandoned, discarded, or dilapidated objects, such as broken or neglected equipment, appliances, furniture, household equipment and furnishings, shopping carts, containers, packing materials, salvage materials, firewood, plant cuttings, scrap materials, or similar materials;
  - c. News racks, newsstands, mailboxes of any kind, or benches, or any other object in the public right-of-way in such a manner as to impede vehicular, bicycle, or pedestrian traffic on the public right of way.

O. Tents, Shelters, Canopies, and Tarps

1. Portable tents, shelters, canopies, and tarps made of any material are not permitted on any property if used in the front and street side yards for permanent use.
2. Temporary use of these types of structures and covers is allowed for thirty (30) calendar days or less.
3. In addition, tarps shall not be used as a permanent shield or patio cover.

P. Dangerous Conditions to Children

1. It is unlawful for any person owning, leasing, occupying, or having charge of any property within the Village of Barryton to maintain such property in such a manner that an attractive nuisance exists.
2. Attractive nuisances considered dangerous to children include, but are not limited to the following:
  - a. Abandoned, broken, or neglected appliances such as refrigerators or freezers.
  - b. Abandoned and broken equipment or vehicles.

Q. Bonafide Efforts (Reasonable Progress)

For the purpose of this ordinance, Bonafide Efforts (Reasonable Progress) shall be defined as having completed 25% to 50% of the work needed to remedy the condition leading to the blight violation within the time indicated on the violation warning.

### SECTION 3: ENFORCEMENT AND VIOLATIONS

- A. This Ordinance will be enforced by Village police officers and code enforcement officers, who are hereby authorized by the Village Council of the Village of Barryton, Michigan, to issue municipal civil infraction citations for violations of this ordinance.
- B. Any disabled or inoperable motor vehicle or Junk Recreational Vehicles, Equipment, and Watercraft kept or stored in a manner contrary to this ordinance
  1. will be affixed with a sticker explaining that the motor vehicle must be repaired, registered, and licensed in compliance with this section, moved within a completely enclosed building, or moved to a state licensed business engaged in the sale, repair, or dismantling of motor vehicles, within five (5) days of the date the sticker is placed on the motor vehicle, Junk Recreational Vehicle, Equipment or Watercraft.
  2. A record will be kept of the date and time the sticker is placed on the motor vehicle, Junk Recreational Vehicle, Equipment, or Watercraft and the location of the motor vehicle, Junk Recreational Vehicle, Equipment, or Watercraft as well as the disabled or inoperable status of the motor vehicle, Junk Recreational Vehicle, Equipment, and Watercraft.
  3. Upon expiration of the five (5) days reflected on the sticker, the registered owner of the motor vehicle, Junk

Recreational Vehicle, Equipment, or Watercraft and/or the owner of the real property where the motor vehicle, Junk Recreational Vehicle, Equipment or Watercraft is kept or stored contrary to the terms of this section can be cited by way of a Village civil infraction ticket for a violation of this section.

4. Each day after the five (5) days will constitute a separate violation of this section.
- C. The owner and the occupant of any property upon which any of the causes of blight or blighting factors set forth in Section 2 is found to exist shall be notified in writing to remove or eliminate causes of blight or blighting factors from the property within five (5) days after service of the notice upon him/her/them.
- D. Such notice may be served personally or by certified mail, return receipt requested, addressed to the owner at the address shown on the latest Village of Barryton Tax Roll, and to the occupant at the address of the premises involved. A copy of this Ordinance shall be mailed or delivered with the Notice.
- E. Additional time up to fifteen (15) days may be granted by the Enforcement Officer where, in his or her opinion, bonafide efforts (reasonable progress) to remove or eliminate the causes of blight or blighting factors are being made.
- F. Failure to comply with such notice within the time allowed, by the owner and/or occupant, shall constitute a violation of this Ordinance.

#### **SECTION 4: SANCTIONS**

- A. The penalty for a violation of this ordinance shall be a Village civil infraction with a fine of not less than \$25 and not more than \$500, plus costs.
- B. Costs may include all expenses, direct and indirect, to which the Village has been put in connection with the Village civil infraction up to the entry of judgment.
- C. The Village may seek or employ all other remedies and sanctions available under state law for municipal civil infractions.
- D. The penalty for repeat offenses of the same ordinance provision within two years of a prior offense shall be a fine of not less than \$50 and not more than \$1,000, plus costs and all other remedies and sanctions available under state law for municipal civil infractions.
- E. Additionally, the violator shall pay costs of not more than \$500.00, a justice system assessment as provided by Michigan Statute, and all other damages and expenses, whether direct or indirect, which the Village of Barryton, Mecosta County, Michigan has incurred in connection with the violation, including all expenses that the Village of Barryton incurs in removing the blight.
- F. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under MCL 600.8731<sup>68</sup>.
- G. In the event the Defendant does not pay the civil fine, costs, justice system assessment, and all other direct or indirect damages and expenses incurred by the Village of Barryton, Mecosta County, Michigan within thirty days after payment is due, the village may obtain a lien against the real estate involved for any violation involving the use or occupation of land or any building or other structure.
- H. Each day a violation of this Ordinance continues to exist constitutes a separate violation.
- I. The Village Council of the Village of Barryton, Mecosta County, Michigan may further institute an injunction, mandamus, abatement, or any other appropriate action, or proceedings to prevent, enjoin, abate, or remove any blight or blighting factors.
- J. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

#### **SECTION 5: SEVERABILITY**

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<sup>68</sup> MCL 600.8731. See Appendix A.

The provisions of the Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

**SECTION 6: EFFECTIVE**

- A. The Village Clerk shall publish this ordinance in the manner required by law.
- B. The adoption of this ordinance shall not be interpreted as authorizing or permitting any use of a structure or premises in violation of any ordinance of the Village in effect on the date of adoption of this ordinance.
- C. This ordinance amendment shall take effect twenty(20) days after adoption.

Yeas: 5 Nays: 0 Ordinance declared: Adopted Effective Date: 03-28-2023

*Melissa Lazzaro*

*James Soriano*

Village President

Village Clerk<sup>69</sup>

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I hereby certify the publishing of this Ordinance, in whole or in part, in a newspaper of general circulation as required by State Law.

Name of the newspaper: Big Rapids Pioneer

Date Published: 03-15-2023

*Melissa Lazzaro*

03-13-2023

Village Clerk

Date

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<sup>69</sup> 2023 Amendments and Corrections. See Appendix B

CAMPFIRE AND OPEN BURN

THE VILLAGE OF BARRYTON, MECOSTA COUNTY, MICHIGAN ORDAINS:

**SECTION 1: INTENT**

- A. Open burning and outdoor burning are prohibited in the Village of Barryton unless the burning is specifically permitted by this ordinance.
- B. This ordinance is a consolidation of the Village of Barryton ORDINANCE # 20-2015 CAMPFIRE AND OPEN BURN, the previous amendments thereto, as well as those amendments contained herein, and shall now be known as the Village of Barryton ORDINANCE # 20-2023 CAMPFIRE AND OPEN BURN.<sup>70</sup>

**SECTION 2: DEFINITIONS**

- A. CAMPFIRE means a small outdoor fire intended for recreation or cooking but not including a fire intended for disposal of waste wood or refuse.
- B. CLEAN WOOD means natural wood which:
  - 1. Has not been painted, varnished, or coated with similar material.
  - 2. Has not been pressure treated with preservatives.
  - 3. Does not contain resins or glues as in plywood or other composite wood products.
- C. CONSTRUCTION AND DEMOLITION WASTE means building waste materials, including but not limited to:
  - 1. Waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, and packaging.
  - 2. Rubble that results from construction, remodeling, repair, and demolition operations on a house, commercial or industrial building, or other structure.
- D. NUISANCE means the burning of any material of any kind producing smoke which:
  - 1. May endanger the safety or health of the public, disturb the comfort or repose of any person residing in the vicinity of the open burning.
  - 2. Causes excessive or noxious odors.
  - 3. emits sparks, embers, or smoke upon adjacent or nearby premises.
- E. OPEN BURNING means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or chimney.
- F. REFUSE means any waste material including but not limited to leaves, grass, garbage, and other organic refuse, construction and demolition waste materials, automobiles or parts thereof, flammable, toxic or explosive materials, electrical wiring, rubber products, and plastic products.

**SECTION 3: OPEN BURNING OF REFUSE**

Open Burning of refuse from all residential, office, commercial, and industrial parcels is prohibited.

**SECTION 4: OPEN BURNING OF YARD WASTE**

- A. Open burning of trees, stumps, leaves, and grass clippings is prohibited.

<sup>70</sup> Ordinance History. See Appendix E

- B. Open burning of logs six (6) inches in diameter or less and brush is allowed only in accordance with all the following provisions:
1. A permit issued in accordance with the Burning Permit section of this Ordinance must be obtained prior to open burning under this section.
  2. Open burning of logs, and brush must be conducted at least seventy-five (75) feet from any building or structure, wood or lumber pile, wooden fence, trees, or brush unless provisions have been made to prevent the fire from spreading to within seventy-five (75) feet of such items and be no larger than five (5) foot by five (5) foot, not to exceed four (4) foot in height. (This type of burn requires a Barryton Community Fire Department standby and any costs associated with having them standby will be the responsibility of the permit holder.)
- C. Except for barbeque, gas, and charcoal grills, no open burning shall be undertaken during periods when the Governor of Michigan has issued a burning ban applicable to the area.
- D. All allowed open burning shall be conducted in a safe, nuisance-free manner when wind and weather conditions minimize adverse effects and do not create a health hazard or a visibility hazard on roadways, railroads, or airfields.
- E. Open burning shall be conducted in conformance with the Village of Barryton and State fire protection regulations.
- F. Burning is not permitted when the wind is in excess of 10 miles per hour.
- G. Open burning shall be conducted only on the property on which the materials were generated.
- H. Outdoor campfires and small bonfires for cooking, ceremonies, or recreation are allowed provided they do not cause a nuisance.
- I. Open burning for campfires under this section shall only be conducted at a location at least twenty-five (25) feet from the nearest building which is not on the same property and at a minimum of fifteen (15) feet from any building or property lines which are on the same property.
- J. Except for campfires, open burning shall only be conducted between the hours of sunrise and one (1) hour prior to sunset.
- K. Campfires may be authorized between sunset and 12:00 am (midnight).
- L. Open burning shall be constantly attended to and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available fire extinguishing equipment as may be necessary for the total control of the fire.
- M. No materials may be burned upon any street, curb, gutter, or sidewalk or on the ice of a lake, pond, stream, or water body.
- N. Fuel for open burning shall consist of dry material only and shall not be ignited with flammable or combustible liquids.
- O. Except for barbeque, gas, and charcoal grills, no burning shall be undertaken within twenty-five (25) feet from any combustible material, combustible wall or partition, exterior window opening, exit access, or exit unless authorized by the Fire or Police Chief.
- P. No open burning may be conducted on days when the Department of Environmental Quality has declared an "Air quality action day" applicable to the Village of Barryton.
- Q. No person shall kindle or light any fire on private property other than a bonfire, which can be no more than three (3) feet in diameter.
- R. No person shall burn leaves, weeds, grass, rubbish, brush, trash, or other debris in any place.
- S. No person shall kindle any fire in or upon any paved street or public paved way.



## **SECTION 5: BURNING PERMITS**

- A. No person shall start or maintain any outdoor burning, open burning – campfires excluded – covered under this ordinance without a burning permit issued by the Village of Barryton.
- B. The Village of Barryton shall have specific authority to revoke permits and it shall be a violation of this ordinance to refuse or fail to extinguish a fire when a permit has been revoked, or the property owner is requested to extinguish a such fire by a Village of Barryton employee.
- C. When weather conditions warrant, the Fire Chief, Chief of Police, or Village designee may temporarily suspend issuing burning permits and may temporarily suspend previously issued burning permits for open burning.
- D. A Burning Permit issued under this section shall require compliance with all applicable provisions of this ordinance and any additional special restrictions deemed necessary to protect public health and safety.
- E. Any violation of the conditions of a burning permit shall be deemed a violation of this ordinance.
- F. Any violation of this ordinance or the burning permit shall void the permission granted.
- G. The open burning permit shall be good only for the date or period for which it is issued.
- H. A copy of the Village of Barryton open burning permit must be immediately available on the site for viewing by members of the Barryton Police Department, Village of Barryton officials, and members of the Barryton Community Fire Department otherwise the open burning will be immediately ordered extinguished.
- I. It is the sole responsibility of the individual conducting the burning to satisfactorily determine that all conditions permitting burning are met.
- J. The costs associated with obtaining an open burning permit through the Village of Barryton will be \$100.00.

## **SECTION 6: LIABILITY**

A person utilizing or maintaining any outdoor fire which necessitates control and/or extinguishing by the Barryton Community Fire Department or any Fire Department shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

## **SECTION 7: RIGHT OF ENTRY AND INSPECTION**

The Fire Chief, Chief of Police, or any other authorized officer, agent, employee, or representative of the Village of Barryton who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

## **SECTION 8: ENFORCEMENT AND PENALTIES**

- A. The Fire Chief, Chief of Police, or any other authorized officers of the Village of Barryton are authorized to enforce the provisions of the ordinance.
- B. Any person, firm, association, partnership, corporation, or governmental entity that violates any of the provisions of this ordinance or fails to comply with a duly authorized order pursuant to this ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute.
- C. The penalty for a Village civil infraction shall be a fine of not less than \$25 and not more than \$500, plus costs of not less than \$9 and not more than \$500.
- D. Costs may include all expenses, direct and indirect, to which the Village has been put in connection with the Village civil infraction up to the entry of judgment.
- E. The Village may seek or employ all other remedies and sanctions available under state law for municipal civil infractions.

- F. The penalty for repeat offenses of the same ordinance provision within two years of a prior offense shall be a fine of not less than \$50 and not more than \$1,000, plus costs and all other remedies and sanctions available under state law for municipal civil infractions.

**SECTION 9: SEVERABILITY**

The provisions of the Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

**SECTION 10: EFFECTIVE**

- A. The adoption of this ordinance 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 ordinance.
- B. This ordinance shall take effect twenty (20) days after adoption.
- C. All ordinances or parts of ordinances in conflict are hereby repealed.
- D. I hereby certify the adoption of this ordinance at the 03-08-2023 council meeting and cause the same to be published as required by law.

Yeas: 5 Nays: 0 Ordinance Declared: Adopted Effective Date: 03-28-2023

Melissa Lazzaro

James Soriano

Village Clerk

Village President<sup>71</sup>

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I hereby certify the publishing of this ordinance, in whole or in part, in a newspaper of general circulation as required by State Law.

Name of Newspaper: Big Rapids Pioneer

Date Published: 03-15-2023

Melissa Lazzaro

03-13-2023

Village Clerk

Date

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<sup>71</sup> 2023 Amendments and Corrections. See Appendix B

**CURFEW OF MINOR CHILDREN**

THE VILLAGE OF BARRYTON, MECOSTA COUNTY, MICHIGAN ORDAINS:

**SECTION 1: PURPOSE**

- A. Consistent with the letter and spirit of The Curfew for Children Act, Public Act 41 of 1960, MCL 722.751 et. seq.<sup>72</sup>, as amended it is the purpose of this Ordinance to establish a curfew for minor children in and for the Village of Barryton.
- B. This Ordinance is a consolidation of Village ORDINANCE # 6-2015 VILLAGE OF BARRYTON ORDINANCE FOR THE CURFEW OF MINOR CHILDREN, the previous amendments adopted thereto, as well as those amendments contained herein, and shall now be known as the Village of Barryton ORDINANCE # 6-2023 CURFEW OF MINOR CHILDREN.<sup>73</sup>

**SECTION 2: CURFEW FOR CHILDREN UNDER 12 YEARS OLD**

No minor under the age of twelve (12) shall loiter, idle, or congregate in or on any public street, highway, alley, or park in the Village of Barryton between the hours of ten o'clock (10) p.m. and six o'clock (6) a.m. unless the minor is accompanied by a parent or guardian, or some adult delegated by the parent or guardian to accompany the child.

**SECTION 3: CURFEW FOR MINORS UNDER THE AGE OF 16**

A minor under the age of 16 shall not loiter, idle, or congregate in or on any public street, highway, alley, or park in the Village of Barryton between the hours of twelve (12) midnight and six o'clock (6) a.m., immediately following, except where the minor is accompanied by a parent or guardian, or an adult delegated by the parent or guardian to accompany the minor, or where the minor is upon an errand or other legitimate business directed by his/her parents or guardian.

**SECTION 4: AIDING A MINOR IN VIOLATION OF CURFEW LAW**

Act 41 of 1960, Curfew for Children, (MCL 722.753)<sup>74</sup> provides for a misdemeanor charge for any person age 16 or over who aids a person under age 16 in breaking the curfew law. Any person of the age of 16 years or over assisting, aiding, abetting, allowing, permitting, or encouraging any minor under the age of 16 years to violate the provisions of sections 2 and 3 hereof is guilty of a misdemeanor.

**SECTION 5: PENALTIES**

Any minor who violates Section 2 or Section 3 shall be subject to the following minimum penalties which shall be assessed in addition to any other lawful sentence the Court may impose.

- A. For a first violation, a Village Civil Infraction with a fine of \$50.
- B. For a second offense, a Village Civil Infraction with a fine of \$100, and a Juvenile Petition filed with Probate Court.
- C. For a third or subsequent violation, a Village Civil Infraction with a fine of \$250 and a Juvenile Petition filed with Probate Court.

**SECTION 6: SEVERABILITY**

The provisions of the Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

**SECTION 7: EFFECTIVE**

- A. The Village Clerk shall publish this ordinance in the manner required by law.

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<sup>72</sup> The Curfew for Children Act, Public Act 41 of 1960, MCL 722.751 et. seq. See Appendix A.

<sup>73</sup> Ordinance History. See Appendix E

<sup>74</sup> Act 41 of 1960, Curfew for Children, (MCL 722.753). See Appendix A.

- B. The adoption of this ordinance 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 ordinance.
- C. This ordinance shall take effect twenty (20) days after adoption.
- D. All ordinances or parts of ordinances in conflict are hereby repealed.
- E. I hereby certify the adoption of this ordinance at the 03-08-2023 council meeting and cause the same to be published as required by law.

Yeas: 5 Nays: 0

Ordinance Declared: Adopted

Effective Date: 03-28-2023

Melissa Lazzaro

James Soriano

Village Clerk

Village President<sup>75</sup>

I hereby certify the publishing of this Ordinance, in whole or in part, in a newspaper of general circulation as required by State Law.

Name of Newspaper: Big Rapids Pioneer

Date Published: 03-15-2023

Melissa Lazzaro

03-13-2023

Village Clerk

Date

<sup>75</sup> 2023 Amendments and Corrections. See Appendix B

DAMAGE TO TRAFFIC SIGNS

THE VILLAGE OF BARRYTON, MECOSTA COUNTY, MICHIGAN ORDAINS:

SECTION 1: INTENT

- A. No person shall deface damage, knock down, or remove any legally erected traffic sign or device, or signal.
- B. This Ordinance is a consolidation of Village of Barryton ORDINANCE # 7-2015 VILLAGE OF BARRYTON NO DAMAGE TO TRAFFIC SIGNS, the previous amendments thereto, as well as those amendments contained herein, and shall now be known as the Village of Barryton ORDINANCE # 7-2023 DAMAGE TO TRAFFIC SIGNS.<sup>76</sup>

SECTION 2: PENALTY

- A. The penalty for a violation of this ordinance shall be a Village civil infraction with a fine of not less than \$25 and not more than \$500, plus costs of not less than \$9 and not more than \$500.
- B. Costs may include all expenses, direct and indirect, to which the Village has been put in connection with the Village civil infraction up to the entry of judgment.
- C. The Village may seek or employ all other remedies and sanctions available under state law for municipal civil infractions.
- D. The penalty for repeat offenses of the same ordinance provision within two years of a prior offense shall be a fine of not less than \$50 and not more than \$1,000, plus costs and all other remedies and sanctions available under state law for municipal civil infractions.

SECTION 3: SEVERABILITY

The provisions of the Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

SECTION 4: EFFECTIVE

- A. The adoption of this ordinance 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 ordinance.
- B. This ordinance shall take effect twenty (20) days after adoption.
- C. All ordinances or parts of ordinances in conflict are hereby repealed.
- D. I hereby certify the adoption of this ordinance at the 03-08-2023 council meeting and cause the same to be published as required by law.

Yeas: 5 Nays: 0

Ordinance declared: Adopted

Effective Date: 03-28-2023

Melissa Lazzaro

James Soriano

Village Clerk

Village President<sup>77</sup>

I hereby certify the publishing of this Ordinance, in whole or in part, in a newspaper of general circulation as required by State Law.

Name of Newspaper: Big Rapids Pioneer

Date Published: 03-15-2023

<sup>76</sup> Ordinance History. See Appendix E.

<sup>77</sup> 2023 Amendments and Corrections. See Appendix B



FIREARMS

THE VILLAGE OF BARRYTON, MECOSTA COUNTY, MICHIGAN ORDAINS:

**SECTION 1: INTENT**

- A. It shall be unlawful for any person to discharge any firearm or other instrument producing a like effect and/or noise within the corporate village limits, except in the lawful defense of his person or property, or as otherwise permitted by law.
  - 1. Exceptions – If you own 7.5 or more acres of contiguous property in the village limits you shall be able to use a shotgun, muzzleloader, and/or bow and arrow including a crossbow for hunting or target practice pending that it is in a safe and lawful manner. (no rifles or other unspecified firearms or weapons allowed).
  - 2. Per state law – A firearm has to be more than 450 feet away from any barn, house, or other structure when being fired.
  - 3. Duck, goose, or any other type of bird or wild game animal hunting near, on, or over any water subsidiary, or river is prohibited in village limits regardless of how many continuous acres of property you have in the village limits. A minimum distance of 450 feet away from a water source is required when hunting any of these types of animals.
- B. This Ordinance is a consolidation of Village ORDINANCE # 5-2015 FIREARMS, the previous amendments adopted thereto, as well as those amendments contained herein, and shall now be known as the Village of Barryton ORDINANCE # 5-2023 FIREARMS.<sup>78</sup>

**SECTION 2: PENALTY**

- A. The penalty for a violation of any of these subsections shall result in a Village Civil Infraction Citation and shall include a fine of not less than \$25 and not more than \$500, plus costs of not less than \$9 and not more than \$500.
- B. Costs may include all expenses, direct and indirect, to which the Village has been put in connection with the Village Civil Infraction up to the entry of judgment.
- C. The Village may seek or employ all other remedies and sanctions available under state law for Municipal Civil Infractions.

**SECTION 3: SEVERABILITY**

- A. The provisions of the Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.
- B. All ordinances or parts of ordinances in conflict are hereby repealed.

**SECTION 4: EFFECTIVE**

- A. The Village Clerk shall publish this ordinance in the manner required by law.
- B. The adoption of this ordinance 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 ordinance.
- C. This ordinance amendment shall take effect twenty (20) days after adoption.

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<sup>78</sup> Ordinance History. See Appendix E

D. I hereby certify the adoption of this ordinance at the 03-08-2023 council meeting and cause the same to be published as required by law.

Yeas: 5 Nays: 0

Ordinance declared: Adopted

Effective Date: 03-28-2023

*Melissa Lazzaro*

*James Soriano*

Village President

Village Clerk<sup>79</sup>

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I hereby certify the publishing of this Ordinance, in whole or in part, in a newspaper of general circulation as required by State Law.

Name of Newspaper: Big Rapids Pioneer

Date Published: 03-15-2023

*Melissa Lazzaro*

03-13-2023

Village Clerk

Date

---

<sup>79</sup> 2023 Amendments and Corrections. See Appendix B



**FIREWORKS REGULATIONS**

THE VILLAGE OF BARRYTON, MECOSTA COUNTY, MICHIGAN ORDAINS:

**SECTION 1: INTENT**

- A. Consistent with the letter and spirit of the Michigan Fireworks Safety Act, Public Act 256 of 2011, MCL 28.451 et. seq.<sup>80</sup>, as amended, A person shall not possess, sell, ignite, use, or discharge any fireworks within the Village of Barryton except as permitted by the Act and this Ordinance.
- B. This Ordinance is a consolidation of the Village of Barryton ORDINANCE # 15-2015 FIREARMS, the previous amendments thereto, as well as those amendments contained herein, and shall now be known as the Village of Barryton ORDINANCE # 15-2023 FIREARMS REGULATIONS..<sup>81</sup>

**SECTION 2: DEFINITIONS**

The following terms, when used in this Ordinance, shall have the meaning ascribed to them in this section:

- A. ACT means the Michigan Fireworks Safety Act, Act No. 256 of the Public Acts of Michigan of 2011<sup>82</sup>, as amended.
- B. LOW-IMPACT FIREWORKS will be defined as general over-the-counter fireworks which do not fly into the air and are generally placed on the ground.
- C. All other terms used in this Ordinance shall have the same meanings as defined or used in the Act.

**SECTION 3: PERMITS REQUIRED**

- A. A permit from the Village of Barryton shall be required for the possession, use, or discharge of display fireworks, pyrotechnic articles, or special effects (collectively for purposes of this Ordinance hereinafter “DISPLAY FIREWORKS”) for public or private display within the Village of Barryton on terms and in a manner consistent with the Act.
- B. The storage of fireworks shall be prohibited in the Village of Barryton except in compliance with the Act.
- C. All permits shall be subject to compliance with this Ordinance and the Act.
- D. In the event of any conflict between this Ordinance and the Act, the more stringent provision shall control.
- E. Low-impact fireworks will not require a permit.

**SECTION 4: PERMIT APPLICATION; FEE; DECISION OF VILLAGE COUNCIL**

- A. Application for permits shall be made in writing, on forms provided by the Michigan Department of Licensing and Regulatory Affairs, to the Barryton Village Council at least 60 days in advance of the date of the display of fireworks (except that applications for indoor fireworks displays shall be made at least 30 days in advance of the display date).
- B. If an application for a permit is not timely filed as provided herein, the Village Council may consider the application only if the applicant shows good cause for submitting a late application.
- C. The Village Council has established a nonrefundable fee of \$300 for the Village’s cost of reviewing and acting on the application.

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<sup>80</sup> Michigan Fireworks Safety Act, Public Act 256 of 2011, MCL 28.451 et. seq. See Appendix A.

<sup>81</sup> Ordinance History. See Appendix E

<sup>82</sup> Michigan Fireworks Safety Act, Act No. 256 of the Public Acts of Michigan of 2011. See Appendix A.



No person shall recklessly endanger the life, health, safety, or well-being of any person or property by the ignition, discharge, or use of consumer fireworks.

C. Possession by or Sale to Minor.

1. No person shall sell consumer fireworks to a person under the age of 18 years.
2. No person under the age of 18 years shall use, possess, explode, or cause to explode any consumer fireworks within the Village except while in the presence and under the control of a parent, guardian, or another responsible adult.
3. No person under the age of 18 years shall buy, purchase, acquire or obtain any consumer fireworks within the Village.

D. Use of Fireworks.

1. No person shall use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance.
2. As used in this subsection:
  - a. ALCOHOLIC LIQUOR means that term as defined in Section 257.1d of the Michigan Vehicle Code, Act 300 of the Public Acts of Michigan of 1949, as amended<sup>85</sup> from time to time.
  - b. CONTROLLED SUBSTANCE as defined in MCL 257.8b of the Michigan Vehicle Code, Act 300 of the Public Acts of Michigan of 1949, as amended<sup>86</sup>, means a controlled substance or controlled substance analog as defined in Section 7104 of the Public Health Code, Public Act 368 of 1978, MCL 33.7104<sup>87</sup>.

E. Modified Fireworks.

Regardless of the calendar date, no person shall use, ignite or discharge modified, enhanced, or altered consumer fireworks not otherwise authorized by the Act.

## SECTION 7: VIOLATIONS, FINES, AND PENALTIES

- A. The penalty for a violation of this ordinance shall be a Village civil infraction with a fine of \$1,000.00 for each violation of the ordinance and no other fine or sanction. \$500.00 of the fine collected under this ordinance shall be remitted to the local law enforcement agency responsible for enforcing the ordinance. (MCL 28.457(3))<sup>88</sup>
- B. Further violations under MCL 28.468 Section 18<sup>89</sup> can result in felony charges including imprisonment and or fines.

## SECTION 8: SEVERABILITY

The provisions of the Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

## SECTION 9: EFFECTIVE

- A. The adoption of this Ordinance 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 Ordinance.

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<sup>85</sup> section 257.1d of the Michigan Vehicle Code, Act 300 of the Public Acts of Michigan of 1949, as amended. See Appendix A.

<sup>86</sup> MCL 257.8b of the Michigan Vehicle Code, Act 300 of the Public Acts of Michigan of 1949, as amended. See Appendix A.

<sup>87</sup> Section 7104 of the Public Health Code, Public Act 368 of 1978, MCL 33.7104. See Appendix A.

<sup>88</sup> (MCL 28.457(3)). See Appendix A.

<sup>89</sup> MCL 28.468 Section 18. See Appendix A.

B. I hereby certify the adoption of this ordinance at the 03-08-2023 council meeting and cause the same to be published as required by law.

Yeas: 5 Nays: 0

Ordinance Declared: Adopted

Effective Date: 03-28-2023

*Melissa Lazzaro*

*James Soriano*

Village Clerk

Village President<sup>90</sup>

I hereby certify the publishing of this Ordinance, in whole or in part, in a newspaper of general circulation as required by State Law.

Name of Newspaper: Big Rapids Pioneer

Date Published: 03-15-2023

*Melissa Lazzaro*

03-13-2023

Village Clerk

Date

<sup>90</sup> 2023 Amendments and Corrections. See Appendix B

**GARAGE SALES, YARD SALES, AND RUMMAGE SALES**

THE VILLAGE OF BARRYTON, MECOSTA COUNTY, MICHIGAN ORDAINS:

**SECTION 1: INTENT**

- A. That it shall hereafter be unlawful to conduct a garage sale, yard sale, rummage sale, or basement sale within the Village of Barryton
- B. This Ordinance is a consolidation of the Village of Barryton ORDINANCE # 24-2015 GARAGE SALES, YARD SALES, RUMMAGE SALES, BASEMENT SALES, the previous amendments thereto, as well as those amendments contained herein, and shall now be known as the Village of Barryton ORDINANCE # 24-2023 GARAGE SALES, YARD SALES, AND RUMMAGE SALES.<sup>91</sup>

**SECTION 2: EXCEPTIONS**

Unless these terms are followed:

- A. The sale shall be for no more than three (3) consecutive days
- B. All signs advertising the sale must be removed within two (2) days after each sale
- C. After the sale, all items must be removed from the sale site or stored in a proper way so as to not be in any other violation of any ordinance i.e. blight or junk ordinance.
- D. There shall be a minimum of four days in between consecutive garages, yard, rummage, and/or basement sales.

**SECTION 3: PENALTY**

- A. The penalty for a violation of this ordinance shall be a Village civil infraction with a fine of not less than \$25 and not more than \$500, plus costs of not less than \$9 and not more than \$500.
- B. Costs may include all expenses, direct and indirect, to which the Village has been put in connection with the Village civil infraction up to the entry of judgment.
- C. The Village may seek or employ all other remedies and sanctions available under state law for municipal civil infractions.
- D. The penalty for repeat offenses of the same ordinance provision within two years of a prior offense shall be a fine of not less than \$50 and not more than \$1,000, plus costs and all other remedies and sanctions available under state law for municipal civil infractions.
- E. Each day a violation of this Ordinance continues to exist constitutes a separate violation.

**SECTION 4: SEVERABILITY**

The provisions of the Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

**SECTION 5: EFFECTIVE**

- A. The adoption of this ordinance 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 ordinance.

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<sup>91</sup> Ordinance History. See Appendix E

- B. This ordinance shall take effect twenty (20) days after adoption.
- C. All ordinances or parts of ordinances in conflict are hereby repealed.
- D. I hereby certify the adoption of this ordinance at the 03-08-2023 council meeting and cause the same to be published as required by law.

Yeas 5 Nays 0

Ordinance Declared: Adopted

Effective Date: 03-28-2023

*Melissa Lazzaro*

*James Soriano*

Village Clerk

Village President<sup>92</sup>

I hereby certify the publishing of this Ordinance, in whole or in part, in a newspaper of general circulation as required by State Law.

Name of Newspaper: Big Rapids Pioneer

Date Published: 03-15-2023

*Melissa Lazzaro*

03-13-2023

Village Clerk

Date

<sup>92</sup> 2023 Amendments and Corrections. See Appendix B

GENERAL OFFENSES

THE VILLAGE OF BARRYTON, MECOSTA COUNTY, MICHIGAN ORDAINS:

**SECTION 1: OFFENSES AGAINST A PERSON**

- A. No person shall:
  - 1. Assault or batter another person.
  - 2. Willfully molest, annoy, threaten, or frighten another person.
  - 3. Recklessly endangers the life, health, or well-being of another person.
- B. This Ordinance is a consolidation of Village ORDINANCE # 4-2015 GENERAL OFFENSES, the previous amendments adopted thereto, as well as those amendments contained herein, and shall now be known as the Village of Barryton ORDINANCE # 4-2023 GENERAL OFFENSES.<sup>93</sup>

**SECTION 2: DOMESTIC ASSAULTS**

A. WARRANTLESS ARREST

A peace officer may arrest an individual for violating Section 81 or 81a of the Michigan Penal Code (Act 328 of the Public Acts of 1931, as amended), being MCL §§ 750.81 and 750.81a<sup>94</sup>, and the local ordinance substantially corresponding to MCL § 750.81, regardless of whether the peace officer has a warrant or whether the violation was committed in his or her presence; if the peace officer has reasonable cause to believe both of the following:

- 1. That the violation occurred or is occurring.
- 2. That the individual has had a child in common with the victim, resides or has resided in the same household as the victim, is a spouse or former spouse of the victim, or has or has had a dating relationship with the victim.

B. OFFENSE OF DOMESTIC ASSAULT

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

- 1. DATING RELATIONSHIP - Frequent, intimate associations are primarily characterized by the expectation of affectional involvement.
- 2. A dating relationship does not include a casual relationship or an ordinary fraternization between two individuals in a business or social context.
- 3. A person who assaults or assaults and batters his or her spouse or former spouse, an individual with whom he or she has or has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household is guilty of a misdemeanor punishable by imprisonment for not more than 93 days, a fine of not more than \$500, or both.

**SECTION 3: PROPERTY OFFENSES**

No person shall:

- A. Trespass upon the land or premises of another.

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<sup>93</sup> Ordinance History. See Appendix E

<sup>94</sup> Section 81 or 81a of the Michigan Penal Code (Act 328 of the Public Acts of 1931, as amended), being MCL §§ 750.81 and 750.81a. See Appendix A.

- B. Remain upon the land or premises of another after being directed to depart by the lawful owner, tenant, resident, or agent thereof.
- C. Prowl about the land or premises of another person in the nighttime without the permission of the owner of the premises.
- D. Willfully or recklessly damage, destroy, mutilate, or deface the property of another person or public entity, which includes personal property, fixtures, or structures attached to real estate, and shrubs, trees, grass, or plants.
- E. Take, conceal, or transport the property of another person or public entity with the intent to steal.
- F. Sell, transport, conceal, or possess stolen property.
- G. Obtain goods, credit, money, or labor from another person by fraud, trick, or false pretense.
- H. Some acts specifically within this subsection include the following:
  - 1. Obtain money or credit through an automatic teller device through the unauthorized use of any bank or credit card, or facsimile thereof.
  - 2. Withdraw money through an automatic teller device while knowing there were insufficient funds on deposit to cover the withdrawal; an intent or plan to deposit sufficient funds at a later time shall not be a defense to this division.
  - 3. Misrepresent the amount of money deposited through a night deposit or automatic teller service, regardless of whether or not said misrepresentations are followed by withdrawals.
- I. Move, damage, disconnect, or otherwise meddle or tamper with the property of another.
- J. Enter the motor vehicle of another person without the permission of the owner or the owner's agent.
- K. Fail to return the rental property of another person with the intent to deprive the other person of the ownership or use of the said property.
  - 1. There must be some writing, receipt, or invoice which clearly states the date by which the rental property must be returned.
  - 2. Twenty-one (21) days must elapse from the return date before prosecution can be commenced under this division.
  - 3. Should thirty (30) days elapsed from the return date, it shall stand as *prima facie* evidence of the intent specified above.
- L. Deposit litter upon public property, or upon the private property of another person.
- M. Knowingly deposit trash or garbage in the receptacles of another without having permission or authority to do so. This division is not intended to prohibit the good faith disposal of small amounts of litter.
- N. Knowingly utilize a telecommunications service of any sort, including telephone or cable TV, with the intent to avoid having to pay for such service, whether by improper connections, false billings, false charges, or another artifice.
- O. Enter the house, apartment, building, garage, shed, outbuilding, barn, dwelling, shop, store, office, warehouse, or other structure without the express or implied permission of the owner or a person with possessory control of the premises.
- P. Possess, sell, distribute, manufacture, or use any narcotic or controlled substance as defined, listed, or prohibited by State Statute
- Q. Manufacture, sell or distribute a substance that is manufactured, sold, or distributed, or is held out to be, or is promoted as or any narcotic or controlled substance as defined, listed, or prohibited by Michigan statute.
- R. Draw, paint, mark, inscribe upon, or otherwise deface any structure without the permission of the owner.



## **SECTION 4: OFFENSES AGAINST GOVERNMENT**

No person shall:

- A. Hinder, oppose, or resist any law enforcement officer in the performance of his duties as such.
- B. Fail to step back a reasonable distance or otherwise clear the scene when directed to do so by a police officer or government representative who is questioning others, examining evidence, or otherwise investigating a felony or misdemeanor.
- C. Furnish to any police or law enforcement officer a false name, address, age, date of birth, or piece of identification containing such false information.
- D. Knowingly furnishing false information to any police or law enforcement officer pertaining to an alleged criminal violation.
- E. Escape from the lawful custody of any police or law enforcement officer.
- F. Impersonate a police officer, employee, or official of the Village or other governmental entity.
- G. Loiter within or around a public building or facility after being directed to leave by a person having lawful authority or control over the facility.
- H. Create or excite a disturbance within or around a public facility, to the extent that the normal use or operation of the public facility is disrupted.
- I. This division includes, without limitations, courthouses, libraries, post offices, Village Buildings, Village offices, county offices, and state offices, located in the Village.

## **SECTION 5: BREACH OF THE PEACE OFFENSES**

No person shall:

- A. Create or engage in any disturbance, fight, or quarrel in a public place or in the commons, halls, rooms, lobbies, or foyers of an apartment building, dormitory, or place of business.
- B. Create or engage in any disturbance, fight, quarrel, or party that causes or tends to cause a breach of the peace.
- C. Knowingly permit or encourage others to engage in any disturbance, fight, quarrel, or party that causes or tends to cause a breach of the peace.
- D. Disturb the public peace through loud, boisterous, profane, or obscene conduct.
- E. Disturb any lawful assembly or meeting of other persons.
- F. Create, encourage, incite, or engage in a riot.
- G. Peep in the windows or doors of any inhabited house, dwelling, room, or another inhabited place.
- H. Urinate or defecate upon the private property of another person or in a public place or in a manner intended to display such action to others.
- I. Discharge any firearm, BB gun, or pellet gun within the Village unless otherwise permitted by Ordinance # 5-2023 Firearms Ordinance.
- J. Carry or otherwise possess a firearm of .177 caliber or greater while intoxicated or while under the influence of any controlled substance.
- K. Carry or otherwise possess a concealed dangerous weapon, including firearms, knives, brass knuckles, blackjacks, or any other item designed primarily for the purpose of injuring other persons, as prohibited by the Michigan Statute.

- L. Brandish, with the intent to threaten, rob, or frighten another person, a fake or inoperable firearm or another dangerous weapon.
- M. Expose one's body or the body of another person, in an indecent manner; the public exposure of a person's genitalia or buttocks shall be *prima facie* evidence of "an indecent manner."
- N. Enter any cemetery, park, or public facility after posted hours.
- O. Enter any area of a public facility that is obviously fenced, posted, or otherwise closed to the general public.
- P. Operate a motor vehicle in a manner that disturbs the public peace by needlessly racing the engine, spinning tires, squealing tires, or blowing the horn.
- Q. Leave outside or in a place accessible to children an abandoned or unattended ice box, refrigerator, or another container with an airtight door or lock which may not be released from the inside, without first having removed or disabled the door or lock.

## **SECTION 6: OFFENSES ON SCHOOL GROUNDS**

No person shall:

- A. Loiter on public or private school grounds by remaining on the grounds after having been directed to leave by school personnel.
- B. Disturb the peace and good order of public or private schools by making excessive noise or creating or exciting a disturbance on or immediately adjacent to school grounds.
- C. Possess, peddle, or offer for sale or distribution any controlled substance, or commodity held out to be a controlled substance, on public or private school grounds.
- D. Tamper with, remove, deface, damage, or destroy school property.

## **SECTION 7: RETAIL FRAUD**

A person who does any of the following in a store or in its immediate vicinity is guilty of retail fraud in the third degree, a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500 or three times the value of the difference in price, property stolen, or money or property obtained or attempted to be obtained, whichever is greater, or both imprisonment and a fine, plus restitution to victims and the costs of prosecution:

- A. While a store is open to the public, alters, transfers, removes and replaces, conceals, or otherwise misrepresents the price at which property is offered for sale, with the intent not to pay for the property or to pay less than the price at which the property is offered for sale if the resulting difference in price is less than \$200.
- B. While a store is open to the public, steals the property of the store that is offered for sale at a price less than \$200.
- C. With intent to defraud, obtain, or attempts to obtain money or property from the store as a refund or exchange for property that was not paid for and belongs to the store if the amount of money obtained is less than \$200.

## **SECTION 8: PUBLIC NUDITY**

- A. DEFINITIONS - For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
  1. PUBLIC NUDITY - Knowingly or intentionally displaying in a public place any individual's genitals or anus with less than a fully opaque covering, or any female individual's breast with less than a fully opaque covering of the nipple and areola, for payment or promise of payment.
  2. PUBLIC PLACE - Any premises within the Village used or controlled in whole or in part for the purpose of displaying an individual's genitals, anus, or female breast for payment or promise of payment, and which is open to the general public as a business, club, or association.

## B. PUBLIC NUDITY PROHIBITED

1. No person, corporation, business, club, or association shall knowingly or intentionally cause, promote, invite, employ, or encourage any person to knowingly or intentionally display in a public place for payment or promise of payment his or her genitals or anus with less than a fully opaque covering, or her female breast with less than a fully opaque covering of the nipple and areola.
2. No person shall knowingly or intentionally display his or her genitals or anus in a public place for payment or promise of payment with less than a fully opaque covering.
3. No female shall knowingly or intentionally display her breast in a public place for payment or promise of payment with less than a fully opaque covering of the nipple and areola.
4. A woman's breastfeeding of a baby does not under any circumstances constitute public nudity within the purview of this section.
5. Violation of this section shall be a misdemeanor punishable as provided in Sec. 11 of this chapter.

## SECTION 9: DISHONORED CHECKS

### A. DEFINITIONS

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

1. **ADDRESS OF RECORD** - The address that appears on the check or the last known address of record with the Secretary of State at the time the check was presented for payment of goods or services.
2. **CHECK** - Any check, draft, or order for the payment of money, to apply on account, or otherwise, upon any bank or other depository.
3. **DISHONORED** -
  - a. Any check, draft, or order drawn or written on any account, or otherwise, upon any bank or other depository, without sufficient funds for the payment of the same when presentment is made to the drawee.
  - b. Any check, draft, or order drawn or written on any account which has been closed with or by the bank or other depository upon which it is drawn.
  - c. Checks drawn without sufficient funds.
- B. No person shall with intent to defraud, make, draw, utter, or deliver any check knowing at the time of the making, drawing, uttering, or delivering that the maker or drawer does not have sufficient funds in or credit with the bank or other depository for the payment of the check in full upon its presentation in the amount payable in such check, draft, or order.
- C. No person shall with intent to defraud make, draw, utter, or deliver any check unless the person has sufficient funds for payment for same when presentment is made to the drawee, except where the lack of funds is due to garnishment, attachment, levy, or other lawful cause and such fact was not known to the person who made, drew, uttered, or delivered the instrument.
- D. As against the maker or drawer thereof, the making, drawing, uttering, or delivering of a check which is refused by the drawee when presented in the usual course of business shall be prima facie evidence of intent to defraud and of knowledge of insufficient funds in or credit with such bank or another depository, provided that such maker or drawer shall not have paid the drawee thereof the amount due thereon, together with bank fees, within five business days after receiving notice by first class mail at the address of record that such check, draft, or order has not been paid by the drawee.

E. Where a such dishonored check is protested, the notice of protest thereof shall be admissible as proof of presentment, nonpayment, and protest and shall be prima facie evidence of intent to defraud and knowledge of insufficient funds or credit with such a bank or other depository.

F. VIOLATIONS

Attempt to commit a prohibited act.

1. Any person who attempts to commit any act prohibited in this section shall be subject to prosecution for said act as if it were completed upon proof of the requisite intent and some substantial overt acts in furtherance of that intent.
2. The maximum penalty for a conviction of an attempt shall be one-half of the maximum of that set for the completed act, except restitution to a victim shall be fully assessed.
3. AIDERS AND ABETTORS - Any person who aids, abets, procures, commands, assists, or conspires in the commission of any act prohibited in this chapter shall be subject to prosecution, conviction, and punishment as a principal.

G. PENALTY

Except for those offenses for which a specific penalty is otherwise provided, any person convicted under this chapter shall be subject to a maximum penalty of 90 days in jail, an equal amount of community service, or any combination thereof not exceeding 90 days, plus \$500 fine, plus actual costs of prosecution, plus mandatory restitution to victims.

**SECTION 10: ALCOHOL OFFENSES**

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

1. ALCOHOLIC LIQUOR or ALCOHOLIC BEVERAGE - Any spirituous, vinous, malt, or fermented liquor, liquids, and compounds, whether or not medicated, proprietary, patented, and by whatever name called, containing ½% or more of alcohol by volume, fit for beverage purposes.
2. INTOXICATED CONDITION - Any person who is intoxicated, as defined in *Lefler vs. Fisher*, 121 Michigan, Pages 60-63<sup>95</sup>.
3. LICENSED PREMISES - The premises described in the license granted to a person under which he sells alcoholic liquor and beverages.
4. LICENSEE - Those persons licensed by the state or Village authority to sell alcoholic liquors or beverages for both consumption on and off the premises.

B. SUNDAY SALES

A licensee shall be permitted to sell at retail, give away or furnish any alcoholic liquor on any Sunday, for consumption on licensed premises in the Village.

C. SALES, REGULATIONS

1. No licensee shall sell any alcoholic liquors or beverages between the hours of 2:00 a.m. and 7:00 a.m. on any day, except when different hours are designated by the Michigan Liquor Control Commission.
2. No licensee shall sell any alcoholic liquor or beverage except for cash.
3. No licensee shall sell, give or furnish alcoholic liquors or beverages to any person in an intoxicated condition.

D. CONSUMPTION ON THE STREET OR PARKING LOT

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<sup>95</sup> *Lefler vs. Fisher*, 121 Michigan, Pages 60-63. See Appendix A.

It shall be unlawful to consume any alcoholic beverage on any street, alley, sidewalk, parkway, or parking lot open to the public.

E. POSSESSING OPEN ALCOHOLIC BEVERAGES

No person shall transport or possess any alcoholic liquor in a container that is open, uncapped, or upon which the seal is broken on any street, sidewalk, parkway, alley, or parking lot open to the public.

F. PERSONS, EMPLOYEES, RESPONSIBILITY

Any person, whether in the employ of another or in the employ of a partnership, association, corporation, or self-employed, shall be subject to the provisions of this code in selling alcoholic liquor at retail, giving it away, or furnishing it contrary to the provisions of this chapter.

G. SALES TO MINORS PROHIBITED

1. Alcoholic liquor shall not be sold or furnished to a person unless the person has attained 21 years of age.
2. A person who knowingly sells or furnishes alcoholic liquor to a person who is less than 21 years of age, or who fails to make diligent inquiry as to whether the person is less than 21 years of age, is guilty of a misdemeanor.

H. PURCHASE, CONSUMPTION, AND POSSESSION BY MINORS PROHIBITED

1. A person less than 21 years of age shall not purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, or possess or attempt to possess alcoholic liquor.
2. This section does not prohibit a person less than 21 years of age from possessing alcoholic liquor as follows:
  - a. During regular working hours and in the course of his or her employment if employed by a person licensed to sell or transport alcoholic liquor, if the alcoholic liquor is not possessed for his or her personal consumption.
  - b. Consuming alcoholic liquor in a course offered by an accredited post-secondary educational institution in an academic building of the institution under the supervision of a faculty member if the purpose of the possession or consumption is solely educational and is a necessary ingredient of the course.
  - c. Consuming alcoholic liquor, including sacramental wine, in connection with religious services at a church, synagogue, or temple.
  - d. In an undercover operation under the direction of the person's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action.
  - e. In an undercover operation under the direction of the state police, the liquor control commission, or a local police agency as part of an enforcement action.

I. FURNISHING OR USING FRAUDULENT IDENTIFICATION

1. A person who furnishes fraudulent identification to a person less than 21 years of age is guilty of a misdemeanor.
2. A person who uses fraudulent identification to purchase alcoholic liquor, or to enter a business where alcoholic liquor is sold, is guilty of a misdemeanor.

J. AUTHORITY TO STOP, APPEARANCE TICKETS

A sworn police officer may issue an appearance ticket for a violation of Section 10 (I) to a person when advised by an employee of a business possessing a state liquor license that the person has presented false identification to the employee and the officer observes the false identification.

K. NOTICE TO PARENTS OR GUARDIANS

1. Upon determining that a person less than 18 years of age who is not emancipated pursuant to MCL §§ 772.1 through 772.6<sup>96</sup> allegedly consumed, possessed, purchased, or attempted to consume, possess, or purchase alcoholic liquor in violation of Section H and/or Section I, the Barryton Police Department shall notify the parent or parents, custodian, or guardian of the person as to the nature of the violation if the name of a parent, guardian, or custodian is reasonably ascertainable.
2. The notice shall be made within 48 hours of determining that the person who allegedly violated Section H and/or Section I (2) is less than 18 years of age and not emancipated.
3. The notice may be made by any means reasonably calculated to give prompt actual notice, including but not limited to notice in person, by telephone, or by first-class mail.
4. If a person less than 17 years of age is incarcerated for violating Section H and/or Section I, then his or her parents or legal guardian shall be notified immediately.

#### L. LICENSE SANCTIONS

1. Immediately upon the entry of a conviction or a probate court disposition for a violation of Section H the court shall consider all prior convictions or probate court dispositions of Section H, or any state or local law substantially corresponding to Section H, and shall impose the sanctions set forth in this section.
2. If the court finds that the person has one prior conviction or probate court disposition, the court shall order the Secretary of State to suspend the operator or chauffeur license of the person for a period of not less than 90 days or more than 180 days.
  - a. The court may order the Secretary of State to issue to the person a restricted license after the first 30 days of the period of suspension in the manner described in MCL §§ 436.33b(6) and 257.319<sup>97</sup>.
  - b. In the case of a person who does not possess an operator's or chauffeur's license, the Secretary of State shall deny the application for an operator or chauffeur license for the applicable suspension period.
3. If the court finds that the person has two or more such prior convictions or probate court dispositions, the court shall order the Secretary of State to suspend the operator or chauffeur license of the person for a period of not less than 180 days or more than one year.
  - a. The court may order the Secretary of State to issue to the person a restricted license after the first 60 days of the period of suspension in the manner described in MCL §§ 436.33b(6) and 257.319<sup>98</sup>.
  - b. In the case of a person who does not possess an operator or chauffeur license, the Secretary of State shall deny the application for an operator or chauffeur license for the applicable suspension period.

#### M. PRELIMINARY BREATH TESTS

1. A peace officer who has reasonable cause to believe a person less than 21 years of age has consumed alcoholic liquor may require the person to submit to a preliminary chemical breath analysis.
2. A legal presumption shall be made by the court that the person less than 21 years of age has consumed or possessed alcoholic liquor if a preliminary chemical breath analysis or other acceptable blood alcohol test indicates the person's blood contained .02% or more by weight of alcohol.
3. A person less than 21 years of age that refuses to submit to a preliminary chemical breath test analysis as required in this section is responsible for a civil infraction.

### SECTION 11. PENALTY

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<sup>96</sup> MCL §§ 772.1 through 772.6. See Appendix A

<sup>97</sup> MCL §§ 436.33b(6) and 257.319. See Appendix A.

<sup>98</sup> MCL §§ 436.33b(6) and 257.319. See Appendix A.

- A. Any person violating a provision of this chapter for which no other specific penalty applies shall be subject to the penalty set forth
- B. The penalty for the following enumerated violations shall be a maximum of 93 days in jail or an equal amount of community service, or any combination thereof not exceeding 93 days, plus a fine of not more than \$500, plus actual costs of prosecution and mandatory restitution to victims:
  - 1. Section 1, assault or battery.
  - 2. Section 2, domestic assault.
  - 3. Section 7, retail fraud.
  - 4. Section 9, dishonored checks.
- C. Any person violating section 10 (D) or section 10 (E) can be issued a village civil infraction citation.
- D. The penalty for a Village civil infraction shall be a fine of not less than \$25 and not more than \$500, plus costs of not less than \$9 and not more than \$500.
- E. Costs may include all expenses, direct and indirect, to which the Village has been put in connection with the Village civil infraction up to the entry of judgment.
- F. The Village may seek or employ all other remedies and sanctions available under state law for municipal civil infractions.
- G. Violations of Section 10 (G)
  - 1. A retail licensee or a retail licensee's clerk shall be guilty of a misdemeanor punishable by jail of not more than 90 days and a fine of not more than \$500 or both.
  - 2. A person who is not a retail licensee or a retail licensee's clerk, agent, or employee shall be fined \$1,000 and may be sentenced to imprisonment for up to 60 days for a first offense, and shall be sentenced to imprisonment for up to 90 days for a second or subsequent offense, and may be ordered to perform community service.
- H. A person who violates Section 10 (H) shall be guilty of a misdemeanor punishable as follows:
  - 1. For the first violation, a fine of not more than \$100, plus community service and substance abuse screening and assessment at his or her own expense.
  - 2. For a second violation, a fine of not more than \$200, plus substance abuse prevention or substance abuse treatment and rehabilitation services as defined in MCL 333.6107<sup>99</sup>, community service, and substance abuse screening and assessment at his or her own expense, and sanctions against his or her operator or chauffeur license as provided below.
  - 3. For a third or subsequent violation, a fine of not more than \$500 dollars, plus substance abuse prevention or substance abuse treatment and rehabilitation services as defined in MCL 333.6107<sup>100</sup>, community service, and substance abuse screening and assessment at his or her own expense, and sanctions against his or her operator or chauffeur license as provided below.
- I. Violations of Section 10 (I)
  - 1. A person who violates Section 10 (I) shall be guilty of a misdemeanor punishable by jail of not more than 90 days and a fine of not more than \$500 dollars, or both, and community service.

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<sup>99</sup> MCL 333.6107. See Appendix A.

<sup>100</sup> MCL 333.6107. See Appendix A.

2. The court shall order the Secretary of State to suspend, pursuant to MCL § 257.319<sup>101</sup>, for a period of 90 days the operator or chauffeur license of a person who is convicted of furnishing or using fraudulent identification.
3. The court immediately shall forward the surrendered license and an abstract of conviction to the Secretary of State. A suspension ordered under this division (D)(2) shall be in addition to any other suspension of the person's operator or chauffeur license.

**SECTION 12: SEVERABILITY**

The provisions of the Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

**SECTION 13: EFFECTIVE**

- A. The Village Clerk shall publish this ordinance in the manner required by law.
- B. The adoption of this ordinance 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 ordinance.
- C. This ordinance shall take effect twenty (20) days after adoption.
- D. All ordinances or parts of ordinances in conflict are hereby repealed.
- E. I hereby certify the adoption of this ordinance at the 03-08-2023 council meeting and cause the same to be published as required by law.

Yeas: 5 Nays: 0 Ordinance declared: Adopted Effective Date: 03-28-2023

Melissa Lazzaro

Village President

James Soriano

Village Clerk<sup>102</sup>

I hereby certify to the publishing of this Ordinance, in whole or in summary, in a newspaper of general circulation as required by State Law.

Newspaper published in: Big Rapids Pioneer

Date Published: 03-15-2023

Melissa Lazzaro

03-13-2023

Village Clerk

Date

<sup>101</sup> MCL § 257.319. See Appendix A.

<sup>102</sup> 2023 Amendments and Corrections. See Appendix B



GRASS AND LEAVES

THE VILLAGE OF BARRYTON, MECOSTA COUNTY, MICHIGAN ORDAINS:

**SECTION 1: INTENT**

- A. It is the intent of this ordinance to regulate the growth and maintenance of grass, leaves, weeds, and brush within the village limits.
- B. This Ordinance is a consolidation of the Village of Barryton ORDINANCE # 22-2015 GRASS AND LEAVES, the previous amendments thereto, as well as those amendments contained herein, and shall now be known as the Village of Barryton ORDINANCE # 22-2023 GRASS AND LEAVES<sup>103</sup>

**SECTION 2: REGULATIONS**

- A. It shall be the duty of the owner, agent, or occupant of any residential property located within 100 feet of a structure, to prevent weeds, grasses, brush, or other vegetation from growing to a height of greater than 6 inches, nor shall such owner, agent or occupant permit an accumulation of dead weeds, brush, or other vegetation of height greater than 12 inches on any such properties, nothing in this section shall apply to trees, flower gardens, vegetation planted for ornamental purposes, vegetation in vegetable gardens or vegetation in fields devoted to growing any small grain crop such as wheat, oats, barley, or rye.
- B. It shall be the duty of the owner, agent, or occupant of any commercial or industrial property located in the Village of Barryton, to prevent weeds, grasses, brush, or other vegetation from growing to a height of greater than 6 inches, nor shall such owner, agent or occupant permit an accumulation of dead weeds, brush or other vegetation of height greater than 12 inches on any such properties regardless of footage of separation from structures. Nothing in this section shall apply to trees, flower gardens, vegetation planted for ornamental purposes, vegetation in vegetable gardens, or vegetation in fields devoted to growing any small grain crop such as wheat, oats, barley, or rye.
- C. It shall be the duty of the owner, agent, or occupant of any residential property located within 100 feet of a structure, to prevent leaves and small brush from accumulating on their property to where the ground cover of such debris is greater than 40%.
- D. It shall be the duty of the owner, agent, or occupant of any commercial or industrial property located in the Village of Barryton, to prevent leaves and small brush from accumulating on their property to where the ground cover of such debris is greater than 40%, regardless of footage of separation from structures.
- E. This Ordinance shall be enforced by such person(s) who shall be so designated by the Village Council of the Village of Barryton, Michigan.
- F. The owner and/or tenants of any premises found to be not in compliance with this ordinance will be given notice by way of posting of property.
- G. If weeds, grasses, leaves, brush, or other vegetation are not removed from the premises within 7 days after the date of posting such notice, the owner and/or tenants of the premises shall be subject to Village penalties as set forth in this ordinance.
- H. The Village of Barryton is also hereby authorized and empowered to pay for the removal of the weeds, grasses, leaves, brush, or other vegetation or to order the removal by any authorized Village representative.
- I. Where costs of removal or any civil infractions issued are not paid by an owner within sixty (60) days after the removal of such weeds, grasses, leaves, brush, or other vegetation or violations of any sections of this ordinance, then the Village Council shall cause to be recorded in the Treasurer's Office the date and premises on which removal was done or the violation occurred.

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<sup>103</sup> Ordinance History. See Appendix E

- J. The recording of such statement shall constitute a lien on the property and shall remain in full force and effect for the amount due in principal and interest until final payment has been made and shall be collected in the manner provided by law for the collection of taxes; further, the total amount shall be subject to a delinquent penalty of 1% per month in the event same is not paid in full on or before the date of the tax bill upon which said charge appears becomes delinquent; said sworn statements recorded in accordance with the provisions hereof shall be a notice to every person concerned that the amount of the statement plus interest, constitutes a charge against the premises described in the statement that the same is due, pursuant to Act 359 of 1941 (MCL 247.61 et seq.)<sup>104</sup>.

### SECTION 3: PENALTIES

- A. The penalty for a violation of this ordinance shall be a Village civil infraction with a fine of not less than \$25 and not more than \$500, plus costs of not less than \$9 and not more than \$500.
- B. Costs may include all expenses, direct and indirect, to which the Village has been put in connection with the Village civil infraction up to the entry of judgment.
- C. The Village may seek or employ all other remedies and sanctions available under state law for municipal civil infractions.
- D. The penalty for repeat offenses of the same ordinance provision within six (6) months of a prior offense shall be a fine of not less than \$50 and not more than \$1,000, plus costs and all other remedies and sanctions available under state law for municipal civil infractions.

### SECTION 4: SEVERABILITY

The provisions of the Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

### SECTION 5: EFFECTIVE

- A. The adoption of this ordinance 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 ordinance.
- B. This ordinance shall take effect twenty (20) days after adoption.
- C. All ordinances or parts of ordinances in conflict are hereby repealed.
- D. I hereby certify the adoption of this ordinance at the 03-08-2023 council meeting and cause the same to be published as required by law.

Yeas: 5 Nays: 0 Ordinance Declared: Adopted Effective Date: 03-28-2023

Melissa Lazzaro

James Soriano

Village Clerk

Village President<sup>105</sup>

I hereby certify the publishing of this ordinance, in whole or in part, in a newspaper of general circulation as required by State Law.

Name of Newspaper: Big Rapids Pioneer

Date Published: 03-15-2023

Melissa Lazzaro

03-13-2023

Village Clerk

Date

<sup>104</sup> Act 359 of 1941 (MCL 247.61 et seq.). See Appendix A.

<sup>105</sup> 2023 Amendments and Corrections See Appendix B

LITTER

THE VILLAGE OF BARRYTON, MECOSTA COUNTY, MICHIGAN ORDAINS:

SECTION 1: INTENT

- A. No person shall drop, throw, deposit, or scatter any earth, ashes, garbage, or any other loose material in any street, alley, or public place, nor shall any person permit such substances to spill, drop, or be blown about from any vehicle while hauling the same in any street or alley.
- B. This Ordinance is a consolidation of Village of Barryton ORDINANCE # 11-2015 LITTER, the previous amendments thereto, as well as those amendments contained herein, and shall now be known as the Village of Barryton ORDINANCE # 11-2023 LITTER.<sup>106</sup>

SECTION 2: PENALTY

- A. The penalty for a violation of this ordinance shall be a Village civil infraction with a fine of not less than \$25 and not more than \$500, plus costs of not less than \$9 and not more than \$500.
- B. Costs may include all expenses, direct and indirect, to which the Village has been put in connection with the Village civil infraction up to the entry of judgment.
- C. The Village may seek or employ all other remedies and sanctions available under state law for municipal civil infractions.
- D. The penalty for repeat offenses of the same ordinance provision within two years of a prior offense shall be a fine of not less than \$50 and not more than \$1,000, plus costs and all other remedies and sanctions available under state law for municipal civil infractions.

SECTION 3: SEVERABILITY

The provisions of the Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

SECTION 4: EFFECTIVE

- A. The adoption of this ordinance 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 ordinance.
- B. This ordinance shall take effect twenty (20) days after adoption.
- C. All ordinances or parts of ordinances in conflict are hereby repealed.
- D. I hereby certify the adoption of this ordinance at the 03-08-2023 council meeting and cause the same to be published as required by law.

Yeas: 5 Nays: 0

Ordinance Declared: Adopted

Effective Date: 03-28-2023

Melissa Lazzaro

James Soriano

Village Clerk

Village President<sup>107</sup>

<sup>106</sup> Ordinance History. See Appendix E

<sup>107</sup> 2023 Amendments and Corrections. See Appendix B

I hereby certify the adoption of this Ordinance, in whole or in part, in a newspaper of general circulation as required as required by State Law.

Name of Newspaper: Big Rapids Pioneer

Date Published: 03-15-2023

*Melissa Lazzaro*

03-13-2023

Village Clerk

Date

**MOBILE HOMES AND MODULAR HOMES**

THE VILLAGE OF BARRYTON, MECOSTA COUNTY, MICHIGAN, ORDAINS:

**SECTION 1: INTENT**

- A. The use of trailers, either single or in groups, in dwelling units, shall be prohibited in the Village of Barryton, unless a permit to use them as a dwelling is issued by the board. The application shall set forth the location desired, the distance in all directions as to the closest dwelling, sewer facilities available, the size of the trailer, and model number and date of manufacture.
- B. This ordinance does not extend or pertain to those trailers now placed or used as dwellings prior to the effective date of this ordinance by the village board.
- C. This Ordinance is a consolidation of the Village of Barryton ORDINANCE # 1-1967 MOBILE HOMES AND MODULAR HOMES, the previous amendments thereto, as well as those amendments contained herein, and shall now be known as the Village of Barryton ORDINANCE # 28-2023 MOBILE HOMES AND MODULAR HOMES.<sup>108</sup>

**SECTION 2: ENFORCEMENT AND VIOLATIONS**

- A. This Ordinance will be enforced by the Village Code Enforcement Official, who is hereby authorized by the Village Council of the Village of Barryton, Michigan, to issue Municipal Civil Infraction citations for violations of this ordinance.
- B. The owner and the occupant of any property upon which any violation of this ordinance is found to exist shall be notified in writing to remove or eliminate the violation from the property within the time allotted by the Enforcement Official, up to 30 days, after service of the notice upon him/her/them.
  - 1. Such notice may be served personally or by certified mail, return receipt requested, addressed to the owner at the address shown on the latest Village of Barryton Tax Roll, and to the occupant at the address of the premises involved.
  - 2. A copy of this Ordinance shall be mailed or delivered with the Notice.
  - 3. Additional time of up to 15 days may be granted by the Enforcement Official where, in his or her opinion, bonafide efforts to remove or eliminate the causes of the violation are being made.
- C. Failure to comply with such notice within the time allowed by the owner and/or occupant shall constitute a violation of this Ordinance

**SECTION 3: SANCTIONS**

- A. The penalty for a violation of this ordinance shall be a Village civil infraction with a fine of not less than \$50 and not more than \$500, plus costs.
- B. Costs may include all direct and indirect expenses the Village has been put in connection with the Village civil infraction up to the entry of judgment.
- C. The Village may seek or employ all other remedies and sanctions available under state law for municipal civil infractions.
- D. The penalty for repeat offenses of the same ordinance provision within two years of a prior offense shall be a fine of not less than \$100 and not more than \$1,000, plus costs and all other remedies and sanctions available under state law for municipal civil infractions.

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<sup>108</sup> Ordinance History. See Appendix E

- E. Additionally, the violator shall pay costs of not more than \$500.00, a justice system assessment as provided by Michigan Statute, and all other damages and expenses, whether direct or indirect, which the Village of Barryton, Mecosta County, Michigan has incurred in connection with the violation, including all expenses that the Village of Barryton incurs in removing the violation.
- F. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under MCL 600.8302 (4)<sup>109</sup>.
- G. In the event, the Defendant does not pay the civil fine, costs, justice system assessment, and all other direct or indirect damages and expenses incurred by the Village of Barryton, Mecosta County, Michigan within thirty days after payment is due, the village may obtain a lien against the real estate involved for any violation involving the use or occupation of land or any building or other structure.
- H. Each day a violation of this Ordinance continues to exist constitutes a separate violation.
- I. The Village Council of the Village of Barryton, Mecosta County, Michigan may further institute an injunction, mandamus, abatement, or any other appropriate action, or proceedings to prevent, enjoin, abate, or remove any violating factors.
- J. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.
- K. The owner of the premises or part thereof, where a trailer in violation of this ordinance shall be placed or any person assisting in placing in such violation shall be guilty of a separate offense and, upon conviction, shall be fined as herein provided.

**SECTION 4: SEVERABILITY**

The provisions of the Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

**SECTION 5: EFFECTIVE**

- A. The adoption of this ordinance 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 ordinance.
- B. The Village Clerk shall publish this ordinance in the manner required by law, and this Ordinance shall take effect immediately upon publication
- C. This ordinance shall take effect twenty(20) days after adoption.
- D. All ordinances or parts of ordinances in conflict are hereby repealed.
- E. I hereby certify the adoption of this ordinance at the 03-08-2023 council meeting and cause the same to be published as required by law.

Yeas: 5 Nays: 0 Ordinance Declared: Adopted Effective Date: 03-28-2023

Melissa Lazzaro

Village President

James Soriano

Village Clerk<sup>110</sup>

I hereby certify the adoption of this Ordinance, in whole or in part, in a newspaper of general circulation as required as required by State Law.

Name of Newspaper: Big Rapids Pioneer Date Published: 03-15-2023

<sup>109</sup> MCL 600.8032(4)

<sup>110</sup> 2023 Amendments and Corrections. See Appendix B



ORV REGULATIONS

THE VILLAGE OF BARRYTON, MECOSTA COUNTY, MICHIGAN ORDAINS:

**SECTION 1: PURPOSE**

- A. The purpose of this ordinance is to regulate the operation of Off-Road Vehicles (ORVs) within the Village of Barryton.
- B. This Ordinance is a consolidation of Village of Barryton ORDINANCE # 13-2015 AN ORDINANCE TO REGULATE THE OPERATION OF ORV’S WITHIN THE VILLAGE OF BARRYTON REGULATIONS, the previous amendments thereto, as well as those amendments contained herein, and shall now be known as the Village of Barryton ORDINANCE # 13-2023 ORV REGULATIONS.<sup>111</sup>

**SECTION 2: DEFINITIONS**

For the use in this ordinance the following terms are defined:

- A. “OFF-ROAD VEHICLE” or “ORV” means a 3 or 4-wheeled vehicle designed for off-road use that has low-pressure tires, has a seat designed to be straddled by the rider or driver and passenger ride side by side and is powered by a gasoline engine at least 50cc or an engine of comparable size using other fuels including electric.
- B. Side by Side ORVs and Golf Carts are included.
- C. All ORV’s operated in the Village shall be equipped with a lighted headlight and lighted tail light.

**SECTION 3: GENERAL REGULATIONS**

No Person shall operate an ORV within the Village unless specifically provided for in this Ordinance.

**SECTION 4: ORV REGULATION**

Legal Operators:

- A. A person under 18 years of age shall not operate an ORV pursuant to this section unless the person is in possession of a valid drivers license or under the direct supervision of a parent or guardian and the person has in his or her immediate possession an ORV safety certificate issued pursuant to this part or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.
- B. A person under 12 years of age shall not operate an ORV pursuant to this section.

**SECTION 5: RULES OF OPERATION**

The operators of ORV’s shall comply with the following restrictions as to where ORVs may be operated within the Village:

- A. Streets and Manner of Operation:
  - 1. Operators may travel with the flow of traffic, single file, on the far right side of any village street, and obey all traffic signals and signs.
  - 2. Operators may travel at a maximum speed of 25 mph.
  - 3. Operators under the age of 17 must wear a helmet whether on public or private property

B. Prohibited Areas:

The operators of ORV’s shall comply with the following restrictions as to where ORV’s are prohibited to operate within the Village:

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<sup>111</sup> Ordinance History. See Appendix E



1. Parks and Other Village Land:

ORV's shall not be operated in any park, alley, playground or upon any other village-owned property unless permission is granted by the village council.

2. Sidewalk:

ORV's shall not be operated upon a public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the "parking" except for the purpose of crossing the same public street.

3. Private Property:

ORVs shall not be operated on the property, yard, driveway, or any other portion of a village resident's private property without the operator first obtaining permission from the property owner. (i.e. cutting through yards)

C. Hours of Operation

ORV's shall be operated in the Village only between the hours of six o'clock (6:00) a.m. through twelve o'clock midnight on Sunday through Thursday and from six o'clock (6:00) a.m. Friday and Saturday through two o'clock (2:00) a.m. Saturday and Sunday except for emergency situations or for loading and unloading from a transport trailer.

D. Negligence

1. The owner and operator of an ORV are liable for any injury or damage occasioned by the negligent operation of the ORV.
2. The owner of an ORV shall be liable for any such injury or damage only if the owner was the operator of the ORV at the time the injury or damage occurred or if the operator had the owner's consent to operate the ORV at the time the injury or damage occurred.

**SECTION 6: PENALTIES**

- A. The penalty for a violation of this ordinance shall be a Village civil infraction with a fine of not less than \$25 dollars and not more than \$500, plus costs of not less than \$9 and not more than \$500.
- B. Costs may include all expenses, direct and indirect, to which the Village has been put in connection with the Village civil infraction up to the entry of judgment.
- C. The Village may seek or employ all other remedies and sanctions available under state law for municipal civil infractions.
- D. The penalty for repeat offenses of the same ordinance provision within two years of a prior offense shall be a fine of not less than \$50 and not more than \$1,000, plus costs and all other remedies and sanctions available under state law for municipal civil infractions.

**SECTION 7: SEVERABILITY**

The provisions of the Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

**SECTION 8: EFFECTIVE**

- A. The adoption of this ordinance 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 ordinance.
- B. The Village Clerk shall publish this ordinance in the manner required by law.
- C. This ordinance shall take effect twenty (20) days after adoption.
- D. All ordinances or parts of ordinances in conflict are hereby repealed.

E. I hereby certify the adoption of this ordinance at the 03-08-2023 council meeting and cause the same to be published as required by law.

Yeas: 5 Nays: 0

Ordinance Declared: Adopted

Effective Date: 03-28-2023

*Melissa Lazzaro*

*James Soriano*

Village Clerk

Village President<sup>112</sup>

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I hereby certify the publishing of this Ordinance, in whole or in part, in a newspaper of general circulation as required by State Law.

Name of Newspaper: Big Rapids Pioneer

Date Published: 03-15-2023

*Melissa Lazzaro*

03-13-2023

Village Clerk

Date

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<sup>112</sup> 2023 Amendments and Corrections. See Appendix B

**OUTDOOR WOOD-FIRED BURNER/BOILER**

THE VILLAGE OF BARRYTON, MECOSTA COUNTY, MICHIGAN ORDAINS:

**SECTION 1: INTENT**

- A. To establish an ordinance on the regulation of Outdoor Burners/Boilers in the Village of Barryton.
- B. This Ordinance is a consolidation of the Village of Barryton ORDINANCE # 19-2015 OUTDOOR WOOD-FIRED BURNER/BOILER ORDINANCE, the previous amendments thereto, as well as those amendments contained herein, and shall now be known as the Village of Barryton ORDINANCE # 19-2023 OUTDOOR WOOD-FIRED BURNER/BOILER.<sup>113</sup>

**SECTION 2: PURPOSE**

This ordinance is intended to promote public health, safety, and welfare and to safeguard the health, comfort, living conditions, safety, and welfare of the citizens of the Village of Barryton by regulating the air pollution and fire hazards of outdoor wood-fired burner/boilers.

**SECTION 3: DEFINITION**

“OUTDOOR WOOD-FIRED BURNER/BOILER” means a wood-fired boiler, stove, or furnace that is not located within a building intended for habitation by humans or domestic animals

**SECTION 4: OUTDOOR WOOD-FIRED BURNERS/BOILERS**

- A. After 1/16/12 no person shall install an outdoor wood-fired burner/boiler in the Village of Barryton.
- B. Any outdoor wood-fired burners/boilers installed or in use prior to this ordinance being in effect shall be required to have a chimney with a minimum height of fifteen (15) feet.
- C. The outdoor wood-fired burner/boilers shall not burn any leaves, weeds, grass, rubbish, brush, trash, paper or plastic, construction, or any other debris.

**SECTION 5: RIGHT OF ENTRY AND INSPECTION**

The Chief of Police or any other authorized officer, agent, employee, or representative of the Village of Barryton who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

**SECTION 6: ENFORCEMENT AND PENALTIES**

- A. The Chief of Police, or his/her representative, is authorized to enforce the provisions of this ordinance.
- B. Any person, firm, association, partnership, corporation, or government entity who violates any of the provisions of this ordinance or fails to comply with a duly authorized Order issued pursuant to this ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by civil fine determined in accordance with the following schedule:
  - 1. The penalty for a violation of this ordinance shall be a Village civil infraction with a fine of not less than \$25 and not more than \$500, plus costs of not less than \$9 and not more than \$500.
  - 2. Costs may include all expenses, direct and indirect, to which the Village has been put in connection with the Village civil infraction up to the entry of judgment.
  - 3. The Village may seek or employ all other remedies and sanctions available under state law for municipal civil infractions.

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<sup>113</sup> Ordinance History. See Appendix E

4. The penalty for repeat offenses of the same ordinance provision within two years of a prior offense shall be a fine of not less than \$50 and not more than \$1,000, plus costs and all other remedies and sanctions available under state law for municipal civil infractions.
5. Each day a violation of this Ordinance continues to exist constitutes a separate violation.

**SECTION 7: SEVERABILITY**

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

**SECTION 8: EFFECTIVE**

- A. The Village Clerk shall publish this ordinance in the manner required by law.
- B. The adoption of this ordinance 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 ordinance.
- C. This ordinance shall take effect twenty (20) days after adoption.
- D. All ordinances or parts of ordinances in conflict are hereby repealed.
- E. I hereby certify the adoption of this ordinance at the 03-08-2023 council meeting and cause the same to be published as required by law.

Yeas: 5 Nays: 0 Ordinance Declared: Adopted Effective Date: 03-28-2023

Melissa Lazzaro

James Soriano

Village Clerk

Village President<sup>114</sup>

I hereby certify the publishing of this Ordinance, in whole or in part, in a newspaper of general circulation as required by State Law.

Name of Newspaper: Big Rapids Pioneer

Date Published: 03-15-2023

Melissa Lazzaro

03-13-2023

Village Clerk

Date

<sup>114</sup> 2023 Amendments and Corrections. See Appendix B

**CHPT. 34      ORDINANCE # 34-2023**  
**PARKING - SEMI-TRAILERS**

THE VILLAGE OF BARRYTON, MECOSTA COUNTY, MICHIGAN ORDAINS:

**SECTION 1: INTENT**

- A. It will be unlawful for any semi-tractors or trailers to park on any street, within the Village of Barryton, at any time except for a reasonable length of time to load or unload.
- B. This Ordinance is a consolidation of the Village of Barryton ORDINANCE # 11-2003, AMENDMENT TO PARKING ORDINANCE, the previous amendments thereto, as well as those amendments contained herein, and shall now be known as the Village of Barryton ORDINANCE # 34-2023 PARKING - SEMI-TRAILER.<sup>115</sup>

**SECTION 2: PENALTY**

Penalty for any person violating the provisions of this ordinance upon conviction by a fine of \$100.00 and the cost of having the vehicle or vehicles removed.

**SECTION 3: ADOPTION**

- A. This ordinance shall be adopted by an affirmative vote of at least two-thirds of the members of the village council.
- B. The adoption of this ordinance 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 ordinance.

**SECTION 4: SEVERABILITY**

The provisions of the Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

**SECTION 5: EFFECTIVE**

- A. This ordinance shall be effective twenty (20) days after adoption.
- B. All ordinances or parts of ordinances in conflict are hereby repealed.
- C. The village clerk shall certify the adoption of this ordinance and cause the same to be published as required by law.

Yeas: 5    Nays: 0                      Ordinance Declared: Adopted                      Effective Date: 03-28-2023

Melissa Lazzaro

Village Clerk

James Soriano

Village President<sup>116</sup>

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I hereby certify the publishing of this Ordinance, in whole or in part, in a newspaper of general circulation as required by State Law.

Name of Newspaper: Big Rapids Pioneer

Date Published: 03-15-2023

Melissa Lazzaro

03-13-2023

Village Clerk

Date

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<sup>115</sup> Ordinance History. See Appendix E

<sup>116</sup> 2023 Amendments and Corrections. See Appendix B

POLLUTION

THE VILLAGE OF BARRYTON, MECOSTA COUNTY, MICHIGAN ORDAINS:

**SECTION 1: INTENT**

- A. No future connections of any sanitary sewer, septic tank, dry well, septic tank overflow, or any other sewage carry tagline EE made to the existing storm sewer system, or to the Chippewa Branches.
- B. Further that any such connections now existing from past construction shall be disconnected from said sewer system or river and disposition of the sewage and the old sewage system be made in accordance with County and Village sanitary and building codes, by the legal owner of the property within ninety (90) days after notification by the Village of Barryton or any County Health Officer that such property is in violation of this ordinance.
- C. This Ordinance is a consolidation of Village of Barryton ORDINANCE # 12-2015 POLLUTION, the previous amendments thereto, as well as those amendments contained herein, and shall now be known as the Village of Barryton ORDINANCE # 12-2023 POLLUTION.<sup>117</sup>

**SECTION 2: SEWAGE DEFINED**

For the purpose of this ordinance, SEWAGE shall be defined as the liquid waste from all habitable buildings and shall include human excreta and wastes from sinks, lavatories, bathtub, showers, laundry, or any other water-carrying wastes of organic nature, single or in any combinations thereof.

**SECTION 3: PENALTY**

- A. The penalty for a violation of this ordinance shall be a Village civil infraction with a fine of not less than \$25 and not more than \$500, plus costs of not less than \$9 and not more than \$500.
- B. Costs may include all expenses, direct and indirect, to which the Village has been put in connection with the Village civil infraction up to the entry of judgment.
- C. The Village may seek or employ all other remedies and sanctions available under state law for municipal civil infractions.
- D. The penalty for repeat offenses of the same ordinance provision within two years of a prior offense shall be a fine of not less than \$50 and not more than \$1,000, plus costs and all other remedies and sanctions available under state law for municipal civil infractions.

**SECTION 4: SEVERABILITY**

The provisions of the Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

**SECTION 5: EFFECTIVE**

- A. The adoption of this ordinance 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 ordinance.
- B. This ordinance shall take effect twenty (20) days after adoption.
- C. All ordinances or parts of ordinances in conflict are hereby repealed.
- D. I hereby certify the adoption of this ordinance at the 03-08-2023 council meeting and cause the same to be published as required by law.

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<sup>117</sup> Ordinance History. See Appendix E

Yeas: 5 Nays: 0

Ordinance Declared: Adopted

Effective Date: 03-28-2023

*Melissa Lazzaro*

*James Soriano*

Village Clerk

Village President<sup>118</sup>

I hereby certify the publishing of this Ordinance, in whole or in part, in a newspaper of general circulation as required by State Law.

Name of Newspaper: Big Rapids Pioneer

Date Published: 03-15-2023

*Melissa Lazzaro*

03-13-2023

Village Clerk

Date

<sup>118</sup> 2023 Amendments and Corrections. See Appendix B

**PROPER CONTAINER**

THE VILLAGE OF BARRYTON, MECOSTA COUNTY, MICHIGAN ORDAINS:

**SECTION 1: INTENT**

- A. It is the intent of this ordinance to provide regulations for handling and disposing of yard waste within the village limits.
- B. This Ordinance is a consolidation of the Village of Barryton ORDINANCE # 23-2015 PROPER CONTAINER, the previous amendments thereto, as well as those amendments contained herein, and shall now be known as the Village of Barryton ORDINANCE # 23-2023 PROPER CONTAINER.<sup>119</sup>

**SECTION 2: YARD WASTE DISPOSAL**

- A. No leaves, weeds, grass, rubbish, or other debris will be picked up unless it is put in properly sized biodegradable containers such as paper bags, cardboard boxes, or other such biodegradable containers that will keep the above-mentioned debris confined.
- B. Said containers will weigh no more than fifty (50) pounds.
- C. The brush may be cut in no longer than four (4) foot lengths and bundled in quantities one person can easily handle.
- D. Tree removal, including all debris and remnants, will be the responsibility of the property owner.
- E. Village removal of yard waste begins April 15th and ends November 15th of each year.
- F. Leaves can be raked curbside beginning October 15th through November 15th of each year for removal by the Village.
- G. It will be a violation of this ordinance to transport any leaves, weeds, grass, rubbish, or other debris from outside of the limits of the Village of Barryton for disposal.

**SECTION 3: PENALTY**

- A. The penalty for a violation of this ordinance shall be a Village civil infraction with a fine of not less than \$25 and not more than \$500, plus costs of not less than \$9 and not more than \$500.
- B. Costs may include all expenses, direct and indirect, to which the Village has been put in connection with the Village civil infraction up to the entry of judgment.
- C. The Village may seek or employ all other remedies and sanctions available under state law for municipal civil infractions.
- D. The penalty for repeat offenses of the same ordinance provision within two (2) years of a prior offense shall be a fine of not less than \$50 and not more than \$1,000, plus costs and all other remedies and sanctions available under state law for municipal civil infractions.
- E. Each day a violation of this Ordinance continues to exist constitutes a separate violation.
- F. Where costs of any civil infractions issued are not paid by an owner within sixty (60) days after issuance of the violation then the Village Council shall cause to be recorded in the Treasurer's Office the date and premises on which the violation occurred.

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<sup>119</sup> Ordinance History. See Appendix E





PUBLIC NUISANCE

THE VILLAGE OF BARRYTON, MECOSTA COUNTY, MICHIGAN ORDAINS:

**SECTION 1: PUBLIC NUISANCES DEFINED**

- A. This Ordinance is a consolidation of Village of Barryton ORDINANCE # 18-2015 PUBLIC NUISANCE ORDINANCE, the previous amendments thereto, as well as those amendments contained herein, and shall now be known as the Village of Barryton ORDINANCE #18-2023 PUBLIC NUISANCE.<sup>121</sup>
- B. A public nuisance in the Village of Barryton is defined as whatever condition that injures or endangers the safety, health, morals, or general welfare of the municipality, or the general public, interferes with or destroys or renders dangerous any public street, highway, or navigable stream; allows or causes the accumulation of junk or obnoxious matters on private property.
- C. PUBLIC NUISANCE shall include, but not be limited to, whatever is forbidden by any provisions of this chapter and the common and statutory law of this state.

**SECTION 2: NOISES PROHIBITED**

Each of the following acts is declared unlawful and is prohibited, and a violation shall be a Municipal Civil Infraction for which a notice of violation need not be given prior to issuing a ticket for a Municipal Civil Infraction.

- A. Radio and musical instruments.

The playing of any radio, television, phonograph, or amplified music in such a manner or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m. or at any time or place at an unreasonably loud volume or piercing tone that disturbs the quiet, comfort, or repose of any person.

- B. Shouting and whistling.

Unreasonably loud yelling, shouting, hooting, whistling, or singing or the making of any other unreasonably loud noise on the public streets, between the hours of 11:00 p.m. and 7:00 a.m. or the making of any such unreasonably loud noise at any time so as to disturb the quiet, comfort, or repose of any person.

- C. Barking, Howling

It shall be unlawful for any person to own, harbor, or keep any dog which shall cause a disturbance to persons by unreasonably frequent and loud barking, howling, or yelping.

**SECTION 3: DEPOSIT OF UNWHOLESOME SUBSTANCES**

No person shall by himself or by another, throw, place, deposit, or leave in the street, lane, alley, public place, or square, any animal or vegetable substance, dead animals, fish, shavings, dirt, rubbish, excrement, filth, unclean or nauseous water or liquor, hay, straw, soot, offal, garbage, swill, or any other article or substance whatever which may cause any offensive, unwholesome, or nauseous smell, or endanger the health of the public.

**SECTION 4: DANGEROUS STRUCTURES**

- A. No person shall maintain any structure which is unsafe or which is a menace to the health, morals, or safety of the public, nor shall any tree which is determined unsafe or a menace to the safety of the public be allowed to remain on any person's property.
- B. In the event any officer of the Barryton Police Department or Officer of the Village shall determine that there exists a nuisance within the meaning of Section 4 of this ordinance, such officer shall cause a notice to be served on the

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<sup>121</sup> Ordinance History. See Appendix E

owner or occupant of the premises on which said nuisance exists, requiring such person to abate the said nuisance within the time specified in the notice.

- C. Service of the notice shall be made by:
1. Delivering the notice to the owner or occupant personally or by leaving the same at his/her residence, office, or place of business with some person of suitable age and discretion.
  2. Affixing/posting the notice to the owner or occupant's front door.
  3. Mailing said notice by certified mail to such owner or occupant at his last known address.
  4. In the event such person fails to abate said nuisance in accordance with the notice, the village shall do so, the cost thereof shall be charged against the owner or occupant of the premises, and the payment thereof shall be enforced as a special assessment. or disturbance to persons by frequent and habitual barking, howling, or yelping
- D. In the event such person fails to abate the said nuisance in accordance with the notice, the village shall do so, and the cost thereof shall be charged against the owner or occupant of the premises and the payment thereof shall be enforced as a special assessment.

## **SECTION 5: PENALTY**

- A. The penalty for a violation of this ordinance shall be a Village Civil Infraction with a fine of not less than \$25 and not more than \$500, plus costs of not less than \$9 and not more than \$500.
- B. Costs may include all expenses, direct and indirect, to which the Village has been put in connection with the Village civil infraction up to the entry of judgment.
- C. The Village may seek or employ all other remedies and sanctions available under state law for Municipal Civil Infractions.
- D. The penalty for repeat offenses of the same ordinance provision within two (2) years of a prior offense shall be a fine of not less than \$50 and not more than \$1,000, plus costs and all other remedies and sanctions available under state law for Municipal Civil Infractions.
- E. Additionally, the violator shall pay costs of not more than \$500.00, a justice system assessment as provided by Michigan Statute, and all other damages and expenses, whether direct or indirect, which the Village of Barryton, Mecosta County, Michigan has incurred in connection with the violation, including all expenses that the Village of Mecosta incurs in removing the blight.
- F. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under MCL 600.8302<sup>122</sup>.
- G. In the event the Defendant does not pay the civil fine, costs, justice system assessment, and all other direct or indirect damages and expenses incurred by the Village of Barryton, Mecosta County, Michigan within thirty (30) days after payment is due, the village may obtain a lien against the real estate involved for any violation involving the use or occupation of land or any building or other structure..
- H. Each day a violation of this Ordinance continues to exist constitutes a separate violation.
- I. The Village Council of the Village of Mecosta, Mecosta County, Michigan may further institute an injunction, mandamus, abatement, or any other appropriate action, or proceedings to prevent, enjoin, abate, or remove any blight or blighting factors.
- J. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

## **SECTION 6: SEVERABILITY**

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<sup>122</sup> MCL 600.8302. See Appendix A.

The provisions of the Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

**SECTION 7: EFFECTIVE**

- A. The Village Clerk shall publish this ordinance in the manner required by law and this Ordinance shall take effect twenty (20) days after adoption.
- B. The adoption of this ordinance 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 ordinance.
- C. I hereby certify the adoption of this ordinance at the 03-08-2023 council meeting and cause the same to be published as required by law.

Yeas: 5 Nays: 0

Ordinance Declared: Adopted

Effective Date: 03-28-2023

Melissa Lazzaro

James Soriano

Village Clerk

Village President<sup>123</sup>

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I hereby certify the publishing of this ordinance, in whole or in part, in a newspaper of general circulation as required by State Law.

Name of Newspaper: Big Rapids Pioneer

Date Published: 03-15-2023

Melissa Lazzaro

03-13-2023

Village Clerk

Date

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<sup>123</sup> 2023 Amendments and Corrections. See Appendix B

SCHOOL PARKING

THE VILLAGE OF BARRYTON, MECOSTA COUNTY, MICHIGAN ORDAINS:

**SECTION 1: INTENT**

- A. That there will be no parking on Arthur Street between 30th Ave(M-66) and Norman Street between the hours of :
  - 1. 7:00 am to 8:00 am AND,
  - 2. 3:00 pm - 4 pm
  - 3. The speed limit shall be no more than 25 miles per hour
- B. This Ordinance is a consolidation of the Village of Barryton ORDINANCE # 8-2015 VILLAGE OF BARRYTON SCHOOL PARKING, all the previous amendments thereto, as well as those amendments contained herein, and shall now be known as the Village of Barryton ORDINANCE # 8-2023 SCHOOL PARKING.<sup>124</sup>

**SECTION 2: PENALTY**

- A. The penalty for a violation of this ordinance shall be a Village civil infraction with a fine of not less than \$25 and not more than \$500, plus costs of not less than \$9 and not more than \$500.
- B. Costs may include all expenses, direct and indirect, to which the Village has been put in connection with the Village civil infraction up to the entry of judgment.
- C. The Village may seek or employ all other remedies and sanctions available under state law for municipal civil infractions.
- D. The penalty for repeat offenses of the same ordinance provision within two years of a prior offense shall be a fine of not less than \$50 and not more than \$1,000, plus costs and all other remedies and sanctions available under state law for municipal civil infractions.
- E. Violators of this ordinance can be removed at the owner’s expense.

**SECTION 3: SEVERABILITY**

The provisions of the Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

**SECTION 4: EFFECTIVE**

- A. The adoption of this ordinance 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 ordinance.
- B. This ordinance shall take effect twenty (20) days after adoption.
- C. All ordinances or parts of ordinances in conflict are hereby repealed.
- D. I hereby certify the adoption of this ordinance at the 03-08-2023 council meeting and cause the same to be published as required by law.

Yeas: 5 Nays: 0 Ordinance Declared: Adopted Effective Date: 03-28-2023

<sup>124</sup> Ordinance History. See Appendix E

*Melissa Lazzaro*

Village Clerk

*James Soriano*

Village President<sup>125</sup>

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I hereby certify the publishing of this ordinance, in whole or in part, in a newspaper of general circulation as required by State Law.

Name of Newspaper: Big Rapids Pioneer

Date Published: 03-15-2023

*Melissa Lazzaro*

03-13-2023

Village Clerk

Date

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<sup>125</sup> 2023 Amendments and Corrections. See Appendix B

**SEMI-TRAILER REGULATIONS**

THE VILLAGE OF BARRYTON, MECOSTA COUNTY, MICHIGAN ORDAINS:

**SECTION 1: INTENT**

- A. There are to be no semi-trailers used for storage or as utility buildings on residential or commercial property in the Village of Barryton.
- B. This Ordinance is a consolidation of Village of Barryton ORDINANCE # 17-2015 SEMI TRAILER, the previous amendments thereto, as well as those amendments contained herein, and shall now be known as the Village of Barryton ORDINANCE # 17-2023 SEMI TRAILER REGULATIONS.<sup>126</sup>

**SECTION 2: ENFORCEMENT**

- A. Any semi-trailer kept or stored in a manner contrary to this section shall be affixed with a sticker explaining that the semi-trailer must be removed in compliance with this section, within 14 days of the date the sticker is placed on the motor vehicle.
- B. A record shall be kept of the date and time the sticker is placed on the semi-trailer, the location of the semi-trailer, and the status of the semi-trailer.
- C. Upon expiration of the 14 days reflected on the sticker, the owner of the semi-trailer and/or the owner of the real property where the semi-trailer is kept or stored contrary to the terms of this section can be cited by way of an appearance ticket for a violation of this section.
- D. Each day after the 14 days shall constitute a separate violation of this section.
- E. The Chief of Police, Officers within the Barryton Police Department, and any appointed Village Official designated by the Chief of Police within the Village of Barryton are authorized to investigate and issue appearance tickets for a violation of this section, which shall be a Village civil infraction punishable as provided in this ordinance.

**SECTION 3: PENALTY**

- A. The penalty for a violation of this ordinance shall be a Village civil infraction with a fine of not less than \$25 and not more than \$500, plus costs of not less than \$9 and not more than \$500.
- B. Costs may include all expenses, direct and indirect, to which the Village has been put in connection with the Village civil infraction up to the entry of judgment.
- C. The Village may seek or employ all other remedies and sanctions available under state law for municipal civil infractions.
- D. The penalty for repeat offenses of the same ordinance provision within two years of a prior offense shall be a fine of not less than \$50 and not more than \$1,000, plus costs and all other remedies and sanctions available under state law for municipal civil infractions.

**SECTION 4: SEVERABILITY**

The provisions of the Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

<sup>126</sup> Ordinance History. See Appendix E

**SECTION 5: EFFECTIVE**

- A. The village clerk shall publish this ordinance in the manner required by law.
- B. The adoption of this Ordinance 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 ordinance.
- C. This ordinance shall take effect twenty (20) days after adoption.
- D. All ordinances or parts of ordinances in conflict are hereby repealed.
- E. I hereby certify the adoption of this ordinance at the 03-08-2023 council meeting and cause the same to be published as required by law.

Yeas: 5 Nays: 0 Ordinance Declared: Adopted Effective Date: 03-28-2023

*Melissa Lazzaro*

*James Soriano*

Village Clerk

Village President<sup>127</sup>

I hereby certify the publishing of this ordinance, in whole or in part, in a newspaper of general circulation as required by State Law.

Name of Newspaper: Big Rapids Pioneer

Date Published: 03-15-2023

*Melissa Lazzaro*

03-13-2023

Village Clerk

Date

<sup>127</sup> 2023 Amendments and Corrections. See Appendix B



**SIDEWALK AND CROSSWALK CONSTRUCTION**

THE VILLAGE OF BARRYTON, MECOSTA COUNTY, MICHIGAN ORDAINS:

This Ordinance is a consolidation of the Village of Barryton ORDINANCE # 24A-2017 SIDEWALK AND CROSSWALK CONSTRUCTION, the previous amendments thereto, as well as those amendments contained herein, and shall now be known as the Village of Barryton ORDINANCE # 43-2023 SIDEWALK AND CROSSWALK CONSTRUCTION.<sup>128</sup>

**SEGMENT ONE - CONSTRUCTION**

**SECTION 1: CONSTRUCTION PETITION, RESOLUTION BY COUNCIL**

Whenever it shall appear to the Council by petition or otherwise that a sidewalk or crosswalk should be built, constructed, or repaired upon either side of or across any of the streets, lanes, or alleys within the corporate limits of the village, they may order by resolution the construction or repair thereof; and such walk shall be constructed or repaired as hereinafter provided unless the Council shall expressly direct its construction to be different.

**SECTION 2: CONSTRUCTION MATERIAL**

All sidewalks in the Village shall be constructed of concrete, artificial stone, or vitrified brick and of nothing else.

**SECTION 3: INTENTION TO CONSTRUCT, NOTIFICATION OF COMMITTEE**

That all persons proposing to construct sidewalks shall notify the Streets and Sidewalks Committee of the Village of such intention and that said sidewalks shall be constructed under the direct supervision of the said committee.

**SECTION 4: SPECIFICATIONS FOR BUILDING**

That all sidewalks shall be built to a grade established by the said Village of Barryton and that said sidewalks shall be built as follows:

- A. The foundation of said walks shall be upon solid earth upon which shall be placed at least three and one-half (3 1/2) inches of concrete made of No. 1 Portland Cement and clean gravel and sand in proportions of one part cement and not more than six parts sand and gravel.
- B. The same to be well tamped down and shall be thoroughly divided into blocks.
- C. If any walks are built on heavy clay soil there shall be placed a foundation of coarse gravel to a depth of at least four (4) inches well tamped down.

**SECTION 5: TOP DRESSING SPECIFICATIONS**

That the top dressing of all sidewalks shall be made of No. 1 Portland Cement and clean sharp sand in proportions of one part cement and two parts sand, the same to be not less than one-half (1/2) inch in thickness and creased to correspond with said cracks in foundation layers.

**SECTION 6: WIDTH OF DESIGNATED SIDEWALKS**

- A. That said walks on business streets shall be twelve (12) feet in the common council of said Village shall designate said business streets.
- B. ALL other sidewalks shall be constructed to match the dimensions of the existing sidewalks and be constructed one (1) foot from the lot line.

**SECTION 7: DRIVEWAYS, CROSSINGS, SIDEWALKS**

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<sup>128</sup> Ordinance History. See Appendix E

All driveways across said sidewalks shall be constructed in the same manner as sidewalks except instead of the foundation being three and one-half (3 1/2) inches in thickness, said foundation shall be five and one-half (5 1/2) inches in thickness, the top dressing to be not less than one (1) inch in thickness and to be creased sufficiently and with slanting approaches of equal thickness.

#### **SECTION 8: TOP DRESSING, APPEARANCE**

The top dressing of all sidewalks shall be smoothed down in a neat and workmanlike manner.

#### **SECTION 9: CROSSWALKS, CONSTRUCTION DIRECTED BY COUNCIL**

The crosswalks shall be built by the direction of the Council.

#### **SECTION 10: NOTIFICATION TO BUILD, NEGLECT, OR REFUSAL TO COMPLY**

- A. Whenever the Council shall order any sidewalk to be built, it shall be the duty of the Director of Public Works (DPW) to notify the owner, agent, or occupant of the lot or premises in front of or adjacent to which such walk is to be constructed, within twenty (20) days of the date of the notice.
- B. If any such owner, agent, or occupant shall neglect or refuse to build the said walk in the time specified in said notice, it shall be the duty of the DPW to cause the same to be built in the manner herein provided, and the expenses thereof shall be a lien upon the lots or premises in front of or adjacent to which such walk is required to be built.
- C. DPW shall file with the Clerk of the Village copies of all such notices served by him with a certificate endorsed thereon, signed by him showing the date and mode of service.

#### **SECTION 11: DUTIES OF DIRECTOR OF PUBLIC WORKS (DPW)**

If any sidewalk shall be built by the DPW under this ordinance:

- A. He shall keep an accurate account of the costs of the same, and after such walk shall have been built, he shall present to the owner or agent, if any thereof may be found, of the lot or premises in front of and adjacent to which such walk shall have been built, a copy of the bill of such costs and demand payment of 66% thereof.
- B. In case such owner shall neglect or refuse to pay the same for thirty (30) days from the time of such demand, it shall be the duty of the DPW to report the act of such neglect or refusal to the Council and he shall make a statement thereof duly sworn to by him, and file same with the Village Clerk.
- C. The amount of the said expenses together with a penalty of 10% shall be assessed as a tax upon the said land or premises adjacent to or abutting upon the said walk, and such tax shall be levied upon said lands or premises and collected in a manner as specified and in accordance with the provisions of the General Law Village Act, Public Act 3 of 1895, MCL 67.10<sup>129</sup>.

#### **SECTION 12: REPAIRS, RESPONSIBILITY OF OWNER**

- A. All sidewalks in the Village of Barryton shall be kept in good repair by the owner, agent, or occupant of the house, lot, or premises adjacent to or in front of such walk
- B. Whenever any sidewalk within the limits of said Village shall need repairing, it shall be the duty of the DPW of the Village, whenever directed by the Council or the Streets and Sidewalks Committee to notify the owner, agent, or occupant of such lot or other premises adjacent to or fronting on such part of said walk, needing such repair, to repair the same forthwith.
- C. If the person thus notified shall refuse or neglect to comply with the demand of such notice, then the said DPW shall cause such repairs to be made and shall report the making of the same, together with a detailed statement of the costs of making such repairs to the Council.

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<sup>129</sup> General Law Village Act, Public Act 3 of 1895, MCL 67.10. See Appendix A.

- D. On receiving such report from the DPW, it shall be the duty of the Village Clerk to deliver the same to the County Assessor, whose duty it shall be to assess the expense of said repairs upon said lot or premises in the same manner and in the same end as herein before provided for in constructing and collecting for sidewalks.

### **SECTION 13: POSTING NOTICE, UNOCCUPIED PREMISES**

If any lot or premises in front of or adjacent to which any sidewalk is ordered to be built or repaired, shall be unoccupied and the owner or agent thereof cannot be found in the Village of Barryton, said DPW may serve said notice by posting the same in some conspicuous position upon said lot or premises.

### **SECTION 14: REMOVAL OF SNOW, ICE, RUBBISH, OR OTHER NUISANCES**

- A. No person shall suffer or permit any snow, ice, barrels, stones, brush, rubbish, or nuisance of any kind to remain upon any sidewalk adjoining, fronting, or abutting upon any lot or premise within the limits of said Village, but such owner, agent, or occupant shall remove same within twenty-four (24) hours after being notified so to do by either the DPW, Law Enforcement Office, Ordinance Officer, or by order of the Council.
- B. In case such owner, agent, or occupant shall neglect or refuse to remove the same or cannot be found within the limits of said Village, it shall be the duty of the DPW to cause the same to be removed and the expenses of such removal shall be a lien upon said lot or premises and shall be reported and collected the same as expenses incurred in the construction or repairs of sidewalks heretofore provided in sections eleven and twelve of this ordinance.

### **SECTION 15: APPLICABILITY OF ORDINANCE**

- A. No person shall build, construct, or repair any sidewalk within the Village in any other manner or of any other material or on any different grade than is provided for in this ordinance.
- B. No person shall raise, lower, or alter the grade or position of any sidewalk or any part thereof within the Village without the consent of the Council nor shall any person destroy or injure any sidewalk or the grade or position thereof.
- C. The provisions of this ordinance shall apply to any sidewalks already constructed as well as those that may hereafter be built.

### **SECTION 16: REBATE**

For all sidewalks so constructed strictly according to said specifications the Village will rebate to the proper person or persons thirty-three and one-third (33 1/3 %) percent of the actual cost of construction, out of the General Fund or Street Funds upon the certification of the Streets and Sidewalks Committee that any and all such sidewalks have been constructed according to the foregoing ordinance and as to the actual and proper cost thereof.

### **SECTION 17: PENALTY**

Any violations of the provisions of the preceding sections shall be punished by a fine not exceeding One Hundred (100) Dollars.

## **SEGMENT TWO - USE OF STREETS AND SIDEWALKS**

### **SECTION 1: OBSTRUCTION, EXCEPTION**

That no person shall obstruct or encumber any public street, alley, or other public space within the Village of Barryton with any article or thing whatsoever; provided this provision shall not be construed to prohibit merchants and other business persons, moving goods, wares, or merchandise across any sidewalk in the way of trade.

### **SECTION 2: USE OF WAGON, CARRIAGE, OR ANOTHER VEHICLE**

No person shall have any wagon, cart, carriage, sleigh, or other vehicle standing in any street or public place without the same in actual use at the time.

### **SECTION 3: PLACEMENT OF MATERIAL FOR BUILDING OR REPAIRING, CONSENT**

- A. No person shall by himself or with another, place any stone, brick, timber, lumber, plank, boards, or other material in or upon any sidewalk, street, alley, or public place, except for the purposes of building or repairing.
- B. In such cases, such material shall not be allowed to remain in such street, alley, or public place for a longer period than one (1) week without first having obtained consent from the President or Council; nor for a longer period than four (4) months.
- C. The same shall not occupy and obstruct more than one-half (½) of any street or alley.
- D. After such a building has been completed all building material, dirt, and rubbish arising from there shall be removed.

#### **SECTION 4: AWNING RESTRICTIONS**

No awning or cloth or canvas used as an awning shall be permitted to hang within seven (7) feet of any sidewalk.

#### **SECTION 5: PARKING ON CROSSWALK OR FOOTWAY**

No person shall halt any wagon, cart, carriage, sleigh, or another vehicle on any crosswalk or footway.

#### **SECTION 6: REMOVING BUILDINGS, PERMISSION REQUIRED**

No person shall remove or cause to be removed or aid or assist in removing any building into or along or across any street, alley, or public place without permission obtained from the President or Council and no such building or bulky article, while in transit shall be removed so as least to obstruct the street.

#### **SECTION 7: RIDING BICYCLE OR TRICYCLE ON SIDEWALK**

No person shall ride any bicycle or tricycle upon any sidewalk on Northern Ave.

#### **SECTION 8: PENALTY**

- A. The penalty for a violation of this ordinance shall be a Village civil infraction with a fine of not less than \$25 dollars and not more than \$500, plus costs of not less than \$9 and not more than \$500.
- B. Costs may include all expenses, direct and indirect, to which the Village has been put in connection with the Village civil infraction up to the entry of judgment.
- C. The Village may seek or employ all other remedies and sanctions available under state law for municipal civil infractions.
- D. The penalty for repeat offenses of the same ordinance provision within two years of a prior offense shall be a fine of not less than \$50 and not more than \$1,000, plus costs and all other remedies and sanctions available under state law for municipal civil infractions.
- E. Each day a violation of this Ordinance continues to exist constitutes a separate violation.

#### **SECTION 9: SEVERABILITY**

The provisions of the Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

#### **SECTION 10: EFFECTIVE**

- A. The adoption of this ordinance 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 ordinance.
- B. This Ordinance Shall Take Effect Twenty (20) Days After Adoption.
- C. All Ordinances or Parts of Ordinances in Conflict Are Hereby Repealed.

D. I hereby certify the adoption of this ordinance at the 03-08-2023 council meeting and cause the same to be published as required by law.

Yeas: 5 Nays: 0

Ordinance Declared: Adopted

Effective Date: 03-28-2023

*Melissa Lazzaro*

*James Soriano*

Village Clerk

Village President<sup>130</sup>

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I hereby certify the publishing of this Ordinance, in whole or in part, in a newspaper of general circulation as required by State Law.

Name of Newspaper: Big Rapids Pioneer

Date Published: 03-15-2023

*Melissa Lazzaro*

03-13-2023

Village Clerk

Date

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<sup>130</sup> 2023 Amendments and Corrections. See Appendix B

**SNOWMOBILE REGULATIONS**

THE VILLAGE OF BARRYTON, MECOSTA COUNTY, MICHIGAN ORDAINS:

**SECTION 1: PURPOSE**

- A. The purpose of this ordinance is to regulate the operation of snowmobiles within the Village of Barryton.
- B. This Ordinance is a consolidation of the Village of Barryton ORDINANCE # 14-2015 AN ORDINANCE TO REGULATE THE OPERATION OF SNOWMOBILES WITHIN THE VILLAGE, the previous amendments thereto, as well as those amendments contained herein, and shall now be known as the Village of Barryton ORDINANCE # 14-2023 SNOWMOBILE REGULATIONS.<sup>131</sup>

**SECTION 2: DEFINITIONS**

For the use in this ordinance the following term is defined:

SNOWMOBILE means a motorized vehicle weighing less than one thousand (1,000) pounds which uses sled-type runners or skis, endless belt-type tread, or any combination of runners, skis, or tread and is designed for travel on snow or ice.

**SECTION 3: SNOWMOBILE REGULATION**

- A. Snowmobiles established by the Natural Resource Commission of the Department of Natural Resources governing their registration, numbering, equipment, and manner of operation.
- B. A snowmobile shall not be operated by a Michigan resident unless the owner first obtains a certificate of registration and a registration decal.
- C. It is unlawful to operate a snowmobile without having a valid registration sticker permanently attached and visibly displayed on the forward half of the snowmobile.
- D. A standard helmet must be worn by any person riding a snowmobile in the village whether on Village or private property.
- E. Legal Operators
  - 1. A person seventeen (17) years or older.
  - 2. A person under the age of twelve (12), may not:
    - a. Operate a snowmobile without the direct supervision of the parent or guardian except on property owned by the parent.
    - b. Cross a highway or street.
    - c. A person at least the age of twelve (12) but less than seventeen (17) years of age may operate a snowmobile inside the Village limits if they have in their immediate possession a valid Snowmobile Safety Certificate.
- F. Places of Operation
  - 1. The operators of snowmobiles shall comply with the following restrictions as to where snowmobiles may be operated within the Village:

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<sup>131</sup> Ordinance History. See Appendix E

2. Streets and Manner of Operation: Operators may travel with the flow of traffic, single file, on the far right side of any Village street or Alley, obey all traffic signals and signs, provided there is at least a half inch ( ½”) of snow on the roadway.

#### **SECTION 4: PROHIBITED AREAS**

The operators of snowmobiles shall comply with the following restrictions as to where snowmobiles are prohibited to be operated within the Village:

##### **A. Parks and Other Village Land**

1. Snowmobiles shall not be operated in any park, playground, or upon any other Village-owned property.
2. A snowmobile shall not be operated on any Village land without a snow cover of at least ½ of an inch.

##### **B. Sidewalk**

Snowmobiles shall not be operated upon a public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the “parking” except for the purpose of crossing the same public street.

##### **C. Private Property**

1. Snowmobiles shall not be operated on the property, yard, driveway, or any other portion of a village resident’s private property without the operator first obtaining permission from the property owner (i.e. cutting through yards).
2. A snowmobile shall not be operated on any private property without a snow cover of at least ½ of an inch.

#### **SECTION 5: HOURS OF OPERATION**

Snowmobiles shall be operated in the Village only between the hours of six o’clock (6:00) a.m. through twelve o’clock (12:00) midnight on Sunday through Thursday and from six o’clock (6:00) a.m. Friday and Saturday through two o’clock (2:00) a.m. Saturday and Sunday except for emergency situations or for loading and unloading from a transport trailer.

#### **SECTION 6: NEGLIGENCE**

- A. The owner and operator of a snowmobile are liable for any injury or damage occasioned by the negligent operation of the snowmobile.
- B. The owner of a snowmobile shall be liable for any such injury or damage only if the owner was the operator of the snowmobile at the time the injury or damage occurred or if the operator had the owner’s consent to operate the snowmobile at the time the injury or damage occurred.

#### **SECTION 7: PENALTIES**

- A. The penalty for a violation of this ordinance shall be a Village civil infraction with a fine of not less than \$25 and not more than \$500, plus costs of not less than \$9 and not more than \$500.
- B. Costs may include all expenses, direct and indirect, to which the Village has been put in connection with the Village civil infraction up to the entry of judgment.
- C. The Village may seek or employ all other remedies and sanctions available under state law for municipal civil infractions.
- D. The penalty for repeat offenses of the same ordinance provision within two years of a prior offense shall be a fine of not less than \$50 and not more than \$1,000, plus costs and all other remedies and sanctions available under state law for municipal civil infractions.

#### **SECTION 8: SEVERABILITY**

The provisions of the Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

**SECTION 9: EFFECTIVE**

- A. The Village Clerk shall publish this ordinance in the manner required by law.
- B. The adoption of this Ordinance 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 Ordinance.
- C. This ordinance shall take effect twenty (20) days after passage.
- D. All ordinances or parts of ordinances in conflict are hereby repealed.
- E. I hereby certify the adoption of this ordinance at the 03-08-2023 council meeting and cause the same to be published as required by law.

Yeas: 5 Nays: 0 Ordinance Declared: Adopted Effective Date: 03-28-2023

Melissa Lazzaro

James Soriano

Village Clerk

Village President<sup>132</sup>

I hereby certify the publishing of this Ordinance, in whole or in part, in a newspaper of general circulation as required by State Law.

Name of Newspaper: Big Rapids Pioneer

Date Published: 03-15-2023

Melissa Lazzaro

03-13-2023

Village Clerk

Date

<sup>132</sup> 2023 Amendments and Corrections. See Appendix B



USE OF ENGINE BRAKES

THE VILLAGE OF BARRYTON, MECOSTA COUNTY, MICHIGAN, ORDAINS:

**SECTION 1: OPERATION OF ENGINE BRAKES DECLARED A NUISANCE**

- A. The Village Council of Barryton, Mecosta County, Michigan, finds as a fact that the operation of an engine brake on a gasoline-powered or diesel-powered motor vehicle not equipped with exhaust mufflers, or equipped with defective or modified exhaust mufflers, so as to create excessive noise through the use of said engine brake, adversely affects the public health, safety, and welfare of the residents of the Village of Barryton, and therefore, is a nuisance in fact.
- B. This Ordinance is a consolidation of Village of Barryton ORDINANCE # 16-2015 AN ORDINANCE OF THE VILLAGE OF BARRYTON OUTLAWING THE USE OF ENGINE BRAKES ON VEHICLES WITHIN THE VILLAGE LIMIT, the previous amendments thereto, as well as those amendments contained herein, and shall now be known as Village of Barryton ORDINANCE # 16-2023 USE OF ENGINE BRAKES.<sup>133</sup>

**SECTION 2: PROHIBITION**

No gasoline-powered or diesel-powered motor vehicle shall be operated on the streets, roads, alleys, or highways within the Village of Barryton, Mecosta County, Michigan, utilizing, in said operation, an engine brake, permitting excessive noise to be created by said motor vehicle.

**SECTION 3: USE PERMITTED IN EMERGENCY SITUATIONS**

This Ordinance shall not apply to emergency driving situations requiring the utilization of an engine brake to protect the safety and property of the residents of the Village of Barryton, other motor vehicle operators, pedestrians, and the operator and passengers of the motor vehicle involved in a said emergency situation.

**SECTION 4: PENALTIES**

- A. Any driver and/or the firm or corporation for whom the driver is employed who shall violate any provision of this Ordinance shall pay the penalty for a Village civil infraction/citation of not less than \$25 and not more than \$500, plus costs of not less than \$9 and not more than \$500.
- B. Costs may include all expenses, direct and indirect, to which the Village has been put in connection with the Village civil infraction/citation up to the entry of judgment.
- C. The Village may seek or employ all other remedies and sanctions available under state law for municipal civil infractions.

**SECTION 5: SEVERABILITY**

The provisions of the Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

**SECTION 6: EFFECTIVE**

- A. The Village Clerk shall publish this ordinance in the manner required by law.
- B. The adoption of this Ordinance 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 Ordinance.
- C. This ordinance shall take effect twenty (20) days after adoption.

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<sup>133</sup> Ordinance History. See Appendix E

D. All ordinances or parts of ordinances in conflict are hereby repealed.

E. I hereby certify the adoption of this ordinance at the 03-08-2023 council meeting and cause the same to be published as required by law.

Yeas: 5 Nays: 0

Ordinance Declared: Adopted

Effective Date: 03-28-2023

Melissa Lazzaro

James Soriano

Village Clerk

Village President<sup>134</sup>

I hereby certify the publishing of this Ordinance, in whole or in part, in a newspaper of general circulation as required by State Law.

Name of Newspaper: Big Rapids Pioneer

Date Published: 03-15-2023

Melissa Lazzaro

03-13-2023

Village Clerk

Date

<sup>134</sup> 2023 Amendments and Corrections. See Appendix B

SEWER USAGE REGULATIONS

THE VILLAGE OF BARRYTON, MECOSTA COUNTY, MICHIGAN ORDAINS:

**INTENT**

- A. An ordinance regulating the use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system; collection of charges, conditions thereto, enforcement of its provisions, and providing penalties for violations of sections thereof, in the Village of Barryton, Fork Township, Mecosta County, Michigan.
- B. This Restated Sewer Use Ordinance is a consolidation of Village of Barryton Ordinance # 1-2000 RESTATED SEWER USAGE, the previous amendments adopted thereto, as well as the amendments to those documents contained herein, and shall now be known as the Village of Barryton Ordinance # 33-2023 SEWER USAGE REGULATIONS.<sup>135</sup>

**ARTICLE I - DEFINITIONS**

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

- A. “BOD (BIOCHEMICAL OXYGEN DEMAND)” shall mean the quantity of oxygen required to biochemically decompose organic matter under standard laboratory procedure in 5 days at 20 degrees C. expressed in milligrams per liter.
- B. “BUILDING DRAIN” shall mean that part of the lowest horizontal piping of a drainage system, which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.
- C. “BUILDING SEWER” shall mean the extension from the Building Drain to the Public Sewer or other place of disposal.
- D. “CLASSES OF USERS” shall mean the sanitary sewer customers classification due to similar process or discharge flow characteristics as follows:
  - 1. “RESIDENTIAL USER” shall mean an individual home or dwelling unit, including mobile homes, apartments, condominiums, or multi-family dwelling units that discharge only segregated domestic wastes or wastes from sanitary conveniences.
  - 2. “COMMERCIAL USER” shall mean any retail or wholesale business engaged in selling merchandise or a service.
  - 3. “INSTITUTIONAL USER” shall mean any educational, religious or social organization such as a school, church, nursing home, hospital, or institutional user.
  - 4. “GOVERNMENTAL USER” shall mean any federal, state or local government office or government service facility.
- E. “COMPATIBLE POLLUTANT” shall mean

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<sup>135</sup> Ordinance History. See Appendix E

1. Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus any additional pollutants identified in, the NPDES permit if the treatment works were designed to treat such pollutants and can, in fact, remove such pollutants to a substantial degree.
  2. The term SUBSTANTIAL DEGREE generally means removal in the order of 80 percent or greater.
- F. "CONNECTION CHARGE" shall mean
1. The amount charged at the time, and in the amount hereinafter provided, to each premise in the Village which requires a new connection to the Sanitary Sewer.
  2. The charge is based upon the proportionate cost allocable to such premises of the trunkage and availability cost associated with provided Sanitary Sewers and sewage treatment.
- G. "EQUITABLE OWNER" shall mean the person or persons recognized in equity as the owner of the subject real property and /or its appurtenant structures, because the real and beneficial use and title belong to him, although the bare legal title is vested in another, e.g. a land contract vendee.
- H. "GARBAGE" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
- I. "INCOMPATIBLE POLLUTANT" shall mean any pollutant that is not a compatible pollutant, as described in Section E above.
- J. "INDUSTRIAL WASTES" shall mean the liquid wastes from industrial manufacturing processes, trade or business as distinct from segregated domestic strength wastes, or wastes from sanitary conveniences
- K. "INFILTRATION" shall mean
1. Any waters entering the system from the ground through such means as, but limited to defective pipes, pipe joints, connections, or manhole walls.
  2. Infiltration does not include and is distinguished from, inflow.
- L. "INFLOW" shall mean any waters entering the system through such sources as, but not limited to building downspouts, footing or yard drains, cooling water discharges, seepage lines from springs and swampy areas, and storm drain cross connections.
- M. "INFILTRATION/INFLOW" shall mean the total quantity of water from both infiltration and inflow.
- N. "INSPECTOR" shall mean any person or persons authorized by the Village and the State of Michigan to inspect and approve the installation of building sewers and their connection to the public sewer system, Monday through Friday.
- O. "LEGAL OWNER" shall mean the person or persons recognized and held responsible by the law as the owner of the subject real property and/or its appurtenant structures.
- P. "LESSEE" shall mean the person or persons who has been given exclusive possession of subject real property and/or its appurtenant structures except as limited by the terms of the lease, by virtue of a lease agreement.
- Q. "MANAGER" shall mean the Public Works Director, Barryton Village Council, or its authorized representative.
- R. "NATURAL OUTLET" shall mean any outlet into a watercourse, pond, ditch, lake or other body or surface groundwater.
- S. "NORMAL STRENGTH SEWAGE" shall mean a sanitary wastewater flow containing an average daily BOD of not more than 200 mg/l; an average daily suspended solids concentration of not more than 2.50mg/l; or an average daily total phosphorus concentration of not more than 10 mg/l.
- T. "NPDES PERMITS" shall mean the permit issued pursuant to the National Pollution Elimination System for the discharge of wastewater into the waters of the State.

- U. "OPERATION AND MAINTENANCE COSTS" shall mean all costs, direct and indirect (other than debt service), necessary to ensure adequate treatment on a continuing basis, to conform with all related federal, state and local requirements, and to assure optimal long-term facility management (O & M costs include depreciation and replacement costs).
- V. "OTHER OCCUPANT" shall mean the person or persons, other than an Equitable Owner, Legal Owner, or Lessee, who has actual possession and/or use of the subject Real Property and/or its appurtenant structures.
- W. "OWNER" shall mean
  1. the person or persons in whom is vested the ownership, dominion of the subject real property and/or its appurtenant structures.
  2. The term includes both the Equitable and Legal Owner.
- X. "PERSON" shall mean an individual, firm, company, associate, society, corporation or group.
- Y. "pH" shall mean the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.
- Z. "PRETREATMENT" shall mean the treatment of extra strength wastewater flows in privately owned pretreatment facilities prior to discharge into the System.
- AA. "PROPERLY SHREDDED GARBAGE" shall mean the wastes from the preparation, cooking, and dispensing of foods 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 ½ inch in dimension.
- BB. "PUBLIC SEWER" shall mean a sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.
- CC. "REPLACEMENT" shall mean necessary expenditures made during the service life of the treatment works to replace equipment and plan appurtenances required to maintain the intended performance of the treatment works.
- DD. "RESIDENTIAL EQUIVALENT UNIT (REU)" shall be related to the quantity of sanitary sewage ordinarily arising from the occupancy of a residence building by a single family of ordinary size and benefit derived therefrom, and shall be defined or determined from time to time by the Village, currently at 1.0 REU.
- EE. "REVENUES AND NOT REVENUES": shall have the meanings as defined in Section 3, Act 94. Public Acts of Michigan 1933, MCL 141.103(F)(g) as amended.
- FF. "SANITARY SEWER" shall mean a sewer that carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
- GG. "SEWAGE" shall mean a combination of the water carried wastes from residences, business buildings, institutions and industrial establishments together with such ground, surface and storm waters as may be present.
- HH. "SEWAGE TREATMENT FACILITY" shall mean any arrangement of devices and structures used for treating sewage.
- II. "SEWER" shall mean a pipe or conduit for carrying sewage.
- JJ. "SHALL" is mandatory, "MAY" is permissive.
- KK. "STORM DRAIN" (sometimes termed "STORM SEWER") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling waters.
- LL. "SUSPENDED SOLIDS" shall mean solids that either float on the surface of, or in suspension in, water, sewage, or other liquids and which can be removed by laboratory filtering.
- MM. "SYSTEM" shall mean all facilities of the Village of Barryton and all subsequent additions, including all sewers, pumps, lift stations, 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.

- NN. "VILLAGE" shall mean the Village of Barryton, Fork Township, Mecosta County, Michigan as represented by the Barryton Village Council.
- OO. "WATERCOURSE" shall mean a channel where a flow of water occurs, either continuously or intermittently.
- PP. "WYE BRANCH" shall mean a local service connection to the sewer that is made at an angle similar to a "WYE" so that a sewer cleaning rod will not come into the sewer at a right angle and penetrate the far side, but will travel down the course of the sewer.

## **ARTICLE II - USE OF PUBLIC SEWERS REQUIRED**

### **SECTION 1:**

It shall be unlawful for any person to place, deposit, or permit to be deposited any sewage upon public or private property within the Village in any manner.

### **SECTION 2:**

It shall be unlawful to discharge to any natural outlet within the Village, or in any area under the jurisdiction of the Village, any sewage or polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

### **SECTION 3:**

Except as hereinafter provided, it shall be unlawful to construct or maintain a privy, privy vault, septic tank, cesspool, or other facility intended or used for disposal of sewage.

### **SECTION 4:**

- A. The Owner of any house, building, or property used for human occupancy, employment, recreation, or other purposes, situated within the Village, and abutting on any street, alley, or right of way, in which there is located, or may in the future be located, a Public Sewer or combined sewer of the Village, made reasonably available for connection, within two hundred feet at the nearest point from the structure in which the sewage originates, shall, at his/her expense, install suitable toilet facilities therein and connect such facilities directly with the proper Public Sewer, in accordance with the provision of the ordinance, when given official notice to do so, provided that such connection exists.
- B. The Owner shall be billed the monthly sewage charge outlined in Article VI beginning at the earliest of the connection to the sewer or 9 months after the sewer is made reasonably available for connection, regardless whether the home, building or property is in fact connected.

### **SECTION 5:**

- A. The Village may require each person who applies for sewer service, receives sewer service, or through the nature of the enterprise creates a potential environmental problem, to file the materials listed below.
- B. Any industry or structure discharging industrial wastes to the Sanitary Sewer, Storm Sewer or receiving stream shall file the materials listed below with the Manager:
  - 1. File a written statement setting forth the nature of the enterprise, the source and amount of water used, and the amount(s) of water to be discharged, with the presented or expected bacterial, physical, chemical, and radioactive, or other pertinent characteristics of the wastes.
  - 2. Provided a plan map of the building, works, or sewers with each outfall to the surface waters, Sanitary Sewer, Storm Sewer, natural watercourse, or groundwater noted, described and the waste stream identified.
  - 3. Sample, test and file reports with the Manager and the appropriate State agencies on appropriate characteristics of wastes on a schedule, at locations, and according to methods outlined within this ordinance.

4. An Affidavit placing waste treatment facilities, process facilities, waste streams, or other potential waste problems under the specific supervision and control of persons who have been certified by an appropriate State agency as properly qualified to supervise such facilities.
5. Provide a report on raw materials entering the process or support system, intermediate materials, final product, and waste by-products as those factors may affect waste control.
6. Maintain records and file reports on the final disposal of specific liquid, solids, sludge, oil, radioactive material, solvent, or other waste.
7. If any industrial process is to be altered so as to increase or decrease process waste or potential waste discharge to the Sanitary Sewer, written notification shall be given to the Village and Manager.
8. Discharge of said altered waste streams shall be subject to the Manager's approval and shall comply with all other provisions of this Ordinance and any applicable laws or regulations.

#### **SECTION 6:**

- A. The operation, maintenance, alteration, repair, and management of the System shall be under the supervision and control of the Village.
- B. The Village may employ such person or persons in such capacity or capacities as it deems advisable to carry out the efficient management and operations of the System and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the System.

### **ARTICLE III - PRIVATE SEWAGE DISPOSAL**

#### **SECTION 1:**

Where Public Sanitary Sewer is not yet available under the provisions of Article II, Section 4, the building sewer shall be connected to a private sewage disposal system complying with all requirements of the Mecosta County Health Department

#### **SECTION 2:**

The Owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Village.

#### **SECTION 3:**

At such times as a Public Sewer becomes available to a property served by a private sewage disposal system as provided in Article II, Section 4, a direct connection shall be made to the Public Sewer at the Owner's expense and in compliance with this ordinance; and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned, and filled with suitable material as directed by the Inspector.

#### **SECTION 4:**

No statement contained in this article shall be constructed to interfere with any additional requirements that may be imposed by the Michigan Department of Public Health, the Michigan Department of Environmental Quality, or the Mecosta County Health Department.

### **ARTICLE IV - BUILDING SEWERS AND CONNECTIONS**

#### **SECTION 1:**

- A. No one shall uncover, make any connection with or opening into, alter or disturb any Public Sewer or appurtenances thereof.
- B. The Village shall be responsible for the installation of a sanitary sewer service lateral from the sewer to the property line of the premises to be served.

- C. The Owner of the premises to be served shall reimburse the Village for the cost of installing said service lateral as stipulated in the Sewer Rate and Connection Ordinance.

## **SECTION 2:**

- A. All new buildings or buildings requiring new sanitary sewer service must have building sewer permits issued by the State of Michigan.
- B. The building Owner or Owner's agent shall make an application for the permit on a special form furnished by the State of Michigan.
- C. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Manager.
- D. The minimum permit and inspection fee, as established by the State of Michigan, shall be paid to the State of Michigan at the time the application is filed.

## **SECTION 3:**

In addition to the fees outlined in Section 2 above, each person desiring to connect to the System at a future date shall pay a charge in advance upon application for the privilege of using the facilities and receiving the service of the System in the amounts given below:

- A. **DIRECT CONNECTIONS:** For each new direct connection to the lines of the System, there shall be charged as a connection fee of \$1000 that may be waived at the council's discretion, per single family residential equivalent unit (REU).
- B. **SERVICE LATERAL FEE:** Where a new service lateral stub and sewer tap must be made to accommodate a new sewer connection, the Owner of the premises to be served must pay the Village for the actual cost incurred for installing said service lateral stub, plus 15%. This charge will be in addition to the direct connection charge.
- C. **INDIRECT CONNECTION:**
  - 1. In order to defray the proportional share of the necessary oversizing of treatment facilities, trunks, and pumping stations for each indirect connection to the System there shall be a fee of \$2000, that may be waived at the council's discretion, to be determined at the time connection per residential equivalent unit (REU).
  - 2. An indirect connection shall be defined as one made to lines added to the System after its original construction, the cost of which is paid from special assessment or private funds.
- D. **EQUIVALENT USER FACTOR:** Each premises other than a single-family residence shall pay either a direct or indirect connection charge multiplied by a residential equivalent unit factor representing a ratio of sewage used by such class of premises to normal single-family residential use.

## **SECTION 4:**

- A. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the Owner.
- B. The Owner or the person installing the building sewer for said Owner shall indemnify the Village from any loss or damage that may directly or indirectly be caused in the installation of the building sewer.

## **SECTION 5:**

- A. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear of the building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- B. However, the separate building shall be billed and charged independently.



- C. Other exceptions will be allowed only by special permission granted by the Village after recommended action by the Manager.
- D. Plumbing fixtures installed in accessory buildings and drains carrying sanitary sewage shall be connected to the Public Sewer.

**SECTION 6:**

Old building sewers or portions thereof may be used in connection with new buildings only when they are found, on examination and testing by the inspector or his representative, to meet all requirements of this Ordinance.

**SECTION 7:**

- A. The building sewer shall be constructed of either of the following types of pipe meeting the current ASTM specifications:
  - 1. Plastic (ABS) ASTM D 1527 SDR 35 or Schedule 40
  - 2. Plastic (PVC) ASTM D 1785 SDR 35 – D3034 or Schedule 40
  - 3. Asbestos – Cement (AC) ASTM C-428-CI-2400
  - 4. Cast Iron Extra Heavy ASTM A-74
  - 5. Non-Reinforced Concrete ASTM C-14 Extra Strength
  - 6. Vitrified Clay (VC) ASTM c-700 Extra Strength
- B. If installed in filled or unstable ground, the building sewer shall be of cast iron extra heavy pipe, except that other types of pipe may be used if laid on a suitable improved bed or cradle as approved by the Inspector.

**SECTION 8:**

- A. All building sewer joints and connections shall be made gas-tight and watertight and shall conform to the requirements of the current building and plumbing codes.
- B. Vitrified clay sewer pipe shall be fitted with factory-made resilient compression joints meeting the current ASTM specifications for vitrified clay pipe joints having resilient properties.
- C. Asbestos, cement, or flexible concrete sewer pipe joints shall be of rubber ring, flexible compression type, similar and equal to joints specified for vitrified clay pipe.
- D. The joints and connections shall conform to the manufacturer's recommendations.

**SECTION 9:**

- A. The size and slope of the building sewer shall be subject to the approval of the Inspector, but in no event shall the diameter be less than four (4) inches.
- B. Minimum grade shall be as stated in the current state and local codes.

**SECTION 10:**

- A. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor.
- B. No building sewer shall be laid parallel to, or within three feet of, any bearing wall that might thereby be weakened.
- C. The depth shall be sufficient to afford protection from frost.
- D. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the State of Michigan Inspector.

- E. Pipe laying and backfill shall be performed in accordance with current ASTM Specifications, except that no backfill shall be placed until the State of Michigan Inspector or his representative has inspected the work.

**SECTION 11:**

In all buildings in which any Building Drain is too low to permit gravity flow to the Public Sewer, sanitary sewage carried by such drains shall be lifted by artificial means at Owner's expense and discharged to the building sewer.

**SECTION 12:**

- A. The connection of the building sewer into the Public Sewer shall be made at the Wye branch designated for the property if such branch is available at a suitable location.
- B. Any connection not made at the designated "wye" branch in the main sewer shall be made only as directed by the Inspector.

**SECTION 13:**

- A. The applicant for the building sewer shall notify the State of Michigan Inspector when the building sewer is ready for inspection and connection to the Public Sewer.
- B. The connection shall be made under the supervision of the State of Michigan Inspector or his representative.

**SECTION 14:**

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

**SECTION 15:**

No connection will be allowed unless there is a capacity available in the sewage works as determined by the Manager.

**SECTION 16:**

In addition to the above requirements, the minimum standards required for Sewer construction, repair and/or replacement are as follows:

- A. All contractors are to have liability insurance, in a form and amount satisfactory to the Manager, to cover defective material or Workmanship.
- B. Permits must be drawn and paid for prior to work beginning.
- C. All work is to meet all applicable state, county, and local government plumbing codes.
- D. There is to be an approved clean-out on the outside of the building and a minimum of every 90 feet thereafter.
- E. All trenches are to be hand back-filled four inches above the sewer pipe.
- F. No wheel tractor is to compact the trench by running lengthwise.
- G. That a shut off valve be installed to enable cost efficient disconnection of the building sewer if the need arises.
- H. That additional safeguards be installed to provide for proper functioning and/or maintenance of the system, when situations warrant. For example, the Manager may require the Owner to install sand interceptors where it would be reasonably likely to extend the life of the system or its components.

**SECTION 17:**

All of the specifications and/or requirements of construction contained in this ordinance shall apply whether for new construction, repair, replacement, maintenance, or for any other purpose.

## **ARTICLE V - USE OF THE PUBLIC SEWERS**

### **SECTION 1:**

No person shall discharge, or cause to be discharged, any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waste to any Sanitary Sewer.

### **SECTION 2:**

- A. Storm water and all other unpolluted drainage shall be discharged to sewers or drains specifically designated for such use, or to a natural outlet approved by the appropriate state agency.
- B. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the appropriate state agency, to a storm sewer or natural outlet.

### **SECTION 3:**

Except as hereinafter provided by specific limits, no person shall discharge any of the following described waters or wastes to any Public Sewers:

- A. Chlorine demand in excess of 15 mg/l.
- B. Color (such as, but not limited to, dyes, inks, or vegetable tanning solutions) shall be controlled to prevent light absorbency which would interfere with treatment plan processes or that prevent analytical determinations.
- C. Explosive liquid, solid or gas, gasoline, benzene, naphtha, fuel oil, other flammable waste.
- D. Garbage not properly shredded (no particle size greater than ½ inch).
- E. Grease, oil, wax or fat, whether emulsified or not, in excess of 50 mg/l, or other substances which may solidify or become viscous at temperatures between 32 degrees F and 104 degrees F.
- F. Inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries, and limes residues) or dissolved solids (such as, but not limited to sodium chloride and sodium sulfate) in unusual concentrations.
- G. Insoluble, solid or viscous substances (such as, but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, tar, feathers, plastics, wood, hair, flashings, etc.).
- H. Noxious or malodorous gas (such as, but not limited to hydrogen sulfide, sulfur dioxide, or oxides of nitrogen) and other substances capable of public nuisance.
- I. pH less than 6.5 or greater than 9.5.
- J. Radioactive wastes or isotopes of such half-life or concentration that may exceed limits established by applicable state and federal regulations.
- K. Temperature of wastes less than 32 degrees F, and not greater than temperature at the introduction into the treatment plant that cause the treatment plant influent to exceed 104 degrees F.
- L. Water or wastes containing substances which are not amendable to treatment or reduction by the sewage treatment process employed, or are amendable to treatment to only such a degree that sewage treatment plant effluent cannot meet the requirement of other agencies having jurisdiction over discharge to the receiving waters.
- M. Discharges that would result in excess foaming during the treatment process. Excess foaming is any foam which, in the opinion of the Manager, is a nuisance in the treatment process.

### **SECTION 4:**

- A. If any waters or wastes are discharged, or are proposed to be discharged, to the Public Sewers, which waters contain the substances or possess the characteristics enumerated in Section 3 of this Article, and which in the judgment of the

Manager may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Village may:

1. Reject the wastes.
  2. Require pretreatment to the level defined as “Normal Strength Sewage”.
  3. Require pre-treatment to an acceptable level (other than Normal Strength Sewage) and in accordance with applicable Federal and State pretreatment regulations for discharge to the Public Sewers and in accordance with the Village of Barryton’s Industrial treatment Ordinance.
  4. Require Owner to install methods to satisfactorily remove the offending substances.
- B. If the Village permits the pre-treatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Manager and subject to the requirements of all applicable codes, ordinances and laws.

**SECTION 5:**

- A. Grease, oil and sand interceptors shall be provided and installed by Owner at his expense when, in the opinion of the Manager, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes; sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units.
- B. All interceptors shall be of a type and capacity approved by the Manager, and shall be located as to be readily and easily accessible for cleaning and inspection.

**SECTION 6:**

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern, after recommendations by the Manager, whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to equitable payment therefore by the industrial concern.

**SECTION 7:**

Industrial cooling water containing such pollutants as insoluble oils or grease, or other suspended solids shall be treated for removal of the pollutants and then discharged to the Storm Sewer or drain.

**SECTION 8:**

Agents of the Village shall have the right to enter all properties for the purpose of inspecting, measuring, sampling, and testing the wastewater discharge pursuant to Article III.

**ARTICLE VI - SEWER USER CHARGE SYSTEM**

**SECTION 1:**

All premises connected directly or indirectly to the Sanitary Sewers of the Village or capable of being connected as outlined in Article II, Section 4, except as hereinafter provided, shall be charged and shall make monthly payments to the Village.

**SECTION 2:**

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

**SECTION 3:**

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

- A. Sewer Use Charges:

1. Sewer use charges to each single-family residential premise shall be in the flat amount of \$43.17 per month in advance.
  2. Each new user other than a single-family residence shall pay a monthly charge of \$43.17 multiplied by a factor representing a ratio of sewage use by such class of users to normal single-family residential sewage use, but not less than \$43.17.
  3. The single-family residential rate and/or ratio may be revised from time to time in accordance with Section 4 below.
- B. Surcharges: For wastewater strengths exceeding Normal Strength Sewage, as defined, surcharges equal to the added cost required for treatment and/or handling shall be added as applicable when necessary and correct BOD is determined.

#### **SECTION 4:**

- A. Rates for miscellaneous services, determining and/or revising the ratios outlined in Section 3(a) above, where a premises receives sewer service for which a special rate shall be established and/or the revision of the single-family residential rate outlined in Section 3(a) above, shall be fixed and/or revised from time to time by the Village by resolution under the same regulations as for the passing of ordinances.
- B. The rates and/or ratios shall be set using Michigan Rural Water Association recommendations as a guideline, with adjustments made in accordance with the Village's specific needs and/or requirements.

#### **SECTION 5:**

The Village shall have the right to adjust the "User Charge" based on an annual audit review of the Sewage Works Operation and Maintenance costs. Such an audit review shall be conducted annually or as deemed necessary by the Village.

#### **SECTION 6:**

- A. All customers of the Sewage Works will be included in a User Class and each User Class will pay for its proportionate use of the Sewage Works in terms of volume and pollutant loading.
- B. Sewer user charges are levied to defray the cost of operation, maintenance (including replacement and depreciation), and debt retirement of the Sewage Works.
- C. The classes of user of the Sewer Works, for the purpose of determining the user charges, shall be as defined in the Sewer Use Ordinances.

#### **SECTION 7:**

Each industrial user shall pay the proportionate share of the operation, maintenance, and replacement depreciation costs of the Sewage Works that are allocable to the treatment of said user's industrial wastes.

#### **SECTION 8:**

Each industrial user that discharges processed wastewater to the system which does not exceed the limits of "Normal Strength Sewage" shall be charged and shall make payments to the Village in amounts based on the actual waste volume and strength from said premises.

#### **SECTION 9:**

Each industrial user that proposes to discharge processed wastewater to the system which exceeds the limits of "Normal Strength Sewage" will be required to either:

- A. Provide satisfactory pretreatment to reduce the strength of the wastewater to "Normal Strength Sewage".
- B. Pay a surcharge determined by the relative concentration of BOD, suspended solids, or other pollutant as compared to "Normal Strength Sewage."

## **SECTION 10:**

- A. The rates and/or ratios now or hereinafter 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 present the same in good repair and working order, and to provide for such other expenditures and funds for said System as this Ordinance may require.
- B. Such rates and/or ratios shall be fixed and revised from time to time as may be necessary to produce the same amounts.

## **SECTION 11:**

The System shall be operated on the basis of an operating year commencing on March 1st and ending on the last day in February next following.

## **ARTICLE VII - PAYMENTS AND COLLECTIONS**

### **SECTION 1:**

- A. Bills for sewage disposal service are due and payable at the business office of the Village or to its designated agent on their date of issue and, if not paid by the 25th day thereafter, shall be deemed delinquent and may be subject to a one-time charge of up to ten (10%) percent of that month's portion of the outstanding bill to help defray the added administrative costs.
- B. Bills shall be dated and mailed monthly and shall cover one month's service.

### **SECTION 2:**

All Owners, Lessees, and Other Occupants shall be jointly and separately liable for the sewer charges levied against their owned, leased, or occupied premises.

### **SECTION 3:**

If a bill remains unpaid for 90 days after it is due, the Village, in addition to any remedies allowed in this ordinance or by state law, at its option, may elect to proceed as follows:

- A. Perfect the lien and/or proceed with the intent to perfect the lien under the provisions of Section 21, Act 94, Public Acts of Michigan 1933 MCL 141.21(3), as amended<sup>136</sup>, since the charges for services are made a lien on all premises served thereby, and are hereby recognized to constitute such lien; and whenever any such charges against any piece of property shall be delinquent for six (6) months or more, the Village official or officials in charge of the collection thereof shall certify annually, on March 1st of each year to the Mecosta County Equalization Department the facts of such delinquency whereupon such charges shall be by him/her 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.
- B. Sue any or all Owners, Lessees, and Other Occupants in a court of competent jurisdiction for all sewage bills due and owing.
- C. In addition, the Village shall be awarded all fees and costs, including reasonable attorney fees, spent in attempting to collect past due amounts.

### **SECTION 4:**

- A. All bills and notices related to the conduct of business in the Village and of the Sewage Works will be mailed by regular first class mail to the person listed as the property owner, at the address listed on the village tax roll, unless a change of address has been filed in writing at the business office of the Village.

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<sup>136</sup> Section 21, Act 94, Public Acts of Michigan 1933 MCL 141.21(3), as amended. See Appendix A.

- B. The Village shall not otherwise be responsible for delivery of any bill or notice, nor will any party listed in Section 2 above be excused from nonpayment of a bill or from any performance required in said notice.
- C. The billing party under article VI Section 11 herein can elect to send any or all bills and/or notices to any of the following additional parties if he believes it will be beneficial:
  - 1. A person who requests that bills or notices be sent to them. The person shall pay the Village its estimated yearly cost for the additional mailing prior to receiving that service.
  - 2. Equitable Owner.
  - 3. Legal Owner.
  - 4. Lessee.
  - 5. Other Occupant.
  - 6. Agent for any of the parties outlined in this section.

**SECTION 5:**

- A. The Village shall make all reasonable efforts to eliminate interruptions of service and, when such interruptions occur, will endeavor to reestablish service with the shortest possible delay.
- B. Whenever service is interrupted for the purpose of working on the Sewage Works, all customers affected by such interruptions will be notified 12-24 hours in advance whenever it is possible to do so.
- C. No rebate or proration shall be granted for any interruption unless approved by the Village Council.

**SECTION 6:**

- A. Any user has the right to appeal the basis for any charges developed in accordance with this Ordinance.
- B. Appeals shall be directed to the Manager along with any supporting documentation for amendment of the charges in question.
- C. The user at his/her expense, as directed by the Manager, shall obtain any additional information that may be required to resolve the appeal.
- D. The Manager in accordance with the best available data and the formulations presented in this Ordinance shall make a resolution of appeals within 30 days. In no event shall appeals be accepted which would require a variance in the methods of charge, calculations established, and in for under this Ordinance.
- E. All bills for sewage service, outstanding during the appeals process, including all penalties or delinquency charges, shall be due and payable, and must be paid prior to initiating the appeal process.
- F. Pending resolution of the appeal, the Village shall adjust said charges accordingly, including any refunds due.
- G. Refunds shall be retroactive to the previous month's billing only.

**SECTION 7:**

Charges for sewer service shall begin at the earliest of either the connection to the Public Sewer or 9 months after the Public Sewer is made available for connection as outlined in Article II Section 4, regardless of whether the home, building, or property is in fact connected at that time.

**SECTION 8:**

All homes, buildings, or property used for human occupancy, employment, recreation, or other purposes situated in the Village, of which the sewer system is made available for service as outlined in Article VIII Section 4, shall pay a monthly,

ready-to-serve charge equal to the amount as determined in Article VI herein whether or not occupied or used for any purpose, and whether or not it is hooked up to the available Public Sewer.

## **ARTICLE VIII - POWERS, AUTHORITY, AND CONDITIONS TO ENTER PROPERTIES**

### **SECTION 1:**

- A. Duly authorized employees of the Village, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of the ordinance.
- B. The Village shall have no authority to inquire into any proprietary processes beyond any information having a direct bearing on the kind and source of discharge to the sewers and water waste of facilities for waste treatment.

### **SECTION 2:**

While performing the necessary work on private properties referred to in Section 1 above, duly authorized employees of the Village shall observe all safety rules applicable to the premises established by the property Owner; and the property Owner shall be held harmless for injury or death to the employees, and the Village shall indemnify the property Owner from any claims and demands for personal injury or property damage asserted against the property Owner from the gauging and sampling operation, except as that caused by negligence or failure of the property Owner to maintain safe conditions.

### **SECTION 3:**

- A. Duly authorized agents, independent contractors, or any other person under the Manager's direction, bearing proper credentials and identification, shall be permitted to enter all properties with the purpose of enforcing and/or ensuring compliance with this ordinance, and conduct all testing, labor, excavation, or other tasks deemed reasonable and necessary to enforce and/or ensure said compliance.
- B. The entering party shall conduct all tasks in a reasonable manner and at reasonable times.
- C. The purpose shall include, but not be limited to, the entry upon the property to excavate thereon to install shut-off valves to facilitate disconnection of the sewer for the subject parcel as authorized under Article VII, Section 3.

### **SECTION 4:**

- A. Any independent contractor or other person hired specifically by the Village to enter the property to conduct or perform a specific task shall carry liability insurance in a form and amount satisfactory to the Village.
- B. In addition, the person, by undertaking the task, agrees to defend, indemnify, and hold harmless the Village and the Property Owner for any claims or demands brought from personal injury or property damage because of that activity, except as that respectively caused by the negligence or failure of the Village or property Owner to maintain safe conditions.

## **ARTICLE IX - PROTECTION FROM DAMAGE**

- A. No unauthorized person shall maliciously, willfully, or negligently tamper with or deface any structure or equipment which is a part of the System.
- B. Any person violating this provision shall be subject to immediate arrest under an appropriate civil or criminal charge as applicable.

## **ARTICLE X - CONDITIONS AND SERVICE**

### **SECTION 1:**

- A. Unless otherwise contained herein, at the time of original construction or expansion of the Public Sewer, the Village shall install that portion of the building sewer from the Public Sewer to the lot or easement line of all occupied premises.



- B. The Village shall maintain, at its own expense, the Public Sewer.
- C. Those customers making connections at the time of original construction of the Public Sewer shall install, at their expense, that portion of the building sewer from said lot or easement line to their premises.

**SECTION 2:**

Those customers making connections subsequent to the time of original construction of the Public Sewer shall install, at their expense, the entire building sewer.

**SECTION 3:**

The Owner of premises receiving sewer services shall maintain the building sewer at the Owner's expense and risk.

**SECTION 4:**

The Village shall, in no event, be held responsible for claims made against it by reason of the breaking of any mains or service laterals, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.

**SECTION 5:**

Applications for connections permits may be canceled and/or service disconnected by the Village for any violation of any rule, regulation, or condition of service, and especially for any of the following reasons:

- A. Misrepresentation in the permit application as to the property or residential equivalents to be serviced by the Sewage Works.
- B. Nonpayment of bills.
- C. Improper or imperfect service pipes and fixtures or failure to keep the same in a suitable state of repair.

**ARTICLE XI - PENALTIES**

**SECTION 1:**

- A. Any person found to be violating any provision of this ordinance shall be served with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof.
- B. The offender shall, within the period of time stated on such notice, permanently cease all violations.

**SECTION 2:**

- A. Any person convicted of a violation of any provision of this ordinance shall be punished by a fine of not more than five hundred (500/00) dollars for each offense.
- B. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

**SECTION 3:**

A violation of this ordinance is also declared to be a public nuisance and the Village may enforce the same by injunction or another remedy, including the right to correct the violation and bill the Owner or person in charge of the premises therefore.

**SECTION 4:**

- A. Any business, industry, or person violating any of the provisions of this ordinance, which results in fines or penalties being levied against the Village, shall become liable for said fine or penalty, plus any expenses or damage occasioned by such violation, including reasonable attorney fees.
- B. This fine or penalty shall be levied in addition to the penalties identified herein, and shall be added to the sewer bill covering the premises occupied or used by the violator.

**ARTICLE XII - VALIDITY**

**SECTION 1:**

All ordinances or parts of ordinances in conflict herewith are hereby repealed. Previous sewer ordinances and amendments thereto are hereby repealed.

**SECTION 2:** The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

**ARTICLE XIII - ORDINANCE AMENDMENT IN FORCE**

**SECTION 1:**

This ordinance, as restated, is to be in full force and effect from and after its passage, approval, recording, and publication according to the law of the State of Michigan.

**SECTION 2:**

This ordinance shall be published once in summary, in a newspaper generally circulated within the boundaries of the Village within two (2) weeks after its adoption and the same shall be recorded in the Ordinance Book of the Village and such recording authenticated by the signatures of the Officers so required.

**SECTION 3:**

- A. This amendment shall become effective twenty (20) days after its adoption.
- B. The adoption of this ordinance 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 ordinance.
- C. This ordinance was approved and adopted by the Village Council on 03-08-2023

Yeas: 5 Nays: 0 Ordinance Declared: Adopted Effective date: 03-28-2023

Melissa Lazzaro

James Soriano

Village President

Village Clerk<sup>137</sup>

I hereby certify the publishing of this Ordinance, in whole or in part, in a newspaper of general circulation as required by State Law.

Name of Newspaper: Big Rapids Pioneer

Date Published: 03-15-2023

Melissa Lazzaro

03-13-2023

Village Clerk

Date

<sup>137</sup> 2023 Amendments and Corrections. See Appendix B

SOLID WASTE REGULATIONS

THE VILLAGE OF BARRYTON, MECOSTA COUNTY, MICHIGAN ORDAINS:

**SECTION 1. GENERAL REGULATIONS**

- A. All persons residing within the limits of the Village of Barryton shall be required to notify the Village Clerk of their resident status and shall thus be charged for Solid Waste pickup.
- B. All persons that are found to be in non-compliance with this ordinance will immediately be billed for solid waste pick-up and back charged for all solid waste pick-up sustained by the Village of Barryton with an included penalty at a rate of 10% per month for all months in which the resident did not pay for solid waste pick-up, not to exceed a period of 24 months.
- C. This Ordinance is a consolidation of the Village of Barryton ORDINANCE # 29-2015 AMENDED SOLID WASTE, the previous amendments thereto, as well as those amendments contained herein, and shall now be known as the Village of Barryton ORDINANCE # 29-2023 SOLID WASTE REGULATIONS.<sup>138</sup>

**SECTION 2. DEFINITIONS** (rearranged into alphabetical order)

- A. **BUILDING:** A structure used in whole or in part for human habitation, service, manufacturing, sales, or other purposes.
- B. **COMMERCIAL REFUSE:** All solid waste collected from a commercial place of business, other than single family residential units.
- C. **CONTAINERS OR RECEPTACLES – COMMERCIAL:** For the purpose of commercial refuse collection, container and receptacles, where needed, shall mean durable, watertight metal containers or dumpsters with tight-fitting covers meeting National Solid Waste Management Association, American National Standards Institute, and Consumer Products Safety Requirements as applicable to design, application and safety.
- D. **CONTAINERS OR RECEPTACLES – RESIDENTIAL:** For the purpose of residential refuse collection, container provided by company under contract with the Village.
- E. **COUNCIL:** The elected Village Council for Village of Barryton.
- F. **DEMOLITION AND CONSTRUCTION DEBRIS:** Refuse which is incidental to construction, renovation or demolition of buildings, or other structure or appurtenances on a premise.
- G. **DESIGNATED COLLECTOR:**
  - 1. A licensed collector who has been awarded a contract within the Village of Barryton, or who is licensed to be a collector of refuse and has the ability to service commercial containers and dumpsters.
  - 2. The vehicle being used must be covered and be watertight.
- H. **DESIGNATED DISPOSAL FACILITY:** A location which the Village and Contractor have identified from time to time as an approved location for the disposal of refuse, leaves, yard waste, and/or recyclable materials
- I. **PERSON:** The owner proprietor, occupant, or agent in charge of any premise
- J. **PREMISE:** A parcel of land within the Village of Barryton including the adjoining street right of way of legal easement, separated from adjacent parcels of land by legal description.

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<sup>138</sup> Ordinance History. See Appendix E

- K. **RECYCLABLE MATERIAL:** Materials such as newspapers, corrugated cardboard, magazines, computer printout paper, office paper, glass containers, plastics, tin cans, ferrous metal, and aluminum containers or articles separated for the express purpose of preparation for and delivery to a secondary market or other use.
- L. **REFUSE:** For the purpose of this ordinance refuse shall have the same meaning as solid waste.
- M. **RESIDENTIAL REFUSE:** Solid waste collected in residential refuse collection from single-family homes.
- N. **RESIDENTIAL REFUSE COLLECTION:** Weekly refuse pickup from single-family residential buildings.
- O. **RESIDENT STATUS:** is defined as anyone occupying a building for the purpose of habitation, regardless of the dwelling being structured on commercial or residential property.
- P. **SOLID WASTE:**
  - 1. Garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, municipal and industrial sludges, solid commercial and solid industrial waste, and animal waste.
  - 2. Solid waste does not include human body waste, liquid waste, materials that have been separated either by source or a processing site for the purpose of reuse, recycling or composting, or any material that has been identified by the State or Federal regulation to be unsuitable for disposal in a Type II sanitary landfill.
- Q. **SPECIAL REFUSE:** White goods, furniture, household appliances, brush, large tree limbs, and other bulky refuse items, with the exception of construction and demolition debris, that are unsuitable for a regular refuse collection service.
- R. **YARD WASTE:** Grass clippings, weeds, hedge clippings, garden waste, and twigs and brush no longer than four (4) feet in length and one (1) inch in diameter.
- S. **VILLAGE PRESIDENT:** The elected individual, serving as Village President for the Village of Barryton.

**SECTION 3: ACCUMULATION OF SOLID WASTE**

- A. No owner or occupant of a residential dwelling unit or commercial establishment shall permit the accumulation of refuse upon residential or commercial premise for a period in excess of six (6) days or the normal weekly collection period.
- B. Leaves, yard waste and vegetable waste may be stored for composting purposes in a manner which will not harbor rodents or become a public nuisance.

**SECTION 4: UNAUTHORIZED DUMPING AND LITTERING**

- A. No person shall throw or deposit any refuse upon or into any street right of way, alley, container, or other property on any premise, public, or private without the written permission of the owner, proprietor, occupant, or agent in charge of the premise.
- B. No person shall bring into the Village limits for the purpose of solid waste pick-up, refuse that is from a residence outside of the Village of Barryton.

**SECTION 5: PROHIBITED WASTES**

No person shall place in any container or receptacle any material that might endanger the collection personnel or which would be detrimental to the normal operation of collection or incineration, for example:

- A. Gaseous, solid, or liquid poisons.
- B. Dead animals.
- C. Ammunition or explosives.
- D. Concrete or dirt.



- A. This Ordinance shall be enforced by such person(s) who shall be so designated by the Village Council.
- B. The owner and/or tenants of any premises found to be not in compliance with this ordinance will be given notice by way of posting of property.
- C. If solid wastes are not removed from the premises within 48 hours after the date of posting such notice, or if the solid waste is on abutting public right of way, the owner and/or tenants of the premises shall be subject to Village penalties as set forth in Section 13 of this ordinance.
- D. The Village of Barryton is also hereby authorized and empowered to pay for the removal of the solid waste or to order the removal by any authorized Village representative.
- E. When the Village has affected the removal of such solid waste or has paid for its removal, the actual cost thereof, plus accrued interest of 10% per month from the date of removal, shall be charged to the owner of the premises on the next regular tax bill forwarded to such owner by the Village, and said charges shall be due and payable at the time of payment of such tax bill.
- F. Where costs of removal or any civil infractions issued are not paid by an owner within sixty (60) days after the removal of such solid waste or violations of any sections of this ordinance, then the Village Council shall cause to be recorded in the Treasurer's Office the date and premises on which removal was done or the violation occurred.
  - 1. The recording of such statement shall constitute a lien on the property and shall remain in full force and effect for the amount due in principal and interest until final payment has been made and shall be collected in the manner provided by law for collection of taxes.
  - 2. Further, the total amount shall be subject to a delinquent penalty of 10% per month in the event the same is not paid in full on or before the date of the tax bill upon which said charge appears becomes delinquent.
  - 3. Said sworn statements recorded in accordance with the provisions hereof shall be notice to every person concerned that the amount of the statement plus interest, constitutes a charge against the premises described in the statement that the same is due.

**SECTION 12: MATERIAL COLLECTION LICENSES**

- A. No person shall engage in the business or practice of collecting or disposing of refuse in the Village of Barryton without being licensed for such activity.
- B. All contractors shall show proof of liability insurance as required by Village policy.
- C. The contractor shall furnish the name and address of the designated licensed disposal site they use, and the tipping fees charged.
- D. All vehicles operating in the Village must be covered, be water tight, and have the ability to service dumpsters at commercial establishments.
- E. The Village may restrict the number of material collection licensed vehicles operating with the Village of Barryton.

**SECTION 13: PENALTIES**

- A. The penalty for a violation of this ordinance shall be a Village civil infraction with a fine of not less than \$25 and not more than \$500, plus costs of not less than \$9 and not more than \$500.
- B. Costs may include all expenses, direct and indirect, to which the Village has been put in connection with the Village civil infraction up to the entry of judgment.
- C. The Village may seek or employ all other remedies and sanctions available under state law for municipal civil infractions.

- D. The penalty for repeat offenses of the same ordinance provision within two years of a prior offense shall be a fine of not less than \$50 and not more than \$1,000, plus costs and all other remedies and sanctions available under state law for municipal civil infractions.

#### **SECTION 14: RULES AND REGULATIONS**

The Village President shall promulgate rules and regulations to carry out the provisions of this ordinance.

#### **SECTION 15: SEVERABILITY**

The provisions of the Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

#### **SECTION 16: EFFECTIVE**

- A. This Ordinance Shall Be In Full Force And Effect Twenty (20) Days After Adoption By The Village Of Barryton Council.
- B. The adoption of this ordinance 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 ordinance.
- C. I hereby certify the adoption of this ordinance at the 03-08-2023 council meeting and cause the same to be published as required by law.

Yeas: 5 Nays: 0

Ordinance Declared: Adopted

Effective Date: 03-28-2023

Melissa Lazzaro

James Soriano

Village Clerk

Village President<sup>139</sup>

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I hereby certify the publishing of this Ordinance, in whole or in part, in a newspaper of general circulation as required by State Law.

Name of Newspaper: Big Rapids Pioneer

Date Published: 03-15-2023

Melissa Lazzaro

03-13-2023

Village Clerk

Date

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<sup>139</sup> 2023 Amendments and Corrections. See Appendix B

**CONSUMERS POWER COMPANY ELECTRIC FRANCHISE ORDINANCE**

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges and other public places, and to do a local electric business in the VILLAGE OF BARRYTON, MECOSTA COUNTY MICHIGAN for a period of thirty years.<sup>140</sup>

THE VILLAGE OF BARRYTON ORDAINS:

**SECTION 1. GRANT, TERM**

The VILLAGE OF BARRYTON, MECOSTA 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 BARRYTON, MECOSTA COUNTY, MICHIGAN, for a period of thirty years.

**SECTION 2. CONSIDERATION**

In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

**SECTION 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 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 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.

**SECTION 4. HOLD HARMLESS**

Said Grantee shall at all times keep and save the Village free and harmless from all loss, costs and damage to which it may be subject by reason of the negligent construction and maintenance of the structures and appliances 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.

**SECTION 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.

**SECTION 6. FRANCHISE NOT EXCLUSIVE**

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

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<sup>140</sup> Ordinance History. See Appendix E



## SECTION 7. RATES

Said Grantee shall be entitled to charge the inhabitants of said Village for electricity furnished therein, the rates as approved by the Michigan Public Service Commission. Said rates shall be subject to review and change at any time by the Michigan Public Service Commission or its successors to which Commission or its successors authority and jurisdiction to fix and regulate electric rates and rules regulating such service in and 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.

## SECTION 8. REVOCATION

The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

## SECTION 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.

## SECTION 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 on June 3, 1987 entitled:

AN ORDINANCE, granting to CONSUMERS POWER COMPANY its successors and assigns, the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges and other public places, and to do a local electric business in the VILLAGE OF BARRYTON, MECOSTA COUNTY MICHIGAN for a period of thirty years.

and amendments, if any, to such ordinance whereby an electric franchise was granted to Consumers Energy Company.

## SECTION 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 thirty 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 hereby certify that the foregoing Franchise Ordinance was duly enacted by the Village Council of the VILLAGE OF BARRYTON, MECOSTA COUNTY, MICHIGAN, on the 12th day of April, 2017.

*James D Soriano*

James Soriano, Village President

Attest:

*Jen Lindsey*

Jen Lindsey, Village Clerk

## ACCEPTANCE

TO THE VILLAGE COUNCIL OF THE VILLAGE OF BARRYTON, MECOSTA COUNTY, MICHIGAN:

The CONSUMERS ENERGY COMPANY hereby accepts the franchise granted to it by your Village Council on the 12th day of July, 2017, which said franchise is entitled as follows:

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 BARRYTON, MECOSTA COUNTY, MICHIGAN, for a period of thirty years.

CONSUMERS ENERGY COMPANY

By *Catherine M Reynolds*

Catherine M. Reynolds

Senior Vice President and General Counsel

Dated: 7-12, 2017

**CHPT. 50      ORDINANCE # 27-2023**  
**FENCE – BOUNDARY AND INTERIOR**

THE VILLAGE OF BARRYTON, MECOSTA COUNTY, MICHIGAN ORDAINS:

**SECTION 1. TITLE**

- A. This ordinance amendment shall be known as the Village of Barryton Zoning Ordinance #27-2015. Correcting a discrepancy in the definition of a decorative fence used to enhance the appearance of a property.
- B. This Ordinance is a consolidation of the Village of Barryton ORDINANCE # 27-2015 AN AMENDMENT TO FENCE - BOUNDARY AND INTERIOR, the previous amendments thereto, as well as those amendments contained herein, and shall now be known as the Village of Barryton ORDINANCE # 27-2023 FENCE - BOUNDARY AND INTERIOR.<sup>141</sup>

**SECTION 2. ZONING COMPLIANCE PERMITS**

Shall be issued accordingly:

- A. Hereafter, no land shall be commenced or changed and no structure shall be erected or enlarged until the person conducting such use or erecting or enlarging such structure has obtained a zoning compliance permit from the Village of Barryton Zoning Administrator.
- B. The Zoning Administrator shall issue such permit upon the furnishing in writing, over the signature of the applicant, of such information as may be necessary to establish that the proposed use, structure, or actions is in full compliance with all provisions of the resolution, (and finding by the Zoning Administrator that such is the case), and payment of a permit fee, if any.

\*Decorative Fence is a structure used to enhance the appearance of a property, garden, or landscaping and is not intended or designated as a method of prohibiting entry to a property. A permit is not required.

- 1. Not exceeding 10’ (feet) in length in any one direction when used as landscaping.
- 2. Not be closer than 20” (inches) from a public sidewalk. May not exceed 4’ (feet) in height
- 3. For garden use, the fence must be an open barrier usually made of posts, boards, wire, stakes, rails, or masonry material. May not exceed 4’ (feet) in height.
- C. Any zoning compliance permit based on any false material or statements in the application or supporting documents is absolutely void and shall be revoked. No zoning compliance permit shall remain valid if the use or structure it authorizes becomes non-conforming.
- D. Zoning Compliance Permit fees will be as follows:

1. Fence	boundary and interior	\$15.00
2. Deck or Patio	any size	\$25.00
3. Accessory Building	any size	\$40.00
4. Dwelling		\$60.00
5. Roof Construction		\$20.00

**SECTION 3. PENALTY**

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<sup>141</sup> Ordinance History. See Appendix E

- A. The penalty for a violation of this ordinance shall be a Village civil infraction with a fine of not less than \$25 and not more than \$500, plus costs of not less than \$9 and not more than \$500.
- B. Costs may include all expenses, direct and indirect, to which the Village has been put in connection with the Village civil infraction up to the entry of judgment.
- C. The Village may seek or employ all other remedies and sanctions available under state law for municipal civil infractions.
- D. The penalty for repeat offenses of the same ordinance provision within two years of a prior offense shall be a fine of not less than \$50 and not more than \$1,000, plus costs and all other remedies and sanctions available under state law for municipal civil infractions.

**SECTION 4. EFFECTIVE**

- A. This ordinance shall take effect twenty (20) days after adoption.
- B. All ordinances or parts of ordinances in conflict are hereby repealed.
- C. I hereby certify the adoption of this ordinance at the 03-08-2023 council meeting and cause the same to be published as required by law.

Yeas: 5 Nays: 0 Ordinance declared: Adopted Effective Date: 03-28-2023

Melissa Lazzaro

Village Clerk

James Soriano

Village President<sup>142</sup>

I hereby certify the publishing of this Ordinance, in whole or in part, in a newspaper of general circulation as required by State Law.

Name of Newspaper: Big Rapids Pioneer

Date Published: 03-15-2023

Melissa Lazzaro

03-13-2023

Village Clerk

Date

<sup>142</sup> 2023 Amendments and Corrections. See Appendix B

THE MICHIGAN VEHICLE CODE

THE VILLAGE OF BARRYTON, MECOSTA COUNTY, MICHIGAN ORDAINS:

SECTION 1. CODE AND AMENDMENT AND REVISIONS ADOPTED

- A. The Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923<sup>143</sup>, and all future amendments and revisions to the Michigan Vehicle Code when they are effective in this state are incorporated and adopted by reference.
- B. This Ordinance is a consolidation of the Village of Barryton ORDINANCE # 1-2021 AN ORDINANCE TO ADOPT BY REFERENCE THE MICHIGAN VEHICLE CODE, the previous amendments thereto, as well as those amendments contained herein, and shall now be known as the Village of Barryton ORDINANCE # 41-2023 THE MICHIGAN VEHICLE CODE.<sup>144</sup>

SECTION 2. REFERENCES IN CODE

References in the Michigan Vehicle Code to "local authorities" shall mean the Village of Barryton.

SECTION 3. NOTICE TO BE PUBLISHED

The village clerk shall publish this ordinance in the manner required by law and shall publish, at the same time, a notice stating the purpose of the Michigan Vehicle Code and the fact that a complete copy of the code is available to the public at the office of the clerk for inspection.

SECTION 4. PENALTIES

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.

SECTION 5. EFFECTIVE DATE

- A. This ordinance shall take effect twenty (20) days after adoption.
- B. All ordinances or parts of ordinances in conflict are hereby repealed.
- C. I hereby certify the adoption of this ordinance at the 03-08-2023 council meeting and cause the same to be published as required by law.

Yeas: 5 Nays: 0 Ordinance Declared: Adopted Effective Date: 03-28-2023

Melissa Lazzaro

President

James Soriano

Clerk<sup>145</sup>

I hereby certify the publishing of this Ordinance, in whole or in part, in a newspaper of general circulation as required by State Law.

Name of Newspaper: Big Rapids Pioneer

Date Published: 03-15-2023

Melissa Lazzaro

03-13-2023

<sup>143</sup> Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923. See Appendix A.

<sup>144</sup> Ordinance History. See Appendix E

<sup>145</sup> 2023 Amendments and Corrections. See Appendix B

**ORDINANCE ADDRESSING FLOODPLAIN MANAGEMENT PROVISIONS OF THE STATE CONSTRUCTION CODE**

Community Name: Village of Barryton, County: Mecosta

Ordinance number 11-2019

An Ordinance to Affirm an enforcing agency to discharge the responsibility of the Village of Barryton located in Mecosta County, and to designate regulated flood hazard areas under the provisions of the State Construction Code Act, Act No 230 of the Public Acts of 1972, as amended.<sup>146</sup>

THE VILLAGE OF BARRYTON ORDAINS:

**SECTION 1. AGENCY DESIGNATED.**

Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended<sup>147</sup>, the Zoning Administrator of the County of Mecosta is hereby designated as the enforcing agency to discharge the responsibility of the Village of Barryton under Act 230, of the Public Acts of 1972, as amended, State of Michigan<sup>148</sup>. The County of Mecosta assumes responsibility for the administration and enforcement of said Act throughout the corporate limits of the community adopting this ordinance.

**SECTION 2. CODE APPENDIX ENFORCED**

Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended<sup>149</sup>, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the jurisdiction of the community adopting this ordinance.

**SECTION 3. DESIGNATION OF REGULATED FLOOD-PRONE HAZARD AREAS.**

The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled “Mecosta County, Michigan (All Jurisdictions)” and dated February 4, 2015, and the Flood Insurance Rate Map(s) (FIRMS) panel number(s) of 0205107C0093C, 26107C0094C, and 26107C0207C7C Index Panel 26107CIND0A ) dated February 4, 2015, are adopted by reference for the purposes of administration of the Michigan Construction Code and declared to be a part of Section 1612.3 of the Michigan Building Code<sup>150</sup> and to provide the content of the “Flood Hazards” section of Table R301.2(1) of the Michigan Residential Code.

**SECTION 4. REPEALS.**

All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

**SECTION 5. PUBLICATION.**

This ordinance shall be effective after legal publication and in accordance with the provisions of the Act governing same.

Adopted this 20th day of December 2019.

<sup>146</sup> State Construction Code Act, Act No 230 of the Public Acts of 1972, as amended. See Appendix A.

<sup>147</sup> Section 8b(6) of Act 230, of the Public Acts of 1972, as amended. See Appendix A.

<sup>148</sup> Act 230, of the Public Acts of 1972, as amended, State of Michigan. See Appendix A.

<sup>149</sup> Section 8b(6) of Act 230, of the Public Acts of 1972, as amended. See Appendix A.

<sup>150</sup> Section 1612.3 of the Michigan Building Code. See Appendix A.

This ordinance was duly adopted on December 20, 2019, at a regular meeting of the Village of Barryton and will become effective on January 23, 2020.

Signed on December 20, 2019, by Melissa Lazzaro, Clerk of the Village of Barryton.

Attested on December 20, 2019, by Evelyn Jones President of the Village of Barryton.

STATE LAW - MISDEMEANORS

THE VILLAGE OF BARRYTON, MECOSTA COUNTY, MICHIGAN ORDAINS:

**SECTION 1: INTENT**

- A. To adopt by reference The Code of Criminal Procedure, Act 175 of 1927, MCL 761.1 et. seq.<sup>151</sup> Every act prohibited by state law as a misdemeanor, is hereby prohibited and whoever violates the provisions of this section within the village shall, upon conviction thereof, be punished by the same penalty provided by state law except that the penalty shall, in no case exceed a fine of five hundred (500) dollars or imprisonment of ninety-three (93) days, or both.
- B. This Ordinance is a consolidation of the Village of Barryton ORDINANCE # 1-1968 STATE LAW - MISDEMEANORS, the previous amendments thereto, as well as those amendments contained herein, and shall now be known as the Village of Barryton ORDINANCE # 32-2023 STATE LAW - MISDEMEANORS.<sup>152</sup>

**SECTION 2: SEVERABILITY**

The provisions of the Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

**SECTION 3: EFFECTIVE**

- A. This ordinance shall take effect twenty (20) days after adoption.
- B. All ordinances or parts of ordinances in conflict are hereby repealed.
- C. I hereby certify the adoption of this ordinance at the 03-08-2023 council meeting and cause the same to be published as required by law.

Yeas 5    Nays 0                      Ordinance declared: Adopted                      Effective Date: 03-28-2023

Melissa Lazzaro

James Soriano

Village Clerk

Village President<sup>153</sup>

I hereby certify the publishing of this Ordinance, in whole or in part, in a newspaper of general circulation as required by State Law.

Name of Newspaper: Big Rapids Pioneer

Date Published: 03-15-2023

Melissa Lazzaro

03-13-2023

Village Clerk

Date

<sup>151</sup> Code of Criminal Procedure, Act 175 of 1927, MCL 761.1 et. seq. See Appendix A.

<sup>152</sup> Ordinance History. See Appendix E

<sup>153</sup> 2023 Amendments and Corrections. See Appendix B



**APPENDIX A**

**REFERENCES TO STATE AND FEDERAL STATUTES**

<b>CITED REFERENCE</b>	<b>TITLE</b>	<b>CHPT.</b>	<b>SEC</b>	<b>PAGE</b>
<b>Footnote # 1:</b> Public Act 3 of 1895, MCL 61.1 et. seq., as amended, State of Michigan	I	Chpt. 2	1	19
<b>Footnote # 3:</b> General Law Village Act, Public Act 3 of 1895, MCL 62.1(3).	II	Chpt. 3	2(A)	24
<b>Footnote # 5:</b> General Law Village Act, Public Act 3 of 1895, MCL 62.1(3).	II	Chpt. 4	1A	26
<b>Footnote # 11:</b> Revised Judicature Act of 1961, Act 236 of 1961, MCL 600.8731.	II	Chpt. 6	6(B)(1)	35
<b>Footnote # 13:</b> Revised Judicature Act, State of Michigan, as added by Public Act 236 of 1961, MCL 600.8395	II	Chpt. 7	1(A)	36
<b>Footnote # 16:</b> Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801 et. seq., as amended.	II	Chpt. 8	1(B)	39
<b>Footnote # 17:</b> Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101 et. seq., as amended.	II	Chpt. 8	1(B)	39
<b>Footnote # 18:</b> Open Meetings Act, Public Act 267 of 1976, MCL 15.261 et. seq., as amended.	II	Chpt. 8	1(B)	39
<b>Footnote # 20:</b> Open Meetings Act, Public Act 267 of 1976, MCL 15.261 et. seq., as amended.	II	Chpt. 8	5(A)	40
<b>Footnote # 22:</b> Michigan Commission on Law Enforcement Standards (MCOLES) {Public Act 289 of 2016, MCL 28.601 et. seq.}	II	Chpt. 9	1(A)	42
<b>Footnote # 27:</b> General Law Village Act, Act 3 of 1895, MCL 62.1(2) as amended.	II	Chpt. 11	1(A)	45
<b>Footnote # 33:</b> Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. Section 1964(c7)	III	Chpt. 14	2(2)	52
<b>Footnote # 34:</b> Michigan Medical Marihuana Facilities Licensing Act (“MMFLA”), MCL 333.27101 et seq.	III	Chpt. 14	4(A)	53
<b>Footnote # 35:</b> Medical Marihuana Act (“MMMA”), MCL 333.26421 et seq.	III	Chpt. 14	4(A)	53
<b>Footnote # 36:</b> Marihuana Tracking Act (“MTA”), MCL 333.27901 et seq.	III	Chpt. 14	4(A)	53
<b>Footnote # 37:</b> 21 USC 860(e).	III	Chpt. 14	4(C)	53
<b>Footnote # 38:</b> Initiated Law 1 of 2018, M.C.L. 333.27951 et seq	III	Chpt. 14	4(F)(1)	53
<b>Footnote # 39:</b> MMA, MCL 333.26423.	III	Chpt. 14	4(F)(10)	54
<b>Footnote # 40:</b> Michigan Freedom of Information	III	Chpt. 14	14(A)	60

<b>CITED REFERENCE</b>	<b>TITLE</b>	<b>CHPT.</b>	<b>SEC</b>	<b>PAGE</b>
Act, 1976 PA 442, MCL 15.231 et seq.				
<b>Footnote # 44:</b> Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. Section 1964(c)	III	Chpt. 15	2(B)	63
<b>Footnote # 45:</b> Michigan Medical Marihuana Facilities Licensing Act (“MMFLA”), MCL 333.27101 et seq.	III	Chpt. 15	4(A)	64
<b>Footnote # 46:</b> Medical Marihuana Act (“MMMA”), MCL 333.26421 et seq.	III	Chpt. 15	4(A)	64
<b>Footnote # 47:</b> Marihuana Tracking Act (“MTA”), MCL 333.27901 et seq.	III	Chpt. 15	4(A)	64
<b>Footnote # 48:</b> Michigan Regulation and Taxation of Marihuana Act (MRTMA), MCL 333.27951 et seq.	III	Chpt. 15	4(A)	64
<b>Footnote # 49:</b> 21 USC 860(e).	III	Chpt. 15	4(C)	64
<b>Footnote #49:</b> Initiated Law 1 of 2018, M.C.L. 333.27951 et seq.	III	Chpt. 15	4(F)(1)	64
<b>Footnote # 51:</b> Michigan Freedom of Information Act, 1976 PA 442, MCL 15.231 et seq.	III	Chpt. 15	15(A)	71
<b>Footnote # 57:</b> Michigan Vehicle Code, Public Act 300 of 1949, Sec. 677A, MCL 257.77.	III	Chpt. 17	3(A)	77
<b>Footnote # 59:</b> Dog Law Of 1919, Public Act 339 Of 1919, as amended (MCL 287.261 et seq.).	IV	Chpt. 20	1(A)	79
<b>Footnote # 60:</b> Mecosta County, Michigan Animal Regulations.	IV	Chpt. 20	1(A)	79
<b>Footnote # 62:</b> Dog Law of 1919, Public Act 339 of 1919, as amended (MCL 287.270)	IV	Chpt. 20	6(A)(1)(a)	79
<b>Footnote # 63:</b> Dog Law of 1919, Public Act 339 of 1919, as amended (MCL 287.261 et seq.).	IV	Chpt. 20	6(C)(1)	80
<b>Footnote # 64:</b> Dog Law of 1919, Public Act 339, as amended (MCL 287.262).	IV	Chpt. 20	6(C)(2)	80
<b>Footnote # 66:</b> Blighted Area Rehabilitation, Public Act 344of 1945, as amended (MCL 125.71 et seq.).	IV	Chpt. 21	1(A)	83
<b>Footnote # 68:</b> MCL 600.8731.	IV	Chpt. 21	4(F)	87
<b>Footnote # 72:</b> The Curfew for Children Act, Public Act 41 of 1960, MCL 722.751 et. seq.	IV	Chpt. 23	1(A)	92
<b>Footnote # 74:</b> Act 41 of 1960, Curfew for Children, (MCL 722.753).	IV	Chpt. 23	4	92
<b>Footnote # 80:</b> Michigan Fireworks Safety Act, Public Act 256 of 2011, MCL 28.451 et. seq.	IV	Chpt. 26	1(A)	99
<b>Footnote # 82:</b> Michigan Fireworks Safety Act, Act No. 256 of the Public Acts of Michigan of 2011.	IV	Chpt. 26	2(A)	99

<b>CITED REFERENCE</b>	<b>TITLE</b>	<b>CHPT.</b>	<b>SEC</b>	<b>PAGE</b>
<b>Footnote # 83:</b> 5 USC Section 6103.	IV	Chpt. 26	6(A)(3)	100
<b>Footnote # 84:</b> MCL 28.457(2).	IV	Chpt. 26	6(A)(3)	100
<b>Footnote # 85:</b> Section 257.1d of the Michigan Vehicle Code, Act 300 of the Public Acts of Michigan of 1949, as amended.	IV	Chpt. 26	6(D)(2)(a)	101
<b>Footnote # 86:</b> MCL 257.8b of the Michigan Vehicle Code, Act 300 of the Public Acts of Michigan of 1949, as amended.	IV	Chpt. 26	6(D)(2)(b)	101
<b>Footnote # 87:</b> Section 7104 of the Public Health Code, Public Act 368 of 1978, MCL 33.7104.	IV	Chpt. 26	6(D)(2)(b)	101
<b>Footnote # 88:</b> MCL 28.457(3)	IV	Chpt. 26	7(A)	101
<b>Footnote # 89:</b> MCL 28.468 Sec. 18	IV	Chpt. 26	7(B)	101
<b>Footnote # 94:</b> Section 81 or 81a of the Michigan Penal Code (Act 328 of the Public Acts of 1931, as amended), being MCL §§ 750.81 and 750.81a.	IV	Chpt. 28	2(A)	105
<b>Footnote # 95:</b> <i>Lefler vs. Fisher</i> , 121 Michigan, Pages 60-63.	IV	Chpt. 28	10(A)(2)	110
<b>Footnote # 96:</b> MCL §§ 772.1 through 772.6.	IV	Chpt. 28	10(K)(1)	112
<b>Footnote # 97:</b> MCL §§ 436.33b(6) and 257.319.	IV	Chpt. 28	10(L)(2)(a)	112
<b>Footnote # 98:</b> MCL §§ 436.33b(6) and 257.319.	IV	Chpt. 28	10(L)(3)(a)	112
<b>Footnote # 99:</b> MCL 333.6107.	IV	Chpt. 28	10(N)(7)(b)	113
<b>Footnote # 100:</b> MCL 333.6107.	IV	Chpt. 28	10(N)(7)(c)	113
<b>Footnote # 101:</b> MCL 257.319	IV	Chpt. 28	11(H)(2)	114
<b>Footnote # 104:</b> Act 359 of 1941 (MCL 247.61 et seq.).	IV	Chpt. 29	2(J)	116
<b>Footnote # 109:</b> MCL 600.8302(4)	IV	Chpt. 31	3(F)	120
<b>Footnote # 122:</b> MCL 600.8302.	IV	Chpt. 37	5(F)	133
<b>Footnote # 129:</b> General Law Village Act, Public Act 3 of 1895, MCL 67.10.	IV	Chpt. 40	11(C)	140
<b>Footnote # 136:</b> Section 21, Act 94, Public Acts of Michigan 1933 MCL 141.21(3), as amended.	V	Chpt. 45	3(A)	160
<b>Footnote # 143:</b> Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923.	VI	Chpt. 51	1(A)	175
<b>Footnote # 146:</b> State Construction Code Act, Act No 230 of the Public Acts of 1972, as amended.	VI	Chpt. 52	N/A	176

<b>CITED REFERENCE</b>	<b>TITLE</b>	<b>CHPT.</b>	<b>SEC</b>	<b>PAGE</b>
<b>Footnote # 147:</b> Section 8b(6) of Act 230, of the Public Acts of 1972, as amended.	VI	Chpt. 52	1	176
<b>Footnote # 148:</b> Act 230, of the Public Acts of 1972, as amended.	VI	Chpt. 52	1	176
<b>Footnote # 149:</b> Section 8b(6) of Act 230, of the Public Acts of 1972, as amended	VI	Chpt. 52	2	176
<b>Footnote # 150:</b> Section 1612.3 of the Michigan Building Code.	VI	Chpt. 52	3	176
<b>Footnote # 151:</b> Code of Criminal Procedure, Act 175 of 1927, MCL 761.1 et. seq.	VI	Chpt. 53	1(A)	178

All Michigan State Law References can be found by searching [www.legislature.mi.gov](http://www.legislature.mi.gov) Search options can be found on the left side of the screen. You can search by the MCL number or Public Act number and year.

USC References can be found at [www.law.cornell.edu](http://www.law.cornell.edu)

Mecosta County References can be found on the Mecosta County Website

## APPENDIX B

### 2023 AMENDMENTS AND CORRECTIONS

#### Common Corrections Throughout Book of Ordinances

- A. Corrected all spelling, grammatical and punctuation errors.
- B. Corrected formatting for consistency and ease of reading.
- C. Divided long Sections into Subsections where needed.
- D. Added Consolidation Statement as needed.
- E. Added Publishing Certification Section.
- F. Updated cited legal references as needed.
- G. Updated Effective Date, Adoption Date and Signatures as needed.
- H. Renumbered Ordinances as needed.
- I. Footer added.
- J. Updated Ordinance references.
- K. Added Ordinance histories. See Appendix E.
- L. Removed unnecessary wording as needed.
- M. Completed Ordains Statement.

#### **Footnote 4:** Title II Chpt. 3 Ordinance # 36-2023 Appointment of Village Clerk Pg. 25

- ★ Common Corrections: A, B, C, D, F, G, H, I, L, and M.
- ★ Title shortened.
- ★ Section 1 heading added.
- ★ Section 3(A): Replaced “upon completion of current 2012- 2014 term of resignation, whichever occurs first” with “45 days after the date of its adoption” and added (10%) in 2nd sentence.
- ★ Subsection 4(B) added to reflect that the ordinance is a living document.
- ★ Section 5: Severability Clause added.

#### **Footnote 7:** Title II Chpt. 4 Ordinance # 37-2023 Appointment of Village Treasurer Page 27

- ★ Common Corrections: A, B, C, D, F, G, H, I, L, and M.
- ★ Title shortened.
- ★ Section 3(A): Replaced “upon completion of current 2012- 2014 term of resignation, whichever occurs first” with “45 days after the date of its adoption” and added (10%) in 2nd sentence.
- ★ Subsection 3(B) added to reflect that the ordinance is a living document.
- ★ Section 4 Severability Clause added.

#### **Footnote 9:** Title II Chpt. 5 Ordinance # 38-2023 Barryton Department of Public Works (DPW) Page 29

- ★ Common Corrections: A, B, D, E, G, H, I, K, L, and M.
- ★ Title shortened.
- ★ Heading shortened. Section 1

**2023 AMENDMENTS AND CORRECTIONS CON'T.**

**Footnote # 12:** Title II Chpt. 6 Ordinance # 2-2023 Barryton Ordinance Violation Bureau Pg. 35

- ★ Common Corrections: A, B, C, D, F, G, H, I, L, J, and M.
- ★ Subsection 8(B) added to reflect that the ordinance is a living document.

**Footnote # 15:** Title II Chpt. 7 Ordinance # 3-2023 Barryton Parking Violation Bureau Pg. 38

- ★ Common Corrections: A, B, C, D, E, F, G, H, I, J, K, L, and M.
- ★ Subsection 8(B) added to reflect that the ordinance is a living document.

**Footnote # 21:** Title II Chpt. 8 Ordinance # 42-2023 Barryton Planning Commission Pg. 41

- ★ Common Corrections: A, B, C, D, E, G, H, I, K, L, and M.
- ★ Subsection 8(A) added to reflect that the ordinance is a living document.

**Footnote # 24:** Title II Chpt. 9 Ordinance # 35-2023 Barryton Police Department Pg. 42

- ★ Common Corrections: A, B, C, D, E, G, H, I, K, L, and M.
- ★ Subsection 3(B) added to reflect that the ordinance is a living document.

**Footnote # 26:** Title II Chpt. 10 Ordinance # 1-2023 Elected Council Compensation Pg. 44

- ★ Common Corrections: A, B, C, D, G, H, I, and M.
- ★ Section 4 Severability clause added.
- ★ Subsection 5(A) added to reflect that the ordinance is a living document.

**Footnote # 29:** Title II Chpt. 11 Ordinance # 40-2023 Terms of Office Pg. 46

- ★ Common Corrections: A, B, C, D, E, G, H, I, K, L, and M.
- ★ Amended to reflect current council members
- ★ Removed top section to clean up the ordinance.
- ★ Removed Section 2
- ★ Subsection 4(B) added to reflect that the ordinance is a living document.
- ★ Section 5 Severability added.

**Footnote # 31:** Title III Chpt. 13 Ordinance # 26-2023 Hawkers, Peddlers, and Solicitors Regulations Pg. 51

- ★ Common Corrections: A, B, C, D, G, H, I, K, L, and M.
- ★ Section 1 Title amended. Divided into Subsections.
- ★ Removed Section 10 - it was replaced with section 12.
- ★ A subsection added to reflect that the ordinance is a living document. Section 12(B)

**Footnote # 42:** Title III Chpt. 14 Ordinance # 30-2023 Medical Marihuana Ordinance Pg. 62

- ★ Common Corrections: A, B, C, D, E, G, H, I, K, L, and M.
- ★ Section 2. Indemnification of Village added.
- ★ Section 3. Reservation of Legislative Prerogative added.
- ★ Section 7. Proof of Insurance added.
- ★ Section 8. Inspection of Licensed Premises added.
- ★ Section 9. Other Laws Remain Applicable added.
- ★ Multiple subsections added.

**Footnote # 53:** Title III Chpt. 15 Ordinance # 31-2023 Recreational Marihuana Ordinance Pg. 73

- ★ Common Corrections: A, B, C, D, E, G, H, I, K, L, and M.

**2023 AMENDMENTS AND CORRECTIONS CON'T.**

- ★ Section 2. Indemnification of Village added.
- ★ Section 3. Reservation of Legislative Prerogative added.
- ★ Section 7. Proof of Insurance added.
- ★ Section 8. Inspection of Licensed Premises added.
- ★ Section 9. Other Laws Remain Applicable added.
- ★ Multiple subsections added to

**Footnote # 55:** Title III Chpt. 16 Ordinance # 25-2023 Retail Merchandise on Sidewalks Pg. 74

- ★ Common Corrections: B, C, D, E, G, H, I, K, L, and M.
- ★ Added “without the express permission of the Village Council” to the end of Section 1.
- ★ A subsection added to reflect that the ordinance is a living document. Section 4(A)

**Footnote # 58:** Title III Chpt. 17 Ordinance # 21-2023 Snow Regulations Pg. 78

- ★ Common Corrections: B, C, D, E, F, G, H, I, K, and L.
- ★ Title amended.
- ★ Section 1 - Removed 2nd sentence.
- ★ Section 2(E) - removed “of the Village of Barryton, Michigan” from the end of the sentence.
- ★ Section 3 - title amended. Subsection A - added “In the spirit and letter of the Michigan Vehicle code, Public Act 300 of 1949, Sec. 677A, MCL 257.677A
- ★ A subsection added to reflect that the ordinance is a living document. Section 7(A)

**Footnote # 65:** Title IV Chpt. 20 Ordinance # 10-2023 Animal Ordinance Pg. 82

- ★ Common Corrections: A, B, C, D, E, F, G, H, I, J, K, L, and M.
- ★ Section 1 - Title amended. Added “Consistent with the letter and spirit of the DOG LAW OF 1919, PUBLIC ACT 339 OF 1919, as amended (MCL 287.261 et seq.), and the MECOSTA COUNTY, MICHIGAN ANIMAL REGULATIONS, it is the purpose of this Ordinance” to the beginning of the sentence and “Mecosta County, Michigan” to the end of the sentence.
- ★ Section 6 - Added subsection 1 “KENNEL”. Added subsection B(2) - regulations for female dogs. Added subsection D Number of Dogs Allowed.
- ★ A subsection added to reflect that the ordinance is a living document. Section 10(B)

**Footnote # 69:** Title IV Chpt. 21 Ordinance # 9-2023 Reduction or Elimination of Blight Pg. 88

- ★ Common Corrections: A, D, E, F, G, H, I, K, and L.
- ★ Title amended.
- ★ A subsection added to reflect that the ordinance is a living document. Section 6(B)
- ★ Corrections made in response to advice from the Village attorney.

**Footnote # 71:** Title IV Chpt. 22 Ordinance # 20-2023 Campfire and Open Burn Pg. 92

- ★ Common Corrections: A, B, C, D, E, G, H, I, K, L, and M.
- ★ Section 1 - title amended.
- ★ Section 4 - title amended. Corrected reference to “Fork Township Fire Department” to read “Barryton Community Fire Department”.
- ★ Section 5 & 6 - Corrected reference to “Fork Township Fire Department” to read “Barryton Community Fire Department”.
- ★ A subsection added to reflect that the ordinance is a living document. Section 10(B)

**Footnote # 75:** Title IV Chpt. 23 Ordinance # 6-2023 Curfew of Minor Children Pg. 94

**2023 AMENDMENTS AND CORRECTIONS CON'T.**

- ★ Common Corrections: A, D, E, F, G, H, I, K, L, and M.
- ★ Title amended.
- ★ Section 1 - Added “Consistent with the letter and spirit of the Curfew for Children Act, Public Act 41 of 1960, MCL 722.751 et. seq., as amended it is the purpose of this Ordinance” to the beginning of the sentence.
- ★ Section 4 - Added name of statute
- ★ Section 5 - Added “Village Civil Infraction with” to subsections B & C.
- ★ Section 7 - Title amended. Added Subsection A to reflect that the ordinance is a living document.

**Footnote # 77:** Title IV Chpt. 24 Ordinance # 7-2023 No Damage to Traffic Signs Pg. 95

- ★ Common Corrections: B, C, D, E, G, H, I, K, L, and M.
- ★ Title amended.
- ★ Section headings corrected.
- ★ Subsection 4(A) added to reflect that the ordinance is a living document.

**Footnote # 79:** Title IV Chpt. 25 Ordinance # 5-2023 Firearms Pg. 98

- ★ Common Corrections: A, D, E, G, H, I, K, L, and M.
- ★ Section 1 Title amended.
- ★ Subsection 3(B) moved from Section 4
- ★ Subsection 4(B) added to reflect that the ordinance is a living document.

**Footnote # 90:** Title IV Chpt. 26 Ordinance # 15-2023 Fireworks Regulations Pg. 102

- ★ Common Corrections: A, B, C, D, E, F, G, H, I, K, L, and M.
- ★ Title amended.
- ★ Amended to replace “article” with “Ordinance” throughout.
- ★ Section 3(A) - Replaced “articles pyrotechnic” with “pyrotechnic articles”
- ★ Section 6(D)(2)(b) - Added “means a controlled substance or controlled substance analog as defined in Section 7104 of the Public Health Code, Public Act 368 of 1978, MCL 33.7104”
- ★ Section 7 - amended to reflect the penalties allowed by state statute.
- ★ Subsection 9(A) added to reflect that the ordinance is a living document.

**Footnote # 92:** Title IV Chpt. 27 Ordinance # 24-2023 Garage Sales, Yard Sales, Pg. 104

Rummage Sales, and Basement Sales

- ★ Common Corrections: A, B, D, E, G, H, I, K, L, and M.
- ★ Section Numbering and Titles added.
- ★ Subsection 5(A) added to reflect that the ordinance is a living document.

**Footnote # 102:** Title IV Chpt. 28 Ordinance # 4-2023 General Offenses Pg. 114

- ★ Common Corrections: A, B, D, E, G, H, I, K, L, and M.
- ★ Subsection 12(B) added to reflect that the ordinance is a living document.

**Footnote # 105:** Title IV Chpt. 29 Ordinance # 22-2023 Grass and Leaves Pg. 116

- ★ Common Corrections: A, B, C, D, E, F, G, H, I, K, and L.
- ★ Section 2 - removed “excepting public utility installations” from subsections A - D. Added “or industrial” to subsections B & D.
- ★ Subsection 5(A) added to reflect that the ordinance is a living document.

**Footnote # 107:** Title IV Chpt. 30 Ordinance # 11-2023 Litter Pg. 117

- ★ Common Corrections: D, E, G, H, I, K, L, and M.
- ★ Section 1 heading added.



**2023 AMENDMENTS AND CORRECTIONS CON'T.**

- ★ Subsection 4(A) added to reflect that the ordinance is a living document.

**Footnote # 110:** Title IV Chpt. 31 Ordinance # 28-2023 Mobile Homes and Modular Homes Pg. 120

- ★ Common Corrections: A, B, C, D, E, G, H, I, K, L, and M.
- ★ Title amended.
- ★ Section 3(K) - removed 1st sentence.
- ★ Subsection 5(A) added to reflect that the ordinance is a living document.

**Footnote # 112:** Title IV Chpt. 32 Ordinance # 13-2023 ORV Regulations Pg. 124

- ★ Common Corrections: A, B, C, D, E, G, H, I, K, L, and M.
- ★ Title shortened.
- ★ Section 3 - removed “in violation of the provisions of Village Ordinance 13-2015 or rules.” and added “unless specifically provided for in this Ordinance.
- ★ Section 8 - title amended.
- ★ Subsection 8(A) added to reflect that the ordinance is a living document.

**Footnote # 114:** Title IV Chpt. 33 Ordinance # 19-2023 Outdoor Wood-Fired Burner/Boiler Pg. 126

- ★ Common Corrections: A, B, C, D, E, G, H, I, K, L, and M.
- ★ Section 8 - title amended.
- ★ Subsection 8(A) added to reflect that the ordinance is a living document.

**Footnote # 116:** Title IV Chpt. 34 Ordinance # 34-2023 Parking - Semi-Trailers Pg. 127

- ★ Common Corrections: A, B, C, D, E, G, H, I, K, L, and M.
- ★ Ordinance history moved to Appendix E.
- ★ Subsection 3(B) added to reflect that the ordinance is a living document.
- ★ Section 4: Severability added.

**Footnote # 118:** Title IV Chpt. 35 Ordinance # 12-2023 Pollution Pg. 129

- ★ Common Corrections: A, B, C, D, E, G, H, I, K, L, and M.
- ★ Section 1 heading and title amended.
- ★ Subsection 5(A) added to reflect that the ordinance is a living document.

**Footnote # 120:** Title IV Chpt. 36 Ordinance # 23-2023 Proper Container Pg. 131

- ★ Common Corrections: A, B, C, D, E, G, H, I, K, L, and M.
- ★ Section 2(D) - removed “responsibility of the” and added “owner’s responsibility.
- ★ Section 2(F) - Changed October “1st” to the “15th”
- ★ Section 3(H) - Added the phrase “one percent”
- ★ Subsection 5(A) added to reflect that the ordinance is a living document.

**Footnote # 123:** Title IV Chpt. 37 Ordinance # 18-2023 Public Nuisance Pg. 134

- ★ Common Corrections: A, B, C, D, E, G, H, I, K, L, and M.
- ★ Subsection 7(B) added to reflect that the ordinance is a living document.
- ★ Changes advised by the Village attorney -
  - Section 1 - Reworded.
  - Section 2 - Reworded first paragraph. Section titled Radio and musical instruments reworded. Section Shouting and whistling reworded. Removed subsections A, D - L.
  - Section 3 - Removed.
  - Section 6 moved up to section 2.

**2023 AMENDMENTS AND CORRECTIONS CON'T.**

- ★ Section 9 title changed.

**Footnote # 125:** Title IV Chpt. 38 Ordinance # 8-2023 School Parking Pg. 136

- ★ Common Corrections: B, C, D, E, G, H, I, K, L, and M.
- ★ Section 1 - changed from 2 pm to 3 pm
- ★ Subsection 4(A) added to reflect that the ordinance is a living document.

**Footnote # 127:** Title IV Chpt. 39 Ordinance # 17-2023 Semi-Trailer Regulations Pg. 138

- ★ Common Corrections: A, B, C, D, E, G, H, I, K, L, and M.
- ★ Subsection 5(B) added to reflect that the ordinance is a living document.

**Footnote # 130:** Title IV Chpt. 40 Ordinance # 43-2023 Sidewalk and Crosswalk Construction Pg. 143

- ★ Common Corrections: A, B, C, D, E, F, G, H, I, K, L, and M.
- ★ Segment One Section 3 - removed the words “Committee on”, “of the common council”.
- ★ Segment One Section 10 - removed the words “to build the same as the Council may direct”, “the Council having previously established the grade”.
- ★ Segment One Section 11(B) - removed the words “return”, “in the office of”.
- ★ Segment One Section 12(B) - removed the words “Committee on”
- ★ Segment One Section 12(C) - removed the word “exigency” and replaced it with “demand”.
- ★ Segment One Section 16 - Removed the words “The Village of Barryton further ordains that”, “if acclaim able of said Village”, “Committee on”.
- ★ Segment Two titled shortened.
- ★ Segment Two Section 5 - title amended. First half of sentence removed.
- ★ Segment Two Subsection 10(A) added to reflect that the ordinance is a living document.

**Footnote # 132:** Title IV Chpt. 41 Ordinance # 14-2023 Snowmobile Regulations Pg. 146

- ★ Common Corrections: A, B, C, D, E, G, H, I, K, L, and M.
- ★ Title amended.
- ★ Section 9 title amended.
- ★ Subsection 9(B) added to reflect that the ordinance is a living document.

**Footnote # 134:** Title IV Chpt. 42 Ordinance # 16-2023 Use of Engine Brakes Pg. 148

- ★ Common Corrections: A, B, C, D, E, G, H, I, K, L, and M.
- ★ Title amended.
- ★ Section 6 title amended.
- ★ Subsection 6(B) added to reflect that the ordinance is a living document.

**Footnote # 137:** Title V Chpt. 45 Ordinance # 33-2023 Restated Sewer Usage Pg. 164

- ★ Common Corrections: A, B, C, E, F, G, H, I, K, L, and M.
- ★ Reworded Classes of Users to read - “shall mean the sanitary sewer customers classification due to similar process or discharge flow characteristics as follows:”
- ★ Removed Industrial User from Classes of Users.
- ★ Removed “Combined Sewer”.
- ★ Removed the first period from “Inspector”.
- ★ Article IV Section 3(A) - added “of \$1000 that may be waived at the council’s discretion” and removed “to be determined at the time of connection”.
- ★ Article VI Section 3 - updated to reflect current charges.
- ★ Article VII Section 3 - removed subsection B.
- ★ Article VII Section 4(A) - replaced “on the application for the connection permit” with “as the property owner” and “provided in the application” with “listed on the village tax roll”

**2023 AMENDMENTS AND CORRECTIONS CON'T.**

- ★ Article VII Section 5 removed.
- ★ Article XIII Section 3 (A) - added to reflect that the ordinance is a living document.

**Footnote # 139:** Title V Chpt. 46 Ordinance # 29-2023 Solid Waste Regulations Pg. 169

- ★ Common Corrections: A, B, C, D, E, F, G, H, I, K, L, and M.
- ★ Title amended
- ★ Index removed.
- ★ Section 2 - Removed “Type II Sanitary Landfill”
- ★ Section 12 removed.
- ★ Section 14 removed.
- ★ Subsection 16(B) added to reflect that the ordinance is a living document.

**Footnote # 142:** Title VI Chpt. 50 Ordinance # 27-2023 Fence - Boundary and Interior Pg. 174

- ★ Common Corrections: A, B, C, E, G, H, I, K, L, and M.
- ★ Title amended and the removed section added to the end of Section 1.

**Footnote # 144:** Title VI Chpt. 51 Ordinance # 41-2023 The Michigan Vehicle Code Pg. 175

- ★ Common Corrections: A, B, C, D, E, F, G, H, I, K, L, and M.
- ★ Subsection added to reflect that the ordinance is a living document.

**Footnote # 153:** Title VI Chpt. 53 Ordinance # 32-2023 State Law - Misdemeanors Pg. 178

- ★ Common Corrections: A, B, C, D, E, F, G, H, I, K, L, and M.

**APPENDIX C**

**REFERENCES TO REPEALED ORDINANCES**

<b>Old Ord. #</b>	<b>Passed</b>	<b>Repealed</b>	<b>New Ord. #</b>	<b>Title</b>	<b>Chpt.</b>	<b>Sec.</b>	<b>Page</b>
1-1967	1967	2023	28-2023	IV	31	1(C)	119
6-1968	1968	2023	32-2023	VI	53	1(B)	178
1-2000	2000	2023	33-2023	V	45	B	149
11-2003	2003	2023	34-2023	IV	34	1(B)	127
9-2005	2005	2023	35-2023	II	9	1(C)	42
7-1-2013	2013	2023	36-2023	II	3	1(B)	24
7-2-2013	2013	2023	37-2023	II	4	1(B)	26
8-2013	2013	2023	38-2023	II	5	1(B)	28
6-2014	2014	2023	40-2023	II	11	1(B)	45
1-2015	2015	2023	1-2023	II	10	1(B)	43
2-2015	2015	2023	2-2023	II	6	1(B)	30
3-2015	2015	2023	3-2023	II	7	1(B)	36
4-2015	2015	2023	4-2023	IV	28	1(B)	105
5-2015	2015	2023	5-2023	IV	25	1(B)	97
6-2015	2015	2023	6-2023	IV	23	1(B)	93
7-2015	2015	2023	7-2023	IV	24	1(B)	95
8-2015	2015	2023	8-2023	IV	38	1(B)	135
9-2015	2015	2023	9-2023	IV	21	1(B)	83
10-2015	2015	2023	10-2023	IV	20	1(B)	79
11-2015	2015	2023	11-2023	IV	30	1(B)	117
12-2015	2015	2023	12-2023	IV	35	1(C)	128
13-2015	2015	2023	13-2023	IV	32	1(B)	122
14-2015	2015	2023	14-2023	IV	41	1(B)	144
15-2015	2015	2023	15-2023	IV	26	1(B)	99
16-2015	2015	2023	16-2023	IV	42	1(B)	147
17-2015	2015	2023	17-2023	IV	39	1(B)	137
18-2015	2015	2023	18-2023	IV	37	1(A)	132
19-2015	2015	2023	19-2023	IV	33	1(B)	125
20-2015	2015	2023	20-2023	IV	22	1(B)	89

<b>Old Ord. #</b>	<b>Passed</b>	<b>Repealed</b>	<b>New Ord. #</b>	<b>Title</b>	<b>Chpt.</b>	<b>Sec.</b>	<b>Page</b>
21-2015	2015	2023	21-2023	III	17	1(B)	76
22-2015	2015	2023	22-2023	IV	29	1(B)	115
23-2015	2015	2023	23-2023	IV	36	1(B)	130
24-2015	2015	2023	24-2023	IV	27	1(B)	103
25-2015	2015	2023	25-2023	III	16	1(B)	74
26-2015	2015	2023	26-2023	III	13	1(D)	47
27-2015	2015	2023	27-2023	VI	50	1(B)	173
29-2015	2015	2023	29-2023	V	46	1(C)	165
10-2017	2017	2023	42-2023	II	8	1(C)	38
24A-2017	2017	2023	43-2023	IV	40	N/A	139
1-2021	2021	2023	41-2023	VI	51	1(B)	175
9-2022	2022	2023	30-2023	III	14	1(D)	52
10-2022	2022	2023	31-2023	III	15	1(D)	63
28-2015	2015	2023	33-2023 repealed as a part of V		45	B	154

**APPENDIX D**

**REFERENCES TO ORDINANCES**

<b>Ordinance #</b>	<b>Date Passed</b>	<b>Title</b>	<b>Chpt.</b>	<b>Sec.</b>	<b>Page</b>
1-1988	1988	II	6	6	31
33-2023	2023	I	2	13(A)(2)	21
		I	2	13(C)(2)(a)	21
4-2023	2023	I	2	13(A)(1)	21
		I	2	13(A)(2)	21
		I	2	13(A)(6)	21
		I	2	13(C)(2)(a)	21
		I	2	13(C)(2)(b)	21
		II	6	6	31
5-2023	2023	II	6	6	32
		IV	28	5(I)	107
6-2023	2023	II	6	6	32
7-2023	2023	II	6	6	32
8-2023	2023	II	6	6	32
9-2023	2023	I	2	13(A)(3)	21
		I	2	13(A)(6)	21
		I	2	13(C)(2)(a)	21
		I	2	13(C)(2)(b)	21
		II	6	6	32
10-2023	2023	I	2	13(A)(4)	21
		II	6	6	33
11-2023	2023	I	2	13(A)(2)	21
		I	2	13(C)(2)(a)	21
		II	6	6	33
12-2023	2023	II	6	6	33
13-2023	2023	I	2	13(A)(8)	21
		II	6	6	33
14-2023	2023	I	2	13(A)(8)	21
		II	6	6	33

<b>Ordinance #</b>	<b>Date Passed</b>	<b>Title</b>	<b>Chpt.</b>	<b>Sec.</b>	<b>Page</b>		
15-2023	2023	I	2	13(A)(7)	21		
		II	6	6	33		
16-2023	2023	I	2	13(A)(2)	21		
		I	2	13(C)(2)(a)	21		
		II	6	6	33		
17-2023	2023	II	6	6	33		
18-2023	2023	I	2	13(A)(1)	21		
		I	2	13(A)(2)	21		
		I	2	13(A)(3)	21		
		I	2	13(A)(4)	21		
		I	2	13(A)(6)	21		
		I	2	13(C)(2)(a)	21		
		I	2	13(C)(2)(b)	21		
		II	6	6	33		
		19-2023	2023	I	2	13(A)(7)	21
				II	6	6	33
20-2023	2023	I	2	13(A)(2)	21		
		I	2	13(A)(6)	21		
		I	2	13(A)(7)	21		
		I	2	13(C)(2)(a)	21		
		I	2	13(C)(2)(b)	21		
		II	6	6	33		
21-2023	2023	I	2	13(A)(8)	21		
		II	6	6	33		
22-2023	2023	II	6	6	33		
23-2023	2023	I	2	13(A)(6)	21		
		I	2	13(C)(2)(b)	21		
		II	6	6	33		
24-2023	2023	II	6	6	34		
25-2023	2023	I	2	13(A)(8)	21		
		II	6	6	34		

<b>Ordinance #</b>	<b>Date Passed</b>	<b>Title</b>	<b>Chpt.</b>	<b>Sec.</b>	<b>Page</b>
26-2023	2023	II	6	6	34
27-2023	2015	II	6	6	34
29-2023	2023	I	2	13(A)(6)	21
		I	2	13(C)(2)(b)	21
		II	6	6	34
43-2023	2023	I	2	13(A)(5)	21
28-2023	2023	II	6	6	34
30-2023	2023	II	6	6	36
31-2023	2023	II	6	6	36
33-2023	2023	II	6	6	36



**APPENDIX E**

**ORDINANCE HISTORIES**

<b><u>FOOTNOTE # 2:</u></b> Ord. # 7-1-2013, passed 2013; Ord. # 36-2023, passed 2023	Pg. 24
<b><u>FOOTNOTE # 6:</u></b> Ord. # 7-2-2013, passed 2013; Ord. # 37-2023, passed 2023	Pg. 26
<b><u>FOOTNOTE # 8:</u></b> Ord. # 8-2013, passed 2013; Ord. # 38-2023, passed 2023	Pg. 28
<b><u>FOOTNOTE # 10:</u></b> Ord. 12-2006, passed 2006, Ord. # 2-2015, passed 2015; Ord. # 2-2023, passed 2023	Pg. 30
<b><u>FOOTNOTE # 14:</u></b> Ord. # 12-2-05, passed 2005; Ord. # 3-2015, passed 2015; Ord. # 3-2023, passed 2023	Pg. 36
<b><u>FOOTNOTE # 19:</u></b> Ord. # 10-2017, passed 2017; Ord. # 42-2023, passed 2023	Pg. 39
<b><u>FOOTNOTE # 23:</u></b> Ord. # 9-2005, passed 2005; Ord. # 35-2023, passed 2023	Pg. 42
<b><u>FOOTNOTE # 25:</u></b> Ord. # 9-2011, passed 2011; Ord. # 1-2015, passed 2015; Ord. # 1-2015 amended, passed 2020; Ord. # 1-2015 amended, passed 2021; Ord. # 1-2023, passed 2023.	Pg. 43
<b><u>FOOTNOTE # 28:</u></b> Ord # 10-2013, passed 2013; Ord # 6-2014, passed 2014; Ord # 40-2023, passed 2023.	Pg. 45
<b><u>FOOTNOTE # 30:</u></b> Ord. # 26-2015, passed 2015; Ord. # 26-2023, passed 2023	Pg. 47
<b><u>FOOTNOTE # 32:</u></b> Med. Marihuana Ord., passed 2020; Ord. # 9-2022, passed 2022; Ord. # 30-2023, passed 2023	Pg. 52
<b><u>FOOTNOTE # 43:</u></b> Rec. Marihuana Ord., passed 2020; Ord. # 10-2022, passed 2022; Ord. # 31-2023, passed 2023	Pg. 63
<b><u>FOOTNOTE # 54:</u></b> Ord. # 2-2003, passed 2003; Ord. # 25-2015, passed 2015; Ord. # 25-2023, passed 2023	Pg. 74
<b><u>FOOTNOTE # 56:</u></b> Ord. # 21-2015, passed 2015; Ord. # 21-2023, passed 2023	Pg. 76
<b><u>FOOTNOTE # 61:</u></b> Ord. # B-1-2-06; passed 2006; Ord. # 10-2015, passed 2015; Ord. # 10-2023, passed 2023	Pg. 79
<b><u>FOOTNOTE # 67:</u></b> Ord # 21-1981, passed 1981; Ord. # 9-2015, passed 2015; Ord. 9-2015, passed 2021; Ord. # 3-2023, passed 2023	Pg. 83
<b><u>FOOTNOTE # 70:</u></b> Ord. 15-2002, passed 2002; Ord. # 20-2015, passed 2015; Ord. # 20-2023, passed 2023	Pg. 89
<b><u>FOOTNOTE # 73:</u></b> Ord # 12-05, passed 2005; Ord. # 6-2015, passed 2015; Ord. # 6-2023, passed 2023	Pg. 93
<b><u>FOOTNOTE # 76:</u></b> Ord. 14-1969, passed 1969; Ord. # 7-2015, passed 2015; Ord. # 7-2023, passed 2023	Pg. 95
<b><u>FOOTNOTE # 78:</u></b> Ord. # 5-2015, passed 2015; Ord. # 5-2023, passed 2023	Pg. 97
<b><u>FOOTNOTE # 81:</u></b> Ord. # 15-2015, passed 2015; Ord. # 15-2023, passed 2023	Pg. 99
<b><u>FOOTNOTE # 91:</u></b> Ord. # 1-2003, passed 2003; Ord. # 24-2015, passed 2015; Ord. # 24-2023, passed 2023	Pg. 103
<b><u>FOOTNOTE # 93:</u></b> Ord. # B-1-5-2006, passed 2006; Ord. # 4-2015, passed 2015; Ord. 4-2015, passed 2020; Ord. # 4-2023, passed 2023	Pg. 105
<b><u>FOOTNOTE # 103:</u></b> Ord. # 9-2004, passed 2004; Ord. # 22-2015, passed 2015; Ord. 22-2015, passed 2020; Ord. # 22-2023, passed 2023	Pg. 115
<b><u>FOOTNOTE # 106:</u></b> Ord. # 9-1969, passed 1969; Ord. # 11-2015, passed 2015; Ord. # 11-2023, passed 2023	Pg. 117
<b><u>FOOTNOTE # 108:</u></b> Ord. # 1-1967, passed 1967; Ord. # 28-2023, passed 2023	Pg. 119

## ORDINANCE HISTORIES

<b><u>FOOTNOTE # 111:</u></b>	Ord. # 8-10-2011, passed 2011; Ord. # 13-2015, passed 2015; Ord. # 13-2023, passed 2023	Pg. 122
<b><u>FOOTNOTE # 113:</u></b>	Ord. # 19-2015, passed 2015; Ord. # 19-2023, passed 2023	Pg. 125
<b><u>FOOTNOTE # 115:</u></b>	Ord. # 11-2003, passed 2003; Ord. # 34-2023, passed 2023	Pg. 127
<b><u>FOOTNOTE # 117:</u></b>	Ord. # 2-1967, passed 1967; Ord. # 12-2015, passed 2015; Ord. # 12-2023, passed 2023	Pg. 128
<b><u>FOOTNOTE # 119:</u></b>	Ord. 18-1969, passed 1969; Ord. # 18-2001, passed 2001; Ord. # 23-2015, passed 2015; Ord. # 23-2023, passed 2023	Pg. 130
<b><u>FOOTNOTE # 121:</u></b>	Ord. # 12-1-2005, passed 2005; Ord. # 18-2015, passed 2015; Ord. # 18-2023, passed 2023	Pg. 132
<b><u>FOOTNOTE # 124:</u></b>	Ord. # 8-2015, passed 2015; Ord. # 8-2023, passed 2023	Pg. 135
<b><u>FOOTNOTE # 126:</u></b>	Ord. # 11-2007, passed 2007; Ord. # 17-2015, passed 2015; Ord. # 17-2023, passed 2023	Pg. 137
<b><u>FOOTNOTE # 128:</u></b>	Ord. # 24A-2017, passed 2017; Ord. 24A-2017, passed 2020; Ord. # 43-2023, passed 2023	Pg. 139
<b><u>FOOTNOTE # 131:</u></b>	Ord. # 12-03-05, passed 2005; Ord. # 14-2015, passed 2015; Ord. # 14-2023, passed 2023	Pg. 144
<b><u>FOOTNOTE # 133:</u></b>	Ord # 1-2011, passed 2011; Ord. # 16-2015, passed 2015; Ord. # 16-2023, passed 2023	Pg. 147
<b><u>FOOTNOTE # 135:</u></b>	Ord. # 1-2000, passed 2000; Ord. # 2001, passed 2001; Ord. # 1-2002, passed 2007; Ord. # 33-2023, passed 2023	Pg. 149
<b><u>FOOTNOTE # 138:</u></b>	Ord. # R-8-89, passed 1989; Ord. # 29-2015, passed 2015; Ord. #29-2015, passed 2020; Ord. # 29-2023, passed 2023	Pg. 165
<b><u>FOOTNOTE # 141:</u></b>	Ord. # 9-14-2011, passed 2011; Ord. # 27-2015, passed 2015; Ord. # 27-2023, passed 2023	Pg. 173
<b><u>FOOTNOTE # 144:</u></b>	Ord. # B-11-2005, passed 2005; Ord. # 1-2021, passed 2021; Ord. # 41-2023, passed 2023	Pg. 175
<b><u>FOOTNOTE # 152:</u></b>	Ord. # 1-1968, passed 2015; Ord. # 32-2023, passed 2023	Pg. 178

### **REPEALED ORDINANCES:**

Ordinance # 12-1969 No Driving on Sidewalk or Curb repealed with the adoption of the Michigan Vehicle Code Ordinance # 41-2023.

Ordinance # 13-1969 No Following of Fire Trucks repealed with the adoption of the Michigan Vehicle Code Ordinance # 41-2023.

Ordinance # 7-1968 State School Bus repealed with the adoption of the Michigan Vehicle Code Ordinance # 41-2023.

## INDEX

<u>TITLE</u>	<u>LOCATION</u>
<b>ABANDONED REFRIGERATORS</b>	Chpt. 21 Sec. 2(P)(2)(a) Pg. 90
<b>ABANDONED VEHICLES</b>	Chpt. 21 Sec. 2(P)(2)(b) Pg. 90
<b>ADOPTING ORDINANCE</b>	Chpt. 1 Pg. 18
<b>ALCOHOL OFFENSES</b>	Chpt. 28 Sec. 10 Pg. 110
Definitions	Chpt. 28 Sec. 10 Pg. 110
Fraudulent Identification	Chpt. 28 Sec. 10(I) Pg. 111
License Sanctions	Chpt. 28 Sec. 10(L) Pg. 112
Notice to Parents or Guardians	Chpt. 28 Sec. 10(K) Pg. 111
Penalties	Chpt. 28 Sec. 11 Pg. 112
Sales to Minors	Chpt. 28 Sec. 10(G) Pg. 111
Sales Regulations	Chpt. 28 Sec. 10(C) Pg. 110
<b>ANIMALS</b>	Chpt. 20 Pg. 79
Animal and Fowl	Chpt. 20 Sec. 2 Pg. 79
Cats	Chpt. 20 Sec. 7 Pg. 81
Dogs	Chpt. 20 Sec. 6 Pg. 79
Feeding	Chpt. 20 Sec. 3-4 Pg. 79
Penalty	Chpt. 20 Sec. 8 Pg. 81
Poisonous Substance Prohibited	Chpt. 20 Sec. 3 Pg. 79
Sanitary Requirements	Chpt. 20 Sec. 5 Pg. 79
<b>BARRYTON POLICE DEPARTMENT</b>	Chpt. 9 Pg. 42
Established	Chpt. 9 Sec. 1 Pg. 42
<b>BLIGHT (See NUISANCES)</b>	Chpt. 21 Pg. 81
Causes of Blight	Chpt. 21 Sec. 2 Pg. 81
Enforcement and Violations	Chpt. 21 Sec. 3 Pg. 86
Penalties	Chpt. 21 Sec. 4 Pg. 87
<b>BOOK OF ORDINANCES</b>	Chpt. 2 Pg. 19
Definitions	Chpt. 2 Sec. 3 Pg. 19
Municipal Civil Infractions	Chpt. 2 Sec. 13 Pg. 21
Notices Served	Chpt. 2 Sec. 12 Pg. 19
Rules of Interpretation	Chpt. 2 Sec. 4 Pg. 19

<b>TITLE</b>	<b>LOCATION</b>
Section Histories	Chpt. 2 Sec. 11 Pg. 20
Statutory References	Chpt. 2 Sec. 11 Pg. 20
<b>BREACH OF THE PEACE OFFENSES</b>	Chpt. 28 Sec. 5 Pg. 107
<b>BRUSH, GRASS AND WEEDS</b>	Chpt. 29 Pg. 115
Penalties	Chpt. 29 Sec. 3 Pg. 116
Regulations	Chpt. 29 Sec. 2 Pg. 115
<b>BUILDING PERMITS</b>	Chpt. 50 Sec. 2 Pg. 173
<b>COUNCIL COMPENSATION</b>	Chpt. 10 Pg. 43
President	Chpt. 10 Sec. 2 Pg. 43
Trustees	Chpt. 10 Sec. 3 Pg. 43
<b>CONSUMERS POWER FRANCHISE</b>	Chpt. 49 Pg. 170
<b>CURFEW</b>	Chpt. 23 Pg. 93
Aiding in Violation	Chpt. 23 Sec. 4 Pg. 93
Children Under 12	Chpt. 23 Sec. 2 Pg. 93
Minors Under 16	Chpt. 23 Sec. 3 Pg. 93
Penalties	Chpt. 23 Sec. 5 Pg. 93
<b>DANGEROUS STRUCTURES (See NUISANCES)</b>	Chpt. 37 Sec.4 Pg. 132
<b>DEPARTMENT OF PUBLIC WORKS</b>	Chpt. 5 Pg. 28
Department Established	Chpt. 5 Sec. 1 Pg. 28
Director Duties	Chpt. 5 Sec. 2 Pg. 28
<b>DISHONORED CHECKS</b>	Chpt. 28 Sec. 9 Pg. 109
Definitions	Chpt. 28 Sec. 9 Pg. 109
Violations	Chpt. 28 Sec. 9(F) Pg. 110
Penalty	Chpt. 28 Sec. 9 Pg. 110
<b>DOMESTIC ASSAULTS</b>	Chpt. 28 Sec. 2 Pg. 105
<b>FIREARMS</b>	Chpt. 25 Pg. 97
	Chpt. 28 Sec. 5 Pg. 107
Intent	Chpt. 25 Sec. 1 Pg. 97
	Chpt. 28 Sec. 5 Pg. 107
Penalty	Chpt. 25 Sec. 2 Pg. 97
<b>FIRE PREVENTION REGULATIONS</b>	

<b>TITLE</b>	<b>LOCATION</b>
Inspection of Premises	Chpt. 22 Sec. 7 Pg. 91
Open fires	Chpt. 22 Sec. 3-4 Pg. 89
Penalty	Chpt. 22 Sec. 8 Pg. 91
<b>FIREWORKS</b>	Chpt. 26 Pg. 98
Definitions	Chpt. 26 Sec. 2 Pg. 98
Ignition, Discharge and Use of Consumer Fireworks	Chpt. 26 Sec. 6 Pg. 100
Permits Required	Chpt. 26 Sec. 3 Pg. 98
Violations, Fines and Penalties	Chpt. 26 Sec. 7 Pg. 101
<b>FLOOD DAMAGE PREVENTION</b>	
Enforcing Agency; Designation of Regulated Flood Hazard Areas	Chpt. 52 Sec. 1 Pg. 176
<b>GARAGE SALES, YARD SALES, RUMMAGE SALES, BASEMENT SALES</b>	Chpt. 27 Pg. 103
Exceptions	Chpt. 27 Sec. 2 Pg. 103
Penalties	Chpt. 27 Sec. 3 Pg. 103
<b>GARBAGE, RUBBISH AND REFUSE</b>	Chpt. 46 Pg. 165
Accumulation of Garbage	Chpt. 21 Sec. 2 Pg. 88
	Chpt. 46 Sec. 3 Pg. 166
Accumulation of Rubbish	Chpt. 21 Sec. 2 Pg. 83
	Chpt. 46 Sec. 3 Pg. 166
Billings	Chpt. 46 Sec. 11 Pg. 167
Definitions	Chpt. 21 Sec. 2 Pg. 83
	Chpt. 46 Sec. 2 Pg. 165
Enforcement	Chpt. 46 Sec. 11 Pg. 167
Penalty	Chpt. 46 Sec. 13 Pg. 168
Pickup of Garbage or Rubbish	Chpt. 46 Sec. 13 Pg. 168
<b>GENERAL PROVISIONS</b>	Chpt. 2 Pg. 19
Book of Ordinances	Chpt. 2 Sec. 1 Pg. 19
	Chpt. 2 Sec. 9 Pg. 20
	Chpt. 2 Sec. 10 Pg. 20
Definitions	Chpt. 2 Sec. 3 Pg. 19
Municipal Civil Infractions	Chpt. 2 Sec. 13 Pg. 21
Notices to be Served	Chpt. 2 Sec. 12 Pg. 20

<b>TITLE</b>	<b>LOCATION</b>
Penalties	Chpt. 2 Sec. 15 Pg. 22
Responsibility for Prohibited Acts	Chpt. 2 Sec. 14 Pg. 22
<b>HAWKERS, PEDDLERS, AND SOLICITORS</b>	Chpt. 13 Pg. 47
Charitable/Religious Organizations	Chpt. 13 Sec. 4 Pg. 49
Definitions	Chpt. 13 Sec. 2 Pg. 47
Hours of Operation	Chpt. 13 Sec. 7 Pg. 50
License	Chpt. 13 Sec. 3 Pg. 47
License Displayed	Chpt. 13 Sec. 8 Pg. 47
Penalty	Chpt. 13 Sec. 10 Pg. 47
Public Safety	Chpt. 13 Sec. 5 Pg. 49
Prohibited Conduct	Chpt. 13 Sec. 6 Pg. 50
Required	Chpt. 13 Sec. 3 Pg. 47
<b>KENNELS</b>	Chpt. 20 Sec. 6 Pg. 79
<b>LITTER (See NUISANCES)</b>	Chpt. 30 Pg. 117
Penalty	Chpt. 30 Sec. 2 Pg. 117
<b>MARIHUANA FACILITIES</b>	Chpt. 14 Pg. 52
	Chpt. 15 Pg. 63
Definitions	Chpt. 14 Sec. 4 Pg. 52
	Chpt. 15 Sec. 4 Pg. 63
Denial of Application	Chpt. 14 Sec. 16 Pg. 61
	Chpt. 15 Sec. 16 Pg. 72
Designated Consumption Establishment	Chpt. 15 Sec. 14 Pg. 71
General Requirements Activities, Visibility of	Chpt. 14 Sec. 14 Pg. 60
	Chpt. 15 Sec. 15 Pg. 71
Home Delivery	Chpt. 14 Sec. 15 Pg. 60
Indemnification of Village	Chpt. 14 Sec. 2 Pg. 52
	Chpt. 15 Sec. 2 Pg. 63
Inspections	Chpt. 14 Sec. 8 Pg. 56
	Chpt. 15 Sec. 8 Pg. 67
Legislative Intent	Chpt. 14 Sec. 1 Pg. 52
	Chpt. 15 Sec. 1 Pg. 63

<b>TITLE</b>	<b>LOCATION</b>
Licenses Generally	Chpt. 14 Sec. 14 Pg. 60 Chpt. 15 Sec. 10 Pg. 68
Licensing Application Requirements, General	Chpt. 14 Sec. 10 Pg. 57 Chpt. 15 Sec. 10 Pg. 68
Location Criteria	Chpt. 14 Sec. 11 Pg. 59 Chpt. 15 Sec. 11 Pg. 70
Marihuana Establishments Authorized	Chpt. 14 Sec. 5 Pg. 54 Chpt. 15 Sec. 5 Pg. 65
Minimum Operational Standards	Chpt. 14 Sec. 12 Pg. 59 Chpt. 15 Sec. 12 Pg. 71
Nonrenewal, Suspension or Revocation of Permit	Chpt. 14 Sec. 16 Pg. 61 Chpt. 15 Sec. 16 Pg. 72
Number of Permitted Facilities	Chpt. 14 Sec. 6 Pg. 59 Chpt. 15 Sec. 6 Pg. 66
Odor Control	Chpt. 14 Sec. 10 Pg. 57 Chpt. 15 Sec. 10 Pg. 68
Operating Permit, Issuance of	Chpt. 14 Sec. 10 Pg. 57 Chpt. 15 Sec. 10 Pg. 68
Outdoor Growing	Chpt. 14 Sec. 13 Pg. 60 Chpt. 15 Sec. 13 Pg. 71
Penalty	Chpt. 14 Sec. 17 Pg. 61 Chpt. 15 Sec. 17 Pg. 72
Permits, Applications and Fees	Chpt. 14 Sec. 6 Pg. 59 Chpt. 15 Sec. 6 Pg. 66
Proof of Insurance	Chpt. 14 Sec. 7 Pg. 56
Purpose	Chpt. 14 Sec. 1 Pg. 52 Chpt. 15 Sec. 1 Pg. 63
Renewal of Permit	Chpt. 14 Sec. 6 Pg. 59 Chpt. 15 Sec. 6 Pg. 66
Security Requirements	Chpt. 14 Sec. 10 Pg. 57 Chpt. 15 Sec. 10 Pg. 68

<b>TITLE</b>	<b>LOCATION</b>
Signage and Advertising	Chpt. 14 Sec. 10 Pg. 57 Chpt. 15 Sec. 10 Pg. 68
Title	Chpt. 14 Sec. 1 Pg. 52 Chpt. 15 Sec. 1 Pg. 63
Transfer of Permit	Chpt. 14 Sec. 14 Pg. 60 Chpt. 15 Sec. 15 Pg. 71
<b>MOBILE HOMES AND MODULAR HOMES</b>	Chpt. 31 Pg. 119
Intent	Chpt. 31 Sec. 1 Pg. 119
Penalties	Chpt. 31 Sec. 3 Pg. 119
Violations	Chpt. 31 Sec. 2 Pg. 119
<b>NOISE (See NUISANCES)</b>	Chpt. 37 Sec. 2 Pg. 132
<b>NUDITY</b>	Chpt. 28 Sec. 8 Pg. 108
Definitions	Chpt. 28 Sec. 8(A) Pg. 108
Public Nudity Prohibited	Chpt. 28 Sec. 8(B) Pg. 109
<b>NUISANCES</b>	Chpt. 37 Pg. 132
Blight Conditions; Findings and Purpose	Chpt. 21 Sec. 2 Pg. 83
Blight Prevention Abatement of Blight	Chpt. 21 Sec. 3 Pg. 86
Dangerous Structures	Chpt. 37 Sec. 4 Pg. 132
Dangerous Structures Abatement	Chpt. 2 Sec. 12 Pg. 20 Chpt. 37 Sec. 4 Pg. 132
Declaration of Public Nuisance	Chpt. 37 Sec. 1 Pg. 132
Definitions	Chpt. 37 Sec. 1 Pg. 132
Deposit of Unwholesome Substances	Chpt. 37 Sec. 3 Pg. 132
Finding of Public Nuisance	Chpt. 37 Sec. 1 Pg. 132
Grass and Weeds Abatement of Nuisance	Chpt. 29 Sec. 2 Pg. 115
Ignition, Discharge and Use of Consumer Fireworks	Chpt. 26 Sec. 6 Pg. 100
Legislative Findings	Chpt. 37 Sec. 5 Pg. 133
Litter Deposit of Injurious Substances	Chpt. 30 Pg. 117 Chpt. 37 Pg. 132
Noises Prohibited	Chpt. 37 Sec. 2 Pg. 132
Notice to Owner or Occupant to Remove	Chpt. 2 Sec. 12 Pg. 20



<b>TITLE</b>	<b>LOCATION</b>
	Chpt. 21 Sec. 3 Pg. 86
	Chpt. 37 Sec. 4 Pg. 132
Penalty	Chpt. 37 Sec. 5 Pg. 133
	Chpt. 42 Sec. 4 Pg. 147
Use of Engine Brakes	Chpt. 42 Sec. 1 Pg. 147
<b>OFFENSES AGAINST GOVERNMENT</b>	Chpt. 28 Sec. 4 Pg 107
<b>OFFENSES AGAINST PERSON</b>	Chpt. 28 Sec. 1 Pg. 105
<b>OPEN BURNING</b>	Chpt. 22 Pg. 89
Burning Permits	Chpt. 22 Sec. 5 Pg. 91
Open Burning of Refuse	Chpt. 22 Sec. 3 Pg. 89
Open Burning of Yard Waste	Chpt. 22 Sec. 4 Pg. 89
Penalties	Chpt. 22 Sec. 8 Pg. 91
Right of Entry and Inspection	Chpt. 22 Sec. 7 Pg. 91
<b>ORDINANCE VIOLATION BUREAU</b>	Chpt. 6 Pg. 30
Disposition of Violations	Chpt. 6 Sec. 3 Pg. 30
Established	Chpt. 6 Sec. 1 Pg. 30
Location	Chpt. 6 Sec. 2 Pg. 30
Procedure	Chpt. 6 Sec. 4 Pg. 30
Schedule of Violations	Chpt. 6 Sec. 6 Pg. 31
State Law - Misdemeanors	Chpt. 53 Pg. 178
Violation Ticket	Chpt. 6 Sec. 5 Pg. 30
<b>OUTDOOR WOOD-FIRED BURNER/BOILER</b>	Chpt. 33 Pg. 125
Enforcement and Penalties	Chpt. 33 Sec. 6 Pg. 125
Regulations	Chpt. 33 Sec. 4 Pg. 125
Right of Entry	Chpt. 33 Sec. 5 Pg. 125
<b>ORV REGULATIONS</b>	Chpt. 32 Pg. 122
Definitions	Chpt. 32 Sec. 2 Pg. 122
General Regulations	Chpt. 32 Sec. 3 Pg. 122
Penalties	Chpt. 32 Sec. 6 Pg. 123
Rules of Operation	Chpt. 32 Sec. 5 Pg. 122
<b>PARKING VIOLATIONS BUREAU</b>	Chpt. 7 Pg 36

<b>TITLE</b>	<b>LOCATION</b>
Bureau Established	Chpt. 7 Sec 1 Pg. 36
Disposition of Violations	Chpt. 7 Sec. 3 Pg. 36
Location	Chpt. 7 Sec. 2 Pg. 36
Michigan Vehicle Code Adopted	Chpt. 51 Pg. 175
Procedure	Chpt. 7 Sec. 4 Pg. 36
Schedule of Violations	Chpt. 7 Sec. 6 Pg. 36
School Parking	Chpt. 38 Sec. 1 Pg. 135
Violation Ticket	Chpt. 7 Sec. 5 Pg. 36 Chpt. 38 Sec. 2 Pg. 135
<b>PARKS</b>	
Snowmobiles	Chpt. 41 Sec. 4 Pg. 145
<b>POLLUTION</b>	
Intent	Chpt. 35 Pg. 128 Chpt. 35 Sec. 1 Pg. 128
Penalty	Chpt. 35 Sec. 3 Pg. 128
Sewage Defined	Chpt. 35 Sec. 2 Pg. 128
<b>PROPERTY OFFENSES</b>	
	Chpt. 28 Sec. 3 Pg. 105
<b>RETAIL FRAUD</b>	
	Chpt. 28 Sec. 7 Pg. 108
<b>SCHOOL GROUNDS</b> Offenses on	
	Chpt. 28 Sec. 6 Pg. 108
<b>SEMI-TRAILERS</b>	
	Chpt. 34 Pg. 127 Chpt. 39 Pg. 137
As Storage	Chpt. 39 Sec. 1 Pg. 137
Parking	Chpt. 34 Sec. 1 Pg. 127
Penalty	Chpt. 34 Sec. 2 Pg. 127 Chpt. 39 Sec. 3 Pg. 137
<b>SEWER USE REGULATIONS</b>	
Abbreviations	Chpt. 45 Pg. 149 Chpt. 45 Article I Pg. 149
Building Sewers and Connections	Chpt. 45 Article IV Pg. 153
Costs to be Borne by Property Owner	Chpt. 45 Article IV Sec. 4 Pg. 154 Chpt. 45 Article X Pg. 162
Definitions	Chpt. 35 Sec. 2 Pg. 128 Chpt. 45 Article I Pg. 149

**TITLE****LOCATION**

Duties of DPW Director	Chpt. 45 Article VIII Pg. 162
Excavations	Chpt. 45 Article IV Sec. 10 Pg. 155
	Chpt. 45 Article IV Sec. 14 Pg. 156
Grease, Oil and Sand Interceptors	Chpt. 45 Article V Pg. 157
Notices Served	Chpt. 2 Sec. 12 Pg. 20
	Chpt. 45 Article II Pg. 152
	Chpt. 45 Article VII Pg. 160
Penalty	Chpt. 35 Sec. 3 Pg. 128
	Chpt. 45 art XI Pg. 163
Permittee to Notify Inspector When Connection is Ready for Inspection	Chpt. 45 Article IV Sec. 13 Pg. 156
Powers and Authority of Inspectors	Chpt. 45 Article VIII Pg. 162
Pretreatment	Chpt. 45 Article V Sec. 4 Pg. 157
Private Sewage Disposal Connections	Chpt. 45 Article III Pg. 153
Protection From Damage or Unlawful Interference	Chpt. 45 Article IX Pg. 162
Public Sewer Connection Required When Available	Chpt. 45 Article II Sec. 3 Pg. 152
Purpose and Objectives	Chpt. 45 Pg. 149
Rates, Charges and Revenues Allocation of Revenues	Chpt. 45 Article VI Pg. 158
	Chpt. 45 Article VII Pg. 160
Special Agreements with Village	Chpt. 45 Article V Sec. 6 Pg. 158
Toilet Facilities and Connections Required	Chpt. 45 Article II Sec. 4 Pg. 152
Unlawful discharges	Chpt. 45 Article II Pg. 152
Use of Public Sewers Required	Chpt. 45 Article II Pg. 152
User Classification	Chpt. 45 Article VI Pg. 158
User rates and Charges for Wastewater Disposal Service	Chpt. 45 Article VI Pg. 128
	Chpt. 45 Article II Sec. 4 Pg. 152
<b>SNOWMOBILE REGULATIONS</b>	Chpt. 41 Pg. 144
Definitions	Chpt. 41 Sec. 2 Pg. 144
Hours of Operation	Chpt. 41 Sec. 5 Pg. 145
Negligence	Chpt. 41 Sec. 6 Pg. 145
Penalties	Chpt. 41 Sec. 7 Pg. 145
Prohibited Areas	Chpt. 41 Sec. 4 Pg. 145

<b>TITLE</b>	<b>LOCATION</b>
Regulations	Chpt. 41 Sec. 3 Pg. 144
<b>SNOW REGULATIONS</b>	Chpt. 17 Pg. 77
Downtown Snow and Ice Removal	Chpt. 17 Sec. 2 Pg. 77
Parking	Chpt. 17 Sec. 4 Pg. 77
Penalties	Chpt. 17 Sec. 5 Pg. 77
Obstruction of Vision	Chpt. 17 Sec. 3 Pg. 77
<b>SOLID WASTE</b>	Chpt. 46 Pg. 165
Accumulation of Solid Waste	Chpt. 46 Sec. 3 Pg. 166
Authority, Costs, Notice to Remove	Chpt. 46 Sec. 11 Pg. 167
Commercial Collection Requirements	Chpt. 46 Sec. 8 Pg. 167
	Chpt. 46 Sec. 10 Pg. 167
Definitions	Chpt. 46 Sec. 2 Pg. 165
General Regulations	Chpt. 46 Sec. 1 Pg. 165
Penalties	Chpt. 46 Sec. 13 Pg. 168
Prohibited Wastes	Chpt. 46 Sec. 5 Pg. 166
Residential Collection Requirements	Chpt. 46 Sec. 7 Pg. 167
Unauthorized Dumping	Chpt. 46 Sec. 4 Pg. 166
<b>STREETS AND SIDEWALKS</b>	Chpt. 40 Pg. 139
Additional Construction Regulations	Chpt. 40 Pg. 139
Driving on Sidewalks	Chpt. 40 Seg. Two Sec. 2 Pg. 141
	Chpt. 41 Sec. 4 Pg. 145
Driveway Aprons; Construction	Chpt. 40 Seg. One Sec. 7 Pg. 139
Duties of DPW Director	Chpt. 40 Seg. One Sec. 11 Pg. 140
Moving Buildings; Permit Required	Chpt. 40 Seg. Two Sec. 6 Pg. 142
Notices Served	Chpt. 2 Sec. 12 Pg. 20
	Chpt. 40 Seg. One Sec. 10 Pg. 140
	Chpt. 40 Seg. One Sec. 13 Pg. 141
Obstructions and Encumbrances Prohibited	Chpt. 40 Seg. Two Sec. 1 Pg. 141
Penalty	Chpt. 40 Seg. One Sec. 17 Pg. 141
	Chpt. 40 Seg. Two Sec. 8 Pg. 142
Plans and Specifications	Chpt. 40 Seg. One Sec. 4 Pg. 139

<b>TITLE</b>	<b>LOCATION</b>
Removal of Construction Materials	Chpt. 40 Seg. Two Sec. 3 Pg. 141
Responsibility of Owner	Chpt. 40 Seg. One Sec. 12 Pg. 140
Retail Merchandise on Sidewalks	Chpt. 16 Pg. 74
Sidewalk Construction Permit	Chpt. 40 Seg. One, Sec. 1 Pg. 139
Sidewalk Repair, Procedure	Chpt. 40 Seg. One Sec. 12 Pg. 140
Snow and Ice; Removal Required	Chpt. 17 Sec. 2 Pg. 76
	Chpt. 40 Seg. One Sec. 14 Pg. 141
<b>TERMS OF OFFICE</b>	Chpt. 11 Pg. 45
<b>TRAFFIC SIGNS, DAMAGE TO</b>	Chpt. 24 Pg. 95
<b>UTILITY FRANCHISE</b>	Chpt. 51 Pg. 175
<b>VICIOUS DOGS</b>	Chpt. 20 Sec. 6(G) Pg. 80
<b>VILLAGE CLERK</b>	Chpt. 3 Pg. 24
Establishment of Office	Chpt. 3 Sec. 2 Pg. 24
<b>VILLAGE PLANNING COMMISSION</b>	Chpt. 8 Pg. 39
Meetings	Chpt. 8 Sec. 5 Pg. 40
Membership	Chpt. 8 Sec. 3 Pg. 39
Officers	Chpt. 8 Sec. 4 Pg. 39
<b>VILLAGE TREASURER</b>	Chpt. 4 Pg. 26
Establishment of Office	Chpt. 4 Sec. 1 Pg. 26
<b>YARD WASTE</b>	Chpt. 36 Pg. 130
Disposal	Chpt. 36 Sec. 2 Pg. 130
Loose Leaves	Chpt. 36 Sec. 2 Pg. 130
Penalty	Chpt. 36 Sec. 3 Pg. 130
Proper Container	Chpt. 36 Sec. 2 Pg. 130
Transporting Into Village	Chpt. 36 Sec. 2 Pg. 130

- Compiled by Kathryn Kerr 2023