

VILLAGE OF PECK
SANILAC COUNTY, MICHIGAN

PECK CODE OF ORDINANCES
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1903 LOCAL ACT 281

An ACT to incorporate the Village of Peck in the County of Sanilac.
The People of the State of Michigan enact:

Territory to Contain:

SECTION 1. That all that territory situated and being in the township of Elk, In the county of Sanilac and State of Michigan and described as follows to wit: The north half of section thirty-four and the south half of section twenty-seven all in town ten north, range fourteen east, Sanilac county, Michigan, be and the same is hereby incorporated as the village of Peck.

First Election.

SECTION 2. The first election of officers of said village of Peck shall be held on Monday, March thirtieth, one thousand nine hundred three in the township hall in said village of Peck, notice of which shall be given by publication in the Sanilac County Times or any weekly paper printed and circulated in said village. Said notice shall be signed by the board of election inspectors hereinafter designated.

Who to be Election Inspectors, etc.

SECTION 3. Arthur Toal, H.M. Waterman, John Leonard, John, L. McGrory, and G.B. Cornell are hereby constituted a board of election inspectors and election commissioners for said first election to be held in said village, for the purpose of registering the names of voters for the first election to be held in said village. And the said board of registration is hereby required to meet at said township hall building on the Saturday next preceding the said March thirtieth, one thousand nine hundred three and shall remain in session from nine o'clock in the forenoon until five o'clock in the afternoon and register all persons presenting themselves for registration and having the qualifications of voters at annual township meetings and residing within said village. Notice of such meeting shall be published in said Sanilac County Times at least one week before said meeting, signed by said board of registration.

When Notice of Election to be Given.

SECTION 4. The election inspectors shall give notice of the time and place of holding such election as provided in section two of the act, at least one week immediately preceding said election. At such election the polls shall be opened at nine o'clock forenoon and shall be closed at five o'clock in the afternoon.

Village, How Governed.

SECTION 5. The said village of Peck shall in all things not herein otherwise provided be governed by an act, entitled "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," approved February twentieth, one thousand eight hundred ninety-five and amendatory acts thereto.

When May Hold Second Election.

SECTION 6. In case the said officers are not elected at the time designated in section two of this act, and election may be held within thirty days after the time so designated, the notice being given as provided in said section.

This act is ordered to take immediate effect. Approved February 26, 1903.

V I L L A G E O F P E C K
SANILAC COUNTY, MICHIGAN

GENERAL LAW VILLAGE

WHEREAS, the Village of Peck is a municipal body located in Elk Township in Sanilac County, Michigan, and

WHEREAS, the Village of Peck was incorporated by action of the legislature thru Local Act 281 of 1903, and

WHEREAS, said Local Act 281 provides that the Village of Peck "shall ... be governed by an act, entitled 'An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties'," and

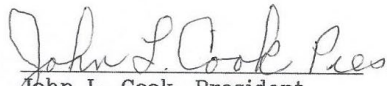
WHEREAS, Act 3 of 1895 (MCL 61.1 et seq, MSA 5.1201 et seq) provides that "all villages hereafter incorporated shall be incorporated under, and be subject to the provisions of this act", and

WHEREAS, the Village of Peck has not been incorporated or chartered as a Home Rule Village under Act 278 of 1909, (MCL 78.1, MSA 5.1511)

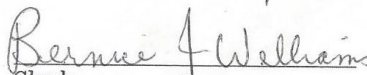
NOW, THEREFORE, BE IT RESOLVED, until further action of this council, the Village of Peck shall function as a General Law Village, under Act 3 of 1895 and this Code of Ordinances.

Moved: Straffon
Second: McKernan

Yeas: 6
Nays: 0


John L. Cook, President

I, Bernice J. Williams, hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Village of Peck, County of Sanilac, State of Michigan, at a Regular Meeting held on December 19,
1990 and that public notice of said meeting was given pursuant to and full compliance with Act No. 267, Public Acts of Michigan, 1976.


Clerk

Village of Peck
Sanilac County, Michigan
NOTICE OF ADOPTION

On the 19th day of December, 1990, at a regular meeting of the Village Council, Village of Peck, the Council adopted by ORDINANCE #90-1, "The Village of Peck Code of Ordinances" as promulgated under the authority of Act 18 of the Public Acts of 1929 as amended.

The effective date of the ordinance is the 10th day of January, 1991.

Copies of the ordinance are available for inspection or purchase at the office of the Village Clerk, 30 East Lapeer Street, Peck, Michigan.

Village Clerk

Attach Proof of Publication

PROOF OF PUBLICATION

I, Jean M. Bussari, Deputy Clerk of the Village of Peck, attest that on Dec. 21st, 1990 (within 20 days of adoption of the Peck Code of Ordinances) I posted the attached Notice Of Adoption in at least the following conspicuous locations in the Village of Peck.

- 1) NBD Sandusky Bank, 2 East Lapeer, Peck, Michigan
- 2) The Peck Village Hall, 30 East Lapeer, Peck, Michigan
- 3) The United States Post Office, 46 East Lapeer, Peck, MI
- 4)
- 5)

Dated: December 21, 1990

State of Michigan)

)ss

County of Sanilac)

Bernice J. Williams
Village Clerk

Subscribed and sworn to this 21ST day of DECEMBER, 1990

Louella C. Kissner Notary Public for Sanilac County
MY COMMISSION EXPIRES 07-06-91

(ATTACHED PROOF OF PUBLICATION IS PUBLISHED IN NEWSPAPER)

ORDINANCE NO. 90-1

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE OF ORDINANCES OF THE VILLAGE OF PECK, MICHIGAN; ESTABLISHING THE SAME; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

THE VILLAGE OF PECK ORDAINS:

1.100 ADOPTION

The Code of Ordinances, consisting of Chapter 1 to 24, each inclusive, is hereby adopted and enacted as the "Code of Ordinances, Village of Peck, Michigan," pursuant to authority of MCL Section 66.3a, MSA 5.1273 (1), PA 18 of 1929, and shall be treated and considered as a new and original comprehensive ordinance which shall supersede all general and permanent ordinances of the Village adopted on or before December 19, 1990, to the extent provided in 1.200 hereof.

1.200 REPEALOR

All provisions of such Code shall be in full force and effective from and after the 10th day of January, 1991, and all ordinances of a general and permanent nature of the Village of Peck, adopted on final passage on or before December 19, 1990, and not included in such code or recognized and continued in force by reference therein, are hereby repealed from and after the 10th day of January, 1991.

1.300 REPEALOR

The Repealor provided for in Section 1.200 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this ordinance.

1.400 PENALTY

Unless another penalty is expressly provided, a violation of any provision of such Code, or any provision of any rule or regulation adopted or issued pursuant thereto, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) and costs of prosecution, or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment, as provided in Chapter 1, Section 1.050 of such Code.

1.500 PENALTY

In case of the amendment of any section of such Code for which a penalty is not provided, the general penalty as provided in Section 1.400 of this ordinance and Section 1.050, Chapter 1 of such Code shall apply to the section and amended, or in case such amendment contains provisions for which a penalty, other than the aforementioned general penalty, is provided in another section in the same chapter, the penalty so provided in such other section shall be held to relate to the section so amended, unless such penalty is specifically repealed therein.

1.600 AMENDMENTS

Any and all additions and amendments to such Code, when passed in such form as to indicate the intention of the Village Council to make the same a part of such Code, shall be deemed to be incorporated in such Code so that reference to intended to include such additions and amendments.

1.700 CLERK’S DUTIES

A copy of such Code shall be kept on file in the office of the Village Clerk preserved in loose-leaf form, or in such other form as the Village Clerk may consider most expedient. It shall be the express duty of the Village Clerk, or someone authorized by him/her, to insert in their designated places all amendments or ordinances which indicate the intention of the Village Council to make the same a part of such Code, when the same have been printed or reprinted in page form, and to extract from such Code all provisions which may by from time to time repealed by the Village Council. This copy of such Code shall be available for all persons desiring to examine the same.

1.800 UNAUTHORIZED MODIFICATIONS

It shall be unlawful for any person to change or amend, by additions of deletions, any part of or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Village of Peck to be misrepresented thereby. Any person violation this section shall be punished as provided in Section 1.400 of this Ordinance.

1.900 EFFECTIVE DATE

This ordinance shall become effective on the 10th day of January, 1991.

Motion by: Straffon
Second by: McKernan

Yeas: 6
Nays: 0

ADOPTED: December 19, 1990
PUBLISHED: Within 15 days
EFFECTIVE: 20 day after publication

John L. Cook, President

Village Clerk

Village of Peck
Sanilac County, Michigan
NOTICE OF ADOPTION
Ordinance 2002-23

(Rights of Way use by Telecommunications Providers)

At a regular meeting of the Village Council held on the 16th day of October 2002, Ordinance 02-23 was adopted to regulate use of Village rights of way by telecommunication providers.

Addressing the following areas:

- 1.00.00 Purpose
- 2.00.00 Conflict
- 3.00.00 Terms Defined
- 4.00.00 Permit Required
- 5.00.00 Issuance of Permit
- 6.00.00 Construction/Engineering Permit
- 7.00.00 Conduit or Utility Poles
- 8.00.00 Route Maps
- 9.00.00 Repair of Damage
- 10.00.00 Establishment and Payment of Maintenance Fee
- 11.00.00 Modification of Existing Fees
- 12.00.00 Savings Clause
- 13.00.00 Use of Funds
- 14.00.00 Annual Report
- 15.00.00 Broadband Internet via Cable Television Operators
- 16.00.00 Existing Rights
- 17.00.00 Compliance
- 18.00.00 Reservation of Police Powers
- 19.00.00 Severability
- 20.00.00 Authorized Village Officials
- 21.00.00 Municipal Civil Infraction

This ordinance in its entirety can be viewed at the Village Hall at their regular hours.
This change shall be effective 20 days after adoption.

Carrie Bennett, Clerk
Village of Peck

Village of Peck
Sanilac County, Michigan
Formal Resolution 02-10-16

Implementation of Telecommunications Ordinance

At a regular meeting of the Village Council of the Village of Peck, Sanilac County, Michigan held in said Village on the 16 day of October, 2002.

Whereas,

The State of Michigan recently enacted the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, Act No. 48 of the Public Acts of 2002 (the "Act"); and

The Act, among other things, provides for a uniform permit and permit fee for access to and use of the public rights-of-way by telecommunications providers; and

The Act further provides, among other things, for a distribution of funds from the Metropolitan Extension Telecommunications Right-of-Way Oversight Authority (the "Authority), established pursuant to Section 3 of the Act, provided the Village takes certain action in compliance with the Act; and

The Village has, contemporaneously with this resolution, adopted Ordinance 02-23 (the "Ordinance") for purposes of complying with the requirements of the Act, so as to ensure that the Village qualifies for distributions from the Authority under the Act; and

The Village desires to give additional instruction and direction to the Village President and other Village personnel charged with implementing the Ordinance;

Now Therefore, it is Resolved:

The Village President is hereby authorized and directed to identify all telecommunications providers holding permits or authorizations issued by the Village and, as part of that process, to compile a list of all telecommunication providers who have paid fees to the Village since 1990, all telecommunications providers identified in the Village's engineering or construction permit files and all regulated telephone inter-exchange carriers and competitive access providers listed on the web site of the Michigan Public Service Commission and all regulated local telephone licenses in Michigan listed on such web site,

The Village President is hereby authorized and directed to provide a copy of the Ordinance to the cable company(ies) providing service in the Village, and to all telecommunications providers identified above, in satisfaction of the requirements of Section 13(4) of the Act; and

The finance department of the Village is hereby directed to return, to telecommunications providers, any checks or portion of checks received by the Village from such providers for access and usage of the public rights-of-way in the Village after November 1, 2002 (other than the \$500.00 application fee allowed under the act and any fees or funds received from the Authority).

Village of Peck
Sanilac County, Michigan

Ordinance 02-5

Right of Way Use by Telecommunications Providers

An ordinance to comply with Public Act 48 of 2002 relating to permits for telecommunications companies to use public rights of way.

At a regular meeting held in the chambers on the 16th day of October, 2002 at 7:30 p.m.

The Village of Peck ordains:

02-5/1.00.00 PURPOSE

The purposes of this ordinance are to regulate access to and ongoing use of public rights-of-way by telecommunications providers for their telecommunications facilities while protecting the public health, safety and welfare and exercising reasonable control of the public rights-of-way in compliance with the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Act No. 48 of the Public Acts of 2002) (“Act”) and other applicable law, and to ensure that the Village qualifies for distributions under the Act by modifying the fees charged to providers and complying with the Act.

02-5/ 2.00.00 CONFLICT

Nothing in this ordinance shall be constructed in such a manner as to conflict with the Act or other applicable law.

02-5/ 3.00.00 TERMS DEFINED

The terms used in this ordinance shall have the following meanings

3.01.00 *Act* means the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Act No. 48 of the Public Acts of 2002), as amended from time to time.

3.02.00 *Authority* means the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority created pursuant to Section 3 of the Act.

3.03.00 *Village* means the Village of Peck

3.04.00 *Village Council* means the Village Council of the Village of Peck or its designee. This Section does not authorize delegation of any decision or function that is required by law to be made by the Village Council.

3.05.00 *Village President* means the Village President or his or her designee.

3.06.00 *MPSC* means the Michigan Public Service Commission in the Department of Consumer and Industry Services, and shall have the same meaning as the term “Commission” in the Act.

3.07.00 **Permit** means a non-exclusive permit issued pursuant to the Act and this ordinance to a telecommunications provider to use the public rights-of-way in the Village for its telecommunications facilities.

3.08.00 **Person** means an individual, corporation, partnership, association, governmental entity, or any other legal entity.

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

3.10.00 **Telecommunications Facilities or Facilities** means the equipment or personal property such as copper and fiber cables, lines, wires, switches, conduits, pipes, and sheaths, which are used to or can generate received transmit, carry, amplify, or provide telecommunication services or signals. Telecommunication facilities or facilities do not include antennas, supporting structures for antennas, equipment shelters or houses, any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile service as defined in section 332(d) of part I of title III of the communications act of 1934, chapter 652, 48 Stat. 1024, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, and service provided by any wireless two-way communication device.

3.11.00 **Telecommunication Provider, Provider and Telecommunications Services** mean those terms as defined in Section 102 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2102. Telecommunication provider does not include a person or an affiliate of that person when providing a federally licensed commercial mobile radio service as defined in Section 332(d) of Part I of the communications act of 1934, chapter 652, 48 Stat. 1024, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, or service provided by any wireless, two-way communication device. For the purpose of the Act and this ordinance only, a provider also includes all of the following:

3.11.01 A cable television operator that provides a telecommunications service.

3.11.02 Except as otherwise provided by the Act, a person who owns telecommunication facilities located within a public right-of-way.

3.11.03 A person providing broadband internet transport access service.

All other terms used in this ordinance shall have the same meaning as defined or as provided in the Act.

02-5/4.00.00 PERMIT REQUIRED

4.01.00 Permit Required

Except as otherwise provided in the Act, a telecommunications provider using or seeking to use public rights-of-way in the Village for its telecommunications facilities shall apply for and obtain a permit pursuant to this ordinance.

4.02.00 Application

Telecommunications providers shall apply for a permit on an application form approved by the MPSC in accordance with Section 6(1) of the Act. A telecommunications provider shall file one copy of the application with the Village Clerk, one copy with the Village President, and one copy with the Village Attorney. Upon receipt, the Village Clerk shall make sufficient copies of the application and distribute a copy to all Council members and Planning Commissioners and the DPW superintendent. Applications shall be complete and include all information required by the Act including without limitation a route map showing the location of the provider's existing and proposed facilities in accordance with Section 6(5) of the Act.

4.03.00 Confidential Information

If a telecommunications provider claims that any portion of the route maps submitted by it as part of its application contain trade secret, proprietary, or confidential information, which is exempt from the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246 pursuant to Section 6(5) of the Act, the telecommunications provider shall prominently so indicate on the face of each map.

4.04.00 Application Fee

Except as otherwise provided by the Act, the application shall be accompanied by a one-time nonrefundable application fee in the amount of \$500.00.

4.05.00 Additional Information

The Village President may request an applicant to submit such additional information which the Village President deems reasonably necessary or relevant. The applicant shall comply with all such requests in compliance with reasonable deadlines for such additional information established by the Village President. If the Village and the applicant cannot agree on the requirement of additional information requested by the Village, the Village of the applicant shall notify the MPSC as provided in Section 6(2) of the Act.

4.06.00 Previously Issued Permits

Pursuant to Section 5(1) of the Act, authorizations or permits previously issued by the Village under Section 251 of the Michigan Telecommunications Act, 1991 PA 179, MCL 48402251 and authorizations or permits issued by the Village to telecommunications providers prior to the 1995 enactment of Section 251 of the Michigan telecommunications act but after 1985 shall satisfy the permit requirements of this ordinance.

4.07.00 Existing Providers

Pursuant to Section 5(3) of the Act, within 180 days from November 1, 2002, the effective date of the Act, a telecommunications provider with facilities located in a public right-of-way in the Village as of such date, that has not previously obtained authorization or a permit under Section 251 of the Michigan Telecommunications Act, 1991 PA 179, MCL 484.2251, shall submit to the Village an application for a permit in accordance with the requirements of this ordinance. Pursuant to Section 5(3) of the Act, a telecommunications provider submitting an application under this subsection is not required to pay the \$500.00 application fee required under subsection 4.04.00 above. A provider under this subsection shall be given up to an additional 180 days to submit the permit application if allowed by the Authority, as provided in Section 5(4) of the Act.

02-5/ 5.00.00 ISSUANCE OF PERMIT

5.01.00 Approval or Denial

The authority to approve or deny an application for a permit is hereby delegated to the Village President. Pursuant to Section 15(3) of the Act, the Village President shall approve or deny an application for a permit within forty-five (45) days from the date a telecommunications provider files an application for a permit under Section 4(b) of this ordinance for access to a public right-of-way within the Village. Pursuant to Section 6(6) of the Act, the Village President shall notify the MPSC when the Village President has granted or denied a permit, including information regarding the date on which the application was filed on and the date on which permit was granted or denied. The Village President shall not unreasonably deny an application for a permit.

5.02.00 Form of Permit

If an application for permit is approved, the Village President shall issue the permit in the form approved by the MPSC, with or without additional or different permit terms, in accordance with Section 6(1), 6(2), and 15 of the Act.

5.03.00 Conditions

Pursuant to Section 15(4) of the Act, the Village President may impose conditions on the issuance of a permit, which conditions shall be limited to the telecommunications provider's access and usage of the public right-of-way.

5.04.00 Bond Requirements

Pursuant to Section 15(3) of the Act, and without limitation on subsection 5.03.00 above, the Village President may require that a bond be posted by the telecommunications provider as a condition of the permit. If a bond is required, it shall not exceed the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunications provider's access and use.

02-5/ 6.00.00 CONSTRUCTION/ENGINEERING PERMITS

A telecommunications provider shall not commence construction upon, over, across, or under the public rights-of-way in the Village, without first obtaining a construction or engineering permit as required by this Code, as amended, for construction within the public rights-of-way. No fee shall be charged for such a construction or engineering permit.

02-5/ 7.00.00 CONDUIT OR UTILITY POLES

Pursuant to Section 4(3) of the Act, obtaining a permit or paying the fees required under the Act or under this ordinance does not give a telecommunications provider a right to use conduit or utility poles.

02-5/ 8.00.00 ROUTE MAPS

Pursuant to Section 6(7) of the Act, a telecommunications provider shall, within 90 days after the substantial completion of construction of new telecommunications facilities in the Village submit route maps showing the location of the telecommunications facilities to both the MPSC and to the Village. The route maps should be in paper format unless and until the MPSC determines otherwise, in accordance with Section 6(8) of the Act.

02-5/ 9.00.00 REPAIR OF DAMAGE

Pursuant to Section 15(5) of the Act, a telecommunications provider undertaking an excavation or construction or installing telecommunications facilities within a public right-of-way or temporarily obstructing a public right-of-way in the Village, as authorized by a permit, shall promptly repair all damage done to the street surface and all installations under, over, below, or within the public right-of-way and shall promptly restore the public right-of-way to its preexisting condition.

02-5/ 10.00.00 ESTABLISHMENT AND PAYMENT OF MAINTENANCE FEE

In addition to the non-refundable application fee paid to the Village set forth in subsection 4(d) above a telecommunications provider with telecommunications facilities in the Village's public rights-of-way shall pay an annual maintenance fee to the Authority pursuant Section 8 of the Act.

02-5/ 11.00.00 MODIFICATION OF EXISTING FEES

11.01.00 In compliance with the requirements of Section 13(1) of the Act, the Village hereby modifies, to the extent necessary, any fees charged to telecommunications provider after November 1, 2002, the effective date of the Act, relating to access and usage of the public rights-of-way, to an amount not exceeding the amounts of fees and charges required under the Act, which shall be paid to the Authority.

11.02.00 In compliance with the requirements of Section 13(4) of the Act, the Village also hereby approves modification of the fees of the providers with telecommunication facilities in public rights-of-way within the Village's boundaries, so that those providers pay only those fees required under Section 8 of the Act.

11.03.00 The Village shall provide each telecommunications provider affected by the fee with a copy of this ordinance, in compliance with the requirement of Section 13(4) of the Act.

11.04.00 To the extent any fees are charged telecommunications providers in excess of the amounts permitted under the Act, or which are otherwise inconsistent with the Act, such imposition is hereby declared to be contrary to the Village's policy and intent, and upon application by a provider or discovery by the Village, shall be promptly refunded as having been charged in error.

02-5/ 12.00.00 SAVINGS CLAUSE

Pursuant to Section 13(5) of the Act, if Section 8 of the Act is found to be invalid or unconstitutional, the modification of fees under Section 11.00.00 above shall be void from the date the modification was made.

02-5/ 13.00.00 USE OF FUNDS

13.01.00 Pursuant to the Section 10(4) of the Act, all amounts received by the Village from the Authority shall be used by the Village solely for the rights-of-way related purposes.

13.02.00 In conformance with that requirement, all funds received by the village from the Authority shall be deposited into the Major Street Fund and/or the Local Street Fund maintained by the Village under Act No. 51 of the Public Acts of 1951.

02-5/ 14.00.00 ANNUAL REPORT

Pursuant to the Section 10(5) of the Act, the Village President shall file an annual report with the Authority on the use and disposition of funds annually distributed by the Authority.

02-5/ 15.00.00 BROADBAND INTERNET VIA CABLE TELEVISION OPERATORS

Pursuant to the Section 13(6) of the Act, the Village shall not hold a cable television operator in default or seek any remedy for its failure to satisfy an obligation, if any, to pay after November 1, 2002, the effective date of this Act, a franchise fee or similar fee on that portion of gross revenues from charges the cable operator received for cable modem services through broadband internet transport access services.

02-5/ 16.00.00 EXISTING RIGHTS

Pursuant to the Section 4(2) of the Act, except as expressly provided herein with respect to fees, this ordinance shall not affect any existing rights that a telecommunications provider or the Village may have under a permit issued by the Village or under a contract between the Village and a telecommunications provider related to the use of the public rights-of-way.

02-5/ 17.00.00 COMPLIANCE

The Village hereby declares that its policy and intent in adopting this ordinance is to fully comply with the requirement of the Act, and the provisions hereof should be construed in such a manner as to achieve that purpose. The Village shall comply in all respects with the requirements of the Act, including but not limited to the following:

17.01.00 Exempting certain route maps from the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246 as provided in Section 4.03.00 of this ordinance;

17.02.00 Allowing certain previously issued permits to satisfy the permit requirements hereof, in accordance with Section 4.02.00 of this ordinance;

17.03.00 Allowing existing providers additional time in which to submit an application for a permit and excusing such providers from the \$500.00 application fee, in accordance with Section 4.07.00 of this ordinance;

17.04.00 Approving or denying an application for a permit within forty-five (45) days from the date a telecommunications provider files an application for a permit for access to and usage of a public right-of-way within the Village, in accordance with Section 5.01.00 of this ordinance;

17.05.00 Notifying the MPSC when the Village has granted or denied a permit, in accordance with Section 5.01.00 of this ordinance;

17.06.00 Not reasonably denying an application for a permit, in accordance with Section 5.01.00 of this ordinance;

17.07.00 Issuing a permit in the form approved by the MPSC, with or without additional or different permit terms, as provided in Section 5.02.00 of this ordinance;

17.08.00H. Limiting the conditions imposed on the issuance of a permit to the telecommunications provider's access and usage of the public right-of-way, in accordance with Section 5.03.00 of this ordinance;

17.09.00 Not requiring a bond of a telecommunications provider, which exceeds the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunication provider's access and use, in accordance with Section 5.04.00 of this ordinance;

17.10.00 Not charging any telecommunications providers any additional fees for construction or engineering permits, in accordance with Section 6.00.00 of this ordinance;

17.11.00 Providing each telecommunications providers any additional fees for construction or engineering permits, in accordance with Section 11.00.00 of this ordinance;

17.12.00 Submitting an annual report to the Authority, in accordance with Section 14.00.00 of this ordinance; and

17.13.00M. Not holding a cable television operator in default for a failure to pay certain franchise fees, in accordance with Section 15.00.00 of this ordinance

02-5/ 18.00.00 RESERVATION OF POLICE POWERS

Pursuant to the Section 15(2) of the Act, this ordinance shall not limit the Village's right to review and approve a telecommunication provider's access to and ongoing use of a public right-of-way or limit the Village's authority to ensure and protect the health, safety and welfare of the public.

02-5/ 19.00.00 SEVERABILITY

The various parts, sentences, paragraphs, sections, and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause of this ordinance is

02-5/ 19.00.00 SEVERABILITY (cont'd)

adjusted, unconstitutional or invalid by a court or administrative agency of competent jurisdiction, the unconstitutionality or invalidity shall not affect the constitutionality or validity of the remaining provisions of this ordinance.

02-5/ 20.00.00 AUTHORIZED VILLAGE OFFICIALS

The Village President or his or her designee is hereby designated as the authorized Village official to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the municipal violations bureau) for violations under this ordinance as provided by the Village Code.

02-5/ 21.00.00 MUNICIPAL CIVIL INFRACTION

21.01.00 A person who violates any provision of this ordinance or the terms or conditions of a permit is responsible for a Grade D municipal civil infraction, and shall be subject to daily applicable penalties under the civil infraction ordinance and fee schedule.

21.02.00 Nothing in this Section 21 shall be construed to limit the remedies available to the Village in the event of a violation by a person of this ordinance or a permit.

02-5/ 22.00.00 REPEALER

All ordinances and portions of ordinances inconsistent with this ordinance are hereby repealed.

02-5/ 23.00.00 EFFECTIVE DATE

This ordinance shall take effect twenty days after adoption.

For Enactment

Motion by: _____

Second by: _____

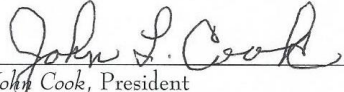
Yeas: _____

Nays: _____

Absent: _____

Abstain: _____

Ordinance Enacted this 16th day of October, 2002



John Cook, President
Village of Peck

Carrie Bennett, Clerk
(Attach proof of publication & clerk's certification)

CHAPTER 1
GENERAL PROVISIONS

1.010 HOW CODE DESIGNATED AND CITED

The ordinances embraced in the following chapters and sections shall constitute and be designated the “Code of Ordinances, Village of Peck, Michigan,” and may be so cited. Such code may also be cited as the “Peck Village Code.” (State law reference- Codification of ordinances, MSA 5.1273(1), ML Section 66.3a, 18 PA 1979)

1.020 RULES OF CONSTRUCTION

It is the legislative intent of the Village council, in adopting this Code, that all provisions and sections of this Code be liberally construed to protect and preserve the peace, health, safety and welfare of the inhabitants of the Village. In the construction of this Code and any amendment thereto, the following rules shall be observed, unless the context clearly indicates otherwise:

Council; The term “Village council” or “council” shall mean the Village Council of the Village of Peck.

Code; The term “this Code” or “Code” shall mean the Code of Ordinances, Village of Peck, Michigan as designated in Section 1.010.

Gender; A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships, and corporations as well as males.

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

Officer; Whenever any officer is referred to by title only, such reference shall be construed as if followed by the words “of the Village of Peck, Michigan.” Whenever, by the provisions of the Code, any officer of the Village is assigned any duty or empowered to perform any act or duty. Reference to such officer shall mean and include such officer or his deputy or authorized subordinate.

Or, and; “Or” may be read “and” and “and” may be read “or” if the sense requires it.

Person; The word “person” shall include any individual, co-partnership, corporation, association, club, joint adventure, estate, trust, and any other group or combination acting as a unit, and the individuals constituting such group or unit.

Public Place; The term “public place” shall mean any place to or upon which the public resorts or travels, whether such place is owned or controlled by the Village or any agency of the state or is a place to or upon which the public resorts or travels by custom or by invitation, express or implied. The term “public place” shall include any street, alley, park, public building, any place of business or assembly open to or frequented by the

(CHAPTER 1 SECTION 1.020. RULES AND REGULATIONS continued)

public, and any other place which is open to the public view, or to which the public has access.

Sidewalk; The word “sidewalk” shall mean that portion of a street, between the curb lines or lateral lines and the right-of-way lines, which is intended for the use of pedestrians.

State; To term “the state” or “this state” shall be construed to mean the State of Michigan.

Street, Highway, and Alley; The word “street” or “highway” shall mean the entire width, subject to an easement for public right-of-way or owned in fee by the Village, county or state, of every way or place, of whatever nature, whenever any part thereof is open to the use of the public, as a matter of right, for purposes of public travel. The word “alley” shall mean any such way or place providing a secondary means of ingress and egress from a property.

Tense; Words used in the present or past tense include the future as well as the present and past.

Village; The word “village” shall mean the Village of Peck, Michigan.

1.030 SECTION CATCH LINES AND OTHER HEADINGS

The catch lines of the several sections of this Code printed in boldfaced type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be the titles of such sections, nor as any part of the sections, now, unless expressly so provided, shall they be so deemed when any of such sections including the catch lines, are amended or reenacted. No provision of this Code shall be held invalid by reason of deficiency in any such catch lines or in any heading or title to any chapter, article or division.

1.040 CERTAIN ORDINANCES NOT AFFECTED BY CODE

Nothing in this Code or the ordinance adopting this Code shall affect any ordinance:

1.041 Granting any **franchise** or **special privilege** or right;

1.042 Establishing **sewer** and **other public improvement** districts;

1.043 Providing for the construction of particular **sewers, streets or sidewalks, or the improvement thereof**, or for the construction and improvement of other **public works**;

1.044 Authorizing the **borrowing of money** or the **issuance of bonds** or other evidence of indebtedness;

1.045 Any other ordinance, or part thereof, which is not of a general and permanent nature;

1.046 Approving the incorporation of the economic development corporation of the Village of Peck.

And all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code. Such ordinances are on file in the Village Clerk's office.

1.050 CODE DOES NOT AFFECT PRIOR OFFENSES, RIGHTS, ETC.

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

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

1.060 GENERAL PENALTY FOR VIOLATION OF CODE OR RULES AND REGULATIONS ADOPTED UNDER CODE; CONTINUING VIOLATIONS

1.061 Unless another penalty is expressly provided by this Code for any particular provision or section every person convicted of a violation of any provision of this Code or any rule or regulation adopted or issued in pursuance hereof shall be punished by a fine of not more than five hundred dollars (\$500.00) and costs of prosecution , or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any section of this Code, whether or not such penalty is re-enacted in the amendatory ordinance.

1.062 In addition to the penalties provided in 1.061, the Village may enjoin or abate any violation of this Code by appropriate action.

1.070 AMENDMENTS TO CODE

1.071 Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the following language: "That Chapter _____, Section _____ of the Code of Ordinances, Village of Peck, Michigan (or Peck Village Code), is hereby amended to read as follows: ..." The new provisions shall then be set out in full as desired.

1.072 In the event a new section not heretofore existing in the Code is to be added, the following language shall be used: "That the Code of Ordinances, Village of Peck, Michigan (or Peck Village Code), is hereby amended by adding a section, to be numbered _____, which said section reads as follows: ..." The new section shall then be set out in full as desired.

1.080 SUPPLEMENTATION OF CODE-GENERALLY

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

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

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

1.083A Organize the ordinance material into appropriate subdivisions;

1.083B Provide appropriate catch lines, headings and titles for chapters, sections and other subdivisions of the Code printed in the supplement, and make changes in such catch lines, headings and titles;

1.083C Assign appropriate numbers to chapters, sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;

1.083D Change the words "this Ordinance" or words of the same meaning to "this Chapter," "this Article," "this Division," etc., as the case may be or to "section _____ to _____" (inserting section numbers to indicate the sections of the ordinance incorporated into the Code); and

1.083E Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

1.090 AMENDMENTS TO CODE-EXCLUSION OF SPECIAL OR TEMPORARY ORDINANCES

Ordinances hereafter adopted which are not of a general or permanent nature shall be numbered consecutively, authenticated, published and recorded in the book of ordinances, but shall not be prepared for insertion in this Code, not be deemed a part hereof.

1.100 RESPONSIBILITY OF OFFICERS WITH RESPECT TO ASSIGNED COPIES OF CODE

Each Village officer assigned a copy of this Code shall be responsible for maintaining the same and for the proper insertion of amendatory pages as received. Each such copy shall remain the property of the Village and shall be turned over by the officer having custody thereof, upon expiration of his term of office, to his successor or to the Village clerk, in case he shall have no successor.

1.110 SEVERABILITY

Should any provision or section of this Code be held unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions or sections, it being the intent of the Village Council that this Code shall stand, notwithstanding the invalidity of any provision or section thereof. The provisions of this section shall apply to the amendment of any section of this Code, whether or not the wording of this section is set forth in the amendatory ordinance.

1.120 COMPLAINING WITNESSES

In order to more effectively and equitably enforce this Code, citizens observing violations of the provisions herein are encouraged to report the details to enforcing agencies. These personally observing ("res gestae") witnesses shall participate in prosecution phases of enforcement.

CHAPTER 2
ALCOHOLIC BEVERAGES

2.010 DEFINITIONS

The meaning of "*alcoholic beverages*," "*License*," and other terms, as used in this Chapter, shall be as defined in the Michigan Liquor Control Act, 8 Public Acts 1933 Extra Session, as amended (MSA 18.971, MCL 436.1).

2.020 PROHIBITIONS

2.021 CONSUMPTION IN PUBLIC AND POSSESSION PROHIBITED IN CERTAIN PLACES

2.021A No alcoholic beverages shall be consumed in the public rights-of-way, nor shall anyone who owns, operates or controls any licensed establishment or store permit the consumption of alcoholic beverages thereon.

2.021B No person shall possess or have under his/her control or custody in any public place any alcoholic beverage in a container of any kind which is open, uncapped or upon which the seal is broken unless such possession, control or custody has been authorized by lawful authority.

CHAPTER 3
AMUSEMENTS

ARTICLE I. POOLROOMS

3.010 DEFINITION

As used in this article, the term "*poolroom*" shall mean any place open to the public for playing pool or billiards, with two (2) or more pool or billiard tables.

3.020 LICENSE

3.021 No person shall engage in the business of operating a poolroom without first obtaining a license therefore. No such license shall be granted except upon certification of the Chief of Police and the Zoning Administrator, and unless a complete set of fingerprints of the applicant are on file in the noncriminal identification file of the Police Department. No person shall be granted a license to operate a poolroom unless he is a citizen of the United States and at least twenty-one (21) years of age.

3.022 The annual fee for a poolroom license shall be set by resolution of the Council for the first pool or billiard table and for each additional table. Each license shall designate the number of pool or billiard tables permitted there under, and no license shall keep or maintain more tables than permitted by such license.

3.030 OPERATION DURING CERTAIN HOURS PROHIBITED

No person shall keep open any poolroom between the hours of 11:50 p.m. and 6:00 a.m. on any day.

3.040 OBSTRUCTIONS OF VIEW

No poolroom license shall permit on the license premises any obstruction of the public view by the use of drawn shades, blinds or screens or advertising displays, either permanent or movable, or any other device which obstructs the public view.

CHAPTER 4
ATTENDANCE OF MEETINGS BY COUNCIL MEMBERS

4.01.00 GOOD CAUSE SHOWN

4.01.01 Any Council Member, President, Clerk, or Treasurer, who is absent from
A. three regular or special meetings in sequence, or
B. two regular meetings in a 6 month period, or
C. three regular and special meetings in a 9 month period

4.01.02 Individual Council members may establish valid cause in advance of absences upon written application to the Council, which may authorize absences by motion.

4.01.03 Any Council member who is disorderly, disrespectful or intoxicated may be held in contempt by the President or President Pro-Tem after being found of such improper behavior (Amended with Ordinance 02-1).

4.02.00 VIOLATION

Upon violation of any of the provisions of Section 4.010, by any Council member and/or President, the Council shall direct the Village Clerk to notify the absent or offending Council member and/or President, in writing, with a copy of this Chapter attached, that a public show cause hearing shall be held on a specified date, not less than fifteen (15) days nor more than sixty (60) days from the date of the last absence.

4.03.00 GOOD CAUSE THRU INVESTIGATION

If good cause for the absence or "offensive behavior" is not established by the respondent, or disclosed through reasonable investigation, a majority of his or her fellow Council members at the hearing, shall require the posting of a bond in an amount to be set annually by the Village Council by the respondent until the end of his or her term.

4.04.00 RECORDS OF HEARINGS

The Village Clerk (or alternate designated by the President) shall keep a record of the hearing. The Council shall specify, by resolution, the basis for the bond requirement.

4.05.00 FAILURE TO POST BOND

Failure of the absent or "offending" member to post the bond within 15 days shall constitute:

- 4.05.01 Grounds for removal and;
- 4.05.02 Grounds for mandamus (Circuit Court Order)

4.06.00 SUBSEQUENT ABSENCES

After posting of the bond, subsequent absences or contempt's constituting a separate violation of Section 4.01.01, shall be;

- 4.06.01 Grounds for forfeiture of the Bond, and/or
- 4.06.02 Grounds for the mandamus (Circuit Court Order)

ARTICLE 5
MUNICIPAL CIVIL INFRACTIONS

5.1000 DEFINITIONS

As used in this Article

5.1010 "*Act*" means the Michigan Revised Judicature Act, 1961 PA 236 as amended.

5.1020 "*Authorized Village Official*" means a police officer or other personnel of the Village authorized by this Code or any ordinance to issue municipal civil infraction citations or municipal civil infraction violation notices.

5.1030 "*Bureau*" means the Village of Peck Municipal Ordinance Violations Bureau as established by this Article.

5.1040 "*Municipal Civil Infraction Action*" means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

5.1050 "*Municipal Civil Infraction Citation*" means a written complaint or notice prepared by an authorized Village Official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

5.1060 "*Municipal Civil Infraction Violation Notice*" means a written notice prepared by an authorized Village Official, directing a person to appear at the Village of Peck Municipal Ordinance Violations Bureau and to pay the fine and costs, if any, prescribed for the violation by the schedule of civil fines under Section 5.6000, as authorized under Sections 8396 and 8707(6) if the RJA.

5.2000 MUNICIPAL CIVIL INFRACTION ACTION; COMMENCEMENT

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

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

5.3000 MUNICIPAL CIVIL INFRACTION CITATIONS; ISSUANCE AND SERVICE

Municipal civil infraction citations shall be issued and served by authorized Village Officials as follows:

5.3100 The time for appearance specified in a citation shall be within a reasonable time after the citation is issued.

5.3200 The place for appearance specified in a citation shall be the district court.

5.3300 Each citation shall be numbered consecutively and shall be in a form approved by the state court administrator. The original citation shall be filed with the district court.

ARTICLE 5 SECTION 5.3000 (continued)

Copies of the citation shall be retained by the Village and issued to the alleged violator as provided by Section 8705 of the Act.

5.3400 A citation for municipal civil infraction signed by an authorized Village Official shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the official signing the complaint and if the citation contains the following statement immediately above the date and signature of the official: "*I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief.*"

5.3500 An authorized Village Official who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.

5.3600 An authorized Village Official may issue a citation to a person if:

5.3610 Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or

5.3620 Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for an infraction and if the prosecuting attorney or village attorney approves in writing the issuance of the citation.

5.3700 Municipal civil infraction citations shall be served by an authorized Village Official as follows:

5.3710 Except as provided by Section 5.3720, an authorized Village Official shall personally serve a copy of the citation upon the alleged violator.

5.3720 If the municipal civil infraction action involves the use or occupancy of land, a building or other structure, a copy of the citation does not need to be personally served upon the alleged violator, but may be served upon an owner or occupant of the land, building or structure posting the copy of the land or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by first-class mail to the owner of the land, building, or structure at the owner's last known address.

5.4000 MUNICIPAL CIVIL INFRACTION CITATIONS; CONTENTS

5.4100 A municipal ordinance citation shall contain the name and address of the alleged violator, the municipal civil infraction alleged, the place where the alleged violator shall appear in court, the telephone number of the court, and the time at or by which the appearance shall be made.

5.4200 Further, the citation shall inform the alleged violator that he or she may do one of the following:

ARTICLE 5 SECTION 5.4000 (continued)

5.4210 Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance.

5.4220 Admit responsibility for the municipal civil infraction "with explanation" by mail by the time specified for appearance or, in person, or by representation.

5.4230 Deny responsibility for the municipal civil infraction by doing either of the following:

5.4231 Appearing in person for an informal hearing before a judge or district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the Village.

5.4232 Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.

5.4300 The citation shall also inform the alleged violator of all of the following:

5.4310 That if the alleged violator desires to admit responsibility "with explanation" in person or by representation, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time for an appearance.

5.4320 That if the alleged violator desires to deny responsibility, the alleged violator must apply to the court in person, by mail, by telephone, or by representation with the time specified for appearance and obtain a scheduled date and time to appear for a hearing date is specified on the citation.

5.4330 That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the Village.

5.4340 That at an informal hearing the alleged violator must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney.

5.4350 That at a formal hearing the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.

5.4400 The citation shall contain a notice in boldfaced type that the failure of the alleged violator to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a default judgment against the alleged violator on the municipal civil infraction.

5.5000 MUNICIPAL ORDINANCE VIOLATIONS BUREAU

5.5100 Bureau Established

The Village hereby establishes a Municipal Ordinance Violations Bureau ("Bureau") as authorized under Section 8396k of the Act to accept admissions of responsibility for municipal civil infractions in response to municipal civil infraction violation notices issued and served by authorized Village Officials, and to collect and retain civil fines and costs as prescribed by this Code or any ordinance.

5.5200 Location; Supervision; Employees; Rules and Regulations

The Bureau shall be located at the Village Hall, and shall be under the supervision and control of the Treasurer of the Village of Peck. The Treasurer, subject to the approval of the Council, shall adopt rules and regulations for the operation of the Bureau and appoint any necessary qualified employees to administer the Bureau.

5.5300 Disposition of Violations

The Bureau may dispose only of municipal civil infraction violations for which a fine has been scheduled and for which a municipal civil infraction *violation notice* (as opposed to *citation*) has been issued. The fact that a fine has been scheduled for a particular violation shall not entitle any person to dispose of the violation at the Bureau. Nothing in this Article shall prevent or restrict an official of the Village of Peck from issuing a municipal civil infraction *citation* for an violation or from prosecuting any violation in a court of competent jurisdiction.

5.5400 Bureau Limited to Accepting Admissions of Responsibility

The scope of the Bureau's authority shall be limited to accepting admissions of responsibility for municipal civil infractions and collecting and retaining civil fines and costs as a result of those admissions. The Bureau shall not accept payment of a fine from any person who denies having committed the offense or who admits responsibility only with explanation, and in no event shall the Bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to an alleged violation. No person shall be required to dispose of a municipal civil infraction violation at the Bureau and may have the violation processed before a court of appropriate jurisdiction. The unwillingness of any person to dispose of any violation at the Bureau shall not prejudice the person or in any way diminish the person's rights, privileges and protection accorded by law.

5.5500 Municipal Civil Infraction Violation Notices

Municipal civil infraction *violation notices* shall be issued and served by authorized Village Officials under the same circumstances and upon the same persons as provided for *citations* as provided in Sections 5.3600 and 5.3700 of this Article. In addition to any other information required by this Code or other ordinance, the notice of violation shall indicate the time by which the alleged violator must appear at the Bureau, the methods by which an appearance may be made, the address and telephone number of the Bureau, the hours during which the Bureau is open, the amount of the fine scheduled for the alleged violation, and the consequences for failure to appear and pay the required fine within the required time.

ARTICLE 5 SECTION 5.5000 (continued)

5.5600 Appearance; Payment of Fines and Costs

An alleged violator receiving a municipal civil infraction *violation notice* shall appear at the Bureau and pay the specified fine and costs at or by the time specified for appearance in the municipal civil infraction violation notice. An appearance may be made by mail, in person, or by representation.

5.5700 Procedure Where Admission of Responsibility Not Made or Fine Not Paid

If an authorized Village Official issues and serves a municipal ordinance violation notice and if an admission of responsibility is not made and the civil fine and costs, if any, prescribed by the schedule of fines for the violation are not paid at the Bureau, a municipal civil infraction citation may be filed with the district court and a copy of the citation may be served by first-class mail upon the alleged violator at the alleged violator's last known address. The citation filed with the court does not need to comply in all particulars with the requirements for citations as provided by Section 8705 and 8709 of the Act, but shall consist of a sworn complaint containing the allegations stated in the municipal ordinance violation notice and shall fairly inform the alleged violator how to respond to the citation.

5.6000 SCHEDULE OF CIVIL FINES ESTABLISHED

5.6100 A schedule of civil fines payable to the Bureau is hereby established. Persons served with municipal civil infraction violation notices may pay said fines directly to the Bureau.

<i>Offense Grade</i>	<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd Offense</i>	<i>4th Offense</i>
1	\$25	\$50	\$100	\$250
2	\$50	\$100	\$250	\$500
3	\$100	\$250	\$500	\$750
4	\$250	\$500	\$750	\$1000

5.6200 Unless otherwise specifically designated, offenses designated as civil infractions in the Village of Peck Code of Ordinances shall be considered as GRADE 1 violations.

5.6300 Each and every day that a violation continues unabated is deemed a separate offense. However, correction of the violation and payment of the fine within seven (7) days of issuance shall be considered a single day violation.

5.6400 A copy of the schedule, as amended from time to time, shall be posted at the Bureau.

-----END OF CODE AMENDMENT-----

THE VILLAGE OF PECK
ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE VILLAGE OF
PECK, BY ADDING A NEW ARTICLE 5 ENTITLED, "MUNICIPAL CIVIL
INFRACTIONS."

At a meeting of the council of the Village of Peck held pursuant to the notice requirements of 1976 PA 267 (the Open Meetings Act) in the Village Hall on the ____ day of _____, 199__, the following ordinance was adopted:

The Village of Peck ordains:

ORDINANCE SECTION 1 CODE AMENDMENT

A new Article, *Article 5*, (attached), is added to the Code of Ordinances of the Village of Peck to create a civil infractions bureau, provide a method of enforcing civil infractions and to establish penalties for civil infractions.

ORDINANCE SECTION 2 SEVERABILITY

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

ORDINANCE SECTION 3 EFFECTIVE DATE

This Ordinance shall become effective immediately upon publication in a newspaper in general circulation within the Village of Peck.

Effective Date:

John Cook, President

Bernice J. Williams, Clerk

CHAPTER 6
CONSTRUCTION CODES

6.100 BOCA NATIONAL BUILDING CODE

6.110 Adoption

The Village of Peck adopts *THE BOCA NATIONAL BUILDING CODE* (as implemented in the State of Michigan) and all subsequent amendments, rules and/or any substitutes therefore by reference.

6.120 Enforcement

In addition to authorized state and county officials, the building code may be enforced within the Village by the Village President, Zoning Administrator, Police Officer, council committee or by an agent designated by the Village President.

6.200 NATIONAL ELECTRICAL CODE

6.210 Adoption

The Village of Peck adopts the *NATIONAL ELECTRICAL CODE* (as implemented in the State of Michigan) and all subsequent amendments, rules and/or any substitutes therefore by reference.

6.220 Enforcement

In addition to authorized state and county officials, the electrical code may be enforced within the Village by the Village President, Zoning Administrator, Police Officer, council committee or by an agent designated by the Village President.

6.300 NATIONAL PLUMBING CODE

6.310 Adoption

The Village of Peck adopts *THE NATIONAL PLUMBING CODE* (as implemented in the State of Michigan) and all subsequent amendments, rules and/or any substitutes therefore by reference.

6.320 Enforcement

In addition to authorized state and county officials, the plumbing code may be enforced within the Village by the Village President, Zoning Administrator, Police Officer, council committee or by an agent designated by the Village President.

CHAPTER 7 ANIMALS

7.00.00 PURPOSE AND INTENT

It is the intent of the Village of Peck to regulate dogs and other animals and to protect the health and safety of the public against the risk that dangerous and potentially dangerous animals pose to persons and other animals in the Village. Further, it is the intent of the Village of Peck to afford animal owners due process when an owner's animal is classified as a dangerous or potentially dangerous animal.

7.01.00 DEFINITIONS

7.01.01 *Animal Review Board*

A board consisting of the Village Council and Police Chief, or his/her respective designated deputies or assistants that shall assemble for the purposes of conducting hearings under this article. Although not required, the Animal Review Board may, in the discretion of the Village Council, also include a licensed veterinarian, American Kennel Club (AKC) certified animal behaviorist and/or AKC certified animal trainer, appointed by the Village Council.

7.01.02 *Authorized Enforcement Officer*

A police officer and any officer authorized under this Code to issue civil tickets in the Village.

7.01.03 *Dangerous Animal*

A dog or other animal that bites or attacks a person or causes a serious injury to a person or domestic animal, a dog, or other animal that has been designated as a potentially dangerous animal that poses a threat to public safety as described in this article, or a dog or other animal that bites or attacks and causes serious injury or death to another dog or domestic animal while the other dog or domestic animal is on the property or under the control of its owner. However, a dangerous animal does not include any of the following:

- A. An animal that bites or attacks a person who is knowingly trespassing on the property of the animal's owner;
- B. An animal that bites or attacks a person who provokes or torments the animal; or
- C. An animal that is responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person if that person is engaged in a lawful activity or is the subject of an assault.

7.01.04 *Immediate Control*

Physical control such as having a chain or leash, and the owner or keeper thereof to have secure hold of such chain or leash.

7.01.05 *On a Suitable Leash Means Both:*

- A. That the animal is attached to a leash that is no more than ten (10) feet in length and of such material that the leash is capable of restraining, and does restrain the type and size of animal to which it is attached; and,

CHAPTER 7.01.05 (cont'd)

- B. That such a leash is continuously held by a person who is reasonably able to and does restrain and prohibit the animal from being out of that person's physical control. A leashed animal that chases a person or domesticated animal a greater distance than ten (10) feet, or that bites a person or domesticated animal constitutes prima facie evidence that such animal is not kept on a suitable leash.

7.01.06 *Person*

An individual, co-partnership, corporation, company or association.

7.01.07 *Proper Enclosure*

An enclosure that is constructed and at all times maintained in such a manner as to effectively prevent the animal from escaping the confines of enclosure.

7.01.08 *Provoke and/or Provocation*

To perform a willful act or omission that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack by an ordinary dog or other animal.

7.01.09 *Potentially Dangerous Animal*

A dog or animal that poses a threat to public safety as demonstrated by any of the following behaviors:

Causing an injury to a person or domestic animal that is less severe than a serious injury; Without provocation, chasing or menacing a person or domestic animal in an aggressive manner; or

Running at large and impounded by an animal control agency three (3) or more times within any 12 month period.

7.01.10 *Sanilac County Animal Control*

A facility located in Sanilac County that is an enclosure for stray animals.

7.01.11 *Serious Injury*

Permanent, serious disfigurement, serious impairment of health, or serious impairment of a bodily function of a person.

7.01.12 *Torment*

An act or omission that causes unjustifiable pain, suffering, and distress to an animal, or causes mental and emotional anguish in the animal as evidenced by its altered behavior, for a purpose such as sadistic pleasure, coercion, or punishment that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack.

7.02.00 **RUNNING AT LARGE**

7.02.01 *General*

- A. It shall be unlawful for any person owning, possessing or harboring any dog to suffer or permit the same to run at large within the limits of the Village of Peck.

- B. Dogs on a suitable leash or accompanied by the owner or custodian having reasonable control of such dog shall not be deemed to be running at large.

7.02.02 Record of Impounds

It shall be the duty of the Village Police to keep an accurate account of the date and time of impounding of any dog, together with the time and the person by whom it may be reclaimed, and also make any monthly report thereof to the Village Council at their regular monthly meeting.

7.03.00 Barking or Howling

No person shall harbor any dog which, by loud and frequent or habitual barking, yelping or howling, shall cause serious annoyance to the neighborhood or to people passing to and from upon the streets.

7.04.00 Licensing

It shall be unlawful for any individual, co-partnership, corporation, company, or association to own, possess, harbor any dog unless the same shall be properly licensed in accordance with the provisions of Act #339 of Public Acts of the State of Michigan of 1919, as amended, and now in force.

7.05.00 Ownership

Any individual, co-partnership, corporation, company or association allowing any dog to be lodged or to remain or to be fed within his/her house, store building, enclosure, or premises for a period of five (5) days or more shall be held and deemed to be the keeper or the owner of such dog.

7.06.00 **DETERMINATION OF A DANGEROUS ANIMAL**

7.06.01 Determination Procedure

The Village Council shall have the authority to make a determination that an animal is dangerous or potentially dangerous, and defined in this article, upon the complaint of any person that an animal is dangerous or potentially dangerous. The Village Council shall meet within three (3) days of receiving the complaint to make a determination. When the Village Council classifies any animal as a dangerous animal or potentially dangerous animal under this article, the animal's owner shall be promptly notified of such classification. The notice to the owner shall meet the following:

The notice shall be in writing and mailed by certified mail to the owner's last known address. If an animal has more than one owner, notice to one owner shall be sufficient for purposes of this article.

- A. The notice shall include a summary of the Village Council's findings that form the basis for the animal's classification as a dangerous animal or potentially dangerous animal.
- B. The notice shall be dated and shall state that the owner has a right to request a hearing on the classification within 15 days from the date of the notice.
- C. The notice shall state that the Animal Review Board shall conduct the hearing.

- D. The notice shall state that if the owner does not request such a hearing within 15 days from the date of the notice, the classification of the animal as a dangerous or potentially dangerous animal shall be final and conclusive for all purposes.
- E. The notice shall include a form to request a hearing before the Animal Review Board and shall provide specific instructions on mailing or delivering such a request.

7.06.02 Hearing

When the Animal Review Board receives a request for a hearing from an owner, it shall schedule such a hearing within thirty (30) days of receipt of the request. The Village Clerk shall notify the owner in writing by certified mail of the date, time and place of the hearing; such notice shall be made to the owner at least five (5) days prior to the date of the hearing. At the hearing, the owner shall be given the opportunity to testify and to present evidence. The Animal Review Board shall also receive such other evidence and hear such other testimony as it may find reasonably necessary to make a determination to sustain, modify or overrule the classification of the animal by the Village Council. The Animal Review Board shall notify the owner in writing by certified mail of its determination on the matter. If the determination is made that the animal is a dangerous animal or a potentially dangerous animal, the notice shall specify the date upon which that determination is effective. Unless the board determines that a later date is appropriate in a particular case, the effective date of the determination shall be the date of the Village Council's classification.

7.06.03 Notice

If the identity of the owner of an animal that the Village Council has classified as a dangerous animal or potentially dangerous animal cannot be determined, the animal shall be immediately confiscated with notice of same and a description of the animal given to the police department and the local humane society. If the animal's owner claims such animal, the animal shall be released to its owner, together with a copy of the notice specified in this section. If the animal remains unclaimed for seven (7) days, the animal shall be turned over to the local animal welfare society or examined by a veterinarian and/or the local animal welfare society to determine the viability of the animal or appropriate course of destruction of the animal if necessary.

7.07.00 REQUIREMENTS FOR POSSESSION OF A DANGEROUS ANIMAL

7.07.01 Responsibility

Any owner of a dangerous animal shall be jointly and severally responsible with all other owners of such animal for compliance with the requirements of this section.

7.07.02 Exceptions

No person shall own, possess, keep, harbor, or have custody or control of a dangerous animal except in compliance with all of the following requirements:

- A. A dangerous animal shall not be permitted to remain in the Village unless it is properly registered as provided in this article and as otherwise required by law or ordinance.

- B. Except under the circumstances otherwise specifically permitted by this article, a dangerous animal shall at all times be maintained inside a proper enclosure.
- C. The premises where a dangerous animal is kept shall be posted with a clearly visible sign warning that there is an animal on the premises that presents a danger to human beings. Such sign shall also include a symbol sufficient to convey without words the message that there is an animal on the premises that presents a danger to human beings.
- D. The owner of a dangerous animal shall maintain at all times a policy of insurance in a minimum amount to cover claims for any personal injuries inflicted by the animal, which policy shall be issued by an insurer, as the case may be, authorized to transact business in the state of Michigan. Proof of insurance shall be provided to the Village.
- E. The owner of a dangerous animal shall attend and successfully complete an available obedience class with the dangerous animal, as offered through a certified program, and shall produce evidence of such attendance and successful completion.

7.08.00 REQUIREMENTS FOR POSSESSION OF A POTENTIALLY DANGEROUS ANIMAL

7.08.01 Responsibility

Any owner of a potentially dangerous animal shall be jointly and severally responsible with all other owners of such animal for compliance with the requirements of this section.

7.08.02 Exceptions

No person shall own, possess, keep, harbor, or have custody or control of a potentially dangerous animal except in compliance with all of the following requirements:

- A. A potentially dangerous animal shall not be permitted to remain in the Village unless it is properly registered as provided in this article and as otherwise required by law or ordinance.
- B. Except under the circumstances otherwise specifically permitted by this article, a potentially dangerous animal shall at all times be maintained inside a proper enclosure.
- C. The premises where a potentially dangerous animal is kept shall be posted with a clearly visible sign warning that there is an animal on the premises that is potentially dangerous to human beings. Such sign shall also include a symbol sufficient to convey without words the message that there is an animal on the premises that presents a potential danger to human beings.
- D. The owner of a potentially dangerous animal shall attend and successfully complete an available obedience class with the dangerous animal, as offered through a certified program, and shall produce evidence of such attendance and successful completion.

7.09.00 REGISTRATION OF DANGEROUS ANIMALS AND POTENTIALLY DANGEROUS ANIMALS

7.09.01 Requirements

No dangerous animal or potentially dangerous animal shall be permitted to remain in the Village unless it is registered in accordance with this article. In addition to the annual registration and/or licensing fees otherwise required by law and ordinance, the owner of a dangerous animal or a potentially dangerous animal shall pay a fee of \$50.00 per year and shall register such owner's animal with the police department as a dangerous animal or a potentially dangerous animal according to the classification and determination previously made under this article. No dangerous animal or potentially dangerous animal shall be registered unless the owner can provide sufficient evidence that all of the provisions in the above sections, as applicable, have been and are being met.

7.09.02 Non-transferable

The registration provided by this section shall be non-transferable. The registration shall be renewed annually or upon the earlier of the transfer of ownership or possession of the animal or a change in the location of the animal's primary habitat.

7.10.00 TRANSFER OF OWNERSHIP OR POSSESSION

Upon the transfer of ownership or possession of any dangerous animal or potentially dangerous animal, the transferor shall provide the police chief with the name, address and telephone numbers of the new owner of the animal and the effective date of the transfer. Any transferee of a dangerous animal or potentially dangerous animal shall be presumed to have notice of the animal's classification as such.

7.11.00 NOTICE TO POLICE DEPARTMENT

The owner of a dangerous animal or potentially dangerous animal shall notify the police department in person or by telephone within 24 hours of the occurrence of any one of the following events:

- A. The animal has escaped or has otherwise ceased to be in the custody of the owner for any reason, unless the owner knows such animal to be physically secured and restrained or confined in the custody of another competent adult.
- B. Such animal has attacked a human being.
- C. Such animal has been sold, given or otherwise transferred to the ownership or possession of another person.
- D. The animal has died.
- E. The animal is leaving the Village of Peck.

7.12.00 RESTRAINTS WHEN OUTSIDE PROPER ENCLOSURE

It shall be unlawful for the owner of a dangerous animal or a potentially dangerous animal to permit the animal to be outside of a proper enclosure unless the animal is properly muzzled, if a dangerous animal, and restrained on a suitable leash and is under the physical restraint of a responsible person at all times.

7.13.00 CONFISCATION AND DISPOSITION OF ANIMALS

7.13.01 Dangerous Animals

- A. A dangerous animal shall be immediately confiscated by the authorized enforcement officer upon the determination that one or more of the following circumstances exists:
- B. The owner of the animal does not have the proper liability insurance required by this article.
- C. The animal is not validly and currently registered as required by this article.
- D. The animal is not maintained in a proper enclosure as is required by this article.
- E. The animal is not under the restraints required by this article, whether or not such animal is then in the custody or possession of its owner.
- F. The owner has failed to take the animal to obedience classes as required by this article.

7.13.02 Potentially Dangerous Animals

A potentially dangerous animal shall be confiscated upon the determination that one or more of the following circumstances exists:

- A. The animal is not validly and currently registered as required by this article.
- B. The animal is not maintained in a proper enclosure as is required by this article.
- C. The animal is not under the restraints required by this article, whether or not such animal is then in the custody or possession of its owner.
- D. The owner has failed to take the animal to obedience classes as required by this article.

7.13.03 Fees

Any animal that is confiscated under this section shall be returned to its owner upon the owner's compliance with the provisions of this article and upon the payment of the actual costs of boarding the animal with the first available private kennel, plus a confiscation fee of \$50.00 upon the first confiscation of any animal, A\$100.00 upon the second and \$200.00 upon the third or subsequent confiscation. The foregoing shall be in addition to the penalties otherwise provided for under this article.

7.13.04 Duration

- A) If the confiscated animal remains unclaimed for a period of seven (7) days after written notice of the confiscation to the owner, or if the identity of the owner cannot be determined and the seven (7) days have passed after a description of the animal has been given to the police department and the local human society and the animal remains unclaimed, then the animal shall be turned over to the local animal welfare society or examined by a veterinarian and/or the local animal welfare society to determine the viability of the animal or appropriate course of destruction of the animal if necessary.
- B) A dangerous animal or potentially dangerous animal that was confiscated as a result of running at large shall not be returned to the owner. The animal shall be turned over to the local animal welfare society or examined by a veterinarian and/or the local animal welfare society to determine the viability of the animal or appropriate course of destruction of the animal if necessary. The owner of the animal may appeal this decision to the Animal Review Board.

7.14.00 REMOVAL OF POTENTIALLY DANGEROUS ANIMAL CLASSIFICATIONS

The owner of a dog that has been determined to be a potentially dangerous animal shall be given the opportunity to request that the classification of the dog as a potentially dangerous animal should be reconsidered and removed, which request may be granted by the district court or Animal Review Board, as applicable, if the owner demonstrates that the dog has been incident free for more than eighteen months, the dog and owner have successfully completed obedience training, the dog has been issued and maintained a canine food citizenship certificate by a certified tester pursuant to the standards of the American Kennel Club, and the owner has complied in all respects with the provisions of this chapter of the code and any applicable court orders.

7.15.00 VIOLATION

Every person who shall violate any of the provisions of this Ordinance shall be responsible for a Grade A Civil Infraction for each and every day of violation.

CHAPTER 8 GARBAGE AND TRASH

8.01.00 DEFINITIONS

- A. The word “*refuse*” as used in this chapter shall include ashes, tin cans, tree branches, paper, shrubbery and lawn trimmings and waste materials.
- B. The word “*garbage*” as used in this chapter shall include vegetables, fruits, crops, meat and fish, cooked or uncooked in a state of decay.
- C. The word “*person*” as used in this chapter shall include any corporation, co-partnership or two (2) or more persons having joint or common interest.

8.02.00 DEPOSIT RESTRICTION

No person shall deposit garbage refuse or refuse matter, which may become offensive or dangerous to public health in any place within the Village limits, where it may become dangerous or offensive to public health.

8.03.00 WASTE CONTAINERS

Refuse shall be set out in proper waste containers on collection days between the sidewalks and the curb, except in downtown and business alleys. Empty refuse containers shall be promptly removed therefrom once they have been emptied.

8.04.00 CONTAINERS

Persons placing refuse for collection shall provide containers which shall not be more than twenty-five (25) gallons in size.

8.05.00 CONTAINERS

Containers for refuse may be of wood or metal and shall have covers to prevent scattering of contents. The containers shall have no sharp edges which might injure the collector. Plastic bags of adequate strength may be used also.

8.06.00 TREE TRIMMINGS AND SHRUBBERY

Tree trimmings and shrubbery shall be tied in a bundle not to exceed four (4) feet in length or one (1) foot in diameter.

- A. The Village of Peck provides a site where residents may dispose of tree trimmings, shrubbery, brush and other yard waste at no cost. Directions to the site are available at the Village office.
- B. Brush and yard waste shall be picked up by the Village DPW on the first Monday of each month. In the event that the first Monday falls on a holiday, or is unavailable due to inclement weather or emergency, the brush and yard waste shall be picked up the following day.
- C. A fee, as set forth in the Annual Fee Resolution, shall be required for any request for brush and yard waste on other than the designated day.
- D. On the regularly scheduled pickup day, if the Village employees are able to load the brush and yard waste in less than ten (10) minutes, there will be no charge to the resident.

CHAPTER 8 (cont'd)

- E. For brush and yard waste requiring more than ten (10) minutes to load, the resident or property owner shall be charged at the rate of twenty dollars and no/100 (\$20.00) minimum for every additional fifteen (15) minute interval. Written notice shall be provided to the resident or property owner before additional cost are incurred.
- F. All costs incurred as a result of this ordinance shall be paid to the Village within 30 days. No further brush or yard waste shall be picked up at that address until the costs are paid in full. Past due amount may be placed on property tax bill as allowed by law.
- G. Tree trimmings, shrubbery, and other brush shall be tied in a bundle not to exceed four (4) feet in length or one (1) foot in diameter. Bundles shall not exceed twenty-five (25) pounds in weight.
- H. Weeds, leaves and grass clippings shall be in disposable bags or tied in bundles. No dirt or rocks shall be allowed in the bags. Bags or bundles shall not exceed twenty-five (25) pounds in weight.
- I. Nonconforming containers, bundles, or loose materials may incur additional costs for pickup.

8.07.00 DISPOSAL OF PAPER

Paper if not in containers, shall be tied securely enough to handle.

8.08.00 CONTRACTOR'S DEBRIS

It shall not be the responsibility of the Village to dispose of any contractor's debris or landscape tree trimmings or the brush resulting from a tree removal. The removal of such tree trimmings, brush, or other debris shall be the responsibility of the Contractor and/or the property owner or resident.

8.09.00 RATES, CHARGES, PENALTY

- A. The rates for garbage and rubbish collection shall be established by Council resolution and amended at such times as deemed necessary by the Village Council to defray the cost of collection.
- B. Statements shall be assessed at the same time as the water and sewer fees are assessed and shall be made mandatory for all owners, occupants or lessors, or any agent thereof within the corporate limits of the Village of Peck, unless accepted by Section F.
- C. All charges for garbage and rubbish services shall be payable on or before the due date shown on the statement. If any garbage or rubbish charges shall not be paid on or before the due date shown on the statement, there shall be added to the amount shown on such statement a collection fee of 10 percent. Such collection fee shall be charged to the account of the customer and added to the next succeeding statement and payment shall be enforced in the same manner as the original charges.
- D. The charges for garbage and rubbish service are hereby made a lien on all premises served thereby. Whenever any such charge against any premise shall be delinquent as of July 1, the official in charge of collection thereof shall certify such delinquency to the assessor and such charges shall be 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 special assessments against such premises.

CHAPTER 8 (cont'd)

- E. In any quarter that an owner, occupant, or lessor, or any agent thereof in the corporate limits of the Village of Peck is invoiced for water system usage in the residential area, said residential customer shall also be required to pay for garbage and rubbish service for the full quarter as established in this section.
- F. Each commercial parcel and/or individual business assessed a water bill will be required to either acquire an individual commercial dumpster at their own expense or pay for Village garbage and rubbish service. Written notice of option choice will be submitted to the Village Clerk within 30 days of the adoption of this ordinance by executing a form that will be forwarded by the Village Clerk. If any change in such option shall occur, the property owner shall be required to notify the Village Clerk 14 days prior to the effective date of such change.

8.10.00 VIOLATION AND PENALTY

Any person, firm or corporation violating any of the provisions of this chapter shall be responsible for Grade A civil infraction penalties for each day of violation.

CHAPTER 11 NOISE

11.000 CONSTRUCTION NOISES

The erection, including excavating therefore, demolition, alteration or repair of any building, and the excavation of streets and highways, at any time on Sundays, and other days, except between the hours of 7:00 am and 9:00 pm, is hereby prohibited, unless a permit is first obtained from the Village Clerk.

11.010 ENGINE EXHAUSTS

The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor vehicle, except through a muffler or other device which effectively prevents loud or explosive noises there from, is hereby prohibited.

11.020 DISCHARGE OF AIR FROM BLOWERS AND FANS

The discharge into the open air of air from any noise-creating blower or power fan is hereby prohibited, unless the noise from such blower or fan is muffled sufficiently to deaden such noise.

11.030 YELLING, SINGING, ETC.

Yelling, shouting, hooting, whistling, or singing or the making of any other loud noise on the public streets between the hours of 11:00 pm and 7:00 am, or the making of any such noise at any time so as to annoy or disturb the quiet, comfort or repose of persons in any school, place of worship or office, or in any dwelling, hotel, or other type of residence, or of any person in the vicinity, is hereby prohibited.

11.040 HAWKING IN LOUD AND BOISTEROUS MANNER

The hawking of goods, merchandise or newspapers in a loud and boisterous manner is hereby prohibited.

11.050 LOUDSPEAKERS AND AMPLIFIERS

The use of any loudspeaker, amplifier or other similar instrument or device, whether stationary or mounted on a vehicle, is hereby prohibited; provided, speakers in the course of a public address which is noncommercial in character may use such an instrument or device, subject to the following restrictions:

11.051 The only sounds permitted are music or human speech

11.052 Any use of loudspeakers and amplifiers must have prior approval from the Village President and Chief of Police. In the absence of either, the President Pro-Tem can fill the position.

11.053 Sound-amplifying equipment mounted on vehicles shall not be operated unless the sound truck upon which such equipment is mounted, is operated at a speed of at least ten (10) miles per hour, except when such truck is stopped or impeded by traffic.

CHAPTER 11 SECTION 11.050 (cont'd)

11.054 Sound shall not be issued within one hundred (100) yards of hospitals, schools, churches or courthouses.

11.055 The volume of sound shall be controlled so that it will not be audible for a distance in excess of one hundred (100) feet from the sound-amplifying equipment and so that the volume is not unreasonably loud, raucous, jarring, disturbing or a nuisance to persons within the area of audibility.

11.056 No sound-amplifying equipment shall be operated with an excess of fifteen (15) watts of power in the last stage of amplification.

11.060 PLAYING OF RADIOS, TELEVISION SETS, ETC.

The playing of any radio, television set, phonograph or musical instrument in such a manner or with such volume, particularly during the hours between 11:00 pm and 7:00 am, or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel or other type of residence, or of any person in the vicinity, is hereby prohibited.

11.070 LOADING OR UNLOADING VEHICLES; OPENING AND DESTRUCTION OF BALES, BOXES, ETC.

The creation of any loud and excess noises in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers is hereby prohibited.

11.080 BLOWING OF WHISTLES OR SIRENS

The blowing of any whistle or siren, except to give notice of the time to begin or stop work or as a warning of fire or danger, is hereby prohibited.

11.090 EXCEPTION FROM CHAPTER

None of the terms of prohibitions of this chapter shall apply to or be enforced against:

11.091 Any police or fire vehicle or any ambulance, while engaged upon emergency business.

11.092 Excavations or repairs of bridges, streets or highways by or on behalf of the Village or the State, during the night, when the public safety, welfare and convenience renders it impossible to perform such work during the day.

11.100 PENALTY

Any person found guilty of violating this chapter shall be punished as a misdemeanor by a fine of not more than Five Hundred Dollars (\$500.00) and costs of prosecution, or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

CHAPTER 11A
OFF ROAD RECREATIONAL VEHICLES (ORV)

11A.01.00 DEFINITIONS

As used in this ordinance, the following definitions shall apply:

- A. "*Village*" means the Village of Peck
- B. "*Driver's License*" means an operator's or chauffeur's license or permit issued to an individual by the Secretary of State under Chapter III of the Michigan vehicle code, 1949 PA 300, MCL 257.301 to 257.329, for that individual to operate a vehicle, whether or not conditions are attached to the license or permit.
- C. "*Maintained Portion*" means that portion of a road or street improved, designated or ordinarily used for vehicular traffic.
- D. "*Operate*" means to ride in or on, and be in actual physical control of the operation of an ORV.
- E. "*Operator*" means a person who operates or is in actual physical control of the operation of an ORV.
- F. "*ORV*" means a motor driven off road recreation vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. ORV or vehicle includes, but is not limited to, a multi-track or multi-wheel drive vehicle, an ATV, a motorcycle or related 2-wheel, 3-wheel, or 4-wheel vehicle, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation deriving motive power from a source other than muscle or wind. ORV or vehicle does not include a registered snowmobile, a farm vehicle being used for farming, a vehicle used for military, fire, emergency, or law enforcement purposes, a vehicle owned and operated by a utility company or an oil or gas company when performing maintenance on its facilities or on property over which it has an easement, a construction or logging vehicle used in performance of its common function, or a registered aircraft.
- G. "*Road*" means a county primary road or county local road as described in section 5 of 1951 PA 1951, MCL 247.655. Road does not include a private road.
- H. "*Road Commission*" means the Board of County Road Commissions for Sanilac County.
- I. "*Safety Certificate*" means a certificate issued pursuant to 1994 PA 451 as amended, MCL 324.81129, or comparable ORV safety certificate issued under the authority of another state or a province of Canada.
- J. "*Street*" means a Village major street or local street as described in section 9 of 1951 PA 51, MCL 247.659.
- K. "*Visual Supervision*" means the direct observation of the operator with the unaided or normally corrected eye, where the observer is able to come to the immediate aid of the operator.

11A.02.00 EXCEPTIONS

An ORV shall be operated on the far right of the maintained portion of a road or street within the Village with these exceptions:

- A. All State Trunkline Roads

CHAPTER 11A.02.00 (cont'd)

- B. All County Primary (Asphalt) Roads, however allowing ingress and egress to a destination, not to exceed one mile, or first Secondary road.
- C. Provided however, that in the event the Road Commission has CLOSED certain road(s) to ORV use, pursuant to MCL 324.81131 (4), operation otherwise permitted under this Ordinance shall not be considered authorized with respect to such closed road(s).
- D. This Ordinance is not intended to authorize the operation of an ORV on a street or highway which is a State Trunkline Highway.

11A.03.00 PROHIBITIONS

An ORV shall not be operated on the road surface, roadway, shoulder or right-of-way of any state or federal highway in the Village.

11A.04.00 REGULATIONS

Except as set forth herein or otherwise provided by law, an ORV meeting all of the following conditions may be operated on a road or street in the Village:

- A. At a speed of no more than 25 miles per hour or a lower posted ORV speed limit if such lower speed limit be established or posted.
- B. By a person not less than 12 years of age.
- C. With the flow of traffic
- D. In a manner which does not interfere with traffic on the road or street
- E. Traveling single file except when overtaking and passing another ORV
- F. When visibility is not substantially reduced due to weather conditions
- G. While displaying a lightened headlight and lightened taillight at all hours, beginning January 1, 2010
- H. While the operator and each passenger is wearing a crash helmet and protective eyewear approved by the United States Department of Transportation unless the vehicle is equipped with a roof that meets or exceeds standards for a crash helmet and the operator and each passenger is wearing a properly adjusted and fastened seat belt
- I. With a throttle so designed that when the pressure used to advance the throttle is removed, the engine speed will immediately and automatically return to idle
- J. While the ORV is equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation
- K. Pursuant to noise emission standards defined by law

11A.05.00 ADULT SUPERVISION REQUIRED

A child that is at least 12 years of age but less than 16 years of age shall not operate an OR on a road or street in the Village unless the child is under the direct visual supervision of an adult and the child has in his or her immediate possession a Michigan issued ORV safety certificate or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.

11A.06.00 VALID DRIVERS LICENSE

Unless a person possesses a valid driver's license, a person shall not operate an ORV on a road or street in the Village if the ORV is registered as a motor vehicle and is either more than 60 inches wide or has three wheels.

11A.07.00 VILLAGE IMMUNITY

The Village is immune from tort liability for injuries or damages sustained by any person arising in any way out of the operation or use of an ORV on maintained or unmaintained roads, streets, shoulders, and rights-of way over which the Village has jurisdiction.

11A.08.00 PRIMA FACIE NEGLIGENCE

In a court action in this state, if competent evidence demonstrates that a vehicle is permitted to operate on a road or street pursuant to the code was in a collision with an ORV required to be operated on the far right of the maintained portion of a road or street pursuant to this ordinance, the operator of the ORV shall be considered prima facie negligent.

11A.09.00 VIOLATIONS AND PENALTIES

- A. Any person who violates this ordinance is guilty of a Grade B municipal civil infraction and may be ordered to pay a civil fine of not more than \$500.00.
- B. A court may order a person who causes damage to the environment, a road or other property as a result of the operation of an ORV to pay full restitution for that damage above and beyond penalties paid for civil fines.
- C. The Village Treasurer shall deposit all fines and damages collected under this ordinance into a fund to be designated as the ORV fund. The Village of Peck Council shall appropriate revenue in the ORV fund as follows:
- D. Fifty percent (50%) to the Village of Peck for repairing damage to roads and the environment that may have been caused by ORV's, and for posting signs indicating ORV speed limits, or indicating whether roads are opened or closed to the operation of ORV's.
- E. Fifty percent (50%) to the Village of Peck for ORV enforcement and training.

CHAPTER 12
OFFENSES AGAINST ORDER AND DECENCY

ARTICLE I. GENERAL

12.100 AIDING AND ABETTING OFFENSES

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

12.110 DEFINITIONS

The following definitions apply in the ordinances:

12.111 "*Controlled Substance*," means any drug defined as a controlled substance by the statutes of the State of Michigan, (Act 368 of 1978, the Public Health Code).

12.112 To "*Obstruct*" means to render difficult of passage without unreasonable inconvenience or hazard.

12.113 "*Public Place*" means a place to which the public or a substantial group of persons has access, and includes but is not limited to highways, sidewalks, transportation facilities, schools, places of amusement, parks, playgrounds and hallways, lobbies and other portions of apartment houses not constituting rooms or apartments designed for actual residence.

12.114 "*Property*" means any money, personal property, real property, thing in action, evidence of debt of contract, or article of value of any kind.

12.115 "*Peace Officer*" includes any public servant vested by law with a duty to maintain public order or to make arrests for crime, whether that duty extends to all crimes or is limited to specific crimes.

12.120 PENALTY

Any person found guilty of violating any of the provisions of this chapter shall be punished as a misdemeanor by a fine of not more than Five Hundred Dollars (\$500.00) and costs of prosecution, or by imprisonment for not more than ninety (90) days, or by such fine and imprisonment.

ARTICLE II. SPECIFIC OFFENSES

12.200 ACCOSTING AND SOLICITING

A person commits the offense of accosting and soliciting if he invites another person, in any public place or in or from any building or vehicle by words, gesture or any other means, to do any lewd or immoral act or act of moral perversion.

ARTICLE II. SPECIFIC OFFENSES (cont'd)

12.210 ALCOHOLIC LIQUOR-FURNISHING TO A MINOR

A person commits the offense of furnishing alcoholic liquor to a minor if he furnishes or gives any alcoholic beverage to a person under the age of twenty-one (21) years, except upon authority of and pursuant to a prescription of a duly licensed physician.

12.220 ALCOHOLIC LIQUOR-ILLEGAL POSSESSION

A person commits the offense of illegal possession of alcoholic liquor if:

12.221 He knowingly possesses any alcoholic liquor on any premises or in any building owned by or under the control of the Peck Community School District in the Village of Peck.

12.222 Being under the age of twenty-one (21) years, he knowingly purchases, possess or transports any alcoholic liquor, except in the course of employment as an employee of a licensee of the State Liquor Control Commission.

12.230 ASSAULT AND BATTERY

No person shall commit an assault or an assault and battery upon the person of another.

12.240 CONTROLLED SUBSTANCE-POSSESSION OR USE

12.241 "Marijuana" means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted there from, fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

12.242 A person commits the offense of unlawful possession of marijuana if he knowingly or intentionally possesses marijuana except as authorized by the provisions of Act No. 368, Michigan Public Acts of 1978 (Public Health Code).

12.243 A person commits the offense of unlawful use of marijuana if he uses marijuana except as authorized by the provisions of Act No. 368, Michigan Public Acts of 1978 (Public Health Code).

12.250 CRUELTY TO ANIMALS

A person commits the offense of cruelty to animals if he tortures, torments, deprives of necessary sustenance, mutilates, cruelly beats or kills any animal; or willfully fails to provide proper food, drink, shelter or protection from the weather for any animal in his charge or custody wither as owner or otherwise. (MSA 28.161)

ARTICLE II. SPECIFIC OFFENSES (cont'd)

12.26.00 CURFEW

12.26.01 Curfew-Minors Under Twelve Years Old

No minor under the age of twelve (12) years shall loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, public buildings, places of amusement and entertainment, vacant lots or other unsupervised places, or pleasure ride or park in automobiles, between the hours of 10:00 pm and 6:00 am, unless the minor is accompanied by a parent or guardian, or some adult delegated by the parent or guardian to accompany the child.

12.26.02 Curfew-Minors Between Twelve and Sixteen Years Old

No minor twelve (12) years or older, but under the age of seventeen (17) years, shall loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, public buildings, places of amusement and entertainment, vacant lots or other unsupervised places, or pleasure ride or park in automobiles, between the hours of 11:00 pm and 6:00 am., Sunday through Thursday nights, and between 12:00 midnight and 6:00 am Friday and Saturday nights.

12.26.03 Parents Of Minor Violating Curfew

The parent or parents of a minor who has violated these curfew provisions may be notified of the violation(s) by personal service or registered mail and shall be responsible for any subsequent curfew violations.

12.26.04 Exceptions

- A. The provisions of this section do not apply to a minor accompanied by his parent, guardian, or other adult person having the care and custody of such minor, or where the minor is upon an emergency errand or legitimate business directed by his parent, guardian or other adult person having the care and custody of the minor.
- B. The provisions of this section do not apply to a minor employed in an occupation authorized by law, where such minor is going to or from work and carries on his person evidence in writing, signed by his employer, showing the time when such minor left work on that day. Any employer falsifying any evidence in writing of the time of day when a minor in his employ was relieved from work shall be guilty of a misdemeanor.

12.26.05 Penalties

- A. Any employer falsifying any evidence in writing of time of the day when a minor in his employ was relieved from work shall be guilty of a misdemeanor.
- B. Any child violating the provisions of this ordinance shall be responsible for a Grade A civil infraction.
- C. In the event of subsequent violation(s) after notice of their child's curfew violation, the parent(s) shall be responsible for a Grade C civil infraction for each curfew violation.

ARTICLE II. SPECIFIC OFFENSES (cont'd)

12.28.00 **DISORDERLY CONDUCT**

A person commits the offense of disorderly conduct if he:

12.28.01 Engages in fighting or in violent, tumultuous or threatening behavior; or

12.28.02 Makes unreasonable noise; or

12.28.03 In a public place uses abusive or obscene language, or makes an obscene gesture; or

12.28.04 Without lawful authority, disturbs any lawful assembly or meeting of persons; or

12.28.05 Obstructs vehicular or pedestrian traffic; or

12.28.06 Creates a hazardous or physically offensive condition by any act that serves no legitimate purpose; or

12.28.07 Consumes any alcoholic beverage upon a public highway, or in any public place not licensed by the Michigan Liquor Control Commission; or

12.28.08 Urinates in a public place, except public toilets

12.29.00 **ELUDING OR FAILING TO OBEY POLICE OFFICER**

No person shall fail or refuse to obey the lawful commands of a police officer in the exercise of his duty. Nor shall any person elude or attempt to elude a police officer in the exercise of his duty. Failure to obey, or attempting to elude an officer in uniform, or in a marked police vehicle, or who has identified himself as such, shall create a presumption of intent to violate the Section.

12.30.00 **FAILURE OF DISORDERLY PERSON TO DISPERSE**

A person commits the offense of failure as a disorderly person to disperse if he participates with two (2) more other persons in a course of disorderly conduct likely to cause substantial harm or serious inconvenience, annoyance or alarm, and intentionally refuses or fails to disperse when ordered to do so by a peace officer or other public servant engaged in executing or enforcing the law.

12.31.00 **RENDERING A FALSE ALARM**

A person commits the offense of rendering a false alarm if he knowingly causes a false alarm of fire or other emergency to be transmitted to or within a fire department or any other government agency that deals with emergencies involving danger to life or property.

12.32.00 **FALSE REPORTING TO LAW ENFORCEMENT OFFICIALS**

A person commits the offense of false reporting to law enforcement officials if he:

12.32.01 Makes a report or intentionally causes the transmission of a report to law enforcement authorities of a crime or other incident within their concern when he knows that it did not occur; or

12.32.02 Makes a report or purposely causes the transmission of a report to law enforcement authorities pretending to furnish information relating to a crime or other incident within their concern when he knows that he has no such information.

12.33.00 HARASSMENT

A person commits the offense of harassment if, with intent to harass, annoy or alarm another person, he:

12.33.01 Strikes, shoves, kicks, or otherwise touches a person or subjects him to physical contact; or

12.33.02 Follows a person in or about a public place or places; or

12.33.03 Engages in a course of conduct or repeatedly commits acts that alarm or seriously annoy another person and that serve no legitimate purpose.

12.34.00 HARASSING COMMUNICATIONS

A person commits the offense of harassing communications if, with intent to harass or alarm another person, he communicates with a person, anonymously or otherwise, by telephone, or by telegraph, mail or any other form of written communications, in a manner likely to harass or cause alarm.

12.35.00 IMPERSONATING A PEACE OFFICER

A person commits the offense of impersonating a peace officer if he falsely pretends to be a peace officer and does an act in that capacity.

12.36.00 INDECENT EXPOSURE

A person commits the offense of indecent exposure if he makes an open and indecent exposure of his person under circumstances in which he knows or should know that his conduct is likely to cause affront or alarm.

12.37.00 LITTERING

12.37.01 Offense

A person commits the offense of littering, if he knowingly, without the consent of the public authority having supervision of public property or the owner of private property, to dump, deposit, place, throw or leave, or cause or permit the dumping, depositing, placing, throwing or leaving of , litter on any public or private property of waters other than property designated and set aside for such purposes. The phrase "public or private

ARTICLE II. SPECIFIC OFFENSES (cont'd)

property or waters" includes, but is not limited to, the right of way of any road or highway, any body of water or watercourse, or the shores or beaches thereof and including the ice above such waters; any park, playground, building, refuge or conservation or recreation area; and any residential or farm properties or timberlands. Toxic substances shall be defined by MIDEQ standards.

12.37.02 Penalty

A. Civil Infractions

The single incident deposition of a total of less than one cubic foot of non-toxic household litter (i.e., paper, glass, plastic or metal containers, etc) shall constitute a GRADE C civil infraction.

B. Misdemeanors

The deposition of any amount or form of toxic substance, and/or the deposition of non-household waste, and/or the single incident deposition of one cubic foot or more of household waste shall constitute a misdemeanor and the offender shall be subject to a fine up to \$500.00, and imprisonment up to 90 days or both, fine and imprisonment.

12.38.00 LOITERING

A person commits the offense of loitering if he:

12.38.01 Loiters, remains or wanders about in a public place for the purpose of begging;

12.38.02 Loiters or remains in a public place for the purpose of gambling with cards, dice or other gambling paraphernalia; or

12.38.03 Loiters or remains in or about a school building or grounds, not having any reason or relationship involving custody of or responsibility for a pupil, or any other specific, legitimate reason for being there and not having written permission from a school administrator; or

12.38.04 Loiters or remains in any place for the purpose of intentionally and unlawfully using or possessing a controlled substance; or

12.38.05 Knowingly loiters or remains in a any place where the use of controlled substance is practiced, encouraged, or allowed.

12.39.00 MALICIOUS MISCHIEF

A person commits the offense of malicious mischief if, having no right to do so or nay reasonable ground to believe that he has such right, he intentionally damages public property or private property belonging to another person.

12.40.00 MENACING

A person commits the crime of menacing if, by physical action, he intentionally places or attempts to place another person in fear of imminent serious physical injury.

12.41.00 MISSILES

12.41.01 No person shall throw or propel any snowball, missile or object toward any person or vehicle.

12.41.02 No person shall throw or propel any snowball, missile or object from any moving vehicle.

12.42.00 OBSTRUCTING GOVERNMENT OPERATIONS

12.42.01 A person commits the offense of obstructing government operations if he intentionally obstructs, impairs, or hinders the performance of a government function or the use of government property by using or threatening to use violence, force, physical interference or obstacle.

12.42.02 For purposes of the section "government" includes any principal subdivision or agency of the United States, State of Michigan, Village of Peck, or any agency of local government operating within the Village of Peck; "governmental function" includes any activity which a public agency or public servant is legally authorized to undertake.

12.43.00 OBSTRUCTING A PEACE OFFICER

A person who commits the offense of obstructing a peace officer if, by using or threatening to use, violence, force or physical interference or obstacle, he intentionally obstructs, impairs, or hinders the enforcement of Michigan criminal laws or Village ordinances, or the preservation of the peace or exercise of authority by a peace officer acting under color of his official authority.

12.44.00 RESISTING ARREST

A person commits the offense of resisting arrest if he intentionally prevents or attempts to prevent a peace officer, acting under color of his official authority, from affecting an arrest of the actor or another, by:

12.44.01 Using or threatening to use physical force or violence against the peace officer or another; or

12.44.02 Using any other means creating a substantial risk of causing physical injury to the peace officer or another.

12.45.00 TAMPERING

A person commits the offense of tampering if, having no right to do so and no reasonable ground to believe that he has right, he tampers or meddles with public property or private property belonging to another person even though no damage results.

12.46.00 THEFT BY INSTRUMENT

12.46.01 A person commits the offense of theft by instrument when he, with intent to defraud, makes, draws, utters or delivers any check, draft order or other instrument for the payment of money, to apply on account or otherwise, upon any bank or other depository, knowing at the time of such making, drawing, uttering or delivering that the

ARTICLE II. SPECIFIC OFFENSES 12.46.01 (cont'd)

maker or drawer has not sufficient funds in or credit with such bank or other depository, for the payment of such check, draft, order or other instrument in full upon its presentment. (see MSA 28.326, MCL 750.131)

12.46.02 Failure of the maker or drawer to pay the full amount of the instrument (along with costs and protest fees) within five (5) days after receiving notice of rejection by the drawee for non-sufficient funds, shall be prima facie evidence of intent to defraud by maker or drawer. (see MSA 28.327; MCL 750.132)

12.47.00 THEFT OF PROPERTY

A person commits the offense of theft of property if he takes, steals, appropriates to his own use or knowingly possesses public property or private property belonging to another person with the intent to deprive the rightful owner of the possession thereof.

12.48.00 THEFT OF SERVICES

A person commits the offense of theft of services if he/she intentionally obtains services known by him to be available only for compensation by deception, threat, false token or other means to avoid payment for the services.

12.49.00 TRESPASS

12.49.01 A person commits the offense of trespass if he enters or remains in or upon premises which are not open to the public when he is not licensed, invited or otherwise privileged to do so. A person who enters or remains in or upon premises which are at the time open to the public does so with license and privilege unless he defies a lawful order not to enter or remain, personally communicated to him by the owner of the premises or some other authorized person. A license or privilege to enter or remain in a building which is only partly open to the public is not a license or privilege to enter or remain in that part of the building which is not open to the public. A person who enters or remains upon unimproved and apparently unused land, which is neither fenced or otherwise enclosed in a manner designed to exclude intruders, does so with license and privilege unless notice against trespass is personally communicated to him by the owner of the land or some other authorized person, or unless notice is given by posting in a conspicuous manner.

12.49.02 "Premises" for purposes of this section includes any structure or motor vehicle and any real property.

12.50.00 WEAPONS-DISCHARGING FIREARMS, AIRGUNS, ETC. EXCEPT FOR AGRICULTURAL ZONED PROPERTY AND IN ANY EVENT WITHIN 500 FEET OF BUILDINGS

No person shall discharge any firearm, spring gun, air gun, slingshot, bow and arrow or other device capable of or designed to discharge any shot, pellet or missile likely to inflict bodily injury, in the Village, except when lawfully acting in the defense of persons or property or the

ARTICLE II. SPECIFIC OFFENSES (cont'd)

enforcement of law or at a duly established range, the operation of which has been approved by the Village Council

12.51.00 WEAPONS-POSSESSION OF KNIVES

12.51.01 It shall be unlawful for any person to be in possession of a knife with a blade more than 3 inches in length while in or on any streets, alleys, parks, schools or other public property, or in any dance hall, liquor establishment, store or other private property generally frequented by the general public for purposes of education, recreation, amusement, entertainment, sport, shopping or service.

12.51.02 This section shall not apply to any person in possession of any such knife where it is used, carried or possessed in good faith as a tool of honest work, trade, business, sport or recreation while the person in possession of the knife is actively engaged therein or actively in going to or returning from such honest work, trade, business, sport or recreation.

12.51.03 For purposes of this section, the term "knife" shall mean any cutting, stabbing, slashing or shaving instrument including, but not limited to, any form of cutlery, dirk, stiletto, dagger, razor, machete, etc.

12.52.00 WEAPONS-POSSESSION OF LOADED FIREARMS

12.52.01 It shall be unlawful for any person to be in possession of any firearm that is not unloaded, disassembled or encased, on any of the streets, alleys, parks, in any schools, liquor sales establishments, restaurants or any public property or private property generally frequented by the public for purposes of education, recreation, amusement, entertainment, sports, shopping or service.

12.52.02 This section shall not apply to a person holding a valid license to carry a weapon concealed on his person or to a duly authorized police or correctional agent of the U.S., state or political subdivisions thereof.

12.52.03 This section shall not apply to persons while they are in possession of an assembled, unloaded and uncased firearm for purpose of sale or purchase of that firearm in a business establishment licensed to sell firearms.

12.52.04 This section shall not apply to the owner, proprietor, and manager or authorized employer or agent of said owner, proprietor or manager while such person is actually in charge of the legitimate business normally conducted on private property which is generally frequented by the public for purposes of education, recreation, amusement, entertainment, sport, shopping or service.

12.52.05 For the purposes of this section the word "firearm" shall be construed to include any weapon from which a dangerous projectile may be propelled by using explosives, gas or compressed air.

ARTICLE II. SPECIFIC OFFENSES (cont'd)

12.53.00 WEAPONS-POSSESSION BY MINORS

It shall be unlawful for the parent or guardian of any minor under the age of eighteen (18) years to willfully permit such minor to use or have in his possession any pistol, rifle, shotgun, spring gun, air gun, slingshot, bow and arrow or other weapon capable of or designed to discharge use or possession thereof, under the direct supervision or control of his parent or guardian or some other adult person. This section shall not be construed to authorize the discharge or use of any weapon or device in violation of Section 12.500 or any other section.

12.54.00 WINDOW PEEPING

A person commits the offense of window peeping if he looks, peers or peeps into any window on the property of another person under circumstances in which he knows or should know that his conduct is likely to cause affront or alarm.

CHAPTER 13
OFFICERS' BONDS

13.000 BONDS OF OFFICERS

The Village of Peck ordains that the following officers shall give bonds and security for the faithful performance of their duties, to-wit: the Village Treasurer and the Village Clerk and (their designated deputies).

13.010 VILLAGE CLERK and DEPUTY CLERKS

The Village Clerk and any deputy clerk(s) shall give a bond to the Village of Peck in such a sum and with such sureties as shall be approved by the Village Council and required by statute conditioned for the faithful discharge of the duties of said office and for the accounting and other properties of the said Village that shall come into his/her hands as such Village Clerk.

13.020 VILLAGE TREASURER and DEPUTY CLERKS

The Village Treasurer and any deputy treasurer(s) shall give a bond to the Village of Peck in such sum and with such sureties as shall be approved by the Village Council and required by statute containing the same condition as the Village Clerk's bond.

CHAPTER 14
PARKING VIOLATIONS BUREAU

14.000 ADOPTION

Pursuant to Section 8395 of the Revised Judicature Act, State of Michigan, as added by Public Act 154 of 1968, 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 Village Clerk.

14.010 BUREAU ESTABLISHMENT

The Village Council shall establish a convenient location for the parking violations bureau, appoint the qualified Village employees to administer the bureau and adopt rules and regulations for the operation thereof.

14.020 DISPOSAL OF VIOLATIONS

No violation not scheduled in Section 14.050 of this chapter shall be disposed of by the parking violations bureau. The fact that a particular violation is scheduled shall not entitle the alleged violator to 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 any court having jurisdiction of the offense as provided by law.

14.030 VIOLATOR RIGHTS

No violation may be settled at the parking violations bureau except at the specific request of the alleged violator. 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 fatality of any fact or matter relating to such alleged violation. 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. The unwillingness of any person to dispose of any violation at the parking violations bureau shall not prejudice him or in any way diminish the rights, privileges and protection accorded to him by law.

14.040 ISSUANCE OF TRAFFIC TICKET

The issuance of a traffic ticket or notice of violation by a police officer of the Village shall be deemed an allegation of a parking violation. Such 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. 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, should such a person fail to respond w=within the time allotted, the ticker shall be filed with the District Court and treated as a Civil Infraction under the provisions of UTC Section 8.10.

14.050 OFFENSES-FINES

The penalties for the following listed parking violations shall be set annually by resolution of the Village Council. UTC Sections (which should be consulted for more complete explanation) and

(CHAPTER 14.050 cont'd)

any violation of Chapter 8 of the UTC may be charged as a civil infraction in the Village of Peck. Fines for Parking violations shall be set annually by resolution of the Village Council. The costs of removal may be added to the fine.

PARKING VIOLATIONS

	UTC Section
14.051 Parking to far from the curb	(8.1,8.2)
14.052 Obstruction to traffic	(8.5)
14.053 Prohibited parking	
(General violations, signs not required)	(8.10)
(a) on sidewalk	
(b) in front of drive	
(c) within intersection	
(d) within 15 feet of hydrant	
(e) on cross walk	
(f) within 20 feet of cross walk or 15 feet of corner lot lines	
(g) within 30 feet of street side traffic sign or signal	
(h) within 50 feet of rail at railroad crossing	
(i) within 20 feet of fire station entrance	
(j)LOADING ZONES	
1. within 75 feet of fire station entrance on opposite side of street (signs required)	
2. 10 minutes minimum	
3. not less than 75 feet of intersection	
4. not to obstruct line of traffic	
5. do not impede parked traffic	
(k) beside street excavation when traffic obstructed	
(l) double parking	
(m) on any bridge or tunnel	
(n) within 200 feet of accident where police in attendance	
(o) in front of any theater	
(p) blocking emergency exit	
(q) blocking fire escape	
(r) any place controlled by official signs	
(s) handicapper zone without certificate or plate	
(t) within 500 feet of fire scene (See UTC exceptions;)	
14.054 Parking for prohibited purpose	(8.14)
a) displaying vehicle for sale	
b) working or repairing vehicle	
c) displaying advertising	
d) selling merchandise	
e) storage over 48 hours	
14.055 Parking in alley	(8.13)
14.056 Loading zone violations	(8.16, 8.17)

(CHAPTER 14 cont'd)

14.060 STORE OR DISPLAY OF VEHICLES FOR SALE

No person, firm or corporation shall park or place any implements, motor vehicles or other merchandise intended for storage or display purposes upon any of the streets in the Village of Peck.

14.070 SPECIFIC PARKING RESTRICTIONS

It shall be unlawful for any person, firm, or corporation to park any motor vehicle on any street within the corporate limits of the Village of Peck between the hours of 3:00 AM and 6:00 AM from November 1st through April 1st. The purpose of this restriction is to permit the full and complete operation by the Village of Peck and the Sanilac County Road Commission of snow removal on the streets during such hours.

CHAPTER 15
PEDDLERS & AUCTIONEERS

15.000 PERMIT REQUIRED

It shall be unlawful for a peddler, solicitor, canvasser or auctioneer as defined in Section 15.010 of this chapter, to engage in such business within the corporate limits of the Village of Peck without first obtaining a permit therefore in compliance with the provisions of this chapter.

15.010 DEFINITIONS

15.011 The word "*person*" as used herein shall include the singular and the plural and shall also mean and include any person, partnership, firm, or corporation, or any other organization.

15.012 The word "*peddler*" as used herein shall include any person whether a resident of the Village of Peck or not, traveling by foot, wagon, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or whom without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, boat, or other vehicle or conveyance. A person who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this chapter shall be deemed a peddler subject to the provisions of this chapter, The word "*peddler*" shall include the words "*hawker*" and "*huckster*".

15.013 A "*canvasser*" or "*solicitor*" is defined as any individual, whether resident of the Village of Peck or not, traveling either by foot, wagon, automobile, motor truck, or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not.

15.014 An "*auctioneer*" is a person who sells land or goods of another at a sale where any and all persons who choose are permitted to attend and offer bids.

15.020 APPLICATION

Thirty (30) days prior to the conducting of any business controlled by this Chapter, applicants for permit under this chapter must file with the Village Clerk a sworn application in writing (in duplicate) on a form to be furnished by the Village Clerk, which shall give the following information:

15.021 Name and description of the applicant;

15.022 Address (permanent residence. business & local);

CHAPTER 15.020 (cont'd)

15.023 A brief description of the nature of the business and the goods to be sold and in the case of products of farm or orchard, whether produced or grown by the applicant;

15.024 If employed, the name and address of the employer, together with credentials establishing the exact relationship;

15.025 The length of time for which the right to do business is desired;

15.026 If a vehicle is to be used, a description of the same, together with VIN, license number or other means of identification;

15.027 A clear 2" x 2" head and shoulder photograph of the applicant, taken within 60 days immediately prior to the date of the filing of the application;

15.028 The fingerprints of the applicant and the names of at least two reliable property owners of the County of Sanilac who will certify as to the applicant's good character and business responsibility, or, in lieu of the names of references, any other available evidence as will enable an investigator to properly evaluate such character and business responsibility;

15.029 A statement as to whether or not, within the past ten years, the applicant has been convicted of any crime or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefore;

15.030 At the time of filing the application, an annually established fee shall be paid to the Village Clerk to cover the cost of investigation.

15.040 INVESTIGATION AND ISSUANCE

15.041 Upon receipt of such application, the original shall be referred to the Chief of Police, who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good.

15.042 If as a result of such investigation the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on such application his disapproval and his reasons for the same, and return the said application to the Village Clerk for review at the Council's next regular meeting.

15.043 If as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on the application his approval, execute a permit addressed to the applicant for the carrying on of the business applied for and return said permit, along with the application to the Village Clerk, who shall present the application and permit to the Village Council for approval at its next regular meeting.

CHAPTER 15.040 (cont'd)

15.044 The Village Clerk shall notify the applicant of the time, date and place of the Council meeting at which the application and police report shall be reviewed.

15.045 The applicant shall appear before the Council at that time to respond to inquiries.

15.046 If Council chooses to disapprove of the permit, it shall state its reasonable basis in the rejection motion.

15.047 If Council chooses to approve the application and permit, as submitted or modified, it shall direct the Village Clerk to collect the prescribed fee and deliver to the applicant his duly authorized permit.

15.048 Each permit shall contain:

15.048A The signature and seal of the issuing office

15.048B The name, address and photograph of said permittee

15.048C The class of permit issued and the kind of goods to be sold thereunder,

15.048D The amount of fee paid

15.048E The date of issuance and the length of time the same shall be operative

15.048F The license number and other identifying description of any vehicle used in such peddling

15.049 The Clerk shall keep a permanent record of all permits issued.

15.050 Peddlers, auctioneers, solicitors, and canvassers are required to exhibit their permits at the request of any citizen.

15.051 All annual permits issued under the provisions of this chapter shall expire on the 31st day of December in the year when issued. Other than annual permits shall expire on the date specified in the license.

15.060 FEES

15.061 The application and daily, weekly, monthly or annual permit fee shall be set annually by the Village Council. (See Annual Fee Resolution)

15.062 None of the permit fees provided for by this chapter shall be so applied as to occasion an undue burden upon interstate commerce.

15.063 In any case where a permit fee is believed by a permittee or applicant for permit to place an undue burden upon such commerce, he may apply to the Village President for an adjustment of the fee so that it shall not be discriminatory, unreasonable, or unfair as to such commerce.

15.064 Such application may be made before, at, or within six months after payment of the prescribed permit fee.

CHAPTER 15.060 (cont'd)

15.065 The applicant shall , by affidavit, and supporting testimony, show his method of business and the gross volume or estimated gross volume of business and such other information as the President may deem necessary in order to determine the extent, if any, of such undue burden on such commerce.

15.066 The President shall then conduct an investigation, comparing applicant's business with other businesses of like nature and shall make findings of fact from which he shall determine whether the fee fixed by this chapter is unfair, unreasonable or discriminatory as to applicant's business and shall fix as the permit fee for the applicant, an amount that in non-discriminatory, reasonable and fair, If the fee has already been paid, the President shall order a refund of the amount over and above the fee so fixed.

15.067 In fixing the fee to be charged, the President shall have the power to base the fee upon a percentage of gross sales, or any other method which will assure that the fee assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the fees as prescribed by Section 15.041 of this chapter.

15.068 Should the President determine the gross sales measure of the fee to be the fair basis, he may require the applicant to submit, either at the time of termination of applicant's business in the Village of Peck or at the end of each three month period, a sworn statement of the gross sales and pay the amount of fee therefore, provided that no additional fee during any one calendar year shall be required after the permittee shall have paid an amount equal to the annual permit as prescribed in Section 15.041 of this chapter.

15.070 **BOND**

15.071 Every applicant, not a resident of the Village of Peck, or who being a resident of the Village of Peck represents a firm whose principal place of business is located outside the State of Michigan, shall file with the Village Clerk a surety bond, running to the Village in the amount of \$1,000.00, with surety acceptable to and approved by the President.

15.072 The purpose of the bond shall be to ensure compliance with all the provisions of the ordinances of the Village of Peck and the statutes of the State of Michigan regulating and concerning the business of solicitor and guaranteeing to any citizen of the Village of Peck that all money paid as a down payment will be accounted for and applied according to the representations of the solicitor and further guaranteeing to any citizen of the Village of Peck doing business with said solicitor, that the property purchased will be delivered according to the representations of said solicitor.

15.073 Action on such bond may be brought in the name of the Village to the use or benefit of the aggrieved person(s).

15.080 BADGES OR TAGS

15.081 The Council may direct the Village Clerk to issue to each permittee at the time of delivery of his license a badge or tag which shall contain:

15.081A The words "Licensed Peddler" or "Licenses Auctioneer" as the case may be

15.081B The period for which the permit is issued

15.081C The number of the permit in letters and figures easily discernible from a distance of ten feet.

15.082 Such badge shall, during the time such permittee is engaged in peddling or soliciting, be worn constantly by the permittee on the front of his outer garment in such a way as to be conspicuous.

15.090 REVOCATION OF PERMIT

15.091 Permits issued under the provisions of this chapter may be revoked by the President of the Village of Peck after notice and hearing, for any of the following causes:

15.091A Fraud, misrepresentation or false statement contained in the application for license

15.091B Fraud, misrepresentation or false statement in the course of carrying on his business as solicitor or as canvasser

15.091C Any violation of this chapter

15.091D Conviction of any crime or misdemeanor involving moral turpitude, or

15.091E Conducting the business of soliciting, or of canvassing in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public

15.092 Notice of the hearing for revocation of a permit shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the permittee at his last known address or served personally upon him at least five (5) days prior to the date of hearing. Upon service of said notice the license of said licensee shall be temporarily suspended, pending such hearing.

15.100 APPEAL

Any person aggrieved by the action of the Chief of Police or the Village Clerk in the denial of a permit as provided in Section 15.030 of this chapter, or the action of the President in the assessing of the fee as provided in Section 15.040 of this chapter shall have the right of appeal to the Council of the Village of Peck. Such appeal shall be taken by filing with the Council, within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Council shall set a time and place for a hearing on such manner as provided in Section 15.092 of this chapter for notice of hearing on revocation. The decision and order of the Council on such appeal shall be final and conclusive.

15.110 EXCEPTION FOR RESIDENTS AND VETERANS

Any resident of the Village of Peck, honorably discharged veteran of a United States military unit, or any person bearing a valid, current license for Sanilac County or any municipality in Sanilac County, may apply directly to the Village President for a permit as peddler, auctioneer or solicitor. The President, on his own initiative or with the advice and consent of the Council, may direct the Village Clerk to issue such permit without delay, investigation, charge or fee.

15.120 PENALTY

Any person violating any of the provisions of this chapter shall, upon conviction thereof be punished under the provisions of Chapter 1, Section 1.050 of this code.

CHAPTER 16
PERSONNEL POLICY

ARTICLE I

This section was repealed December 19, 2007 and is reserved for any future expansion of the personnel policy.

ARTICLE II: ANTINEPOTISM

16.200 PROHIBITION

No two or more persons who are within the second degree of consanguinity or affinity shall be employed within the same department of the Village.

No person who is related within the second degree of consanguinity or affinity to Village supervisory personnel shall be employed in a position subordinate to that supervisor, foreman, etc.

16.210 DEFINITIONS

16.211 The term "*WITHIN THE SECOND DEGREE OF CONSANGUINITY OR AFFINITY*" shall include the following relations (by blood, adoption, or marriage) of the first-hired employee: Grandfather, grandmother, uncle or aunt, niece or nephew, grandson or granddaughter; Wife or husband, brother or sister, son or daughter.

16.220 DISCLOSURE

All applicants for employment shall be required to disclose the identity of any current Village employees related to the applicant within the second degree of consanguinity or affinity.

All Village employees shall disclose to the Village the identity of other employees who are related within the second degree on consanguinity or affinity by blood or marriage.

ARTICLE III: EMPLOYEE DISCIPLINARY PROCEDURES

16.300 PURPOSE

In the event that an employee of the Village of Peck violates an implied or express condition of employment, instruction, direction, order, ordinance, statute or is otherwise subject to disciplinary action other than oral reprimand or outright dismissal, the disciplinary procedure outlined herein shall be followed.

16.310 AUTHORIZED OFFICERS

The following officers of this Village are authorized to initiate disciplinary procedures and to issue Notice of Reprimand:

- Village President
- Police Commissioner
- Chairman of Personnel Committee
- DPW Chairman
- Any agent designated by action of the Village Council

ARTICLE III: EMPLOYEE DISCIPLINARY PROCEDURES (cont'd)

16.320 NOTICE OF REPRIMAND

The reprimanding officer shall provide the reprimanded employee with a written Notice of Reprimand which shall indicate:

- 16.321 How many prior written reprimands the employee has received;
- 16.322 His right to request, within 20 days, a hearing on the issues;
- 16.323 The nature of the objectionable activity;
- 16.324 The date, time and place of the incident;
- 16.325 The witnesses to the incident

16.330 PROCEDURE

16.331 Occurrence of Incident;

- A. Upon completion of an investigation and determination of the necessity of discipline, the agent shall present a copy of the reprimand to the Village Council.
- B. The agent shall supply the employee with a copy of the reprimand either by personal service, first class mail or registered mail. If the employee responds to the allegations, his/her written comments shall be appended to the Notice of Reprimand filed with the Village Clerk. If so requested in writing (or Council so desires on motion), a hearing shall be set to establish the merits of the reprimand. Notice of the hearing shall be sent to the agent and the employee.
- C. At that hearing the agent and the employee may appear and present witnesses and evidence. The Council shall make finding of fact as to the basis for the reprimand and enter the reprimand into the employee's personnel file, amend the reprimand in accordance with the facts that have been established and then enter it into the employee's file, or find no basis for the reprimand, dismissing the same. The nature of the penalty (if any) shall be specified.

CHAPTER 17
RIGHTS-OF-WAY

17.010 PERMITS REQUIRED

17.011 PROHIBITION

No person, firm, or corporation shall conduct any operations which temporarily or permanently alter the existing conditions in the public right-of-way or easements of the Village of Peck without first obtaining a permit and filing with the Village Clerk necessary proof of insurance and bonds as hereinafter provided.

17.012 EXAMPLES

Examples of the restricted activities include the installation or repair of above or underground utilities, excavation in the street, curb or right-of-way, cutting, planting, trimming or removal of trees, the erection of any signs, posts, poles, etc., the installation of any wires or piping, etc.

17.013 AUTHORIZATION

Only permits authorized by the Village Council (or its designated representative) and issued by the Village Clerk shall be valid.

17.014 EMERGENCY REPAIR PERMITS

Annual permits (for emergency use only) may be issued to public utilities provided notification is given to the Village Street Commissioner or D.P.W. Superintendent prior to working in the right-of-way.

17.020 APPLICATIONS FOR PERMITS

17.021 FEES

17.021A FILING FEE

All applications shall be accompanied by a non-refundable filing fee, as established annually by resolution.

17.021B ENGINEERING FEE

When activity is extensive or potentially hazardous to life or property and/or when so deemed necessary by the Village Council, an additional engineering fee in an amount of 1 1/4% of the estimated cost of the project may be required to cover review of plans by the Village Engineer. Any unused portion of the fee shall be refunded to the applicant. Applicant shall be promptly notified if the fee is insufficient to cover plan review expense, and the additional costs shall be paid by the applicant within 10 days following notification.

17.021 C INSPECTION FEE

In cases where inspection of the installation is deemed necessary by a representative of the Village Council an additional inspection fee deposit in the amount of 5% of the estimated project cost may be required, from which the reasonable, documented costs of inspection shall be deducted. Unused portions are to be refunded to the applicant upon project completion. Applicant shall be

17.020 APPLICATIONS FOR PERMITS (cont'd)

promptly notified if the inspection costs are expected to be in excess of the 5% deposit. The excess shall be paid within 10 days following notification.

17.022 APPLICATION INFORMATION

All applications shall be filed in duplicate and shall include the following information and when deemed necessary by the Village Council supplemental plans and specifications may be required:

17.022A **Name of applicant**

17.022B **Address of applicant**

17.022C **Name of contractor who will perform the work**

17.022D **Date of application**

17.022E **Exact location where work is to be done**

17.022F **Description of work to be done**

17.022G **Length of time required to complete the work**, including starting and completion date

17.030 INSURANCE

17.031 INSURANCE COVERAGE

Prior to issuance of a permit to operate within the public right-of-way or easements of the Village, the person, firm or corporation responsible for execution of the work shall file with the Village Clerk proof of insurance for general liability in an amount equal to that presently carried by the Village of Peck and proof of coverage of workmen's compensation insurance complying with State of Michigan regulations.

17.032 NON-CANCELLATION

Proof of Insurance shall provide for non-cancellation unless 30 days advance notice in writing is provided to the Village of Peck.

17.033 VILLAGE TO BE HELD HARMLESS

When deemed necessary by the Village Council, proof of insurance shall further provide that the Village of Peck will be held harmless from all damages or actions at law that may arise or may be brought on account of injury to persons or property resulting from the work being performed in the public right-of-way or easements of the Village of Peck.

17.034 WAIVER

In the case of a Village resident working in the right-of-way adjacent to their own property, Village Council may waive the insurance requirements after review of the circumstances.

17.040 BONDS

17.041 AMOUNT

Prior to the issuance of a permit to operate within the public right-of-way or easements of the Village a bond either in cash or other form of surety acceptable to the Village Council shall be filed with the Village Clerk in accordance with the following schedule:

	<u>Minimum</u>	<u>Maximum</u>
1. Excavation in street for utilities, installation or repairs.		
Paved Street	\$500.00	\$10,000.00
Gravel Street	\$250.00	\$5,000.00
2. All other operations, (unless bonding requirement is waived by Village Council.)	\$25.00	As determined by Council.

17.042 DISPOSITION OF BOND

Upon satisfactory completion of all repairs to Village streets, walks, or upon utilities the full amount of the bond will be refunded within 90 days. In the event of failure of the permit holder to promptly repair damages caused by his operations, the Village shall appropriate from the bond deposit sufficient money to have the repairs made, in any case where the bond deposit does not cover all costs and expenses of the Village for making the repairs, the deficit shall be paid by the permit holder.

17.050 PENALTIES

Any person, firm or corporation violating any provisions of this ordinance shall upon conviction be punished by a fine not to exceed \$100.00 or imprisonment for a term not to exceed ninety days, or both. Such fine and imprisonment plus costs at the discretion of the court. Each day that a violation is permitted to continue shall be deemed a separate offense.

CHAPTER 18
SALE OF REAL PROPERTY

18.01.00 TITLE

This ordinance shall be known and may be cited at the "SALE OF REAL PROPERTY, Chapter 18 of the Code of Ordinances of the Village of Peck."

18.02.00 DEFINITIONS

The terms used in this Chapter shall have the same meaning as given to them in Public Act 3 of the Public Acts of 1895 (the General Law of Villages).

18.03.00 COUNCIL AUTHORIZATION

The Council of the Village of Peck may, by a confirming vote of 2/3rds of the Council and for sufficient consideration, convey title to real property held in the name of the Village of Peck, unless otherwise prohibited.

18.04.00 EXCEPTIONS

18.04.01 The Council of the Village of Peck shall not convey, sell or dispose of a public park or playground without the consent of the majority of the qualified electors of the Village, pursuant to Public Act No. 67 of the Public Acts of 1974.

18.04.02 The Council of the Village of Peck shall not convey, sell or dispose of real property if a majority of the electors at a regular or special election oppose such sale.

18.05.00 SALE PRICE

Real property held in the name of the Village of Peck may be sold by the Council, but only for sufficient consideration determined by:

18.05.01 Competitive Bid;

18.05.02 Appraisal;

18.05.03 Court Order;

18.05.04 Popular Election;

18.05.05 Such other technique as would assure that the Village receives at least fair market value.

18.06.00 SALE PROCEDURE

18.06.01 Notice of sale hearing

Sale of non-exempt real property owned by the Village of Peck shall be considered at a public hearing, notice of which has been published in a newspaper in general circulation in the Village at least 15 days prior thereto. (Opinion of the Attorney General No. 0-2888,1944)

CHAPTER 18.06.00 (cont'd)

18.06.02 Notice of sale decision

Notice of the action of the council effecting the sale shall be published in a newspaper in general circulation in the Village and posed in at least three conspicuous locations in the Village.

18.06.03 Closing

The sale shall not be effective and the sale documents shall not be executed, consideration exchanged or accepted and sale final until passage of 60 days after hearing wherein agreement to sale is reached between Council and prospective purchaser.

18.07.00 OPPOSITION PETITION REQUIREMENTS

Within 60 days after the public hearing and decision to sell Village property, electors in opposition to the sale may file petition(s) (signed by at least 8% of the registered electors) to have the Sale placed on the ballot for approval or rejection by a majority of the Village electors at the next regular election, or at a special election scheduled for that purpose.

CHAPTER 19
SALARIES

PRESIDENT AND COUNCIL MEMBERS

19.000 PRESIDENT COMPENSATION

The President of the Village of Peck, County of Sanilac, State of Michigan, shall receive compensation in the amount designated by annual resolution.

19.010 TREASURER COMPENSATION

The Treasurer of the Village of Peck, County of Sanilac, State of Michigan, shall receive compensation in the amount designated by annual resolution.

19.020 CLERK COMPENSATION

The Clerk of the Village of Peck, County of Sanilac, State of Michigan, shall receive compensation in the amount designated by annual resolution.

19.030 ASSESSOR COMPENSATION

The Assessor of the Village of Peck, County of Sanilac, State of Michigan, shall receive compensation in the amount designated by annual resolution.

19.040 TRUSTEE COMPENSATION

The Trustee of the Village of Peck, County of Sanilac, State of Michigan, shall receive compensation in the amount designated by annual resolution.

CHAPTER 20 STREETS

20.000 DEFINITIONS

As used in this chapter, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

20.001 *Street*

Any public way open to vehicular traffic. The term shall include, but not be limited to , lanes, roadways, alleys and all public rights-of-way. Unless bicycle paths are specifically excluded in any provision in this chapter, the term "*street*" shall also include bicycle paths.

20.010 REMOVAL, DAMAGE, OR DESTRUCTION PROHIBITED

No person shall remove, damage or destroy any part of any street or any structure forming part of a street or supporting part of a street.

20.020 DAMAGE OR REMOVAL OF FENCES PROHIBITED

No person shall damage or remove all or any part of any fence installed to keep pedestrians or vehicles out of any street or designed to protect pedestrians using any bridge.

20.030 EXCEPTION FOR AUTHORIZED ACTION

Nothing in this chapter shall be interpreted as prohibiting any person from doing any act authorized by the body politic or other agency having jurisdiction over a sign, fence, street or bridge.

20.040 PENALTY

Any person, firm or corporation violating any provision of this chapter shall be subject to the general fine and penalties as set forth in this Code (see Chapter 1, Section 1.050). A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

20.050 OTHER RIGHTS AND LIABILITIES NOT AFFECTED

Nothing in this chapter shall be interpreted as abolishing or restricting any rights or liabilities created by law, including any right of any person to be awarded damages in a civil suit for any loss suffered as a result of any act prohibited or regulated by this chapter.

CHAPTER 21
SPECIAL ASSESSMENTS
FOR PUBLIC IMPROVEMENTS

21.000 DEFINITIONS

For the purposes of this chapter, the following definitions shall apply:

21.010 Cost

The term "*Cost*", when referring to the cost of any public improvement, shall include the cost of services, plans, condemnation, spreading of rolls, notices, advertising, financing, construction and legal fees and all other expenses incident to the making of such improvement, the special assessments therefore and the financing thereof.

21.020 Public Improvement

The term "*Public Improvement*", shall mean any public work or public improvement for which any part of the cost is to be assessed against one (1) or more lots or parcels to be specially benefited thereby.

21.100 GENERAL AUTHORITY FOR ASSESSMENTS

The entire cost and expense or any part thereof of all public improvements may be defrayed by special assessment upon the lands specially benefited by the improvement in the manner provided in this chapter. (Act 4 of 1974; MCL 68.31; MSA 5.1370(1))

21.200 PROCEDURE

21.210 INITIATION OF PROCEEDINGS

21.211 INITIATION BY PETITION OF PROPERTY OWNERS

Initiation of public improvements may be by petition to the Village Council, signed by property owners whose property is subject to being benefited. Such petition shall be printed on forms approved by the Village Attorney and shall set forth the location, extent and character of the desired public improvement. All petitions for public improvements shall be referred to the zoning administrator for report and recommendation, the Village Council shall proceed in the same manner as provided herein for public improvements initiated by the Village Council.

21.212 INITIATION BY VILLAGE COUNCIL

Proceedings for making public improvements and defraying the entire cost or any part thereof by special assessment may be initiated by resolution of the Village Council.

21.220 ZONING ADMINISTRATOR'S INVESTIGATION AND REPORT

21.221 Whenever the Village Council shall determine to make any public improvements and defray the entire cost and expense thereof or any part thereof by special assessment, the council shall, by resolution, direct the zoning administrator to make an investigation of the proposed public improvement and report his findings to the council.

CHAPTER 21.220 (cont'd)

21.222 The zoning administrator's report referred to herein shall include a n analysis of the estimated cost of the proposed public improvement and plans and specifications for the public improvement. There shall also be included recommendations as to the following:

21.222A The portion of the cost to be borne by the special assessment district and the portion, if any, to be borne by the Village at large;

21.222B The extent of the improvement and boundaries of the district;

21.222C The number of installments in which assessments may be paid;

21.222D Any other factors or recommendations which will aid the council in determining whether the improvement shall be made and how the same shall be financed.

21.230 TENTATIVE DETERMINATION BY COUNCIL; DIRECTION TO PREPARE ASSESSMENT ROLL

Upon receipt of the report of the zoning administrator referred to herein, if the council shall determine to proceed with the improvement, it shall, by resolution, order the zoning administrator's report to be filed with the Village Clerk. In addition, by such resolution, the council shall:

21.231 Tentatively determine the nature and necessity of the public improvement;

21.232 Tentatively determine to proceed with the improvement;

21.233 Tentatively designate the limits of the special assessment district to be effected and describe the lands to be assessed;

21.234 Tentatively determine the part or proportion of the cost of the public improvements to be paid by the owners of the lands specially benefited thereby and the part or proportion, if any, to be paid by the Village at large for benefit to the Village at large;

21.235 Direct the Village Assessor to make a special assessment roll of the part or proportion of the cost to be borne by the lands specially benefited according to the benefits received and to report the same to the council.

21.240 FILING OF ASSESSMENT ROLL; FIXING TIME FOR AND GIVING NOTICE OF PUBLIC HEARING

When the special assessment roll has been reported to the council, it shall;

21.241 Order the roll filed in the office of the Village Clerk for public examination along with the report of the zoning administrator required to be made pursuant to this chapter, and

CHAPTER 21.240 (cont'd)

21.242 Fix a date, time and place when the council shall meet to finally determine the necessity of the improvement, composition of the district and to review the roll and to hear complaints.

21.243 Direct that the zoning administrator's report and the assessment roll shall be open to public inspection for a period of seven (7) days before the hearing required by this section.

21.244 Direct the Village Clerk to give notice of the hearing by the council to determine the necessity for the improvement, composition of the district and review the special assessment roll and to hear complaints, by

21.244A Publication at least once in a newspaper printed and circulated in the Village at least ten (10) days prior to the time of the meeting, and

21.244B Sending notice of the meeting by first class mail to each property owner in the special assessment district, as shown by the current assessment rolls of the Village, at least ten (10) days prior to the time of the hearing, the notice to be mailed to the addresses shown on the current assessment rolls of the Village. Such notice shall state that the plans, estimates of cost and special assessment rolls are on file with the Village Clerk.

21.250 CONDUCT OF HEARING; SECOND HEARING REQUIRED FOR CERTAIN CHANGES

The council shall meet and hear objections to a proposed public improvement, to the special assessment district, and the special assessment roll therefore at the time and place appointed or at an adjourned meeting thereof and shall consider any objections thereto. The council may revise, correct or amend the plans, estimates of cost, special assessment district and special assessment roll. If any changes are made which result in additions to the special assessment district or increases in the special assessment roll, then a second hearing shall be held with respect to the changes and notice of such hearing shall be given in the same manner as required for the first hearing.

21.260 ACTION BY COUNCIL FOLLOWING PUBLIC HEARING; FINALITY OF ASSESSMENT ROLL

After the hearing, or second hearing if required, the council may, by resolution, determine to proceed with the public improvement; determine the necessity thereof and set forth the nature thereof; designate the limits of the special assessment district to be affected and describe the lands to be assessed; finally determine the part or proportion of the cost of the public improvement to be paid by the lands specially benefited thereby and the part or portion, if any, to be paid by the Village at large for benefit to the Village at large. The council may also confirm the special assessment roll with such corrections as it may have made. if any, or may refer it back to the Village Assessor for revision, or may annul it or any proceedings in connection therewith. The Village Clerk shall endorse the

CHAPTER 21.2602 (cont'd)

date of confirmation upon each special assessment roll. Such roll shall be, upon ratification and confirmation, final and conclusive.

21.270 REQUIRED VOTE IN CASE OF OBJECTIONS

If at or prior to the hearing by the Village Council, the owners of more than one-half of the property to be assessed shall object in writing to the improvement, assessment shall not be made without an affirmative vote of two-thirds (2/3) elected members of the council.

21.300 COLLECTION

21.310 CREATION OF LIEN; WHEN DUE; INSTALLMENT PAYMENTS

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

21.312 Such lien shall be of the same character and effect as the lien created by statute (MSA 7.81, MCL 211.40 et seq) for Village taxes and shall include accrued interest and fees.

21.313 No judgment or decree not act of the council vacating a special assessment shall destroy or impair the lien of the Village upon the premises assessed for such amount of the assessment as may be equitably charged against the same or as, by a regular mode of proceeding, might be lawfully assessed thereon.

21.314 All special assessments shall become due upon confirmation of the special assessment roll or in annual installments, the council may determine the first installment to be due upon confirmation or upon any other date the council may prescribe, and the subsequent installments annually thereafter.

21.315 Deferred installments shall bear interest at such rate as the council may prescribe.

21.320 COLLECTION

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

CHAPTER 21.320 (cont'd)

shall prescribe, without interest or penalty. Each with the same rights and remedies as provided by statute for the collection of taxes, except as otherwise herein provided. All collection fees shall belong to the Village and be collectible in the same manner as the collection fee for Village taxes.

21.330 FEES AND INTEREST

After the expiration of the period provided for in Section 21.320 for payment without interest or fees, any installment may be discharged by paying the face amount thereof together with fees and interest thereon from the date of confirmation to the date of payment.

21.400 CHANGES IN ASSESSMENT

21.410 ADDITIONAL ASSESSMENTS

Should the assessments on any special assessment roll, including the amount assessed to the Village-at-large, prove insufficient for any reason to pay the cost of the improvement for which they were made, then the council may make additional pro rata assessments to supply the deficiency against the Village and the several lots and parcels of land in the same ratio as the original assessments, but the total amount assessed against any lot or parcel of land shall not exceed the value of the benefits received from the improvement.

21.420 REFUNDS

Should the special assessment or the proceeds of sale of any special assessment bonds prove larger than necessary to meet the cost of the improvement or to meet the principal and interest requirements of any special assessment bonds and expenses incidental thereto, the excess shall be placed in the Village Treasury. If more than five (5) percent of the project cost, the excess shall be returned pro rata according to assessments, except as otherwise specifically provided. No refunds may be made which contravene the provisions of any evidence of indebtedness secured in whole or in part by such special assessments.

21.430 DIVISION OF LOTS AFTER CONFIRMATION OF ASSESSMENT

Should any lots or lands be divided after a special assessment thereon has been confirmed and divided into installments, the Village Assessor shall apportion the uncollected amounts upon the several amounts as amendments upon the special assessment roll. The Village Treasurer shall, within ten (10) days after such apportionment, send notice of such action to the persons concerned, at their last-known address, by first class mail. Such apportionment shall be final and conclusive on all parties unless protest in writing is received by the Village Treasurer within twenty (20) days of the mailing of the aforesaid notice.

21.440 ASSESSMENT DEFECTS

Whenever the council deems any special assessment invalid or defective, or whenever a court adjudges an assessment to be illegal in whole or in part, the council may cause a new assessment to be levied for the same purpose, whether or not the improvement or any part thereof has been completed, or any part of the special assessment collected. All

CHAPTER 21.440 (cont'd)

proceedings on such re-assessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment. If any portion of the original special assessment is collected and not refunded, it shall be applied upon the re-assessment, and the re-assessment shall, to that extent, be deemed satisfied. If more than the amount re-assessed is collected, the balance shall be refunded to the person making such payment. If in any action it shall appear that, by reason of any irregularities or informalities the assessment has not been properly made against the person assessed or upon the lot or premises sought to be charged, the court may nevertheless, on satisfactory proof that expense has been incurred by the Village which is a proper charge against the person assessed or the lot or premises in question, render judgment for the amount properly chargeable against such person or upon such lot or premises.

21.450 ADDITIONAL PROCEDURE

In any case where the provisions of this chapter may prove to be insufficient to carry into full effect the making of any improvement or the special assessment therefore, the Village Council shall provide any additional step(s) or procedure required to effect the improvement by special assessment in the resolution declaring the determination of the Village Council to make such improvement in the first instance.

21.500 SINGLE LOT ASSESSMENTS

21.510 When any expenses shall be incurred by the Village upon or in respect to any separate or single lot, parcel of land or premises, which, by the provisions of this chapter, the council is authorized to charge and collect as a single lot special assessment against the same, and which is not of that class of special assessments required to be made pro rata upon several lots or parcels of land in a special assessment district, an account of the labor or services for which such expense was incurred, verified by the officer or person performing the labor or services, or causing the same to be done shall be reported to the Village Council in a manner it prescribes. The accounting reported to the Council shall include a description of the lot or premises on or in respect to which the expense was incurred, the name of the owner or person chargeable therewith, and the cost of labor or services performed. The provisions of the preceding sections of this chapter with reference to pro rata special assessments generally, and the proceedings necessary to be had before making the improvement, shall not apply to single lot assessments contemplated in this section.

21.520 The Village Council, after review of the single lots assessment account, shall determine what amount or part of every such reported expense shall be charged, and the premises upon which the same shall be levied as a single lot special assessment. As often as the Village Council may deem it expedient, it shall require all of the several amounts so reported and determined and the several lots or premises chargeable therewith respectively to be reported by the Village Clerk to the Village Assessor, who shall spread such amounts against the real property chargeable therewith on the next tax roll for the collection of general Village taxes.

CHAPTER 21.500 (cont'd)

21.530 USE FOR RECOVERY OF COST OF ABATING PUBLIC NUISANCES AND HAZARDS

When any lot, building or structure, because of accumulation of refuse or debris, the uncontrolled growing weeds, or age or dilapidation, or because of any other condition or happening, becomes a public hazard or nuisance which is detrimental to the health or safety of the inhabitants of the Village, or of those residing or habitually going near such lot, building or structure, the council may order such hazard or nuisance abated and the cost of such abatement assessed against the lot, premises or description of real property upon which such hazard or nuisance was located as a single lot assessment.

CHAPTER 22
UTILITY RATES
WATER AND SEWER RATES

22.000 DEFINITIONS

Unless the context indicates otherwise, the meanings of terms used in this Chapter shall be as follows:

22.001 "*Premises*" shall mean each lot or parcel of land, building or premises having any connection to the Water Supply and Sewage Disposal System of the Village, herein called the "*System*".

22.002 "*Person*" shall mean any individual, firm, association, public or private corporation or public agency or instrumentality

22.003 "*Department*" shall mean the Village Department of Water

22.004 "*Superintendent*" shall mean the Superintendent of the Department

22.010 CHARGES AND RATES

22.011 ESTABLISHMENT OF RATES

The rates to be charged for water and sewage disposal service furnished by the System shall be as prescribed by the Village Council.

22.012 WATER RATES

Except as herein otherwise provided, water to be furnished by the System to each premises shall be measured by a meter owned, installed and controlled by the Village. Charges for water services to each premises connected with the Village Water Supply System shall be as established by Village Council action.

22.013 HYDRANT CHARGE

The Village of Peck shall pay for all water used by it at the foregoing rates; and, in addition, shall pay an annual fire protection charge of seventy-five (\$75.00) dollars per hydrant which charge shall be paid from the General Village Fund, raised from taxes which the Village, within constitutional limitations, is hereby authorized and required to levy in an amount sufficient for that purpose.

22.014 SEWER SERVICE RATES

- A. Charges for sewer services to each premises connected with the sewage system shall be as established by Village Council action.
- B. If the character or quantity of sewage from any manufacturing or industrial plant, or from any other building or premises, is such that it imposes an unreasonable burden upon the Village's Sewage System, in the discretion of the Village Council or upon any other sewage system through which it might flow, then an additional charge shall be made over and above the regular rates established; or, in the alternative, such owner may be required to separately and satisfactorily treat such sewage before being emptied into any public drain or sewer, or the right to empty

CHAPTER 22.010 (cont'd)

said sewage may be denied, if necessary, for the protection of the System, public health or safety.

- C. All sewer use rates established hereunder shall be consistent with Appendum A of the Peck Code of Ordinances "SEWER USE".

22.015 TYPES OF WATER SUPPLY AND SEWER SERVICE RATES

A. Commodity Charge

All the water use and sewer services of residential, commercial, industrial, and other consumers connected to the System shall be measured by meter and the consumers shall be charged a commodity charge for water usage and sewer services.

B. Readiness to Service Charge

Consumers of the Water System and Sewer System shall be charged a readiness to service charge. All consumers of the Water System and Sewer System, whether residential or nonresidential, shall be charged a flat rate based on anticipated water supply and sewer service demand.

C. Flat Rates

Consumers of the Water System and Sewer System without meters shall be charged a flat rate for water and sewer service consisting of a Commodity Charge and a Readiness to Serve Charge component. The commodity Charge component shall be based on a fixed amount of usage. The Readiness to Serve Charge component shall be based on a hypothetical water meter size for the customer's anticipated water supply and sewer service demand.

D. Connection Charge

The Village shall charge and the consumer shall pay as a precondition to connecting to the water mains of the System, a connection charge and a charge for the water meter. Said charges shall be paid at the time that an application for permission to connect to the water mains of the System is requested. Sewer System connection charges are as set forth in Appendum B.

E. Special Service Charges

The Village may charge its customers and the customers shall pay for special services for which a rate shall be established.

F. The Cost of Turn On/Off Charges

The Village may establish a charge to the customer, and the customer shall pay the charge whenever the Village is requested to turn water services on or off; provided, however, that whenever the Village is requested to provide turn on or off service at time other than the regular business hours of the Village, the charge will be made on time and material basis, The established fee to turn water on shall be charged to a customer whose service has been disconnected because of non-payment of a charge or fee due to the Village.

22.016 RESPONSIBILITY FOR PAYMENT

- A. The owner of the premises served by the water and sewer systems shall be liable to the Village for any charges and fees authorized to be charged by this ordinance.

CHAPTER 22.010 (cont'd)

- B. When a single water or sewer service pipe serves two (2) or more consumer units, the owner of the premises shall be responsible for payment of water and sewer services used on the premises.

22.020 BILLING

22.021 NO FREE SERVICE

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

22.022 QUARTERLY BILLING

Charges for services furnished by the System shall be billed and collected quarterly (3 months) or more often, as shall be determined by the Council.

22.023 DUE DATE AND PENALTY

Such charges shall become due the twentieth day of the month following the reading of the water meter, and if such charges are not paid on or before such due date, then a penalty of ten percent (10%) shall be added.

22.024 METER READING

Water meters shall be read between the 25th and the end of the month at the end of each quarter.

22.030 COLLECTION

22.031 DISCONTINUANCE OF WATER OR SEWER SERVICE

The Department is hereby authorized to enforce the payment of charges for water service to any premises by discontinuing the water service to such premises and the payment of charges for sewage disposal service to any premises may be enforced by discontinuing either the water service or the sewage disposal service to such premises, or both, and an action of assumption may be instituted by the Village against the customer.

22.032 NOTICE OF DISCONTINUANCE

No water or sewer termination shall be effected by the Department for non-payment of service or use charges unless the occupant is given at least 30 days notice of the date of termination.

22.033 CHARGES OF RECONNECTION

Where the water service to any premises is turned off to enforce the payment of water service charges or sewage disposal service charges the water service shall not be recommenced until all delinquent charges have been paid such shut-off charges and turn-on charges as shall be established by Village Council action.

22.034 WATER AND SEWER CHARGES AS LIEN ON PROPERTY

The charges for water service and sewage disposal service, which under the provisions of Act 94, public Acts of 1933 of the State of Michigan, as amended, are made a lien on the premises to which furnished, are hereby recognized to constitute such lien.

CHAPTER 22.030 (cont'd)

22.035 CERTIFICATION OF LIEN

The Village Clerk shall, annually on September 30, certify all unpaid charges for such services furnished to any premises thru the 30th day of June preceding, have remained unpaid for a period of three (3) months or more, to the Village Assessor who shall place the same on the next tax roll of the Village. Such charges so assessed shall be collected in the same manner as general Village taxes.

22.040 DEPOSITS, TENANT LIABILITY

22.041 In cases where the Village is properly notified in accordance with said Act 94 of 1933 (MSA 5.275, MCL 141.21), that a tenant is responsible for water or sewage disposal service charges, no such service shall be commenced or continued to such premises until there has been deposited with the Department, a sum sufficient to cover two times the average quarterly bill for such premises as estimated by the Village.

22.042 In any other case where, in the discretion of the Village Treasurer, the collection of charges for water or sewage, disposal service may be difficult or uncertain, the Village may require a similar deposit.

22.043 Such deposits may be applied against any delinquent water or sewage disposal service charges of the depositor, and the application thereof shall not affect the right of the Department to turn off the water service and/or sewer service, to any premises for any delinquency thereby satisfied.

22.044 No such deposit shall bear interest and such deposit, or any remaining balance thereof, shall be returned to the customer making the same when he shall discontinue receiving water and sewage disposal service or, except as to tenants as to whom notice of responsibility for such charges has been filed with the Village,, when any eight (8) successive quarterly bills shall have been paid by said customer with no delinquency.

22.050 INSTALLATION DATES

22.051 Water Meters

Water meters shall be installed on Commercial property by_____.

22.060 PENALTY

Any person, firm or corporation or anyone acting on their behalf who shall violate any of the provisions of this article shall upon conviction thereof be subject to the penalties provided under Chapter 1, Section 1.060 of this Code.

CHAPTER 23
WATER SYSTEM

ARTICLE I. WATER SYSTEM

23.000 DEFINITIONS

In the interpretation of this Chapter the following definitions shall apply unless the context clearly indicates otherwise:

23.001 "*Water Main*" shall mean that part of the water distribution system located within easement lines or streets designed to supply more than one (1) water connection.

23.002 "*Water Connection*" shall mean that part of the water distribution system connecting the water main with the premises served.

23.003 "*Department*" shall mean the Water Department of the Village.

23.010 SERVICE CONNECTION

23.011 APPLICATIONS

All dwellings, businesses and other plumbed structures utilizing potable water and/or producing or emitting sewage shall be connected to the municipal water and sewer systems. Use of private wells as a water source for such dwellings, businesses and other plumbed structures is prohibited, it being the intent of this Chapter to equitably and uniformly distribute the costs and to maximize efficiency of the Village water system (amended 2/20/2002).

23.012 INSTALLATION

Applications for water connections shall be made to the Department on forms prescribed and furnished by it.

23.013 INSTALLATION

Water connections and water meters shall be installed in accordance with rules and regulations of the Department and upon payment of the required connection fee, meter installation fee and tap in fee.

23.014 CONNECTION FEE

The connection fee shall not be less than the costs of materials, installation and overhead attributable to the construction of the water line from the water main to the property line.

23.015 INSTALLATION AND INSPECTION

The Department shall be notified twenty-four (24) hours in advance, and all work shall be left uncovered until inspected.

23.016 COST OF CONNECTION AND REPAIRS

The cost of all repairs, maintenance and replacements to water service connections from the building to the property line shall be borne by the property owner.

CHAPTER 23.010(cont'd)

23.017 METER OWNERSHIP

Water meters shall remain the property of the Village.

23.020 WATER SYSTEM SERVICES AND FEES

23.021 TURNING WATER SERVICE ON OR OFF

- A. No person, other than an authorized employee of the Department, shall turn on or off any water service except that a licensed plumber may turn on water service for testing his work (when it must be immediately turned off) or upon receiving a written order from the Department; provided, that upon written permit from the Department, water may be turned on for construction purposes upon payment of the charges applicable thereto.
- B. The Council shall annually set a fee for turning water on or off at the user's street valve or tee.

23.022 BLOWING-OUT SERVICE LINES

- A. Upon request of the land owner and receipt of the appropriate fee and a release of liability, the Village DPW may air pressurize or "blow-out" a service line.
- B. The Council shall annually set a fee for turning water on or off at the user's street valve or tee.

23.030 POLLUTION PROHIBITED

23.031 POLLUTION OF MUNICIPAL WELLS

It shall be unlawful for any person, firm or corporation to construct or maintain, or permit to be constructed or maintained, within a radius of two hundred (200') feet from any of the municipal water wells in the Village of Peck, Michigan, from which the Village draws its water supply, any source of possible contamination or pollution to said wells.

23.032 POLLUTION OF VILLAGE WATER SYSTEM

It shall be unlawful for any person, firm or corporation to do any act, or to allow to be done any act, that may contaminate or pollute, or contribute to the contamination or pollution of the water supply wells or water systems of the Village of Peck, Michigan.

23.040 HYDRANT USE

No person, except an employee of the Village in the performance of his duties, shall open or use any fire hydrant except in case of emergency, without first securing a written permit from the Department and paying such charges as may be prescribed. Fire hydrants shall be used for fire or flushing only.

23.050 WATER SCARCITY

Whenever the amount of Village water being used is disproportionate to the amount of water available for distribution when other demands upon such available water supply are taken into consideration, the Superintendent may declare that a water emergency exists, and may enforce rules regulating the use of water from the Village Water Distribution System as approved by the Village Council.

23.060 RULES AND REGULATIONS

The rules and regulations now in effect shall continue until changed in accordance with this section. The Superintendent may make and issue additional rules and regulations concerning the Water Supply and Sewage Disposal System not inconsistent herewith which shall become effective upon approval by the Village Council.

23.070 DAMAGE TO FACILITIES

No person, except an employee of the Village in the performance of his duties, shall willfully or carelessly break, damage, destroy, uncover, deface or tamper with any structure, equipment or appurtenance as a part of the Village Water Distribution System.

23.080 PENALTY

Any person, firm or corporation violating any of the provisions of the Article shall be guilty of a misdemeanor and upon conviction thereof shall be punished under the provisions of Chapter 1, Section 1.060 of this Code.

ARTICLE II. WATER SUPPLY CROSS CONNECTION

23.200 PURPOSE

To provide for the prevention of backflows of possibly contaminated water from sources other than the public water supply and to further provide that any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE FOR DRINKING

23.210 MICHIGAN HEALTH DEPT RULES ADOPTED

The Water Supply Cross Connection Rules of the Michigan Department of Public Health being R 325.431 to R 325.440 of the Michigan Administrative Code is hereby adopted by reference. Copies of same are on file and may be examined at the office of the Village Clerk.

23.220 DEFINITIONS

For the purposes of this article certain terms, phrases, words and their derivatives shall be construed as specified in this section. The word shall is mandatory and not merely directive. Where words and terms are not defined they shall have their ordinarily accepted meaning or such as they may imply.

23.221 *Backflow* shall mean water of questionable quality, wastes or other contaminants entering a public water supply system due to a reversal of flow caused by back pressure or back siphonage.

23.222 *Cross Connection* shall mean a connection or arrangement of piping or appurtenances through which a backflow could occur.

CHAPTER 23.200 (cont'd)

23.223 Inspector shall mean the duly appointed representative of the Village of Peck whose duty it shall be to make the necessary inspections and re-inspections of connections to the Public Water Supply and make reports thereon.

23.224 Non-portable Water shall mean water that is not deemed safe nor to be used for human consumption in any way.

23.225 Portable Water shall mean water that is deemed safe for human consumption.

23.226 Piping Identification shall mean a system of color coding of interior piping whereby the various pipes in any installation can be readily identified as to type of water, gas, chemicals, air, waste or other substance for which it is used.

23.227 Protective Devices shall mean an approved arrangement of piping so installed as to prevent backflow or the installation of approved mechanical device subject to regular re-inspection for adequacy of backflow prevention.

23.228 Public Water Supply shall mean the water supply system of the Village of Peck.

23.229 Safe Air Gap shall mean the minimum distance of a water inlet or opening above the maximum high water level or overflow rim in a fixture, device or container to which public water is furnished which shall be at least two times the inside diameter of the water inlet pipe, but shall not be less than one inch and need not be more than twelve inches.

23.230 Secondary Supply shall mean a water supply system maintained in addition to a public water supply including but not limited to water systems from ground or surface sources not meeting the requirement of Act No. 98, P.A. of 1913 as amended being Sections 325.201 to 325.214 of the compiled law of 1948, or water from a public water supply which in any way has been processed or exposed to any possible contaminate or stored in other than an approved storage facility. Private water storage tanks supplied from the public water supply not designed and approved for potable water usage shall be deemed secondary supplies as will cooling towers and re-circulation systems.

23.231 Submerged Inlet shall mean a water pipe or extension thereto from which a public water supply terminates in a tank, fixture, or appliance which may contain water of questionable quality, waste or other contaminants, and which is unprotected against backflow.

23.240 INSPECTION AND RE-INSPECTION

23.241 NEW INSTALLATIONS

After the effective date of this article no person, firm or corporation shall make any cross connection to the Public Water Supply System without first receiving approval for such connection from the Village Council. Cross connections so approved shall be inspected upon completion by the duly authorized representative of the Village Council and shall be re-inspected for proper maintenance and operation at intervals hereinafter provided.

23.242 EXISTING INSTALLATIONS

All connections to the public water supply known or suspected of being cross connected shall be inspected following adoption of this article and where such cross connections are discovered to exist approved protection devices shall be installed and shall be inspected and re-inspected as hereinafter provided.

23.243 RE-INSPECTION TIME INTERVALS

Type of Cross Connection	3 Mos.	6 Mos.	12 Mos.
Secondary Water System			
a. Critical Equipment	X		
b. Non Critical Equipment		X	
Submerged Inlets			
a. Correction at Service Line			X
b. Correction on Internal System		X	
Refrigeration Systems			X
Heating and/or Cooling			X
Treated Water			X
Commercial Boilers			X
Other	As recommended by Mich. Dept. of Health		

23.244 APPROVAL AND TESTING OF PROTECTIVE DEVICES

All protective devices used for the purpose of preventing backflow shall be approved by the Michigan Department of Public Health. Testing of new or existing installations shall be required by the inspector at such time intervals as he may deem necessary but in no event shall mechanical devices depended upon for protection be in operation for more than three years without being re-tested. Such tests may be performed by licensed master plumbers or such others as the Michigan Department of Public Health and the Inspector may designate.

23.245 FEES

Fees for inspection, re-inspection and testing shall be as set by Council resolution but in no event will the fee for testing be less than the cost plus ten per cent for Village administrative expense.

23.250 WATER SYSTEM INSPECTOR

23.251 APPOINTMENT

The inspector shall be appointed by the Village Council and shall remain in office until a successor has been named.

23.252 QUALIFICATIONS

The inspector shall have general knowledge of the public water supply system and may with Council approval enlist the assistance of other personnel to assist in performing his duties.

23.253 AUTHORITY

The inspector and his assistants when accompanying him shall have the authority to enter at any reasonable time upon all premises connected to the public water supply for the purpose of conducting his duties. Upon request the owner, lessees or occupants of any property so served shall furnish to the inspector any pertinent information regarding the piping system or systems on such premises. The refusal of such information or the refusal of access when requested shall be deemed evidence of cross connections or malfunction of protective devices. Upon report of such refusal to the Village Council, the Council may direct that ten days notice be given to the owner, lessees, or occupants of such premises that water service will be discontinued. The Council may further direct that such further precautionary measures as are necessary may be taken to eliminate any danger on contamination to the public water supply system. Water service to such premises shall not be restored until necessary corrective action has been taken.

23.254 DUTIES

It shall be the duty of the inspector to familiarize himself with the requirements set forth in the Michigan Department of Public Health Cross Connection Rules called for by this article, to see that testing is conducted where and when necessary, to see that a piping identification program is undertaken as hereinafter provided and to fill out and file with the Michigan Department of Public Health and the Village Council copies of such report forms as may be from time to time required.

23.260 PIPING IDENTIFICATION PROGRAM

23.261 IDENTIFICATION REQUIREMENT

In all commercial and industrial installations where cross connection practices exist the following piping identification shall be accomplished by wither painting the pipes or applying tags of a size and location as approved by the inspector.

23.262 ALTERNATE COLOR CODES

In cases where a different color coding presently exists the inspector may approve its continuance provided a complete schedule of the piping identification is provided.

CHAPTER 23.260 (cont'd)

23.263 STANDARD COLOR CODE

Water Lines

- | | |
|-------------------------|-------------|
| a. Raw | Olive Green |
| b. Settled or Clarified | Aqua |
| c. Finished or Potable | Dark Blue |

Chemical Lines

- | | |
|------------------------------|------------------------------|
| a. Alum | Orange |
| b. Ammonia | White |
| c. Carbon Slurry | Black |
| d. Chlorine (Gas & Solution) | Yellow |
| e. Fluoride | Light Blue with Red Bank |
| f. Lime Slurry | Light Green |
| g. Potassium Permanganate | Violet |
| h. Sulfur Dioxide | Light Green with Yellow Bank |

Wastes Lines

- | | |
|------------------------------|-------------|
| a. Backwash Waste | Light Brown |
| b. Sludge | Dark Brown |
| c. Sewer (Sanitary or Other) | Dark Gray |

Other

- | | |
|-------------------|------------|
| a. Compressed Air | Dark Green |
| b. Gas | Red |
| c. Other Lines | Light Grey |

23.270 INTERPRETATION AND APPLICATION

In interpreting and applying the provisions of this article, such provisions shall be held to be the minimum requirements for the needs of public safety, health and welfare.

23.280 CONFLICTS

It is not intended by this article to interfere with, abrogate, or annul any chapters, rules, or regulations previously adopted either by the Village of Peck, the State Plumbing Law (Act 266 PA of 1929 as amended) or any other regulations established by the Michigan Department of Public Health.

23.290 VIOLATIONS AND PENALTIES

Any person, firm or corporation or anyone acting on their behalf who shall violate any of the provisions of this article shall upon conviction thereof be subject to the penalties provided under Chapter 1, Section 1.060 of this Code.

ARTICLE III.
CHEMICAL SUBSTANCE CONTROL

23.300 PURPOSE

The purpose of this article is to exempt the Village of Peck Water Supply System from the provisions of Act 346 Public Acts of 1968 (now known as Section 12721 of the Public Health Code being 1978 PA 368) as provided for within said act.

23.310 NO CHEMICAL ADDITIVES

From and after the effective date of this article no chemical substance shall be added to the public water supply except by authorization of the duly elected council of the Village of Peck.

23.320 FLUORIDE PROHIBITED

The addition of any chemical substance designed to artificially increase the fluoride content of the Peck Public Water Supply above its present or future natural content is hereby expressly prohibited.

ARTICLE IV.
WATER METERS

23.400 SEALED METERS

All premises using water shall be metered, except as otherwise provided in this Code. no person except a Department employee shall break or injure the seal or change the location of, alter or interfere in any way with any water meter. Bypassing a water meter is prohibited and may result in criminal and civil prosecution.

23.410 REIMBURSEMENT FOR METER DAMAGE

Any damage which a meter may sustain resulting from carelessness of the owner, agent, or tenant or from neglect of either of them to properly secure and protect the meter, as well as any damage which may be wrought by frost, hot water, or steam backing from a boiler, shall be paid by the owner of the property to the Village on presentation of a bill therefore; and in cases where the bill is not paid, the water shall be shut off and shall not be turned on until all charges have been paid to the Village.

23.420 ACCESS TO METERS

The Department shall have the right to shut off the supply of water to any premises where the location and/or setting has not been previously approved by the Department. Approved locations include accessible living space or frost proof pits. Any qualified employee of the Department shall at all reasonable hours, have the right to enter the premises where such meters are installed for the purpose of reading, testing, removing or inspecting same and no person shall hinder, obstruct, or interfere with such employee in the lawful discharge of his duties in relation to the care and maintenance of such water meter.

CHAPTER 23.400 (cont'd)

23.430 METER FAILURE

If any meter shall fail to register properly, the Department shall estimate the consumption on the basis of former consumption and bill accordingly.

23.440 INACCURATE METERS

A consumer may require that the meter be tested. If the meter is found accurate, a charge shall be made. If the meter is found defective, it shall be repaired or an accurate meter installed and no charge shall be made. If a discrepancy exists between the inside (line) meter and the outside meter, the landowner will be billed at the end of the quarter in which the disparity is discovered.

23.450 ACCURACY REQUIRED

A meter shall be considered accurate if, when tested, it registers not to exceed two (2%) per cent more or two (2%) less than the actual quantity of water passing through it. If a meter registers in excess of two (2%) per cent more than the actual quantity of water passing through it, it shall be considered "fast" to that extent. If a meter registers in excess of two (2%) per cent less than the actual quantity of water passing through it, it shall be considered "slow" to that extent.

23.460 METER FAILURE

In the event of a meter failure discovered at the time of the reading the owner will be billed for the average quantity reading after the previous full and working four (4) quarters.

23.470 BILL ADJUSTMENT

If a meter has been tested at the request of a consumer and shall have been determined to register "fast" the Village shall credit the consumer with a sum equal to the per cent "fast" multiplied by the amount of all bills incurred by said consumer, within the three (3) months prior to the test, and if a meter so tested is determined to register "slow", the Department may collect from the consumer a sum equal to the per cent "slow" multiplied by the amount of all the bills incurred by the consumer for the prior three (3) months. When the Department on its own initiative makes a test of a water meter, it shall be done without cost to the consumer, other than his paying the amount due to the Village for water used by him as above provided, if the meter is found to be "slow".

23.480 ENFORCEMENT

23.481 REMEDIES

Disconnect and/or civil or criminal action. In enforcement of this article, the Village Water Department is authorized to discontinue water and sewer service to the property in violation after giving the owner and occupant 30 days written notice of the specific violation. Concurrently or alternatively, the Department may enforce the provisions of this Article by equitable action, including demand for actual court costs and all fees, in Circuit Court or criminal procedure in District Court.

23.482 PENALTIES

Any person, firm or corporation or anyone acting on their behalf who shall violate any of the provisions of this article shall upon conviction thereof be subject to the penalties provided under Chapter 1, Section 1.060 of this Code.

CHAPTER 24
UNIFORM TRAFFIC CODE

24.000 CODE ADOPTED

The Uniform Traffic Code for cities, townships and villages promulgated by the Director of State Police and published in the 1979 edition of the Michigan Administrative Code and amendments as published in the Quarterly Supplement No. 5 to the 1979 edition of the Michigan Administrative Code, in accordance with Public Act 62 of 1956, State of Michigan, and all subsequent amendments thereto, is hereby adopted by reference as in this chapter modified.

24.010 PURPOSES

The purpose of such Code is to regulate the operation of vehicles, to provide for the regulation and use of streets, highways and alleys and other public and semi-public places within the Village of Peck and to provide penalties for the violation of said Code.

24.020 REFERENCES IN CODE

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

24.030 COPIES AVAILABLE

A complete copy of the Uniform Traffic Code is available at the office of the Village Clerk for inspection by the public at all times.

VILLAGE OF PECK
SANILAC COUNTY, MICHIGAN
ORDINANCE NO. 92-01

AN ORDINANCE TO AMEND THE UNIFORM TRAFFIC CODE FOR CITIES, TOWNSHIPS AND VILLAGES AS ADOPTED BY CHAPTER 24 OF THE VILLAGE OF PECK CODE OF ORDINANCES TO SUBSTANTIALLY CORRESPOND WITH AMENDMENTS TO STATE STATUTE.

THE VILLAGE OF PECK ORDAINS:

SECTION 1. THIS ORDINANCE SHALL BE AN AMENDMENT TO *THE UNIFORM TRAFFIC CODE FOR CITIES, TOWNSHIPS AND VILLAGES (UTC)* AS ADOPTED BY OF THE VILLAGE OF PECK, CHAPTER 24, CODE OF ORDINANCES.

SECTION 2. UTC CHAPTER 1- "*WORDS AND PHRASES DEFINED*" IS HEREBY AMENDED BY ADDING SECTIONS 1.007b, 1.010d, 1.010e, 1.010f, 1.010g, 1.014a, AND 1.025b, AS FOLLOWS:

1.007b "*Conviction*" means a final conviction, the payment of a fine, a plea of guilty or nolo contendere if accepted by the court, or a finding of guilt or probate court order of disposition for a child found to be within the provisions of Chapter XII of Act No. 288 of the Public Acts of 1939, being sections 712A.1 to 712A.28 of the Michigan Compiled Laws; or the UTC on a traffic law violation charge, regardless of whether the penalty is rebated or suspended.

1.010d. "*Former Section 625(1) or (2)*" means section 625(1) or (2) as amended by Act No. 391 of the Public Acts of 1978, Act No. 515 of the Public Acts of 1980, Act No. 309 of the Public Acts of 1982, or Act No. 109 of the Public Acts of 1987.

1.010e. "*Former Section 625b*" means section 625b as amended by Act No. 285 of Public Acts of 1976, Act No. 515 of the Public Acts of 1980, Act No. 309 of the Public Acts of 1982, or Act No. 109 of the Public Acts of 1987.

1.010f. "*Former Section 5.15(1), (2) or (5)*" means section 5.15(1), (2) or (5) of the UTC as adopted by Chapter 24 of the Village of Peck Code of Ordinances, as amended through December 31, 1991.

1.010g. "*Former Section 5.15a(1), (3) or (4)*" means section 5.15a(1), (3) or (4) of the UTC as adopted by Chapter 24 of the Village of Peck Code of Ordinances, as amended through December 31, 1991.

1.014a. "*Law of Another State*" means a law or ordinance enacted by another state or by a local unit of government in another state.

1.025b. "*Prosecuting Attorney*" except as the context otherwise requires, means the attorney general, the prosecuting attorney of a county, or the attorney representing a local unit of government.

State of Michigan

The Probate Court for the County of Sanilac

In the Matter of the Estate of Village of Peck, Deceased

Notice of Adoption Traffic Code

COUNTY OF SANILAC) ss.

STATE OF MICHIGAN COUNTY OF SANILAC

VILLAGE OF PECK

Notice of Adoption

NOTICE is hereby given that pursuant to the provisions of Act 99 of 1991, State of Michigan effective 1 January, 1992, amendments to the Uniform Traffic Code for Cities, Townships and Villages (Chapter 24 of the Village of Peck Code of Ordinances) were adopted by reference by the Council of the Village of Peck on Tuesday, January 14, 1992 at 7:00 p.m. and ratified at a meeting of the Council of the Village of Peck held on Wednesday, February 26, 1992 at 7:00 p.m.

The purpose of such Code is to regulate the operation of vehicles, to provide for the regulation and use of streets, highways and alleys and other public and semi-public places within the Village of Peck and to provide penalties for the violation of said Code.

A complete copy of the uniform Traffic Code is available at the office of the Village Clerk for inspection by the public at all times.

No further or additional publication of the Uniform Traffic Code is required or contemplated.

Said amendments shall become effective twenty (20) days from date of publication.

Submitted by:

Jean M. Burns, Administrative Clerk
Village of Peck
30 East Lapeer Street
Peck, MI 48466

Yvonne Faulstich
being duly sworn, says: I am the editor
printer of The Brown City Banner

a newspaper printed and circulated in said County. The annexed is a printed copy of a notice which was published in said paper on the following dates to-wit:

3-3 A.D. 1992 A.D. 19
 A.D. 19 A.D. 19

Subscribed and sworn to before me this 4th

day of March A.D. 1992

Dominic Jean Quattrone
Notary Public, Sanilac County, Michigan.

My Commission expires May 24 1995

SECTION 3. UTC CHAPTER 5-"*RIGHTS AND DUTIES OF DRIVERS AND OTHERS*"
SECTION 5.62a IS HEREBY AMENDED AS FOLLOWS: 5.62a AMENDED

5.62a OPERATION OF A MOTOR VEHICLE BY PERSON WHOSE LICENSE HAS BEEN SUSPENDED, REVOKED, DENIED, OR WHO HAS NEVER APPLIED FOR A LICENSE; VIOLATIONS; PENALTIES; SUBSEQUENT OFFENSES; CONFISCATION OF PLATES.

5.62a(1) A person whose operator's or chauffeur's license or registration certificate has been suspended or revoked and who has been notified as provided in MCL 257.212 of that suspension or revocation, whose application for license has been denied, or who has never applied for a license, shall not operate a motor vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles within the Village of Peck. A person shall not knowingly permit a motor vehicle owned by the person to be operated upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for parking of vehicles, within the Village of Peck by a person whose license or registration certificate is suspended or revoked, whose application has been denied, or who has never applied for a license, except as permitted by the Motor Vehicle Code. A person who violates this subsection is guilty of a misdemeanor, punishable as follows.

5.62a(1)(a) If the person's operator's or chauffeurs' license has been suspended under MCL 357.321a because that person has failed to answer a citation or has failed to comply with an order or judgment issued pursuant to MCL 257.907, by imprisonment for not more than 90 days, or a fine of not more than \$100.00, or both.

5.62a(1)(b) For a violation, other than a violation punishable under subdivision (a), by imprisonment for not more than 90 days, or a fine of not more than \$500.00, or both. Unless the vehicle was stolen or used with the permission of a person who did not knowingly permit an unlicensed driver to operate the vehicle, the registration plates of the vehicle shall be confiscated.

5.62a(1)(c) For a second or subsequent violation punishable under subdivision (b), by imprisonment for not more than 90 days, or a fine not more than \$500.00, or both. Unless the vehicle was stolen, the registration plates of the vehicle shall be confiscated.

5.62a(2) Before a person is arraigned before a district court magistrate or judge on a charge of violating this section, the arresting officer shall obtain the driving record or the person from the secretary of state and shall furnish the record to the court. The driving record of the person may be obtained from the secretary of state's computer information network.

5.62a(3) This section shall not apply to a person who operates a vehicle solely for the purpose of protecting human life or property, if the life or property is endangered and the summoning of prompt aid is essential.

SECTION 4. UTC CHAPTER 5- "RIGHTS AND DUTIES OF DRIVERS AND OTHERS"
HEREBY AMENDED AS FOLLOWS: 5.62b ADDED

5.62b ORDER OF IMPOUNDMENT

5.62b(1) When a person is convicted under section 5.62a(1) of operating a motor vehicle while his or her license to operate a motor vehicle is suspended, revoked or denied, the motor vehicle, if it is owned in whole or in part by that person, may be ordered impounded for not less than 30 or more than 120 days from the date of judgment. The order of impoundment shall include the implied consent of the owner of the vehicle to the storage for insurance coverage purposes.

5.62b(2) The owner of a motor vehicle impounded pursuant to this section is liable for expenses incurred in the removal and storage of the vehicle whether or not the vehicle is returned to him or her. The vehicle shall be returned to the owner only if the owner pays the expenses for removal and storage. If redemption is not made or the vehicle is not returned as provided in this section within 30 days after the time set in the impoundment order for return of the vehicle, the vehicle shall be considered an abandoned vehicle and disposed of as provided in section 2.5a(9)-(12) of the UTE (as adopted by Chapter 24 of the Village of Peck Code of Ordinances).

5.62b(4) Nothing in this section affects the rights of a conditional vendor, chattel mortgagee or lessor of a motor vehicle registered in the name of another person as owner who becomes subject to this section.

SECTION 5. UTC CHAPTER 5- "RIGHTS AND DUTIES OF DRIVERS AND OTHERS" IS
HEREBY AMENDED AS FOLLOWS: 5.16a ADDED

**5.16a TRANSPORTATION OR POSSESSION OF ALCOHOLIC LIQUOR IN
CONTAINER OPEN OR UNCAPPED OR UPON WHICH SEAL IS BROKEN;
VIOLATION PUNISHABLE AS A MISDEMEANOR; NONAPPLICABILITY**

5.16a(1) Except as provided in subsection (2), a person shall not transport or possess alcoholic liquor in a container that is open or uncapped or upon which the seal is broken within the passenger compartment of a vehicle upon a highway, or within a passenger compartment of a moving vehicle in any place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles in the Village of Peck.

5.16a(2) A person may transport or possess alcoholic liquor in a container that is open or uncapped or upon which the seal is broken within the passenger compartment of a vehicle upon a highway or other place open to the general public or generally accessible to vehicles in this state, if the vehicle does not have a trunk or compartment separate from the passenger compartment, the container is enclosed or encased, and the container is not readily accessible to the occupants of the vehicle.

5.16a(3) Person who violates this section is guilty of a misdemeanor, punishable by a term of imprisonment of not more than 90 days and a fine of not more than \$100.00, or both.

5.16a(4) This section does not apply to a passenger in a chartered vehicle authorized to operate by the Michigan Department of Transportation.

SECTION 6. UTC CHAPTER 5- "RIGHTS AND DUTIES OF DRIVERS AND OTHERS" IS HEREBY AMENDED AS FOLLOWS: 5.16b AMENDED

5.15 OPERATING OR AUTHORIZING OR KNOWINGLY PERMITTING ANOTHER PERSON TO OPERATE, MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR CONTROLLED SUBSTANCE, OR COMBINATION THEREOF, OR WITH BLOOD ALCOHOL CONTENT OF 0.10% OR MORE PROHIBITED; OPERATING MOTOR VEHICLE WHEN VISIBLY IMPAIRED PROHIBITED; SANCTIONS FOR VIOLATION OF SUBSECTION (1), (2), OR (3); ENHANCED SENTENCE; ESTABLISHMENT OF PRIOR CONVICTION; ATTEMPTED VIOLATION OF SUBSECTION (1) OR (3).

5.15(1) A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within the Village of Peck if either of the following applies:

5.15(1)(a) The person is under the influence of intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance.

5.15(1)(b) The person has a blood alcohol content of 0.10% or more by weight of alcohol.

5.15(2) The owner of a vehicle or a person in charge or in control of a vehicle shall not authorize or knowingly permit the vehicle to be operated upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles, within the Village of Peck by a person who is under the influence of intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance, or who has a blood alcohol content of 0.10% or more by weight of alcohol.

5.15(3) A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles within the Village of Peck when , due to the consumption of an intoxicating liquor, a controlled substance, or a combination of an intoxicating liquor and a controlled substance, the person's ability to operate the vehicle is visibly impaired. If a person is charged with violating subsection (1), a finding of guilty under this subsection may be rendered.

5.15(4) If a person is convicted of violating subsection (1), the following shall apply:
5.15(4)(a) Except as otherwise provided in subdivision (b), the person is guilty of a misdemeanor and may be punished by one or more of the following:

- i. Service to the community for a period of not more than 45 days.
- ii. Imprisonment for not more than 90 days.
- iii. A fine of not less than \$100.00 or more than \$500.00.

5.15(4)(b) If the violation occurs within 7 years of a prior conviction, the person shall be sentenced to both a fine of not less than \$200.00 or more than \$500.00 and wither of the following:

- i. Performing service to the community for a period of not less than 10 days or more than 90 days, and may be imprisoned for not more than 90 days.
- ii. Imprisonment for not less than 48 consecutive hours or more than 90 days, and may be sentenced to service to the community for a period of not more than 90 days.

5.15(4)(c) A term of imprisonment imposed under subdivision (b)(ii) shall not be suspended.

5.15(4)(d) A person sentenced to perform service to the community under this subsection shall not receive compensation, and shall reimburse the state or appropriate local unit of government for the cost of supervision incurred by the state or local unit of government as a result of the person's activities in that service.

5.15(4)(e) As used in this subsection, "prior conviction" means a conviction for a violation of section MCL 257.625(1), (4) or (5), or section 5.15 (1)(a) or (b) of the UTC (as adopted by Chapter 24 of the Village of Peck Code of Ordinances), or former section 625 (1) or (2), or former section 5.15 (1), (2), or (5) of the UTC, or a local ordinance substantially corresponding to MCL 257.625(1), or former section 625(1) or (2), or section 5.15 (1), (2), or (5) of the UTC, or a law of another state substantially corresponding to section MCL 257.625(1), (4), or (5), or former section 625(1) or (2), or section 5.15 (1)(a) or (b) of the UTC, or former section 5.15 (1), (2), (5) of the UTC.

5.15(5) In addition to imposing the sanctions prescribed under subsection (4), the court may, pursuant to MCL 760.1 to MCL 776.21 order the person to pay the costs of prosecution.

5.15(6) A person who is convicted of violating subsection (2) is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not less than \$100.00 or more than \$500.00, or both.

5.15(7) If a person is convicted of violating subsection (3), the following shall apply:

5.15(7)(a) Except as otherwise provided in subdivisions (b) and (c), the person is guilty of a misdemeanor punishable by 1 or more of the following:

- i. Service to the community for a period of not more than 45 days.
- ii. Imprisonment for not more than 90 days.
- iii. A fine of not more than \$300.00

5.15(7)(b) If the violation occurs within 7 years of 1 prior conviction, the person shall be sentenced to both a fine of not less than \$200.00 or more than \$500.00 and either of the following:

- i. Performing service to the community for a period of not less than 10 days or more than 90 days and may be sentenced to imprisonment for not more than 90 days.
- ii. Imprisonment for not more than 90 days and may be sentenced to community service for not more than 90 days.

5.15(7)(c) If the violation occurs within 10 years of a 2 or more prior convictions, the person shall be sentenced to both a fine of not less than \$100.00 or more than \$500.00 and either of the following:

- i. Performing service to the community for a period of not less than 10 days or more than 90 days and may be sentenced to imprisonment for not more than 90 days.
- ii. Imprisonment for not more than 90 days and may be sentenced to community service for not more than 90 days.

5.15(7)(d) As used in this subsection, "prior conviction" means a conviction for a violation of section MCL 257.625 (1), (3), (4), or (5), or section 5.15 (1) or (3) of the UTC or former section 625 (1) or (2), or former section 625b, or former section 5.15 (1), (2) or (5) of the UTC, or former section 5.15a (1), (3) or (4) of the UTC, or a local ordinance substantially corresponding to MCL 257.625(1), or former section 625(1) or (2), or former section 625b, or section 5.15(1) or (3) of the UTC, or former section 5.15 (1), (2) or (5) of the UTC or former section 5.15a (1), (3) or (4) of a Village or City Code, or a law of another state substantially corresponding to section MCL 257.625(1), (3), (4), or (5), or section 5.15 (1) or (3) of the UTC, or former section 625(1) or (2), or former section 625b, or former section 5.15 (1), (2), or (5) of the UTC, or former section 5.15a (1), (3) or (4) of the UTC.

5.15(7)(e) In addition to imposing the sanctions prescribed under subsection (4), the court may, pursuant to MCL 760.1 to MCL 776.21 order the person to pay the costs of prosecution.

5.15(7)(f) A person sentenced to perform service to the community under this subsection shall not receive compensation, and shall reimburse the state or appropriate local unit of government for the cost of supervision incurred by the state or local unit of government as a result of the persons' activities in that service.

5.15(8) If the prosecuting attorney intends to seek an enhanced sentence under subsection (4)(b) or (7)(b) or (c) based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint filed in district court a statement listing the defendant's prior convictions.

5.15(9) A prior conviction shall be established at sentencing by 1 or more of the following:

- 5.15(9)(a) An abstract of conviction
- 5.15(9)(b) A copy of the defendant's driving record
- 5.15(9)(c) An admission by the defendant

5.15(10) A person who is convicted of an attempted violation of MCL 357.625 (1) or (3), or section 5.15(1) or (3) of the UTC as adopted by Chapter 24 of the Village of Peck Code of Ordinances or other local ordinance or law of another state that substantially corresponds to MCL257.625(1) or (3), or section 5.15(1) or (3) of the UTC, shall be punished as if the offense had been completed.

SECTION 8. UTC CHAPTER 5- "*RIGHTS AND DUTIES OF DRIVERS AND OTHERS*" IS HEREBY AMENDED AS FOLLOWS:

5.15a ARRESTING OPERATOR OF VEHICLE INVOLVED IN ACCIDENT WHILE IN VIOLATION OF THE UTC AS ADOPTED BY CHAPTER 24 OF THE VILLAGE OF PECK CODE OF ORDINANCES, SECTION 5.15 (1) OR (3); REQUIRING OPERATOR TO SUBMIT TO PRELIMINARY CHEMICAL BREATH ANALYSIS; PROVISIONS APPLICABLE TO CHEMICAL TESTS AND ANALYSES OTHER THAN PRELIMINARY EVIDENCE; MAKING CHEMICAL TEST RESULTS AVAILABLE TO PERSON CHARGED OR ATTORNEY; OFFERING TEST RESULTS AS EVIDENCE; PRESUMPTIONS; ADMISSIBILITY OF PERSON'S REFUSAL TO SUBMIT TO CHEMICAL TEST.

5.15a(1) A peace officer, without a warrant, may arrest a person when the peace officer has reasonable cause to believe that the person was, at the time of an accident, the operator of a vehicle involved in the accident in the Village of Peck while in violation of section 5.15 (1) or (3) of the UTC as adopted by Chapter 24 of the Village of Peck Code of Ordinances.

5.15a(2) A peace officer who has reasonable cause to believe that a person was operating a vehicle upon a public highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, in the Village of Peck and that the person by the consumption of intoxicating liquor may have affected his or her ability to operate a vehicle, may require the person to submit to a preliminary chemical breath analysis. The following provisions shall apply with respect to a preliminary chemical breath analysis.

5.15a(2)(a) A peace officer may arrest a person based in whole or in part upon the results of a preliminary chemical breath analysis.

5.15a(2)(b) The results of a preliminary chemical breath analysis are admissible in a criminal prosecution for a crime enumerated in section 5.15c(1) or in an administrative hearing solely to assist the court or hearing officer in determining a challenge to the validity of an arrest. This subdivision does not limit the introduction of other competent evidence offered to establish the validity of an arrest.

5.15a(2)(c) A person who submits to a preliminary chemical breath analysis shall remain subject to the requirements of MCL 257.625c, 257.625d, 257.625e, 257.625f and sections 5.15c, 5.15d, 5.15e of the UTC as adopted in the Village of Peck Code of Ordinances for the purposes of chemical tests described in those sections.

5.15a(2)(d) A person who refuses to submit to a preliminary chemical breath analysis upon a lawful request by a peace officer is responsible for a civil infraction.

5.15(3) The following provisions apply with respect to chemical tests and analysis of a person's blood, urine, or breath, other than preliminary chemical breath analysis:

5.15(3)(a) The amount of alcohol or presence of a controlled substance or both in a driver's blood at the time alleged as shown by chemical analysis of the person's blood, urine, or breath is admissible into evidence in any civil or criminal proceeding.

5.15(3)(b) A person arrested for a crime described in section 5.15c(1) of the UTC as adopted by Chapter 24 of the Village of Peck Code of Ordinances shall be advised of all of the following:

- i. That if he or she takes a chemical test of his or her blood, urine, or breath administered at the request of a peace officer, he or she has the right to demand that a person of his or her own choosing administer one of the chemical tests; that the results of the test are admissible in a judicial proceeding as provided under the UTC as adopted by Chapter 24 of the Village of Peck Code of Ordinances and MCL 257.625 et.seq., and shall be considered with other competent evidence in determining the innocence or guilt of the defendant; and that he or she is responsible for obtaining a chemical analysis of a test sample obtained pursuant to his or her own request.
- ii. That if he or she refuses the request of a peace officer to take a test described in subparagraph (i), a test shall not be given without a court order.
- iii. That his or her refusal of the request of a peace officer to take a test described in subparagraph (i) shall result in the suspension of

his or her operator's or chauffer's' license or operating privilege, and in the addition of 6 points to his or her driver records.

5.15(3)(c) A sample or specimen of urine or breath shall be taken and collected in a reasonable manner. Only a licensed physician, or a licensed nurse or medical technician under the direction of a licensed physician and qualified to withdraw blood acting in a medical environment, at the request of a peace officer, may withdraw blood for the purpose of determining the amount of alcohol or presence of a controlled substance or both in the person's blood, as provided in this subsection. Liability for a crime or civil damages predicated on the act of withdrawing or analyzing blood and related procedures shall not attach to a qualified person who withdraws or analyzes blood or assists in the withdrawal or analysis in accordance with this act unless the withdrawal or analysis is performed in a negligent manner.

5.15(3)(d) A chemical test described in this subsection shall be administered at the request of a peace officer having reasonable grounds to believe the person has committed a crime described in MCL 257.675c(1) or 5.15c(1) of the UTC as adopted by Chapter 24 of the Village of Peck Code of Ordinances. A person who takes a chemical test administered at the request of a peace officer, as provided in this section, shall be given a reasonable opportunity to have a person of his or her own choosing administer one of the chemical tests described in this subsection within a reasonable time after his or her detention, and the results of the test shall be admissible and shall be considered with other competent evidence in determining the innocence or guilt of the defendant. If the person charged is administered a chemical test by a person of his or her own choosing, the person charged shall be responsible for obtaining a chemical analysis of the sample.

5.15(3)(e) If after an accident, the driver of a vehicle involved in the accident is transported to a medical facility and a sample of the driver's blood is withdrawn at that time for the purpose of medical treatment, the results of a chemical analysis of that sample shall be admissible in any civil or criminal proceeding to show the amount of alcohol or presence of a controlled substance or both in the person's blood at the time alleged, regardless of whether the person had been offered or had refused a chemical test. The medical facility or person performing the chemical analysis shall disclose the results of the analysis to a prosecuting attorney who requests the results for use in a criminal prosecution as provided in this subdivision. A medical facility or person disclosing information in compliance with this subsection shall not be civilly or criminally liable for making the disclosure.

5.15(3)(f) If, after an accident, the driver of a vehicle involved in the accident is deceased, a sample of the decedent's blood shall be withdrawn in a manner directed by the medical examiner for the purpose of determining the amount of alcohol or the presence of a controlled substance, or both, in the decedent's blood. The medical examiner shall give the results of the chemical analysis of the sample

to the law enforcement agency investigating the accident, and that agency shall forward the results to the state police.

5.15(4) The provisions of subsection (3) relating to chemical testing do not limit the introduction of any other competent evidence bearing upon the question of whether or not a person was impaired by, or under the influence of, intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance, or whether the person had a blood alcohol content of 0.10% or more by weight of alcohol.

5.15(5) If a chemical test described in subsection (3) is administered, the results of the test shall be made available to the person charged or the person's attorney upon written request to the prosecution, with a copy of the request filed with the court. The prosecution shall furnish the results at least 2 days before the day of the trial. The results of the test shall be offered as evidence by the prosecution in the trial. Failure to fully comply with the request shall bar the admission of the results into evidence by the prosecution.

5.15(6) Except in a prosecution relating solely to a violation of section 5.15(1)b of the UTC as adopted by the Village of Peck Code of Ordinances, the amount of alcohol in the driver's blood at the time alleged as shown by chemical analysis of the person's blood, urine, or breath shall give rise to the following presumptions:

5.15(6)(a) If there was at the time 0.07% or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant's ability to operate a motor vehicle was not impaired due to the consumption of intoxicating liquor, and that the defendant was not under the influence of intoxicating liquor.

5.15(6)(b) If there was at the time in excess of 0.07% but less than 0.10% by weight of alcohol in the defendant's blood, it shall be presumed that the defendant's ability to operate a vehicle was impaired within the provisions of section 5.15(3) of the UTC as adopted by the Village of Peck Code of Ordinances due to the consumption of intoxicating liquor.

5.15(6)(c) If there was at the time 0.10% or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor.

5.75(7) A person's refusal to submit to a chemical test as provided in subsection (3) shall be admissible in a criminal prosecution for a crime described in section 5.15c(1) only for the purpose of showing that a test was offered to the defendant, but not as evidence in determining innocence or guilty of the defendant, The jury shall be instructed accordingly.

SECTION 9. UTC CHAPTER 5-"*RIGHTS AND DUTIES OF DRIVERS AND OTHER*" IS HEREBY AMENDED AS FOLLOWS: **5.15c AMENDED**

5.15c CONSENT TO CHEMICAL TESTS; PERSONS NOT CONSIDERED TO HAVE GIVEN CONSENT TO WITHDRAWAL OF BLOOD; ADMINISTRATION OF TESTS.

5.15c(1) A person who operates a vehicle upon a public highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within the Village of Peck, is considered to have given consent to chemical tests of his or her blood, breath, or urine for the purpose of determining the amount of alcohol or presence of a controlled substance or both in his or her blood, if the person is arrested for a violation of section 5.15 (1) or (3) of the UTC as adopted by the Village of Peck.

5.15c(2) A person who is afflicted with hemophilia, diabetes, or a condition requiring the use of an anticoagulant under the direction of a physician shall not be considered to have given consent to the withdrawal of blood.

5.15c(3) The tests shall be administered according to the provisions of MCL 257.625a(3) or section 5.15a(3) of the UTC as adopted by the Village of Peck.

SECTION 10. UTC CHAPTER 5- "*RIGHTS AND DUTIES OF DRIVERS AND OTHERS*" IS HEREBY AMENDED AS FOLLOWS: **5.15d AMENDED**

5.15d REFUSAL TO SUBMIT TO CHEMICAL TEST; COURT ORDER; REPORT TO SECRETARY OF STATE; FORM.

5.15d(1) If a person refuses the request of a peace officer to submit to a chemical test offered pursuant to section MCL 257.625a(3) or section 5.15a(3) of the UTC (as adopted by of the Village of Peck), a test shall not be given without a court order, but the officer may seek to obtain the court order.

5.15d(2) A written report shall immediately be forwarded to the secretary of state by the peace officer. The report shall state that the officer had reasonable grounds to believe that the person had committed a crime described in MCL 257.625c(1) or section 5.15c(1) of the UTC (as adopted by of the Village of Peck), and that the person had refused to submit to the test upon the request of the peace officer and had been advised of the consequences of the refusal. The form of the report shall be prescribed and furnished by the secretary of state.

SECTION 11. UTC CHAPTER 5-"*RIGHTS AND DUTIES OF DRIVERS AND OTHERS*" IS HEREBY AMENDED AS FOLLOWS: **5.15e AMENDED**

5.15e DUTIES OF PEACE OFFICER IF PERSON REFUSES CHEMICAL TEST OR IF TEST REVEALS BLOOD ALCOHOL CONTENT OF .10% OR MORE

5.15e(1) If a person refuses a chemical test offered pursuant to MCL 257.625a(3) or section 5.15a(3) of the UTC (as adopted by of the Village of Peck), or submits to the chemical test and the test reveals a blood alcohol content of 0.10% or more by weight of alcohol, the peace officer who requested the person to submit to the test shall do all of the following:

5.15(1)(a) On behalf of the secretary of state, immediately confiscate the person's license or permit or operate a motor vehicle, and, if the person is otherwise eligible for a license or permit, issue a temporary license or permit to the person that is valid until the criminal charges against the person are dismissed, or until the person pleads guilty or nolo contendere to, or is found guilty of, these charges, The temporary license or permit shall be on a form provided by the secretary of state.

5.15e(1)(b) Except as provided in subsection (2), immediately do all of the following:

- i. Forward a copy of the written report of the person's refusal to submit to a chemical test to the secretary of state.
- ii. Notify the secretary of state by means of the law enforcement information network that a temporary license or permit was issued to the person.
- iii. Except as provided in subsection (2), destroy the person's driver's license or permit.

5.15e(2) If a person submits to a chemical test offered pursuant to MCL 257.625a(3) or section 5.15a(3) of the UTC (as adopted by of the Village of Peck) that requires the withdrawal of blood and a report of the results of that chemical test is not immediately available, the peace officer who requested the person to submit to the test shall comply with subsection (1)(a) pending receipt of the test report. If, upon receipt, the report reveals a blood alcohol content of 0.10% or more by weight of alcohol, the peace officer who requested the person to submit to the test shall immediately comply with subsection (1)(b). If, upon receipt, the report reveals a blood alcohol content of less than 0.10% by weight of alcohol, the peace officer who requested the person to submit to the test shall immediately notify the person of the test results, and immediately return the person's license or permit by first-class mail to the address given at the time of arrest.

SECTION 12. Former UTC Sections 5.16b and c are hereby deleted.

SECTION 13. Former UTC Section 5.15b is hereby deleted; section number 5.15b is reserved for future use.

SECTION 14. Repealor

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 15. Savings

All proceedings pending, and all rights and liability existing, acquired or incurred, at the time this ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

SECTION 16. Severability Clause

Should any word, phrase, sentence, paragraph or section of this ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

SECTION 17. Interpretation Clause

This ordinance is enacted in order to substantially correspond with and be consistent with Act 99 or 1991, effective January 1, 1992, specifically:

17a. Section 1.1 of the UTC (as adopted by of the Village of Peck Code of Ordinances) was amended to add the definitions found in MCL 257.8a, 257.18, 257.45a pursuant to Act 99 of 1991, and provide notice and definition to the terms "former section 5.15 (1), (2) or (5)" and "former section 5.15a(1), (3) or (4)" as those terms are used within the UTC (as adopted in the Village of Peck Code of Ordinances).

17b. Section 5.62a of the UTC (as adopted in the Village of Peck Code of Ordinances) was amended so as to substantially correspond to MCL 257.904.

17c. Section 5.62b of the UTC (as adopted in the Village of Peck Code of Ordinances) was amended so as to substantially correspond to MCL 257.904b.

17d. Section 5.16a of the UTC (as adopted in the Village of Peck Code of Ordinances) was amended so as to substantially correspond to MCL 257.624a.

17e. Section 5.16b of the UTC (as adopted in the Village of Peck Code of Ordinances) was amended for clarification.

17f. Section 5.15 of the UTC (as adopted in the Village of Peck Code of Ordinances) was amended so as to substantially correspond to MCL 257.625.

17g. Section 5.15a of the UTC (as adopted in the Village of Peck Code of Ordinances) was amended so as to substantially correspond to MCL 257.625a.

17h. Section 5.15c of the UTC (as adopted in the Village of Peck Code of Ordinances) was amended so as to substantially correspond to MCL 257.625c.

17i. Section 5.15d of the UTC (as adopted in the Village of Peck Code of Ordinances) was amended so as to substantially correspond to MCL 257.625d.

17j. Section 5.15e of the UTC (as adopted in the Village of Peck Code of Ordinances) was amended so as to substantially correspond to MCL 257.625g.

SECTION 18. Immediate Effect

This Ordinance is hereby declared an emergency ordinance which is immediately necessary for the preservation of the public peace, health or safety, and, therefore, the effective date shall be 20 days from date of publication. This Ordinance was adopted by the Council of the Village of Peck, Sanilac County, Michigan, at a regular meeting of the Village Council held on Tuesday, the 14th day of January, 1992 at 7:00 p.m. and ratified by the Council of the Village of Peck at a regular meeting held on Wednesday, the 19th day of February, 1992 at 7:00 p.m.

Bernice J. Williams, Clerk

EVIDENCE OF VEHICLE INSURANCE

SECTION 5.68A EVIDENCE OF VEHICLE INSURANCE; PRODUCTION ON REQUEST OF POLICE OFFICER; VIOLATION AS CIVIL INFRACTION.

(1) The owner of a motor vehicle who operates or permits the operation of the motor vehicle upon the streets of this governmental unit or the operator of the motor vehicle shall produce, pursuant to subsection (2), upon the request of a police officer, evidence that the motor vehicle is insured under Chapter 31 of Act No. 218 of the Public Acts of 1956, as amended, being sections 500.3101 to 500.3179 of the Michigan Compiled Laws. An owner or operator of a motor vehicle who fails to produce evidence under this subsection when requested to produce that evidence, is responsible for a civil infraction.

(2) A certificate of insurance, if issued by an insurance company, which certificate states that security which meets the requirements of Sections 3101 to 3102 of Act No. 218 of the Public Acts of 1956, as amended, being section 500.3101 and 500.3102 of the Michigan Compiled Laws, is in force shall be accepted as prima facie evidence that insurance is in force for the motor vehicle described in the certificate of insurance until the expiration date shown on the certificate. The certificate, in addition to describing the motor vehicles for which insurance is in effect shall state the name of each person named on the policy, policy declaration, or a declaration certificate whose operation of the vehicle would cause the liability coverage of that insurance to become void.

(3) If an owner of a motor vehicle is determined to be responsible for a violation of subsection one (1), the Court in which the civil infraction determination is entered may require the person to surrender his or her operator's or chauffeur's license unless proof that the vehicle has insurance meeting the requirements of section 3102 of Act No. 218 of the Public Acts of 1956, as amended, is submitted to the Court. If the Court requires the license to be surrendered, the Court shall order the Secretary of State to suspend the person's license and shall forward the surrendered license and a certificate of civil infraction to the Secretary of State. Upon receipt of the certificate of civil infraction and the surrendered license, the Secretary of State shall suspend the person's license beginning with the date on which a person is determined to be responsible for the civil infraction for a period of 30 days or until proof of insurance which meets the requirements of section 3102 of Act No. 218 of the Public Acts of 1956, as amended is submitted to the Secretary of State, whichever occurs later. If the license is not forwarded, an explanation of the reason it is not forwarded shall be attached. A person who submits proof of insurance to the Secretary of State under this subsection shall pay a service fee of \$10.00 to the Secretary of State. The person shall not be required to be examined as set forth in section 320c.

(4) An owner or operator of a motor vehicle who knowingly produces false evidence under this section is guilty of a misdemeanor, punishable by imprisonment for not more than one (1) year, or a fine of not more than \$500, or both.

(5) Points shall not be entered on a driver's record pursuant to section 320a for a violation of this section.

(6) This section does not apply to the owner or operator of a motor vehicle that is registered in a state other than this state or a foreign country or province. (MCL 257.328)

CHILD RESTRAINT LAW

The following is effective on April 1,1991.

SECTION 5.82. MANDATORY CHILD RESTRAINTS

(1) except as provided in this section, or as otherwise provided by law, a rule promulgated pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws, or federal regulation, each driver transporting a child in a motor vehicle shall properly secure each child in a child restraint system as follows:

- a) Any child less than 1 year of age in a child restraint system which meets the standards prescribed in 49 C.F.R. 571.213, except as provided in subsection (6).
- b) Any child 1 year of age or more but less than 4 years of age, when transported in the front seat, in a child restraint system which meets the standards prescribed in 49 C.F.R. 571.213, except as provided in subsection (6).
- c) Any child 1 year of age or more but less than 4 years of age, when transported in the rear seat, in a child restraint system which meets the standards prescribed in 49 C.F.R. 571.213, unless the child is secured by a safety belt provided in the motor vehicle, except as provided in subsection (6).

(2) This section does not apply to any child being nursed.

(3) This section does not apply if the motor vehicle being driven is a bus, school bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts under federal law or regulations.

(4) A person who violates this section is responsible for a civil infraction.

(5) Points shall not be assessed for a violation of this section.

(6) The Secretary of State may exempt by rules promulgated pursuant to Act No. 306 of the Public Acts of 1969, as amended, a class of children from the requirements of this section, if the Secretary of State determines that the use of the child restraint system required under subsection (1) is impractical because of physical unfitness, a medical problem, or body size. The Secretary of State may specify alternate means of protection for children exempted under this subsection.

SEATBELT LAW

SECTION 5.83 SAFETY BELT REQUIRED; ENFORCEMENT

(1) This section shall not apply to a driver or passenger of:

- a) A motor vehicle manufactured before January 1, 1965.
- b) A bus
- c) A motorcycle
- d) A moped
- e) A motor vehicle if the driver or passenger possesses a written verification from a physician that the driver or passenger is unable to wear a safety belt for physical or medical reasons.
- f) A motor vehicle which is not required to be equipped with safety belts under federal law.
- g) A commercial or United States postal service vehicle which makes frequent stops for the purpose of pickup or delivery of goods or services.
- h) A motor vehicle operated by a rural carrier of the United States postal service while serving his or her rural postal route.

(2) This section shall not apply to a passenger of a school bus.

(3) Each driver and front seat passenger of a motor vehicle operated on a street or highway in this state shall wear a properly adjusted and fastened safety belt except that a child less than 4 years of age shall be protected as required in section 5.82

(4) Each driver of a motor vehicle transporting a child 4 years of age or more but less than 16 years of age in a motor vehicle shall secure the child in a properly adjusted and fastened safety belt. If the motor vehicle is transporting more children than there are safety belts available for use, all safety belts available in the motor vehicle are being utilized in compliance with this section, and the driver and all front seat passengers comply with subsection (3), then the driver of a motor vehicle transporting a child 4 years of age or more but less than 16 years of age for which there is not an available safety belt in compliance with this subsection, if that child is seated in other than the front seat of the motor vehicle. However, if that motor vehicle is a pickup truck without an extended cab or jump seats, and all safety belts in the front seat are being used the driver may transport such a child in the front seat without a safety belt.

(5) Enforcement of this section by state or local law enforcement agencies shall be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of another section of this act.

(6) Failure to wear a safety belt in violation of this section may be considered evidence of negligence and may reduce the recovery for damages arising out of the ownership, maintenance, or operation of a motor vehicle. However, such negligence shall not reduce the recovery for damages by more than 5%.

(7) A person who violates this section is responsible for a civil infraction.

(8) Points shall not be assessed for a violation of this section.

SCHOOL BUS LAW

SECTION 5.97. SCHOOL BUSES; OVERTAKING, MEETING, OR PASSING

(1) The driver of a vehicle overtaking or meeting a school bus which has stopped and is displaying 2 alternately flashing red lights located at the same level shall bring the vehicle to a full stop not less than 20 feet from the school bus and shall not proceed until the school bus resumes motion or the visual signals are no longer actuated. At an intersection where traffic is controlled by an officer or a traffic stop-and-go signal a vehicle need not be brought to a full stop before passing a stopped school bus, but may proceed past the school bus at a speed not greater than is reasonable and proper but not greater than 10 miles an hour and with due caution for the safety of passengers being received or discharged from the school bus. The driver of a vehicle who fails to stop for a school bus as required by this subsection, who passes a school bus in violation of this subsection, or who fails to stop for a school bus in violation of an ordinance that compiles with this subsection, is responsible for a civil infraction.

(2) The driver of a vehicle upon a highway which has been divided into 2 roadways by leaving an intervening space, or by a physical barrier, or clearly indicated dividing sections so constructed as to impede vehicular traffic, need not stop upon meeting a school bus which has stopped across the dividing space, barrier, or section.

(3) In a proceeding for a violation of subsection (1), proof that the particular vehicle described in the citation was in violation of subsection (1), together with proof that the defendant named in the citation was, that the time of the violation, the registered owner of the vehicle, shall constitute in evidence a presumption that the registered owner of the vehicle was the driver of the vehicle at the time of the violation.

(4) In addition to a civil fine and costs, the judge, district court referee, or district court magistrate may order a person who violates this section to perform not to exceed 100 hours of community service at a school.

ABANDONED VEHICLES

SECTION 2.5. REPORTS OF STOLEN AND RECOVERED VEHICLES

A police agency, upon receiving reliable information that any vehicle registered under this act has been stolen, shall immediately report the theft through the law enforcement information network. Upon receiving information that a vehicle previously reported as stolen has been recovered, the police agency shall immediately report the fact of the recovery through the law enforcement information network.

SECTION 2.5A. ABANDONED VEHICLE PROCEDURES

1. As used in this section, "*abandoned vehicle*" means a vehicle which has remained on public property or private property for a period of 48 hours after a police agency or other governmental agency designated by the police agency has affixed a written notice to the vehicle.
2. If a vehicle has remained on public or private property for a period of time so that it appears to the police agency to be abandoned, the police agency shall do all of the following:
 - a. Determine if the vehicle has been reported stolen
 - b. Affix a written notice to the vehicle. The written notice shall contain the following information:
 - i. The date and time the notice was affixed.
 - ii. The name and address of the police agency taking the action
 - iii. The name and badge number of the police officer affixing the notice.
 - iv. The date and time the vehicle may be taken into custody and stored at the owner's expense or scrapped if the vehicle is not removed.
 - v. The year, make, and vehicle identification number of the vehicle, if available.
3. If the vehicle is not removed within 48 hours after the date the notice was affixed, the vehicle is deemed abandoned and the police agency may have the vehicle taken into custody.
4. A police agency which has a vehicle taken into custody shall do all of the following:
 - a. Recheck to determine if the vehicle has been reported stolen.
 - b. Within 24 hours after taking the vehicle into custody, enter the vehicle as abandoned into the law enforcement information network.
 - c. Within 7 days after taking the vehicle into custody, send to the registered owner and secured party, as shown by the records of the secretary of state, by first-class mail or personal service, notice that the vehicle has been deemed abandoned. The form for the notice shall be furnished by the secretary of state. Each notice form shall contain the following information:
 - i. The year, make, and vehicle identification number of the vehicle if available.
 - ii. The location from which the vehicle was taken into custody.
 - iii. The date on which the vehicle was taken into custody.
 - iv. The name and address of the police agency which had the vehicle taken into custody.

- v. The business address of the custodian of the vehicle.
 - vi. The procedure to redeem the vehicle.
 - vii. The procedure to contest the fact that the vehicle has been deemed abandoned or the reasonableness of the towing fees and daily storage fees.
 - viii. A form petition which the owner may file in person or by mail with the specified court which requests a hearing on the police agency's action.
 - ix. A warning that the failure to redeem the vehicle or to request a hearing within 20 days after the date of the notice may result in the sale of the vehicle and the termination of all rights of the owner and the secured party to the vehicle or the proceeds of the sale.
5. The registered owner may contest the fact that the vehicle has been deemed abandoned or the reasonableness of the towing fees and daily storage fees by requesting a hearing. A request for a hearing shall be made by filing a petition with the court specified in the notice within 20 days after the date of the notice. If the owner requests a hearing, the matter shall be resolved after a hearing conducted pursuant to section 2.5e and 2.5f. An owner who requests a hearing may obtain release of the vehicle by posting a towing and storage bond in an amount equal to the accrued towing and storage fees with the court. The owner of a vehicle who requests a hearing may obtain release of the vehicle by paying the towing and storage fees instead of posting the towing and storage bond. If the court finds that the vehicle was not properly deemed abandoned, the police agency shall reimburse the owner of the vehicle for the accrued towing and storage fees.
6. If the owner does not request a hearing, he or she may obtain the release of the vehicle by paying the accrued charges to the custodian of the vehicle.
7. If the owner does not redeem the vehicle or request a hearing within 20 days after the date of the notice, the secured party may obtain the release of the vehicle by paying the accrued charges to the custodian of the vehicle and the police agency for its accrued costs.
8. Not less than 20 days after the disposition of the hearing described in subsection (5) or, if a hearing is not requested, not less than 20 days after the date of the notice, the police agency shall offer the vehicle for sale at a public sale pursuant to section 2.5g.
9. If the ownership of a vehicle which has been deemed abandoned under this section cannot be determined either because of the condition of the vehicle identification numbers or because a check with the records of the secretary of state does not reveal ownership, the police agency may sell the vehicle at public sale pursuant to section 2.5g, not less than 30 days after public notice of the sale has been published.

SECTION 2.5b ABANDONED SCRAP VEHICLE PROCEDURES

1. As used in this section:
 - a. "*Registered abandoned scrap vehicle*" means a vehicle which meets all of the following requirements:
 - i. Is on public or private property
 - ii. is 7 or more years old
 - iii. Is apparently inoperable or is extensively damaged, to the extent that the cost of repairing the vehicle so that it is operational and safe as required by section 683 would exceed the fair market value of that vehicle.

- iv. Is currently registered in the State of Michigan or displays current year registration plates from another state.
 - v. Is not removed within 48 hours after a written notice as described in section 2.5a(2)(b) is affixed to the vehicle.
 - b. "*Unregistered abandoned scrap vehicle*" means a vehicle which meets all of the following requirements:
 - i. Is on public or private property.
 - ii. Is 7 or more years old
 - iii. Is apparently inoperable or is extensively damaged, to the extent that the cost of repairing the vehicle so that it is operational and safe as required by section 683, would exceed the fair market value of that vehicle.
 - iv. Is not currently registered in this state and does not display current year registration plates from another state.
 - v. Is not removed within 48 hours after a written notice as described in section 2.5a(2)(b) is affixed to the vehicle.
2. A police agency may have an unregistered abandoned scrap vehicle taken into custody, in which case the police agency shall do all of the following:
 - a. Determine if the vehicle has been reported stolen.
 - b. Take 2 photographs of the vehicle.
 - c. Make a report to substantiate the vehicle as an unregistered abandoned scrap vehicle. The report shall contain the following information:
 - i. The year, make, and vehicle identification number if available.
 - ii. The date of abandonment.
 - iii. The location of abandonment.
 - iv. A detailed listing of the damage or the missing equipment.
 - v. The reporting officer's name and title.
 - vi. The location where the vehicle is being held.
 - d. Within 24 hours after taking the vehicle into custody, enter the vehicle into the law enforcement information network.
3. Within 24 hours, excluding Saturday, Sunday, and legal holidays, after taking the vehicle into custody, the police agency shall complete a release form and release the vehicle to the towing service or a used vehicle parts dealer or vehicle scrap metal processor, who shall then transmit that release form to the secretary of state and apply for a certificate of title or a certificate of scrapping. Upon receipt of the release form and application, the secretary of state shall issue a certificate of title or a certificate of scrapping.
4. The release form described in subsection (3) shall be furnished by the secretary of state and shall include a certification executed by the applicable police agency when the abandoned scrap vehicle is released. The certification shall state that the police agency has complied with all the requirements of subsection (2)(b) and (c).
5. The secretary of state shall retain the records relating to an abandoned scrap vehicle for not less than 2 years. The 2 photographs taken pursuant to subsection (2)(b) shall be retained by the police agency for not less than 2 years. After the certificate of title for the vehicle shall not be issued again.
6. A police agency may have a registered abandoned scrap vehicle taken into custody, in which case the police agency shall do all of the following:
 - a. Determine if the vehicle has been stolen.

- b. Take 2 photographs of the vehicle.
- c. Make a report to substantiate the vehicle as a registered abandoned scrap vehicle. The report shall contain the following information:
 - i. The year, make, and vehicle identification number of the vehicle if available.
 - ii. The date of abandonment.
 - iii. The location of abandonment.
 - iv. A detailed listing of the damage or the missing equipment.
 - v. The reporting officer's name and title.
 - vi. The location where the vehicle is being held.
- d. Within 24 hours after taking the vehicle into custody, enter the vehicle into the law enforcement information network.
- e. Within 7 days after taking the vehicle into custody, send to the registered owner and secured party, as shown by the records of the secretary of state, by first-class mail or personal service, notice that the vehicle has been deemed abandoned. The form for the notice shall be furnished by the secretary of state. Each notice form shall contain the following information:
 - i. The year, make, and vehicle identification number of the vehicle if available.
 - ii. The location from which the vehicle was taken into custody.
 - iii. The date on which the vehicle was taken into custody.
 - iv. The name and address of the police agency which had the vehicle taken into custody.
 - v. The business address of the custodian of the vehicle.
 - vi. The procedure to redeem the vehicle.
 - vii. The procedure to contest the fact that the vehicle has been deemed abandoned or the reasonableness of the towing fees and daily storage fees.
 - viii. A form petition which the owner may file in person or by mail with the specified court which requests a hearing on the police agency's action.
 - ix. A warning that the failure to redeem the vehicle or to request a hearing within 20 days after the date of the notice may result in the termination of all rights of the owner and the secured party to the vehicle.
7. The registered owner of a registered abandoned scrap vehicle may contest the fact that the vehicle has been deemed abandoned or the reasonableness of the towing fees and daily storage fees by requesting a hearing. A request for a hearing shall be made by filing a petition with the court specified in the notice within 20 days after the date of the notice. If the owner requests a hearing, the matter shall be resolved after a hearing conducted pursuant to section 2.5e and 2.5f. An owner who requests a hearing may obtain release of the vehicle by posting a towing and storage bond with the court in an amount as determined by the court. The owner of a vehicle who requests a hearing may obtain release of the vehicle by paying the towing and storage fees instead of posting the towing and storage bond. If the court finds that the vehicle was not properly deemed abandoned, the police agency shall reimburse the owner of the vehicle for the accrued towing and storage fees.
8. If the owner does not request a hearing, he or she may obtain the release of the vehicle by paying the accrued charges to the custodian of the vehicle.

9. If the owner does not redeem the vehicle or request a hearing within 20 days after the date of the notice, the secured party may obtain the release of the vehicle by paying the accrued charges to the custodian of the vehicle.
10. Not less than 20 days after the disposition of the hearing described in subsection (7), or if a hearing is not requested, not less than 20 days after the date of the notice described in subsection (6)(e), the police agency shall follow the procedures established in subsection (3) to (5).

SECTION 2.5c VEHICLE REMOVED FROM PRIVATE PROPERTY

1. When a vehicle is removed from private property at the direction of a person other than the registered owner of the vehicle or a police agency, the custodian of the vehicle immediately shall notify the police agency from whose jurisdiction the vehicle was towed. The custodian shall supply that information which is necessary for the police agency to enter the vehicle into the law enforcement information network.
2. Upon receipt of the notification described in subsection (1), the police agency immediately shall do all of the following:
 - a. Determine if the vehicle has been reported stolen.
 - b. Enter the vehicle into the law enforcement information network.
3. The owner of the vehicle removed as described in subsection (1) may obtain release of the vehicle by paying the accrued towing and storage fees to the custodian of the vehicle. Upon release of the vehicle, the custodian shall notify the police agency of the disposition of the vehicle.
4. If the vehicle described in subsection (1) is not claimed by the owner within 7 days after the police agency has been notified by the custodian that it has been taken into custody the vehicle is deemed abandoned and the procedures prescribed in section 2.5a(4)(c) to (9) shall apply.

SECTION 2.5d VEHICLE REMOVED BY POLICE

1. A police agency or a governmental agency designated by the police agency may provide for the immediate removal of a vehicle from public or private property to a place of safekeeping at the expense of the registered owner of the vehicle in any of the following circumstances:
 - a. If the vehicle is in such a condition that the continued operation of the vehicle upon the highway would constitute an immediate hazard to the public.
 - b. If the vehicle is parked or standing upon the highway in such a manner as to create a immediate public hazard or an obstruction of traffic.
 - c. If a vehicle is parked in a posted tow away zone.
 - d. If there is reasonable cause to believe that the vehicle or any part of the vehicle is stolen.
 - e. If the vehicle must be seized to preserve evidence of crime, or when there is reasonable cause to believe that the vehicle was used in the commission of a crime.
 - f. If the removal is necessary in the interest of public safety because of fire, flood, storm, snow, natural or man-made disaster, or other emergency.

- g. If the vehicle is hampering the use of private property by the owner of person in charge of that property or is parked in a manner which impedes the movement of another vehicle.
 - h. If the vehicle is stopped, standing, or parked in a space designated for handicapped parking and is not permitted by law to be stopped, standing, or parked in a space designated for handicapped parking.
- 2. A police agency which authorizes the removal of a vehicle under subsection (1) shall do all of the following:
 - a. Check to determine if the vehicle has been reported stolen.
 - b. Within 24 hours after removing the vehicle, enter the vehicle into the law enforcement information network if the vehicle has not been redeemed. This subdivision does not apply to a vehicle that is removed from the scene of a motor vehicle traffic accident.
 - c. If the vehicle has not been redeemed within 10 days after moving the vehicle, send to the registered owner and the secured party as shown by the records of the secretary of state, by first-class mail or personal service, a notice that the vehicle has been removed; however, if the police agency informs the owner or operator of the vehicle of the removal and the location of the vehicle within 24 hours after the removal, and if the vehicle has not been redeemed within 30 days and upon the complaint from the towing service, the police agency shall send the notice within 30 days after the removal. The notice shall be by a form furnished by the secretary of state. The notice form shall contain the following information:
 - i. The year, make, and vehicle identification number of the vehicle.
 - ii. The location from which the vehicle was taken into custody.
 - iii. The date on which the vehicle was taken into custody.
 - iv. The name and address of the police agency which had the vehicle taken into custody.
 - v. The location where the vehicle is being held.
 - vi. The procedure to redeem the vehicle.
 - vii. The procedure to contest the fact that the vehicle was properly removed or the reasonableness of the towing and daily storage fees.
 - viii. A form petition which the owner may file in person or by mail with the specified court which requests a hearing on the police agency's action.
 - ix. A warning that the failure to redeem the vehicle or to request a hearing within 20 days after the date of the notice may result in the sale of the vehicle and the termination of all rights of the owner and the secured party to the vehicle or the proceeds of the sale or to both the vehicle and the proceeds.
- 3. The registered owner may contest the fact that the vehicle was properly removed or the reasonableness of the towing fees and daily storage fees by requesting a hearing. A request for a hearing shall be made by filing a petition with the court specified in the notice within 20 days after the date of the notice. If the owner requests a hearing, the matter shall be resolved after a hearing conducted pursuant to section 2.5e and 2.5f. An owner who requests a hearing may obtain release of the vehicle by posting a towing and storage bond with the court in an amount equal to the accrued towing and storage fees. The owner of a vehicle who requests a hearing may obtain release of the vehicle by

paying the towing and storage fees instead of posting the towing and storage bond. If the court finds that the vehicle was not properly removed, the police agency shall reimburse the owner of the vehicle for the accrued towing and storage fees.

4. If the owner does not request a hearing, he or she may obtain the release of the vehicle by paying the accrued charges to the custodian of the vehicle.
5. If the owner does not redeem the vehicle or request a hearing within 20 days, the secured party may obtain the release of the vehicle by paying the accrued charges to the custodian of the vehicle prior to the date of the sale.
6. Not less than 20 days after the disposition of the hearing described in subsection (3), or if a hearing is not requested, not less than 20 days after the date of the notice described in subsection (2)(c), the police agency shall offer the vehicle for sale at a public sale unless the vehicle is redeemed. The public sale shall be held pursuant to section 2.5g.
7. If the ownership of a vehicle which has been removed under this section cannot be determined either because of the condition of the vehicle identification numbers or because a check with the records of the secretary of state does not reveal ownership, the police agency may sell the vehicle at public sale pursuant to section 2.5g, not less than 30 days after public notice of the sale has been published.

SECTION 2.5e ABANDONED VEHICLE, JURISDICTION OF COURT

1. The following courts shall have jurisdiction to determine if a police agency has acted properly in processing a vehicle under section 2.5a, 2.5b(6) to (10), 2.5c, or 2.5d:
 - a. The district court
 - b. A municipal court
 - c. The common pleas court in the city of Detroit
2. The court specified in the notice prescribed in section 2.5a(4)(c), 2.5b(6), or 2.5d(2)(c) shall be the court which has territorial jurisdiction at the location from where the vehicle was removed or deemed abandoned. Venue in the district court shall be governed by section 9312 of Act No. 236 of the Public Acts of 1961, as amended, being section 600.8312 of the Michigan Compiled Laws.
3. If the owner fails to pay the accrued towing and storage fees, the towing and storage bond posted with the court to secure release of the vehicle under section 2.5a, 2.5b, 2.5c, or 2.5d shall be used to pay the towing and storage fees.

SECTION 2.5f ABANDONED VEHICLES, DUTIES OF COURT

1. Upon receipt of a petition prescribed in section 2.5a, 2.5b, 2.5c, or 2.5d, signed by the owner of the vehicle which has been taken into custody, the court shall do both of the following:
 - a. Schedule a hearing within 30 days for the purpose of determining whether the police agency acted properly.
 - b. Notify the owner and the police agency of the time and place of the hearing.
2. At the hearing specified in subsection (1) the police agency shall have the burden of showing by a preponderance of the evidence that it has complied with the requirements of this act in processing the abandoned vehicle or vehicle removed pursuant to section 2.5d.

3. After the hearing the court shall make a decision which shall include 1 or more of the following:
 - a. A finding that the police agency complied with the procedures established for the processing of an abandoned vehicle or a vehicle removed under section 2.5d, and an order providing a period of 20 days after the decision for the owner to redeem the vehicle. If the owner does not redeem the vehicle within 20 days, the police agency shall dispose of the vehicle pursuant to section 2.5b or 2.5g.
 - b. A finding that the police agency did not comply with the procedures established for the processing of an abandoned vehicle or a vehicle removed pursuant to section 2.5d. After making such a finding, the court shall issue an order directing that the vehicle immediately be released to the owner, and that the police agency is responsible for the accrued towing and storage charges.
 - c. A finding that the towing and daily storage fees were reasonable.
 - d. A finding that the towing and daily storage fees were unreasonable and issue an order directing an appropriate reduction.

SECTION 2.5G ABANDONED VEHICLE, PUBLIC SALE

1. A public sale for a vehicle which has been deemed abandoned under section 2.5a or 2.5c or removed under section 2.5d shall be conducted in the following manner:
 - a. It shall be under the control of the police agency or agent of the police agency.
 - b. It shall be open to the public and consist of open auction bidding or bidding by sealed bids. If sealed bids are received, the person submitting the bid shall receive a receipt for the bid from the police agency or agent of the police agency.
 - c. Except as provided by sections 2.5a(9) and 2.5d(7), it shall be held not less than 5 days after public notice of the sale has been published.
 - d. The public notice shall be published at least once in a newspaper having a general circulation within the county in which the vehicle was abandoned. The public notice shall give the description of the vehicle for sale and shall state the time, date, and location of the sale.
2. The money received from the public sale of the vehicle shall be applied in the following order of priority:
 - a. Towing and storage charges.
 - b. Expenses incurred by the police agency.
 - c. To the secured party, if any, in the amount of the debt outstanding on the vehicle.
 - d. Remainder to the owner. A reasonable attempt shall be made to mail the remainder to the registered owner. If delivery of the remainder cannot be accomplished, the remainder shall become the property of the unit of government that the police agency represents.
3. If there are no bidders on the vehicle, the police agency may do 1 of the following:
 - a. Turn the vehicle over to the towing firm to satisfy charges against the vehicle.
 - b. Obtain title to the vehicle for the police agency or the unit of government the police agency represents, by doing the following:
 - i. Paying the towing and storage charges.
 - ii. Applying for title to the vehicle.
 - c. Hold another public sale pursuant to subsection (1).

4. A person who acquires ownership of a vehicle under subsection (1) or (3), which vehicle has been designated as a distressed vehicle, shall make application for a salvage certificate of title within 15 days of obtaining the vehicle.
5. Upon disposition of the vehicle, the police agency shall cancel the entry into the law enforcement information network.

VILLAGE OF PECK
RESOLUTION TO CHANGE THE SEWER RATES

Whereas the Village of Peck has installed water meters to measure the volume of water that is consumed and,

Whereas the Village can use the gallons measured to determine the amount of flowage through the sanitary sewer system and,

Whereas this provides a more precise and equitable way to bill users of the system and,

Whereas the Village Code of Ordinances, Chapter 22, Appendix B, Paragraph 1.030 provides that the Village Council may from time to time prescribe by resolution to adjust sewer use service charges and rates and,

Whereas the Village has completed the metering of all water users in the Village and it is no longer necessary to use the schedule of sanitary use factors shown on pages B-7 through B-9 of Appendix B,

Be it resolved that effective with the billing period commencing October 1, 1994 the Village shall bill for sewer use based upon the following charges,

First 9,000 gallons to billed at the rate of \$18.00, plus \$2.00 for each addition 1,000 gallons or portion thereof exceeding the 9,000 gallons for each quarterly billing period.

In those installations where the sewer is used but not the Village water system the Council shall establish an appropriate use factor and charge.

Be it further resolved that that connection charge established at Paragraph 1.031 shall hereafter be based upon the water meter size and capacity installed rather than the schedule of sanitary use factors.

Moved for adoption by Council member: Williams

Second by Council member: Barron

Ayes: 5

Nays: 0

Motion Carried.

Date: March 15, 1995

Bernice J. Williams, Village Clerk

APPENDUM A
SEWER USE

ARTICLE I. DEFINITIONS

1.000 **DEFINITIONS**

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

1.001 *BOD (denoting Biochemical Oxygen Demand)*

The quantity of oxygen utilized in the Biochemical Oxidation of organic matter under standard laboratory procedures in five days at 20 degrees C., expressed in milligrams per liter.

1.002 *Building Connection*

The connection of the building drain to the building sewer.

1.003 *Building Drain*

That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waster, and other drainage pipes inside the walls of the building and conveys it to the building sewer which begins five feet outside the inner face of the building wall.

1.004 *Building Sewer*

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

1.005 *Village*

The Village of Peck, Sanilac County, Michigan.

1.006 *Combine Sewer*

A sewer receiving both surface runoff and wastewater.

1.007 *Developer*

Any person constructing a private wastewater system.

1.008 *Garbage*

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

1.009 *Industrial Wastes*

The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary wastewater.

1.010 *Inspector*

An authorized agent of the Superintendent observing the construction, alteration, tapping or repair of any public or building sewer or engaged in other work provided for herein.

ARTICLE I. DEFINITIONS 1.000 (cont'd)

1.011 *Meter*

A device to measure the quantity of water or wastewater passing through it.

1.012 *Natural Outlet*

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

1.013 *Person*

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

1.014 *pH*

The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

1.015 *Plumber*

A plumber who is licensed and authorized to engage in plumbing work in the Village in accordance with Village ordinances and State Statutes.

1.016 *Plumbing Contractor*

Any contractor registered with the Village to engage in work of a plumber.

1.017 *Premise or Premises*

A structure which cannot be completely divided in its present utilitarian condition through sale. The following are examples of what is meant by premise or premises:

1.017A. A building under one roof owned, leased or occupied by one party as on business or residence; or

1.017B. A combination of residential buildings or commercial buildings, leased or occupied by one party in one common enclosure; or

1.017C. The one side of a double house having a solid vertical partition wall; or

1.017D. A building owned by one party having more than one internal division, such as apartments, offices, stores, etc., and which may have a common or separate entrance.

1.018 *Private Wastewater Disposal Facilities*

Any privately owned and maintained privy, privy vault, septic tank, cesspool or outlet into any pond, ditch, lake, or other body of surface water or groundwater, or other facility intended or used for the disposal of wastewater.

ARTICLE I. DEFINITIONS 1.000 (cont'd)

1.019 *Properly Shredded Garbage*

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

1.020 *Public Sewer*

A sewer in which all owners or abutting properties have equal rights and is controlled by public authority.

1.021 *Sanitary Sewer*

A sewer which carries wastewater and to which storm water, surface water, and ground waters are not intentionally admitted.

1.022 *Sewer*

A pipe or conduit for carrying wastewater.

1.023 *Shall* is mandatory; *May* is permissive.

1.024 *Slug*

A discharge of water, wastewater, or industrial waste which in concentration of any given constituent, or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24 hour concentration or flows during normal operation.

1.025 *Storm Drain and Storm Sewer*

A sewer which carries storm and surface waters and drainage, but excludes wastewater and industrial wastes, other than unpolluted cooling water.

1.026 *Superintendent*

The Superintendent of the Water Pollution Control Department for the Village or his authorized deputy, agent or representative.

1.027 *Suspended Solids*

Solids that either float on the surface of, or are in suspension in water, wastewater, or other liquids, and which are removable by laboratory filtering.

1.028 *Waste*

Any discharged or abandoned materials, whether organic or inorganic.

1.029 *Wastewater*

A combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water and storm water that may be present.

ARTICLE I. DEFINITIONS 1.000 (cont'd)

1.030 *Wastewater Treatment Plant*

Any arrangement of devices for treating and disposing of wastewater, industrial wastes, and sludge.

1.031 *Wastewater Works*

All facilities for collecting, pumping, treating and disposing of wastewater, industrial wastes, and sludge.

1.032 *Watercourse*

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

ARTICLE II.

USE OF PUBLIC SEWERS REQUIRED

2.010 OBJECTIONABLE WASTE ON PUBLIC OR PRIVATE PROPERTY

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Village, or in any area under the jurisdiction of said Village, any human or animal excrement, garbage, or other objectionable waste as may from time to time be specified by the Superintendent.

2.020 UNLAWFUL DISCHARGE

It shall be unlawful to discharge into any natural outlet within the Village, or in any area under the jurisdiction of said Village, any wastewater, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

2.030 PRIVATE WASTEWATER DISPOSAL FACILITIES

Except as hereinafter provided, it shall be unlawful to construct, maintain or use any private wastewater disposal facilities for the disposal of wastewater.

2.040 CONNECTION TO PUBLIC SEWER

The owner of any house, building, or property used for human occupancy, employment, recreation, or purpose, situated within the Village and abutting on any street, alley, right-of-way, or easement in which there is now located or may in the future be located a public sanitary sewer of the Village, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, provided that said public sewer is within 150 feet of the property line. This connection shall be completed within 180 days after the date on which the last of the following occurs:

2.041 Availability of the public sanitary sewer as above described;

2.042 Availability of wastewater treatment plant services;

2.043 Improvement of the property so as to become property upon which water is used or is available for use for household, commercial, industrial, or other purposes. The improvement shall be deemed complete when ready for occupancy.

ARTICLE II. USE OF PUBLIC SEWERS REQUIRED (cont'd)

2.050 DISCONNECTION FOR PRIVATE SEWER

At such time as any premises are connected to the public sewer, the owner shall complete the following:

2.051 Within 180 days from the date that connection to the sewer is completed, disconnect all connections to private wastewater disposal facilities;

2.052 Fill all cesspools, septic tanks, privy vaults, dry wells, block trenches, and any other private wastewater disposal facilities in compliance with requirements of the Sanilac County Health Department.

2.060 NOTICE TO CONNECT

At such time as a public sewer becomes available to premises served by private wastewater disposal facilities, the Village Clerk shall cause appropriate notice to be served upon the owner of such property. Said notice shall contain the following provisions:

2.061 That a public sanitary sewer is ready and available to receive connections and the approximate location of the public sanitary sewer available for connection;

2.062 That said premises are required to be connected to said public sanitary sewer as specified in Section 2.040; and

2.063 That said premises are required to be disconnected from private wastewater disposal facilities as specified in Section 2.050;

The notice required hereby shall be served as provided in Section 2.070.

2.070 NOTICE TO CONNECT

The notice required by Section 2.060 shall be posted beside an entrance to a building on the property, left with an occupant thereof or delivered to the property owner. In addition, the Village Clerk shall have the notice published once in a newspaper of general circulation within the boundaries of the Village.

ARTICLE III. PRIVATE WASTEWATER DISPOSAL

3.010 DISPOSAL REQUIREMENT

Where a public sewer is not available under the provisions of Article II, Section 2.040, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this article.

3.020 PERMIT REQUIREMENT

Before commencement of construction of a private wastewater disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the Village, which the applicant shall supplement by any drawings, specifications and other information as are deemed necessary by the Superintendent. A permit and inspection fee of \$10.00 shall be paid to the Village at the time the application is filed.

ARTICLE III. PRIVATE WASTEWATER DISPOSAL (cont'd)

3.030 INSPECTION

A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Superintendent.

3.040 HEALTH DEPT RULES

The type, capacity, location, and layout of a private wastewater disposal system shall comply with all rules and regulations of the Sanilac County Health Department and the Michigan Department of Natural Resources.

3.050 PUBLIC SEWER AVAILABILITY

At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer in compliance with this ordinance, and the private wastewater disposal facilities shall be abandoned and filled in compliance with this chapter.

3.060 PRIVATE DISPOSAL MAINTENANCE

The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Village.

3.070 ADDITIONAL REQUIREMENTS

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Sanilac County Health Department or the Michigan Department of Natural Resources.

ARTICLE IV. BUILDING SEWERS AND CONNECTIONS

4.010 UNAUTHORIZED TAMPERING PROHIBITED

No person, except an authorized employee of the Village or persons authorized by the Village, shall uncover, make any connections with or into, install, repair, alter, or disturb any public sewer, building sewer, or appurtenance thereof. A written permit for such work issued by the Superintendent shall be required for each interference with any public sewer or appurtenances thereto.

4.020 BUILDING SEWER PERMITS

There shall be two classes of building sewer permits (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner, or his agent shall make application on a special form furnished by the Village. The permit application shall be supplemented by any drawings, specifications, or other information considered shall designate the person to perform the work. The person designated to perform the work shall meet

ARTICLE IV. BUILDING SEWERS AND CONNECTIONS (cont'd)

the qualifications for performing such work as may be required by the Superintendent. A permit and inspection fee of \$5.00 for residential or commercial building sewer permit and \$25.00 for an industrial building sewer permit shall be paid to the Village at the time the application is filed.

4.030 PAYMENT OF FEES

No permit shall be issued until all charges and fees, inclusive but not limited to permit and inspection fees, connection charges, tap fees and other charges required by this and related ordinances, have been paid or provisions for the payment of the same has been made with the Superintendent.

4.040 CONNECTION COSTS

All costs and expenses related to an incidental to the installation and connection of the building sewer to the public sewer, including the cost of materials and metering devices as may be required, shall be borne by the owner. The owner shall indemnify the Village from any loss or damage that may directly or indirectly result from the installation of the building sewer or connection to the public sewer.

4.050 SEPARATE CONNECTIONS

A separate and independent building sewer shall be required for each premise to be connected to the public sewer.

4.060 EXISTING BUILDING SEWERS

Old building sewers may be used in connection with new premises only when they are found, on examination and test by the Superintendent, to meet all requirements of this Chapter.

4.070 CONFORMANCE TO RULES

All sewer construction, connections, maintenance and repairs to sewer facilities shall be subject to Rules and Regulations promulgated from time to time in accordance with the provisions of Article VII, and shall conform to the Building and Plumbing Codes of the Village, and any other applicable codes. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

4.080 BUILDING SEWER ELEVATION

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such building drain shall be lifted by an apparatus approved by the Superintendent, and discharged to the building sewer.

4.090 GROUNDWATER PROHIBITED

No person shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

ARTICLE IV. BUILDING SEWERS AND CONNECTIONS (cont'd)

4.091 Whenever such connections are found in any premises, the Superintendent shall notify the owner in writing in accordance with provisions hereinafter for giving notice of any violations.

4.092 Such connection shall be deemed to constitute a nuisance per se.

4.093 Failure to remove said connection within 30 days from the date of service of notice shall be deemed to be a separate violation of these provisions.

4.100 PUBLIC SEWER CONNECTION

The person designated pursuant to Section 4.020 to perform the work of connecting, installing, repairing, altering or disturbing any public sewer shall notify the Superintendent in writing at least 48 hours in advance of when the building sewer will be ready for installation and connection to the public sewer. It is the responsibility of the person designated to do such work to insure the delivery of such notice to the Superintendent. This notice shall state the permit number, street, subplot number and anticipated construction time required for the inspection requested. The person designated to do the work shall immediately inform the Superintendent of any unforeseen delays or postponements prior to 8:00 a.m. of the day for which inspection was arranged. No work may be performed in the absence of an inspector unless written permission is granted by the Superintendent. Said written permission shall not be unreasonably denied. The Village shall not be liable for any expense incurred by the person designated to do the work in locating mains, wyes, house connections or other sewer appurtenances arising out of information procured from the records of the Village.

4.110 TAPPING AND INSPECTION

Any work covered prior to inspection shall be uncovered by the person designated to do the work and an opportunity must be given to inspect the inside as well as the outside of the sewer pipe. The actual tapping of a connection into a sanitary sewer and the connection to the building drain shall be done only in the presence of an inspector.

4.120 TAPPING AND INSPECTION

The Superintendent shall approve the quality of all materials and workmanship, and shall have the right to inspect the same at all times, He may order removed from the job any inferior or defective material, and he may cause to be re-laid any portion of a building sewer which is not constructed in accordance with the provisions of this chapter.

4.130 PERMIT FOR SANITARY SEWER MAIN

When a new sanitary sewer main is being built in a street and building drain or building sewer connections are included in the contract, the contractor for such main sanitary sewer shall be required to obtain a permit for each and every connection to a building drain that he may be employed to connect.

4.140 CONSTRUCTION IN RIGHT-OF-WAY

No permit for sewer construction, connection, maintenance or repair shall be issued for any such work requiring excavation in any street, highway or road right-of-way until the person who is to make such excavation shall obtain from the proper authority the required permit for each excavation and shall agree to comply with all the requirements of the issuing authority, or shall

ARTICLE IV. BUILDING SEWERS AND CONNECTIONS (cont'd)

obtain a written statement by that authority that no road opening permit is required. This permit shall be kept on the job at all times, while work is in progress.

4.150 INTERIOR PLUMBING

No sanitary sewer connection shall be made to any premises for which the rough interior plumbing has not been completed, inspected and approved by the proper authority. The connection between the interior plumbing building drain and the building sewer shall be made at a point approximately five feet outside the inner face of the foundation wall.

4.160 BUILDING SEWER MAINTENANCE, LIENS

The property owner shall be responsible for the maintenance of the building sewer from the sanitary sewer main. The Superintendent may require the property owner to make whatever repairs or perform any maintenance of the building sewer that Superintendent deems necessary for the proper function of the sanitary wastewater system. If the Village is requested, or finds it necessary for the proper maintenance of the system, to repair or maintain any building sewer or connections, the cost of such repair or maintenance shall be billed directly to the owner of the premises and shall be the responsibility of the owner to pay within 30 days from the date of billing statement. Failure to pay such billed costs within six months of billing shall result in a lien being placed against the property in the amount of the cost.

4.170 PLUMBING CONTRACTOR'S LIABILITY, SANCTIONS

If any plumbing contractor neglects or refuses to do any act required by this chapter of the Rules and Regulations promulgated hereunder within the time specified after receiving written notice from the Superintendent to do so, the Superintendent may cause such work to be done and charge the same to the plumbing contractor. If such charges are not paid within 30 days from the date of the billing statement, the Village may revoke the plumbing contractor's authority to perform work in the Village. Failure by the plumbing contractor to comply with the provisions of this chapter or of the Rules and Regulations promulgated hereunder or with the direct order of the Superintendent shall be deemed just cause for the Village to revoke the plumbing contractor's authority to perform work in the Village. This sanction shall be in addition to and not in lieu of those penalties provided for violation of this chapter.

4.180 DISCLAIMER

The Village expressly disclaims and shall not be responsible for any damages caused by, or arising from any stoppage of the main sanitary sewer.

4.190 SAFETY PROVISIONS

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

ARTICLE V.
USE OF PUBLIC SEWERS

5.010 WASTEWATER ONLY

No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

5.020 SURFACE RUNOFF

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, or natural outlet.

5.030 PROHIBITED WASTES-ABSOLUTE

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

5.031 Any petroleum product, gasoline, benzene, naphtha, oils or other flammable or explosive liquid, solid or gas.

5.032 Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, wither singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant; including but not limited to , cyanides in excess of 1mg/1 as CN, hexavalent chrome in excess of 1mg/ 1 as CR, copper in excess of 2 mg/1as Cu, zinc in excess of 2 mg/1 as ZN, and phenols in excess of 0.5 mg/1 in the wastes as discharged to the public sewer. All discharge containing toxic materials shall be regulated as provided in Article V, Section 5.060.

5.033 Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.

5.034 Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater works. Such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, ungrounded garbage, whole blood, hair and fleshing, entrails and paper dishes, cups, milk containers, etc., all of the above either whole or ground by garbage grinders.

5.035 Any other toxic substances exceeding standards promulgated by the Administrator of the United States Environmental Protection Agency (USEPA) pursuant to the authority of Sec. 307a of the Clean Water Act (USCA 35.17), or to cause the treatment facility to violate the pre-treatment or NPDS standards promulgated under Sec. 307b of the Clean Water Act.

ARTICLE V. USE OF PUBLIC SEWERS (cont'd)

5.040 PROHIBITED SUBSTANCES-DISCRETIONARY

No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely, in the opinion of the Superintendent, that such wastes can harm either the sewers, wastewater treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give his consideration to, but will not be limited to, such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the wastewater treatment process, capacity of the wastewater treatment plant, degree of treatability of wastes in the wastewater treatment plant, and other pertinent factors. The substances prohibited are:

5.041 Any liquid or vapor having a temperature higher than 150degrees F (65 degrees C).

5.042 Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees F (0 and 65 degrees C).

5.043 Any garbage that has not been properly shredded.

5.044 Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

5.045 Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement to such degree that any such material received in the composite wastewater treatment works exceeds the limits established by the Superintendent for such materials.

5.046 Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite wastewater, to meet the requirements of the State, Federal, or other public agencies or jurisdiction for such discharge to the receiving waters.

5.047 Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.

5.048 Any waters or wastes having a pH in excess of 9.5.

5.049 Materials which exert or cause:

5.049A Unusual concentrations of inert suspended solids such as, but not limited to, fillers earth, lime slurries, and lime residues or of dissolved solids such as, but not limited to, sodium chloride and sodium sulfate.

ARTICLE V. USE OF PUBLIC SEWERS (cont'd)

5.049B Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.

5.049C Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment works.

5.049D Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

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

5.051 Any other toxic substances exceeding standards promulgated by the Administrator of the United States Environmental Protection Agency (USEPA) pursuant to the authority of Sec. 307a of the Clean Water Act (USCA 35.17), or to cause the treatment facility to violate the pre-treatment or NPDS standards promulgated under Sec. 307b of the Clean Water Act.

5.060 TOXIC SUBSTANCES

Any person whose operations, residential or industrial, entail the discharge of water or wastes containing toxic or poisonous substances shall file with the Superintendent a written statement setting on, the amount of water required to be used and its source, the proposed point of discharge of said wastes into the wastewater system of the Village, the estimated amount to be discharged, and a fair statement setting forth the expected bacterial, physical, chemical and other known characteristics of said wastes. Within 30 days of receipt of an order stating such minimum restrictions as in the judgment of the Superintendent may be necessary to guard adequately against lawful uses of the Village's wastewater system.

5.070 CONTROL OF PROHIBITED DISCHARGE

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 5.04 and which in the judgment of the Superintendent may have a harmful effect upon the wastewater works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent shall:

5.071 Reject the wastes, and/or

5.072 Require pre-treatment to an acceptable condition for discharge to the public sewers, and/or

5.073 Require control over the quantities and rates of discharge, and/or

ARTICLE V. USE OF PUBLIC SEWERS (cont'd)

5.074 Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 5.140 of this article.

If the Superintendent 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 Superintendent and subject to the requirement of all applicable codes, ordinances and laws.

5.080 INTERCEPTIONS

Interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.

5.090 GARBAGE GRINDERS

The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower or greater shall be subject to the review and approval of the Superintendent.

5.100 PRE-TREATMENT MAINTENANCE

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

5.110 MANHOLE

When required by the Superintendent, the owner of any premises serviced by a building sewer carrying industrial or food establishment wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

5.120 INSPECTIONS AT MANHOLE

All measurements, tests, and analysis of the characteristics of waters and wastes shall be determined at the control manhole provided, or upon suitable samples at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

5.130 MEASUREMENT STANDARDS

All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this chapter, shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association. Sampling shall be carried out by customarily accepted methods to

ARTICLE V. USE OF PUBLIC SEWERS (cont'd)

reflect the effect of constituents upon the wastewater works and to determine the existence of hazards to life, limb and property.

5.140 SPECIAL CONDITIONS

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village treatment, subject to payment therefore by the industrial concern.

ARTICLE VI. PROTECTION FROM DAMAGE

6.010 WILFUL OR NEGLIGENT DAMAGE

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the wastewater works. Only authorized personnel shall be permitted to alter, uncover, or tamper with any structure which is part of the wastewater works.

Any person violating this provision shall be deemed to be a disorderly person and shall be subject to criminal prosecution as hereinafter provided. Violation of this provision shall be deemed to constitute a nuisance per se. Specifically the following provisions apply to both part one and part two of this ordinance.

ARTICLE VII. POWERS AND AUTHORITY OF SUPERINTENDENT AND INSPECTORS

7.010 RULES

The Village Council and/or the Superintendent may adopt and enforce Rules and Regulations in accordance with the provisions of Articles II through V of this chapter for the purpose of providing control over sewer construction, installation, maintenance, repair, and rules and regulations promulgated by the Village Council or the Superintendent shall be in accordance with the following provisions:

7.011 All such Rules and Regulations shall be entitled "Sanitary Sewer Rules and Regulations."

7.012 All such Rules and Regulations and any amendments thereto shall be in writing and shall be filed with the Village Clerk.

7.013 Such Rules and Regulations shall specify the effective date thereof and shall be subscribed by the Village Clerk and dated as of the date they are promulgated.

ARTICLE VII. POWERS AND AUTHORITY OF SUPERINTENDENT AND INSPECTORS
(cont'd)

7.014 Notice shall be given in a newspaper of general circulation in the Village, that the Village Clerk has promulgated certain Rules and Regulations, or amendments thereto, for the Sanitary Sewer Ordinance of the Village and that the same are on file with the Village Clerk.

7.015 Said Rules and Regulations or any amendments shall become effective 30 days after the date of publication of notice as above specified.

7.016 Said Rules and Regulations, or any amendments may be modified at any time by the Village. Such modification shall become effective within 30 days after the date of publication of notice that said modifications have been made and are on file with the Village Clerk. Publication of notice and filing shall be in accordance with provisions 1.011 through 1.016 above.

7.020 AUTHORITY TO INSPECT

Agent of the Michigan DNR, USEPA and employees of the Village bearing proper credentials and identification shall be permitted to enter all user premises, properties and buildings, public and private, for the purpose of inspection, measurement, sampling and testing for violations of this chapter, and the Rules and Regulations. However, the Superintendent or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

7.030 COMPLIANCE WITH SAFETY RULES

While performing the necessary work on private properties referred to in Article VII, Section 7.020 above, the Superintendent or duly authorized employees of the Village shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Village employees and the Village shall indemnify the company against loss or damage to its property by Village employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article V, Section 5.110.

7.040 AUTHORITY TO INSPECT EASEMENTS

The Superintendent and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE VII. POWERS AND AUTHORITY OF SUPERINTENDENT AND INSPECTORS
(cont'd)

7.050 RECORDS, ABANDONMENT OF CONNECTIONS

The Superintendent shall maintain accurate and complete records of all public sewers and appurtenances, of all permits issued, and all inspections made. The Superintendent is empowered to require the abandonment and removal of connections to the public storm sewers which violate the provisions of this chapter.

ARTICLE VIII.
PENALTIES

8.010 WRITTEN NOTICE

Any person found to be violating any provisions of this ordinance shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

8.020 MISDEMEANOR

Any person who shall continue any violation beyond the time limit provided in Section 8.010 shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not exceeding \$100.00 and/or imprisoned for not more than 90 days for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

8.030 COSTS

Any person violating any of the provisions of this ordinance shall become liable to the Village for all expenses, loss or damage occasioned the Village by reason of such violation.

ARTICLE IX.
VALIDITY AND ENFORCEMENT

9.010 REPEALOR

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

9.020 SEVERABILITY

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.

9.030 LIENS

Pursuant to Section 21, Act 904, of Public Acts of Michigan 1933, as amended, whenever the charges for service against any piece of property shall be delinquent for six months, such charges shall be made a lien on the premises serviced by the sanitary sewer system. The Village official or officials in charge of the collection of such charges for service shall certify annually, to the tax

ARTICLE IX. VALIDITY AND ENFORCEMENT (cont'd)

assessing office of the Village, the facts of such delinquency. Such charge shall be entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced, in the same manner as general Village taxes against such premises are collected and the lien thereof enforced. Provided, however, where notice is given that a tenant is responsible for such charges and services as provided by said Section 21, no further service shall be rendered for such premises until a cash deposit in the amount of \$50.00 shall have been made as security for payment of such charges and services.

9.040 SERVICE TERMINATION

In addition to the foregoing, and any other lawful enforcement methods, the payment of charges for sanitary sewer service to any premises may be enforced by discontinuing the water and sanitary sewer service. Such services shall not be re-established until all delinquent charges and penalties and a turn-on charge to be assessed by the Village have been paid. Further, such charges and penalties may be recovered by the Village by court action.

APPENDUM B
WASTE WATER SEWER RATES AND FUNDS

ARTICLE I.
DEFINITIONS

1.000 DEFINITIONS

In construing this Ordinance, the terms and words hereinafter defined, unless the context clearly established otherwise, shall be given the meanings hereinafter set forth:

1.001 "*Sewer System*" as used herein shall be construed to mean the sanitary sewers and appurtenant facilities acquired and constructed within the corporate limits of the Village of Peck and any extensions, improvements or additions thereto.

1.002 "*User or Users*" as used herein shall be construed to mean any premises connecting or connected with and using any of the facilities of the sewer system for the removal of sewage or wastes.

1.003 "*Village Council*" as used herein shall be construed to mean the Council of the Village of Peck, the governing body of the Village.

1.004 "*Sewer Use Charge*" as used herein shall be construed to mean a charge levied on the users of the sewer system for the cost of operation, maintenance and administration of the system.

1.005 "*Operation and Maintenance*" as used herein shall be construed to mean expenditures for daily routine costs of personnel, supplies, equipment and services which are necessary during the useful life of the collection and treatment works to keep up the capacity and performance for which the works were designed and constructed.

1.006 "*Residential*" as used herein shall be construed to mean any house, building, or portion thereof having cooking facilities, which is occupied wholly as a home, dwelling place, or sleeping place.

1.007 "*Commercial*" as used herein shall be construed to mean any building or portion thereof which is used for a business or services, or any other use than residential or industrial.

1.008 "*Replacement*" as used herein shall be construed to mean expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "*Operation and Maintenance*" includes replacement.

1.009 "*Industrial User*" (User Charge System) as used herein shall be construed to mean a manufacturing facility discharging any trade or waste process.

APPENDUM B WASTE WATER SEWER RATES AND FUNDS ARTICLE I. DEFINITIONS
(cont'd)

1.010 "*Industrial Waste*" as used herein shall be construed to mean a combination of liquid and solid waste discharged from any industrial establishment, resulting from any trade or process carried on in that establishment (This shall include the wastes from pre-treatment facilities and polluted cooling water, but is separate and distinct from sanitary sewage from employees).

1.011 "*NPDES Permit*" as used herein shall be construed to mean a permit issued under the National Pollutant Discharge Elimination System for discharge of wastewaters to navigable waters of the United States pursuant to Section 402 of PL 92-500.

1.012 "*BOD*" (denoting Biochemical Oxygen Demand) as used herein shall be construed to mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20 degrees C., expressed in milligrams per liter.

1.020 FISCAL YEAR

Said sewer system shall be operated on the basis of a fiscal year beginning on April 1 and ending on March 31 of each year.

1.030 SERVICE CHARGES AND RATES TO USERS

From and after the date of adoption of this Ordinance and pursuant to the provisions of Act 94, Public Acts of Michigan, 1933, as amended (the Revenue Bond Act), the service charges and rates to users of the sewer system shall be as prescribed from time to time by resolution of the Village Council. Such charges shall initially be as follows:

1.031 CONNECTION CHARGE

Each user connecting to the System as required by this Ordinance shall pay ONE THOUSAND DOLLARS (\$1,000) per equivalent residential unit (Sanitary Use Factor), in accordance with the appended schedule. This charge is applicable to all present and future users of the sewer system. The connection charge is payable at the time of connection. If the premises connecting to the system has been constructed prior to the effective date of this Ordinance, the owner shall have the option of paying the connection charge over the following thirty (30) years, together with interest at thirteen and three hundred seventy-five on thousandths percent (13.375%) per year on the declining balance from the date when the connection permit was issued.

1.032 DIRECT CONNECTION CHARGE AFTER 1 JAN 1984

Each user connecting to the System after January 1, 1984 shall pay TWELVE HUNDRED DOLLARS (\$1,200) per equivalent residential unit (Sanitary Use Factor), payable in cash.

1.033 DEBT SERVICE CHARGE

This charge is applicable to those users of the Wastewater System making connections to sewers. The Debt Service Charge at the adoption of this Ordinance is NONE (\$00.00) per

APPENDUM B WASTE WATER SEWER RATES AND FUNDS (cont'd)

year per Sanitary Use Factor which shall be billed on a quarterly basis. The billing for the debt service charge shall be expressed separately on the quarterly bill.

1.034 SEWER USE CHARGE

Sewer Use Charges shall be based initially on a flat rate of FIFTEEN DOLLARS (\$15.00) per Sanitary Use Factor per quarter. (See Appendix A.)

1.034A When the unit factor refers to thousand square feet, it shall mean the gross area measured from outside of wall to outside of wall, and the total unit assignment for any particular usage on single premise (defined as a single use by a single lessee or owner) shall be rounded off to the nearest whole unit.

1.034B The table of Sanitary Use Factors contained herein may be revised periodically, by resolution of the Village Council, to maintain their equity to all property owners.

1.034C The Village will periodically review the occupational usage of any premises to determine that the actual use does not exceed the unit assignment previously determined and paid for. Any use in excess of the previous unit assignment paid for shall be computed at the current unit rate and added to the next quarterly sewer bill of the premises.

1.034D SPECIAL RATES

For miscellaneous or special uses the Village Council will set such rates as deemed appropriate. Users with extra strength sewage shall be charged a surcharge on BOD of \$0.18 per pound.

1.034E ADDITIONAL CHARGES

(See Section 10 for Industrial Users)

1.035 FEE IN LIEU OF SPECIAL ASSESSMENT

1.035A When the division of a parcel and/or parcels result in buildable parcels not previously specially assessed for the sewer benefits, and equivalent Benefit Fee as determined by the Village Council shall be charged in lieu of the special assessment. This Benefit Fee shall be due and payable at the time of connection in addition to the connection fee.

1.0335B Those person in direct proximity to a sewer, whose lands for any reason have not been subjected to a special assessment and who desire to make a connection to said sewer shall pay a fee for the benefit of using each connection to said sewer. In case of new construction to be served by the connection, said Benefit Fees shall be paid in full at the time of obtaining the permit for construction of the building sewer.

APPENDUM B WASTE WATER SEWER RATES AND FUNDS (cont'd)

1.035C When a parcel or any tract of land that has been assessed and the assessment has been removed by operation of law or otherwise, sewer service may be rendered to the property but only upon the payment of the Benefit Fee.

1.035D For those properties adjacent and/or accessible to interceptor or transmission sewer lines which are not included within the sewer district, sewer service may be rendered to the property but only upon the payment of the Benefit Fee as herein set forth.

1.035E The Benefit Fee shall be Two Hundred Sixty-Four (\$264.00) Dollars per unit until revised by a subsequent resolution of the Village Council. A unit in this instance shall be construed to have frontage not greater than sixty-six (66) feet.

1.036 BILLING

All recurring charges as hereinbefore provided shall be rendered quarterly during each operating year at the same time and shall represent charges for the quarterly period immediately preceding the date of rendering the bill. Said bills shall become due and payable within fifteen (15) days from the date thereof, and if said bill is not paid on or before the last due date thereof, a penalty of ten percent (10%) of the amount of said bill representing the sewer service charges shall be applied thereto.

1.040 ENFORCEMENT

1.041 LIEN

The charges and rates herein specified, in accordance with the provisions of Section 21 of Act 94, Public Acts of Michigan, 1933, as amended, shall constitute a lien on the property served and benefited, and if not paid within six (6) months after the same are due, the official or officials in charge of the collection thereof shall, prior to August 1st of each year, certify to the tax assessing officer of the Village and Township the fact of such delinquency, whereupon such charge shall be by him entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as general township taxes against such premises are collected and the lien thereof enforced.

1.042 USE TERMINATION

In addition to the foregoing, the Village shall have the right to shut off water service to any premises for which charges for sewer services have not been paid, and such sewer services have not been paid, and such sewer services shall not be re-established until all delinquent charges and penalties and a turn-on charge, to be specified by the Village Council, have been paid.

1.043 NO FREE SERVICE

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

APPENDUM B WASTE WATER SEWER RATES AND FUNDS (cont'd)

1.044 CONNECTION REQUIREMENTS

All premises in the Village upon which there exists presently, or at any time hereinafter, a building or structure in which water is used or is available for use shall be connected to a public sewer if such public sewer is available to such premises. Such connection shall be, in the case of premises upon which such a building or structure presently exists, within six (6) months after the effective date of this ordinance or the date when the public sewer becomes available to such premises, whichever is the later date, Such connection shall be made, in the case of future improvements of the premises so as to require connection to a public sewer as above provided, prior to occupancy or use of the building or structure.

1.050 ALLOCATION OF REVENUES

1.051 RECEIVING FUND

All moneys derived from the collection of the rate and charges imposed by this Ordinance shall be deposited in a bank, to be designated by the Village Council, in a special depository account to be designated SEWER SYSTEM RECEIVING FUNDS the moneys in said fund are to be used and allocated periodically as follows:

1.051A OPERATION AND MAINTENANCE FUND

There shall first be set aside during each fiscal year into a separate account designated OPERATION AND MAINTENANCE FUND sums sufficient to provide for current costs and expenses of operation, maintenance and administration of the sewer system during said fiscal year.

1.051B BOND REDEMPTION AND INTEREST FUND

Any balance remaining in the Sewer System Receiving Fund on the last day of each fiscal year (March 31st) after the foregoing provisions have been made for the OPERATION AND MAINTENANCE FUND shall be set aside, on April 1st of each year, into a separate depository account designated BOND REDEMPTION AND INTEREST FUND and used and applied to the payment of the bond payments of the then current fiscal year.

1.051C REPLACEMENT FUND

There shall next be established and maintained a depository account, designated REPLACEMENT FUND, which shall be used solely for the purpose of making major repairs and replacements to the System if needed. There shall be set aside into said fund, after provisions have been made for the OPERATION AND MAINTENANCE FUND and the BOND REDEMPTION AND INTEREST FUND, such revenues as the Village Council shall deem necessary for this purpose.

1.051D IMPROVEMENT FUND

There shall next be established and maintained an improvement fund for the purpose of making improvements, extensions and enlargements to the System. There shall be deposited into said fund, after provision for the foregoing fund, such revenues as the Village Council shall determine.

APPENDUM B WASTE WATER SEWER RATES AND FUNDS (cont'd)

1.051E SURPLUS MONEYS FUND

Moneys remaining in the receiving fund at the end of any operating year, after full satisfaction of the requirements of the foregoing funds, may, at the option of the Village Council be transferred to the Improvement Fund or to a surplus fund and used to make improvements, extensions, enlargements to the sewer system, or to be used in connection with any other project of the Village reasonable related to purposed of the System.

1.052 ONE ACCOUNT

All moneys belonging to any of the foregoing funds or accounts may be kept in one bank account, in which event the moneys shall be allocated on the books and records of the Village within this single bank account in the manner set forth.

1.060 REVISION OF RATES

The Village Council shall review not less often than every two years the wastewater contribution of users and user classes, the total costs of operation and maintenance of the treatment works, and its approved user charge system. The Village Council shall revise the charges for users or user classes to accomplish the following, as far as is reasonably possible:

1.061 Maintain the **proportionate distribution** of operation and maintenance costs among users and user classes; and

1.062 **Generate sufficient revenue** to enable the sewer system to be self-supporting; i.e. to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of the treatment works; and

1.063 **Apply excess revenues** collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rates accordingly.

1.070 INDUSTRIAL USERS; ADDITIONAL CHARGES; UNREASONABLE BURDEN ON SYSTEM

1.071 INCREASED RATE OR TERMINATION

If the character of sewage from any manufacturing or industrial plant or any other building or premises shall be such as to impose an unreasonable additional burden upon the sewers of the sewer system, than an additional charge may be made over and above the regular rates, or it may be required that such sewage be treated by the person, firm or corporation responsible therefore before being emptied into the sewer, or the right to empty such sewage may be denied if necessary for the protection of the sewer and sewage disposal facilities of the system, or the public health or safety.

1.072 SURCHARGE

In the event the character of sewage from a user exceeds a five (5) day "BOD" concentration of 400 milligrams per liter, or a suspended solids concentration of 350 milligrams per liter, then the charge to be applied to the user shall be determined and added to the sewer service charge billing.

APPENDUM B WASTE WATER SEWER RATES AND FUNDS (cont'd)

1.073 INDUSTRIAL COST RECOVERY SYSTEM

There are no industries being presently served by the system. In the event an industrial user become a user of the system the Village shall establish an "Industrial Cost Recovery System"; in compliance with Section 35-928 of the Federal Regulations as contained in the Federal Register, February 11, 1974, Volume 39, No. 29 as amended and supplemented. Said "Industrial Cost Recovery System" shall become part of this ordinance.

1.074 INDUSTRIAL CONTRACTS

The Council shall have the right to contract with industrial users to treat industrial waste of unusual strength.

1.075 INDUSTRIAL USER REQUIREMENTS

The Council, whenever necessary, with regard to discharge or proposed discharge of industrial waste into any sewer, shall have the right:

1.075A Require new industries or industries with significant increases in discharges to submit information on wastewater characteristics and obtain prior approval for discharges.

1.075B Reject the wastes in whole or in part for any reason deemed appropriate by the Council.

1.075C Require pre-treatment of such wastes to within the limits of normal sewage as defined in accordance with Federal Regulations (40 CFR 128).

1.075D Require control or flow equalization of such wastes so as to avoid any surge loads or excessive loads that may be harmful to the treatment works.

1.075E Require payment of a surcharge on any excessive flows or loadings discharged to the treatment works to cover the additional costs of having capacity for an treating such wastes.

1.075F The owner of any property serviced by a building sewer carrying industrial wastes or other non-residential wastewater may be required by the Village to install a suitable structure together with such necessary meters and appurtenances in the building to facilitate observation, sampling and measurement of the wastes. Such structure when required shall be accessible and safely located and shall be installed by the owner at his expense and shall be maintained by him so to be safe and accessible at all times.

VILLAGE OF PECK
1985 ZONING ORDINANCE



President: Bill McLarty
Clerk: Karen Griffith
Treasurer: Karen Griffith
Trustees: Carie Bennett
Marvin Harris
Belinda Hill
Adam Bullock
Francis Behnke
Mike Macmillan

VILLAGE OF PECK
SANILAC COUNTY, MICHIGAN
1985 ZONING ORDINANCE

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ANNUAL FEE RESOLUTION

VILLAGE OF PECK
SANILAC COUNTY, MICHIGAN

1985 ZONING ORDINANCE

PREAMBLE

An Ordinance enacted by authority of the Village Zoning Act, 1921 PA 207, as amended, for all purposes permitted thereunder.

ENACTING CLAUSE

Now, therefore, the Council of the Village of Peck ordains:

ARTICLE I.
TITLE, INTERPRETATION AND SCOPE

1.00.00 **TITLE**

This Ordinance shall be known and may be cited as the "1985 Michigan Zoning Ordinance of the Village of Peck."

1.01.00 **PURPOSES**

1.01.01 **THE PURPOSES OF THIS ORDINANCE INCLUDE THE:**

- Protection of public health, safety, morals, comfort and general welfare;
- Promoting the health, safety and general welfare of the inhabitants of the Village of Peck;
- Protection and conservation of property and property values;
- Promoting the use of land and resources in accordance with character, adaptability and plan of further growth and development;
- Providing for compatible uses and development of land with reduced congestion by buildings, traffic and population and with provisions for water, transportation, sewage, schools, parks, lights, and other public requirements;
- Promoting increased safety from fire, erosion, flood and other dangers;
- Division of the Village into compatible use districts;
- Conforming land uses to social, demographic, economic, technological changes and other developmental trends with a flexible and objective ordinance based on statutory and common law;
- Providing for administration of this ordinance.

ARTICLE II. DEFINITIONS

2.00.00 DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. Any word not herein defined shall be construed as in the State Construction Code of 1972 (1972 PA 230; MSA 5.2949(1) et seq; MCLA 125.1501) and the Village Zoning Act (1921 PA 207; MSA 5.2931 et seq; MCLA 125.581) and the amendments thereto. Other terms, phrases, and words not herein defined shall have the meaning customarily assigned to them by general usage in the English language.

Accessory Use or Building

A subordinate use of building customarily incident to and located on the same lot with the main use or building.

Alley

Any public space or thoroughfare twenty (20) feet or less in width, but not less than ten (10) feet in width, which has been dedicated or deeded to the public for public travel and which affords secondary access to abutting property.

Alteration

A change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

Apartment House

A multi-family dwelling for three or more families, living independently of each other as separate housekeeping units, with separate access and egress, and doing their cooking upon the premises.

Area, Building

The aggregate of the maximum horizontal cross section area of the main building on a lot, excluding cornices, eaves, gutters, or chimneys projecting not more than 3 feet, steps, one-story open porches, bay windows not extending through more than one story and not projecting more than 2 feet, balconies and terraces.

Auto Repair Garage

A place where the following activities may be carried on: vehicle body repair, engine rebuilding or repair, undercoating, painting, upholstery work, welding and auto glass work, etc.

ARTICLE II. DEFINITIONS (cont'd)

Basement

A portion of a building, which is partly or wholly below grade so located that the vertical distance from average grade to the floor is greater than the vertical distance from the average grade to the ceiling. If the vertical distance from the grade to the ceiling is over 5 feet, such basement shall be rated as a first story.

Building

A structure designed, built, or occupied as a shelter or roofed enclosure for persons, animals, or property, including tents, lunch wagons, dining cars, camp cars, trailers, and other roofed structure on wheels or other supports, used for residential, business, mercantile, storage, commercial, industrial, institutional, as assembly, educational, or recreational purposes. For the purposes of this definition "roof" shall include an awning or other similar covering, whether or not permanent in nature.

Building, Height

See "Height, Building"

Building Line

The vertical plane beyond which no building or other structure or portion thereof may be erected, for setback purposes.

Building Line, Setback

See "Setback, Building Line"

Commercial Vehicle (Ord. 08-2)

- A. Any vehicle that falls under Class A or Class B classification as defined by this ordinance, or
- B. A vehicle designed to transport sixteen or more passengers, including the driver, or
- C. A vehicle transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R Part 172, Subpart F, or
- D. Any type vehicle with a refrigerated body that the refrigerated unit is operated by gasoline or diesel engine, regardless of the gross vehicle weight rating.

Condition Use

See "Special Land Use"

Council

The Village Council of the Village of Peck, Sanilac County, Michigan.

Court

An occupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building.

ARTICLE II. DEFINITIONS (cont'd)

Court, Inner

A court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable.

Court, Outer

A court enclosed on not more than three sides by exterior walls, and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley or yard.

District

A portion of the Village within which certain regulations and requirements or various accommodations thereof apply under the provisions of this ordinance.

Dwelling

A building designed or used as the living quarters for one or more persons.

Dwelling House

A building designed for and occupied exclusively as the residence of not more than two families each living as an independent housekeeping unit.

Dwelling Unit

One or more rooms providing complete living facilities for one family, including equipment for cooking or provision for the same, and including room or rooms for living, sleeping, and dining.

Dwelling, Multi-Family

A dwelling or group of dwellings on one plot containing separate living units for three or more families, but which may have joint services or facilities.

Erected

Any physical operations on the premises required for the construction or placement and includes construction, building, reconstruction, alteration, excavation, fill, drainage, installation of utilities, etc.

Erosion

The collapse or subsidence of land along the shore of a lake or other body of water, including drains, creeks, streams and rivers, as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels.

Essential Service

The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions, of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings reasonably necessary for the furnishing of public utilities for municipal adequate service by such municipal departments or commissions or for the public health, safety or general welfare.

ARTICLE II. DEFINITIONS (cont'd)

Family

A single person, doing his/her own cooking, and living upon the premises as a separate housekeeping unit, or a collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage, or other domestic bond.

Fence

A partition, structure, or gate erected as a dividing marker, barrier, or enclosure.

Flea Market

An enclosed shop or open market selling primarily used goods, antiques, curios, art objects, collectibles, etc.

Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of drains, creeks, streams, rivers, lakes or other inland water caused by severe storms, hurricanes, tornadoes, heavy rains or tsunamis.

Floor Area, Gross

The "*Gross Floor Area*" shall be the sum of the horizontal areas of the several floors of the building excluding areas used for accessory garage purposes and such basement areas as are devoted exclusively to uses accessory to the operation of the building. All horizontal dimensions shall be taken from the exterior faces of walls, including walls or other enclosures of enclosed porches.

Garage, Private

A building or part thereof accessory to a main building and providing for the storage of motor vehicles and in which no occupation or business for profit is carried on.

Garage, Public or Storage

A building or part thereof (other than a private residential garage) for the storage of motor vehicles or in which service, maintenance or repair activities may be performed.

Garage Sale

A sale of primarily used goods, antiques, curios, clothing, etc., operated on residential property by the owner or occupant on an occasional basis.

Gasoline Service Station

A place for the dispensing, sale or offering for sale off motor fuels directly to users of motor vehicles alone or together with the sale of minor accessories and/or the servicing of and minor repair of motor vehicles. A Special Land Use permit is required.

Grade

The highest ground elevation in contact with any portion of the basement or foundation of a dwelling.

ARTICLE II. DEFINITIONS (cont'd)

Height, Building

The vertical dimensions measured from the average elevation of the finished lot grade at the front of the building, to the highest point of the building.

Home Occupation

An occupation or profession customarily carried on by an occupant of a dwelling unit as a secondary use, which is clearly subservient to the use of the dwelling for residential purposes.

Hotel

A building with general kitchen and dining facilities and containing rooms intended or designed to be used, rented or hired out to be occupied for sleeping purposes by guests.

Industry

The production, manufacture or fabrication of products with the intention of profit. The term also includes the ancillary repair, modification or alteration of products. The raising of farm products is exempted.

Junk

Articles that have outlived their intended usefulness in their original form and are commonly discarded or gathered up to be converted into another product, either of the same or different kind.

Junkyard

An open area where waste, used or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, shredded or handled, including, but not limited to, scrap iron and other metals, paper, rags, tires and bottles. A "*Junkyard*" includes automobile wrecking yards and includes any area of unreasonable accumulation for storage, keeping or abandonment of junk, but does not include established entirely within enclosed buildings.

Loading Space

An off-street space on the same lot with a building, or contiguous to a group of buildings for unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

Lot

A parcel of land capable of being occupied by one building, and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this ordinance.

Lot, Corner

A lot at the point of intersection of and abutting on two or more intersecting streets. It is the land occupied or to be occupied by the corner building and its accessory buildings.

ARTICLE II. DEFINITIONS (cont'd)

Mobile, Factory Built or Portable Home

As used herein the term "*Mobile Home*" shall mean a movable or portable dwelling constructed to be towed on its own integral chassis and designed for permanent year-round living as a single family dwelling. Provided, however, that the term "*Mobile Home*" shall not include modular homes (which are transported to the placement site on independent frames and running gear), motor homes, campers, recreation vehicles (whether licensed or not as motor vehicles) or other transportable structures designed for temporary use and which are not designed primarily for permanent residence and connection to sanitary sewage, electrical power and potable water utilities.

Motel

A series of attached, semi-detached or detached rental units containing bedroom and toilet facilities for temporary lodging for compensation.

Non-Conforming Building

A building or portion thereof existing at the effective date of this ordinance, or amendments thereto, that does not conform to the use provisions of the ordinance.

Non-Conforming Use

A use of land existing at the time of the enactment of this ordinance, which does not conform to the regulation of the district in which it is located.

Nuisance

Any condition or use of premises or of building exteriors, which is unsightly or detrimental to the property of others or which causes or tends to cause diminution in the value of other property in the neighborhood in which such premises is located.

Occupied

Includes the use of a building or land for the purpose for which it was designed, arranged, or intended.

Off-Street Parking Lot

A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of automobiles.

Parking (Ord. 08-2)

The permitting of a vehicle to remain standing on a public highway, street or on private property while not in use.

Parking Space

An area of not less than 180 square feet, net, exclusive of access or maneuvering area, or ramps, columns, etc., to be used exclusively as a temporary storage space for one private motor vehicle. Truck loading, and unloading space shall not be included in such area.

ARTICLE II. DEFINITIONS (cont'd)

Playground

A parcel of land set aside for outdoor games or recreational purposes with no admission charge.

Pond

A natural or man-made body of water without an encircling fabricated retainer.

Public Service

Public service facilities (within the context of this ordinance) shall include such uses and services as voting booths, pumping stations, fire halls, police stations, temporary quarters for welfare agencies, public health activities and similar uses.

Public Utility

Any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation, water or other such essentials.

Refrigerated Unit Vehicle (Ord. 08-2)

Any type vehicle with a refrigerated body that the refrigerated unit is operated by gasoline or diesel engine, regardless of the gross vehicle weight rating.

Rooming House

Any dwelling in which more than two person either individually or as families are housed or lodged for hire, with or without a boarding house or furnished rooming house shall be deemed a "Rooming House".

Setback

The distance required to establish front, side or rear yard open space.

Special Land Use

A Special Land Use is a use permitted only after application to, and review by, the Village Council (acting in lieu of a Planning Commission); review bring necessary because the provisions of this ordinance cannot be made precise enough to all applications.

The Special Land Use differs from the Variance in several respects. A Special Land Use, does not require "undue hardship" in order to be allowable. The Special Land Uses are conditionally issued by the special permit after review by the Village Council (acting in lieu of a Planning Commission). Theses land uses cannot be conveniently allocated to one zone or another, or the effects of each individual use cannot be definitely foreseen.

A. The general characteristics of these include one or more of the following:

- i. They require large areas.
- ii. They are infrequent.
- iii. They sometimes create an unusual amount of traffic.
- iv. They are sometimes obnoxious or hazardous.
- v. They are required for public safety and convenience.
- vi. They may not comply with the Performance Standards Schedule.

- B. Other Special Land Uses may be granted, conditionally or without restriction, when it is determines, by the Village Council (acting in lieu of a Planning Commission) that:
- i. Though literally defined as a more restricted use, the exception is not inconsistent with the uses in the immediate environment, or
 - ii. The Village Council (acting in lieu of a Planning Commission), while not desiring to rezone a particular area, supports a limited use by a particular land owner for a limited period of time (not to exceed five years without reapplication).

Street

A public thoroughfare which has been dedicated or deed to the public use and which affords principal means of access to abutting property.

Structure

Anything constructed or erected which requires location on the ground or attached to something having location on the ground, including signs and billboards, but not including fences or walls used as fences.

Swimming Pool

A fabricated or artificially formed body of water retained within a manufactured act or fabricated structure.

Use

The purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained.

Variance

A modification of the literal interpretation of the zoning ordinance, granted when strict enforcement of the zoning ordinance would cause undue, hardship owing to circumstances unique to the individual property on which the variance is granted. THE CRUCIAL POINTS OF VARIANCE ARE UNDUE HARDSHIP AND UNIQUE CIRCUMSTANCES APPLIED TO PROPERTY. A VARIANCE IS NOT A JUSTIFIED UNLESS ALL OF THESE ELEMENTS ARE THESE PRESENT IN THE CASE VARIANCE MAY BE AUTHORIZED BY THE BOARD OF APPEALS, ONLY.

Vehicle Classification (Ord. 08-2)

Class A---- Any combination of vehicles with a gross vehicle weight rating of 26,001 pounds or more, provided the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of 10,000 pounds, and all vehicles included within Class B and Class C;

Class B---- Any single vehicle with a gross vehicle weight rating of 26,001 pounds or more, any such vehicle towing a vehicle with a gross vehicle weight rating not in excess of 10,000 pounds, and all vehicles included within Class C;

Class C---- Any single vehicle with a gross vehicle weight rating not in excess of 26,000 pounds, any such vehicle towing a vehicle with a gross vehicle weight rating not in excess of 10,000 pounds, any such vehicle towing a vehicle with a gross vehicle weight rating in excess of 10,000 pounds, provided that the combination of vehicles has a gross combined vehicle weight rating not in excess of 26,000 pounds, and any self-propelled or towed vehicle that is equipped to serve

as temporary living quarters for recreational, camping, or travel purposes and is used solely as a family or person conveyance;

Class D---- Provisional license applicable to non-commercial Class C vehicles which an applicant desires a drivers license but is not presently licensed to drive;

Class M---- Motorcycles, motor driven cycles, and three-wheeled motorcycles;

Class P---- Instructional permit applicable to all types of vehicles for which an applicant desires a drivers license but is not presently licensed to drive.

Yards

The open spaces on the same lot with a main building, or main in use, unoccupied and unobstructed from the, ground upward except as otherwise provided in ordinance and as defined herein.

Front Yard- An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.

Rear Yard- An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.

Side Yard- An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

ARTICLE III.
GENERAL PROVISIONS

3.00.00 SCOPE OF ORDINANCE

No land or structure shall hereafter be used, occupied, located, erected, altered or moved upon any premises other than in conformity with provisions of this Ordinance.

3.01.00 BOUNDARIES

No new lot boundaries of an already existing site may be established less than 15 feet from a building on such a building site.

3.02.00 BUILDING RESTRICTIONS

3.02.01 LAND USE PERMIT, SITE PLAN AND FEE REQUIRED

- A. Land Use Permit Fee Required: A Land Use permit for the alteration of land or the construction, alteration or placement of structures shall be obtained from the Zoning Administrator as further set forth in Section _____.
- B. Site Plan and Fee Required: All applications for a Land Use permit shall be accompanied by a site plan (with defined relationships identifying buildings, water services, sewage disposals, driveways, etc.) and the non-refundable Land Use permit fee (unless exempted).

3.02.02 CODE COMPLIANCE

- A. Construction Code Compliance: Residential, Commercial, Industrial or other construction, including mobile home placement may be commenced only after a building permit has been obtained in accordance with the applicable building, plumbing and/or electrical codes applicable within the Village and/or the United States Department of Housing and urban Development, Mobile Home Construction and Safety Standards (24 CAR 3280).
- B. Certificate of Compliance: No building or land use permit shall be issued for the relocation and/or placement of any used site-built or manufactured (i.e. Mobile or modular) structure within the Village of Peck prior to issuance of "Certificate of Compliance." "Certificate of Compliance" shall be prepared and verified by the building official of the municipality where the structure or unit is located and be filed with the Village only after inspection of the site-built, mobile or modular structure to insure compliance with all federal, state and local building codes and ordinances.
- C. Zoning Ordinance Requirements: Further, construction shall meet all requirements of this Zoning Ordinance relating to uses, size of premises, floor area, setback, side lot and rear lot requirements, etc. as specified for the particular zoning district in which said structure is to be located.
- D. Current Violations: No land use or building permit shall be issued for the construction, alteration or placement of structures or any Special Land Uses on any premises within the Village of Peck while said premises are in violation of any Section or Sections of the Village of Peck Zoning Ordinance.
- E. Joining Unmatched Units Prohibited: The placement, relocation, construction, reconstruction or alteration of two (2) or more separately manufactured mobile

home units (i.e. Which were not originally designed and manufactured as integral parts of a single prefabricated unit) is prohibited.

3.02.03 A residential structure (including mobile homes) shall be connected to potable water and sanitary sewage disposal facilities approved by the health agency having jurisdiction.

3.02.04 Residential Structure (including site built and mobile homes) shall:

- A. Comply with construction and site plans and be installed pursuant to the manufacturer's setup instructions.
- B. Be supported by cement or aggregate perimeter foundation walls which are set on footings located below the frost line and shall not be back-filled until inspected and approved. The basement floor shall be finished with a concrete slab. Any space between the slab or foundation and the floor shall be completely enclosed.
- C. Be secured to the premises by an anchoring system or device compatible with those required by the applicable building code or the Michigan Mobile Home Commission standards.
- D. Have exterior walls finished with wood, aluminum or vinyl siding and/or brick facing. All siding must be placed in the same direction, except that minor variations for styling purposes may be approved by the Zoning Administrator.
- E. Comply with all roof snow load and strength requirements imposed by the building code or the United States Department of Housing and Urban Development Mobile Home Construction and Safety Standards, and
- F. Have windows which shall meet construction and safety standards, and in particular, they shall be of the size, shape and type so as to comply with emergency exit requirements.

3.02.05 All site-built and factory built residential structures (including modular and mobile homes) shall not be less than eighteen feet in width at any point and shall have a minimum living area of at least 900 square feet. Mobile home expansions may include only completely enclosed additions. Stick built additions shall not be included as part of the minimum square footage for mobile homes.

3.02.06 The placement, use and appearance of any structure, (whether residential, commercial or industrial) in any district within the Village of Peck shall be aesthetically compatible with the other structures and uses in the district, as determined by the Zoning Administrator.

3.02.07 No person shall occupy any residential structure as a dwelling until an occupancy permit or certificate is issued by the Building Official or Zoning Administrator.

ARTICLE III. GENERAL PROVISIONS (cont'd)

3.03.00 **BURIAL OF DEBRIS ON PREMISES**

Trash, debris, garbage, junk vehicles, equipment, etc., shall not be buried on premises other than those appropriately licensed and approved. Biodegradable material generated on an owner's agriculturally zoned premises may be disposed of thereon if such disposal complies with DNR, EPA, Department of Agriculture and County Health Department Regulations.

3.04.00 **CONCEALMENT OF UNSIGHTLY VENTURES**

Unsightly ventures, either for profit or non-profit, including landfills, junkyards, dumps and unsightly industrial shall be concealed from the view by either a thickly planted green strip fifteen (15) feet in width and not less than eight (8) feet in height or a solid fence eight (8) feet in height or a combination of both. If a fence, it shall be well maintained and properly painted with one color. Citation or order of noncompliance (issued by the Zoning Administrator) may be appealed to the Village Council (acting in lieu of a Board of Appeals), which shall make a review and determination after a public hearing.

3.05.00 **CONFLICTING REGULATIONS**

Whenever any provisions of this ordinance impose more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this ordinance shall govern. Whenever the provisions of any other ordinance impose more stringent requirements than are imposed or required by this ordinance, then the provisions of such law or ordinance shall govern. Procedural and jurisdictional requirements of the VILLAGE ZONING ACT 1921 PA 207 as amended, shall always control and govern.

3.06.00 **DRAINAGE**

Every property owner in the Village shall provide adequate means for the conveyance and drainage of surface water along the street or road in front of his/her property. No land or structures may be erected or altered in such a fashion as to increase the deposit of surface water on neighboring properties.

3.07.00 **DRIVE-INS**

Developments of drive-in nature, such as drive-in banks, restaurants, service-stations, and theaters shall be so located that entrance and exit drives shall be a minimum of one hundred (100) feet from any intersection unless a variance is approved by the Village Council (acting in lieu of a Board of Appeals). Paved off-street waiting space shall be provided, so that no vehicles will be waiting on the public thoroughfare to gain entry to the premises.

3.08.00 **FARM BUILDINGS AND STRUCTURES**

See Ag-Res District.

3.09.00 **GARAGE SALES**

Property owners conducting garage sales on the premises shall obtain from the Village Clerk, at no charge, and conspicuously post, a maximum of three garage sale permits per year. Three or fewer consecutive days of sales on a single premises shall be considered one (1) garage sale.

ARTICLE III. GENERAL PROVISIONS (cont'd)

3.10.00 HOME OCCUPATIONS

3.10.01 EXAMPLES

Home occupations generally include crafts and services such as dressmaker, music teacher, dance instructor, professional artist, physician, surgeon, chiropractor, osteopath, dentist, architect, engineer, lawyer and other professional occupations and services.

3.10.02 EMPLOYEES

Only the resident occupants shall be employed as primary providers of the services offered on the premises. Non-resident support employees and parking therefore may be authorized by the Board of Appeals as a variance.

3.10.03 PORTION OF DWELLING USED

The use shall occupy no more than one-quarter (1/4) of the total floor area of the dwelling and shall be situated entirely within the dwelling on the premises. In no event shall the occupation reduce the actual living space below that established as the current minimum requirement in the district involved.

3.10.04 PARKING

Sufficient off-street parking shall be provided, which, in no event, shall be less than the parking prescribed in Sec. 3.19.00 (i.e. 2 spaces for each dwelling unit plus two additional spaces).

3.10.05 SIGNS

Not more than one nameplate, not exceeding eight (8) square feet in area and containing only the name of the person and the service provided, may be exhibited. In no event shall such signs be illuminated.

3.10.06 DISPLAYS

No merchandise shall be sold or displayed on the premises other than those items crafted thereon.

3.10.07 APPEARANCE

The appearance of the premises shall be aesthetically compatible with the neighborhood, conforming as closely as possible to a residential use (e.g. lawns, shrubbery, trees, backyards, etc.)

3.11.00 JUNKYARDS

No land or premises shall be used for the erection, maintenance, alteration, enlarging or extending of a junkyard as herein defined, except by obtaining a Special Land Use permit from the Village Council (acting in lieu of a Planning Commission) in accordance with the provisions of Sections 3.21.00 (Performance Standards) and 8.01.00 (Special Land Uses).

3.12.00 OPEN

ARTICLE III. GENERAL PROVISIONS (cont'd)

3.13.00 LAND USE LIMITATIONS

No more than one use of a parcel of land and no more than one dwelling on a parcel of land shall be permitted without the approval of the Village Council (acting in lieu of a Planning Commission for a SPECIAL LAND USE or in lieu of the Board of Appeals on a VARIANCE as the circumstances may require).

3.14.00 LOADING, OFF-STREET

On the same premises with every building devoted to retail trade, retail, and wholesale food markets, warehouses, supply houses, wholesale or manufacturing trade, hotels, hospitals, laundry, dry cleaning establishments or other buildings where goods are received or shipped, erected in any district after the date of adoption of this Ordinance loading and unloading space shall be provided as follows:

3.14.01 Such businesses shall provide not less than 500 sq ft (10 ft x 50 ft) x 16 ft height of off-street loading space for the first 750 sq ft of building floor area, plus one additional off-street loading and unloading space for each additional 1000 sq ft (or portion thereof) of floor area.

3.15.00 MOBILE HOMES

Mobile homes shall not be erected, placed, moved or otherwise located in any district other than Mobile Home Subdivision or Park (MHS).

3.15.01 Mobile homes located outside of mobile home parks or seasonal mobile home parks shall comply with all standards enumerated herein to ensure that such mobile homes compare aesthetically to site-built housing located or allowed in the same residential zone.

3.15.02 Every mobile home hereafter located in the municipality shall conform to, or exceed, current standards promulgated by the Federal Department of Housing and Urban Development (HUD) pursuant to the National Manufactured Housing Construction and Safety Standards Act (NMHCSS).

3.15.03 The owner (or installer, if other than the owner) of a mobile or modular home shall provide the municipality with a copy of the manufacturer's recommended setup and installation specifications as a condition for the issuance of a Land Use permit. Alternatively, the installer may post a bond (in an amount set at the annual meeting) and install in compliance with rules promulgated under the NMHCSS Act.

3.16.00 NON-CONFORMING USES-BUILDINGS AND STRUCTURES

See Article VIII., Section 8.00.00.

3.17.00 NUISANCE

3.17.01 DEFINITION

Any violation of this ordinance is hereby designated as a nuisance per se. Any condition or use of premises or of building exteriors, which is unsightly or detrimental to the property of others, which causes or tends to cause diminution in the value of other property in the neighborhood, or which repeatedly offends or annoys members of the

ARTICLE III. GENERAL PROVISIONS (cont'd)

neighborhood shall also be considered as a nuisance in fact. This includes, but is not limited to:

3.17.02 EXAMPLES

- a. Exposed storage or keeping or depositing on the premises any of the following:
 - i. Lumber, junk, trash or debris;
 - ii. Highway vehicles (e.g. trucks, trailers, semi-tractors, automobiles and semi-trailers) unlicensed and unused, junked, dismantled or otherwise not in good and safe operating condition.
 - iii. Vehicles, implements, machinery and other property, which is no longer safely usable for the purpose for which it was manufactured.
 - iv. Abandoned, discarded or unused objects or equipment such as furniture, stoves, refrigerators, freezers, cans, containers or other boxes with or without outside latches.
- b. All uncovered basements, abandoned wells, shafts or similar excavations.
- c. Accumulation of ashes, rubbish, litter, boxes, lumber, shavings, or straw so as to create, increase or enhance danger of fire or accumulate in such a manner as to hinder or obstruct fire control operations.
- d. Creation or maintenance of any noxious odors, gases, noises, or smoke which exceeds the Performance Standards listed in this chapter.
- e. Causing changes (quantity, direction, quality) to the natural flow of surface water, increasing the depositing of surface water on adjacent premises, concentrating run-off from roofs, damming run-off, routinely pumping sub-surface water into surface run-off (e.g. open well heat sinks).

3.17.03 ABATEMENT OF NUISANCE BY OWNERS, EXCEPTION

The owners, tenants or occupants of any property upon which a nuisance is alleged, and also the owners, lessees, or users of any property declared to be a nuisance, shall jointly or severally abate said nuisance by the prompt removal of said offensive property or cessation of offensive activity. Licensed junkyards shall be exempt from this section.

3.17.04 ABATEMENT BY VILLAGE

Whenever said owners, tenants, etc. fail to terminate such nuisance, the Village Council may schedule, post and hold a hearing to have the offenders show cause why the Village should not abate same, the expense therefore to be billed of said owners, tenants, etc. jointly and severally. The expenses of abatement may be imposed against the property tax roll as a single lot special assessment.

3.17.05 COSTS OF ABATEMENT

When property has been removed and placed in storage by the Village, said property shall be sold after the lapse of such time as is provided by law. If the proceeds of such sale are insufficient to pay the costs of abatement, said owners shall be liable to the Village for the balance of the costs, jointly and severally. If the proceeds are in excess of costs, the balance shall be paid to the owners, or deposited to the Village treasury for the owners' use.

ARTICLE III. GENERAL PROVISIONS (cont'd)

3.18.00 PARKING OF CERTAIN VEHICLES ON PROPERTY (Amd. Ord. 08-2)

3.18.01 The owner of a parcel of land may park or store on recreational unit upon residential premises if such RV is titled to the landowner.

3.18.02 A recreational unit that is parked or stored by the owner thereof on a parcel of land or premises owned or occupied by the same owner, shall not be occupied as a dwelling while so parked or stored for more than 30 days in a 120 day period.

3.18.03 A recreational unit that is not owned by the owner of the parcel of land shall not be parked, stored or occupied upon said parcel of land or premises for more than 30 days in any 120 day period.

3.18.04 All commercial trailers that are required to be hauled by a Class A or Class B vehicle as established by definition must park the trailer in the area designated for such parking in the Village of Peck or other legal agricultural or commercial district in or out of the Village of Peck.

3.18.05 Parking of any commercial vehicle that is equipped with and utilizing refrigeration equipment as provided by definition is prohibited within the Village limits.

3.18.06 Parking of any commercial vehicles in the residential areas shall be limited to the use of the residents of these homes only.

3.18.07 Boats, ATVs, and RVs must be stored or parked off-street.

3.18.08 Commercial vehicles may be parked on residential lots when loading, unloading, rendering a temporary service benefiting the premises or providing emergency services.

3.18.09 Commercial vehicles that are considered Class A or Class B must not be located in the front yard, street side yard or road right-of-way of a residence, or any further forward than the front of the residence at any time.

3.18.10 Commercial vehicles that are considered Class C excluding pickup truck and passenger vehicles must not be parked within the Village Right-of-Way at any time.

3.19.00 PARKING OFF-STREET AND ACCESS AND EGRESS THEREFROM

3.19.01 For each dwelling, business, commercial, industrial or similar building hereafter erected or altered, and located adjacent to a public highway in the Village and including buildings or structures used principally as a place of public assembly, there shall be provided and maintained suitable space off the public right-of-way that is in general adequate for the parking, loading and unloading of vehicles in proportions no less than shown on the following table.

ARTICLE III. GENERAL PROVISIONS (cont'd)

3.19.02 Such space shall be provided with safe exit to and entrance from the Public thoroughfare.

3.19.03 Such exit and entrance may be combined or provided separately.

3.19.04 Approval of the location of such exit and entrance shall be obtained in writing from the County Road Commission and/or the Village Department of Public Works, which approval shall include the design and construction thereof in the interest of safety, adequate drainage and other public requirements.

3.19.05 A minimum of one hundred eighty (180) square feet, exclusive of drives, entrances and exits shall compromise one (1) automobile space.

3.19.06 Commercial, Agricultural-Residential and Industrial uses shall provide adequate space in the off-street parking area for turning a vehicle so that when a vehicle re-enters a public highway it shall be driven in a forward manner and not backed into said highway.

LAND USE	REQUIRED PARKING SPACES
A) Dwellings-----	2 per dwelling unit
B) Church or Auditorium-----	1 per 4 seats or per every 6 feet of pews
C) Home Occupations-----	2 in addition to 2 for each dwelling unit
D) Retail Stores & Similar Commercial Enterprises-----	1 per 100 sq. feet of floor area
E) Rooming, Boarding or Lodging Homes-----	1 per 200 sq ft. of floor area
F) Hotels and Motels-----	2 per dwelling unit plus 1 for each room
G) Restaurants-----	1 per every 100 sq. foot of floor
H) Offices and Clinics-----	1 per employee + 1 every 100 sq ft. of usable floor space
I) Public Utility Buildings-----	1 per employee or 200 sq ft. of usable floor space, whichever is greater
J) Schools-----	1 per 2 employees plus 1 per 10 students over 15 years of age
K)Theaters-----	1 per 3 seats
L) Private Parks, Museums and Recreation Area-----	1 per 10 potential users according to design capacity
M) Homes for the Elderly, Adult Foster Care, etc.-----	1 per employee + 1 for every 2 occupants
N) Convalescent Homes, Sanitariums or Hospitals-----	1 per bed
O) Dance Halls-----	1 per 36 feet of dance floor
P) Filling Stations, Auto Repair Shops & Other Service Establishments-----	1 per 2 employees plus 2 per work bay
Q)Manufacturing Establishments-----	1 each employee

3.20.00 **PARKING LOTS IN RESIDENTIAL DISTRICTS**

When in its opinion the best interests of the community will be served thereby, the Village Council (acting in lieu of Board of Appeals) may permit temporarily or permanently the use of land in a Residential District for a parking lot where the land abuts or is across the street from a district other than a Residential District, PROVIDED THAT:

ARTICLE III. GENERAL PROVISIONS (cont'd)

3.20.01 The lot is to be used only for parking of passenger automobiles of employees, customers, or guests of the person or firm controlling and operating the lot, who shall be responsible for its maintenance.

3.20.02 No charge is to be made for parking in the lot.

3.20.03 The lot is not to be used for sales, repair, work, or servicing of any kind.

3.20.04 Entrance to and exit from the lot are to be located so as to do the least harm to the residence district.

3.20.05 No advertising sign or material is to be located on the lot.

3.20.06 All parking is to be kept back of the setback building line by barrier unless otherwise specifically authorized by the Board of Appeals.

3.20.07 The parking lot and that portion of the driveway back of the building line is to be adequately screened from the street and from adjoining property in a residence district by a hedge, fence or wall not less than four (4) feet high and not more than eight (8) feet high located back of the setback building line; all lighting is to be arranged so that there will be no glare therefrom on annoying to the occupants of adjoining property in a residence district, and the surface of the parking lot is to be smoothly graded, hard surfaced and adequately drained.

3.20.08 Such other conditions as may be deemed necessary by the Village Council (acting in lieu of a Board of Appeals) to protect the character of the residential district.

3.21.00 PERFORMANCE STANDARDS

3.21.01 REQUIREMENT

All applications, for zoning compliance permits and building permits for structures and uses located in Industrial and Mobile Home Subdivision districts and certain Special Land Use applications shall be accompanied by an Environmental Impact Statement describing the project and actions that will be taken to avoid adverse environmental effects.

- a. The Statement shall be prepared by personnel with applicable environmental expertise.
- b. The Zoning Administrator or the Village Council (acting in lieu of a Planning Commission) may also require Environmental Impact Statements for Special Land Use and/or Commercial district applications when deemed necessary (i.e. because of size, type, location, etc.)

ARTICLE III. GENERAL PROVISIONS (cont'd)

3.21.02 CONTENTS OF ENVIRONMENTAL IMPACT STATEMENTS

Environmental impact statements will, at a minimum, evaluate the structure(s) and/or use by the following performance standards:

- a. Smoke: Emission density shall not be greater than No. 1 of the Ringlemann chart except that for an aggregate of not more than four minutes in any 30 minute no period emission equal to but not darker than a No. 2 of the Ringlemann chart will be tolerated.
- b. Dust, Dirt and Flyash: The quantity of gas-borne or airborne solids if fumes emitted into the open air shall not exceed 0.20 grains per cubic foot of the carrying medium of 500 degrees Fahrenheit. The foregoing conditions shall prevail when the percentage of excess air in the stack, does not exceed 50 percent at full load. All other dust, dirt and flyash shall be completely eliminated in such a way as to prevent their emission into the open air.
- c. Odor: No pungent or otherwise obnoxious odors shall be emitted from the premises.
- d. Gases: Emission of gases shall not exceed the following designated limits:
 - i. Sulpher Dioxide (SO²) an average of 0.3 ppm. over a 24 hour period provided, however, that a maximum concentration of 0.5 ppm will be allowed for one hour of every 24 hour period.
 - ii. Hydrogen Sulfide (H²S) shall not exceed 1.0 ppm.
 - iii. Fluorine shall not exceed (0.1 ppm).
 - iv. Nitrous fumes (NO², etc.) shall not exceed 0.1 ppm.
 - v. Carbon Monoxide (CO) shall not exceed 0.15 ppm.
- e. Lighting: Exterior and/or interior lighting shall be so installed that the surface of the source of light shall not be visible from any bedroom window, and shall be so arranged to reflect light away from any residential use. In no case shall more than one foot candle power of light cross a property line five feet above the ground in a residential district.
- f. Noise: Emitted noise shall be so muffled or otherwise controlled, as not to become objectionable, due to intermittence, beat frequency, impulsive character (hammering, etc.), periodic character (humming screeching, etc.) or shrillness. Sirens, bells, whistles, etc., which are maintained and utilized solely to serve a public purpose (such as fire, ambulance, police, civil warning alarms) shall be excluded from this regulation.

The intensity level of sounds shall not exceed the following decibel levels on land adjacent to the described uses:

<u>Decibel Level</u>	<u>Adjacent Use</u>	<u>Measuring Site</u>
40	Residential District (10 PM to 8AM)	Common Lot Line
55	Residential District (8AM to 10PM)	Common Lot Line
65	Commercial District	Common Lot Line
70	Industrial District	Common Lot Line
70	Maximum Sound Level	Lot Line or Street

ARTICLE III. GENERAL PROVISIONS (cont'd)

- g. Vibration: No operation shall cause a seismographic displacement exceeding 0.001 of one inch measured at the property line.
- h. Drainage and Erosion: Plans for management of surface water shall be reviewed, evaluated and approved by the Zoning Administrator and the County Soil Erosion Inspector. No use or alteration of land may result in the increase or diversion of surface water to adjacent property.
- i. Traffic: Traffic access and control patterns and devices shall be reviewed, evaluated and approved by the State or County Road Engineer and the Village DPW.
- j. Water Use: Water supply and consumption and wastewater pollution shall be evaluated.

3.21.03 It is the intent of the foregoing standards to prevent injury, detriment, or nuisance to the public, persons, or property.

3.21.04 Engineering evaluation of the proposed development in commercial and industrial districts in relation to all site development standards, prepared at the owner's expense, may be required by the Village Council (acting in lieu of a Planning Commission).

3.21.05 Adequate greenbelts and/or screening barriers shall be established and maintained between unlike district boundaries, between roadways and site and between developed industrial sites. The Village Council (acting in lieu of a Planning Commission) may, at its discretion, require such buffers between commercial sites.

3.22.00 PUBLIC UTILITY BUILDINGS

The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, communication, steam or water transmission or distribution systems including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health, safety or general welfare, shall be permitted in every zoning district as authorized and regulated by other laws and ordinances, it being the intention hereof to exempt such structures, systems and facilities from the application of this ordinance, provided, that such exemption shall not include buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment.

3.23.00 SECTION AND QUARTER SECTION LINES

Unless otherwise platted, no building shall be erected within 33 feet plus the designated setback distance of any section or quarter section line, it being the intent of this section to keep sixty six (66) feet clear for future road purposes unless otherwise platted.

ARTICLE III. GENERAL PROVISIONS (cont'd)

3.24.00 SIGNS

Outdoor advertising signs shall be permitted, subject to the following restrictions:

3.24.01 Residential, Residential-Agricultural, or Mobile Home zoned property may utilize not more than one(1) sign of not larger than eight (8) square feet in area.

3.24.02 Commercial or Industrial zoned property may utilize up to two (2) signs each of which shall not be larger than thirty-five (35) square feet of total area.

3.24.03 Signs of larger total size or quantity than designated in Section 3.24.01 and 3.24.02 may be allowed only when specifically approved by the Village Council (acting in lieu of a Board of Appeals) as a Variance.

3.24.04 Outdoor advertising signs shall not be placed near any highway, street or road than the line of the public right-of-way, and such sign shall not obscure traffic vision or create a hazard to the public safety. Signs affixed to any building shall not project more than one (1) foot therefrom. Any signs erected on property adjacent to a state highway shall be subject to approval of the Michigan Department of Highways.

3.24.05 Any permanent signs shall incorporate the historical theme of the Village. Any illuminated sign or display shall be non-rotating and non-blinking and of low enough light intensity that it will not interfere with the vision of persons on highways, street or roads, not be an annoyance to neighbors.

3.25.00 STORAGE YARDS

No land or premises shall be used as a storage yard as herein defined except by approval of the Village Council (acting in lieu of a Planning Commission) as provided in Article VIII. of this Ordinance.

3.26.00 STREETS

All street hereafter developed or built, prior to dedication and acceptance by the Village of Peck, shall meet the following development standards:

- A. Top soil removed;
- B. Six inches (6") of sand;
- C. Six inches (6") of gravel (22A standard spec.);
- D. Twenty-four feet (24') wide;
- E. Right-of-way sixty-six feet (66')

3.27.00 SUBSTANDARD DWELLINGS

For the express purpose of promoting the health, safety, morals, and general welfare of the inhabitants of the Village, and reducing hazards to health, life and property, no fixed or movable substandard building or structure shall hereafter be occupied or erected or moved upon any premises and used for dwelling purposes.

ARTICLE III. GENERAL PROVISIONS (cont'd)

3.28.00 SWIMMING POOLS

3.28.01 PERMITS

This section applies to all man-made ponds, in-ground pools and above-ground pools. A Zoning Compliance Permit shall be required for those utilizing electrical service or requiring more than three feet of excavation. Swimming pools and ponds shall be exempt from permit fees.

3.28.02 SETBACK AND SAFETY PROVISIONS

All swimming pools and man-made ponds shall be located in the rear or side yard, not less than five (5) feet from the rear and side lot lines, enclosed by a four (4) foot fence with a latched gate. All electrical installations or wiring in connection with swimming pools shall conform to the provisions of the National Electrical Code. If service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation thereof before a permit shall be issued for the construction of a swimming pool. No portion of a swimming pool or associated structure shall be permitted to encroach upon any easement or right-of-way, which has been granted for public utility use.

3.29.00 TEMPORARY DWELLINGS

No person may erect or occupy a temporary dwelling on any lot except as hereinafter provided:

3.29.01 A building, including a basement home, which does not comply with the area requirements of its district may be occupied as a temporary dwelling for a period of not more than 6 months if construction of a permanent dwelling is actually under way and in active progress during occupancy of such temporary dwelling. One consecutive additional 6 month period of occupancy may be granted at the discretion of the Village Council (acting in lieu of a Board of Appeals).

3.29.02 In the event that any person shall reside in any such temporary dwelling for a period of more than 18 months and has had extensions granted by the Village Council (acting in lieu of a Board of Appeals) for the additional period, the Zoning Administrator, the Planning Commission, the Village Council, any delegated official or any interested party may proceed to have such extended use abated as a nuisance or enforce this Ordinance by other means herein provided.

3.29.03 The Village Council (acting in lieu of a Board of Appeals) may permit the use of a house trailer or mobile home as a temporary accessory dwelling to a permanent dwelling. No more than one trailer may be used and occupied as such accessory dwelling and then only if the occupants of such trailer have access to and the unlimited use of sanitary facilities of the permanent dwelling.

3.29.04 The use of tents as a temporary dwelling, in connection with recreational activities may be permitted upon application to the Village Council (acting in lieu as a board of Appeals) showing that the necessary and proper health, sanitation, plumbing and fresh water facilities are provided.

ARTICLE III. GENERAL PROVISIONS (cont'd)

3.29.05 The Village Council (acting in lieu of a Board of Appeals) may permit on application the use of a trailer as a temporary dwelling with dimensions less than 12 x 50 for a period of 6 months when the occupant of said trailer is definitely engaged in the erection of a permanent dwelling on said lot and when necessary and proper health, sanitation, plumbing and fresh water facilities are provided. If substantial progress has been made toward completion of the building, the Village Council (acting in lieu of a Board of Appeals) may grant an extension for six months.

3.29.06 One travel trailer, or motor home at each dwelling brought by visitors for traveling purposes may be occupied cell and allowed 30 days if the visitors occupying said trailer use the sanitary facilities of the dwelling of the property owner or occupants there visiting or make other table provisions for sanitary facilities.

3.30.00 TRANSITION ZONING

3.30.01 LOTS IN TWO DISTRICTS

Where a district boundary line as established in this Ordinance or as shown on the Zoning Map divides a lot, which was in single ownership and of record at the time of this Ordinance, the use thereon and the other district requirements applying to the least restricted portion of such lot under this Ordinance shall be considered as extending to the entire lot, provided the more restricted portion of such lot is entirely within ten (10) feet of said dividing district boundary line. The use so extended shall be deemed to be conforming.

3.30.02 LOTS IN COMMERCIAL OR INDUSTRIAL DISTRICTS ADJACENT TO RESIDENTIAL ZONE

Where a lot in a commercial or industrial district abuts a lot in a residential district there shall be provided along such abutting lines a yard equal in width or depth to that required in the residential district.

3.30.03 FRONT YARD TRANSITION

Where the frontage on one side of a street between two intersecting streets is zoned partly as residential and partly as commercial or industrial, the front yard depth in the commercial or industrial district shall be equal to the required depth of the residential district.

3.30.04 CORNER LOT TRANSITION

On every corner lot in residential subdivisions created after the enactment of this ordinance, there shall be provided on the side street a side yard equal in depth to the required front yard depth on said side street.

3.30.05 GARAGE ENTRANCES

No public or private garage for more than five motor vehicles shall have an entrance or exit for motor vehicles within forty (40) feet of a residential district.

ARTICLE III. GENERAL PROVISIONS (cont'd)

3.30.06 PARKING LOTS & DRIVEWAYS ABUTTING RESIDENTIAL ZONES

Whenever a parking lot or a driveway to a parking lot is hereafter established in other than a residential district so as to abut the side or rear line of a lot in a residential district a solid masonry wall, or a substantial view obstructing fence not less than three (3) feet high and not more than eight (8) feet high shall be constructed and maintained along said side or rear lot line up to, but not beyond, the setback building line. In addition, in all use districts, the lighting, including any permitted illuminated sign, on any parking lot or driveway shall be arranged so that there will be no annoying glare directed or reflected toward residence buildings or residence districts.

3.31.00 UNUSED AUTOMOBILES AND VEHICLES

3.31.01 If any outdoor premises contain unused, nonfunctional or dismantled automobiles, trucks, other self-propelled vehicles, trailers, etc., for a period of thirty (30) days consecutively, the owner shall remove said vehicle on request of the Zoning Administrator. Automobiles, trailer, or other vehicles that do not bear current state registration shall be presumed to be unused.

3.31.02 No nonfunctional, dismantled automobile, truck, van, trailer or other vehicle shall be used for purposes (housing livestock, storage, etc.) other than that originally intended (viz. transportation).

3.32.00 VESTED RIGHT

Nothing in this ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein and they are hereby declared to be subject to subsequent amendments, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

3.33.00 WATER SUPPLY AND SEWAGE DISPOSAL

A Land Use permit shall be contingent upon the approval of the water supply and sewage disposal systems by Sanilac County Department of Health, the Village DPW and other appropriate official governmental authority.

3.34.00 WEEDS

3.34.01 DEFINITION OF NOXIOUS WEEDS

For the purpose of this section, "*Noxious Weeds*" shall include Canada Thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), Mustards (Charlock, Black Mustard and Indian Mustard, species of *Brassica* or *Sinapis*), wild carrot (*Daucus hoary alyssum*, *Berteroa incana*), ragweed (*abrosia elatior*) and poison ivy (*rhus toxicodentron*), Poison sumac (*toxicodentron vermix*) oxeye daisies, goldenrod, or other plants which are recognized as deleterious to health, safety, or public welfare and recognized as a common nuisance.

ARTICLE III. GENERAL PROVISIONS (cont'd)

3.34.02 UNSIGHTLY VEGETATION

For purpose of this ordinance, grass alone, or grass and weeds growing longer than 6 inches on lots zoned Residential, Commercial, or Industrial shall constitute unsightly vegetation.

3.34.03 LOCATION OF NOXIOUS WEEDS AND UNSIGHTLY VEGETATION

This section shall apply to and cover noxious weeds as in this section defined, found growing within a distance of 135 feet from the right-of-way in all Residential, Commercial, and Industrial zoned properties and uncultivated Agricultural lands.

3.34.04 REQUIREMENTS FOR CUTTING

On all Residential, Commercial, and Industrial property and also on uncultivated Agriculture land, weeds shall be cut for a distance of 135 feet from the road right-of-way at least once each month beginning on or about May 1 and through September 1 each and every year unless require more frequently if growth exceeds 6 inches in height. (amd 2000 and 2001)

3.34.05 UNLAWFUL TO PERMIT NOXIOUS WEEDS AND UNSIGHTLY VEGETATION PRESENCE THEREOF A PUBLIC NUISANCE

It shall be unlawful for the owner, agent, or occupant of any lot in any subdivision of the Village where buildings have been erected to cause, or permit to grow, any noxious weeds or unsightly vegetation on said lot. The presence of such weeds upon such lot is hereby deemed to be detrimental to the public health, safety, and welfare and shall constitute a public nuisance.

3.34.06 FAILURE OR REFUSAL OF OWNER, ETC. TO COMPLY, ACTION BY VILLAGE, EXPENSES CHARGED TO OWNER, COLLECTION

- A. Entry Permitted: In the event the owner, agent, or occupant of any parcel of property or of any lot of any subdivision of the Village to which this section applies, shall refuse or fail to comply with the provisions of Section 3.34.03 thereof, before the 1st of May through the 1st of September each and every year, then an officer, inspector, or other agent authorized by the governing body of the Village of Peck, may enter upon such lot, or lots, and cut and destroy any and all noxious weeds located thereon. In the discretion of the officer, inspector, or other agent authorized by the Village of Peck, hand and/or mechanical means may be used, and due care shall be taken to avoid unnecessary damage to the lot.
- B. Owner or Agent and/or Occupant Liable: The owner, agent, or occupant of such lot or lots shall be liable for all costs incurred by the Village in connection with such cutting and destruction, with a minimum cost, or charge per lot as set annually by the Peck Village Council. Payment of said cost or charge shall be deemed delinquent and enforceable against the property as a single lot special assessment as a tax lien, as provided by law, against the lot or lots involved.

3.34.07 EXCEPTIONS

None

ARTICLE III. GENERAL PROVISIONS (cont'd)

3.34.08 APPOINTMENT OF AGENT

The Peck Zoning Administrator is hereby appointed as agent responsible for the enforcement of the provisions this section.

3.34.09 ENFORCEMENT OF CIVIL INFRACTIONS

Any person, firm, or corporation violating any of the provisions of this Ordinance shall be responsible for a first degree civil infraction unless otherwise specified. Each day during or when a violation occurs or continues shall constitute a separate offense under this Ordinance subjecting the responsible party to penalties as set forth in the Village of Peck Civil Infraction Ordinance.

ARTICLE IV.
ADMINISTRATION AND ENFORCEMENT

4.00.00 ENFORCEMENT

The provisions of this Ordinance shall be administered and enforced by a Zoning Administrator or by such deputies of his department as the Zoning Administrator shall delegate to enforce the provisions of this Ordinance.

4.01.00 PERMITS REQUIRED

It is the purpose of this section to identify and establish the permits that shall be required in order to prevent unsafe or unlawful conditions from developing: these permits are as follows:

4.01.01 ZONING COMPLIANCE PERMIT

Before any building permit may be issued, or before any land or structure is put to any new or different use, or before any land is filled or excavated, a Zoning Compliance Permit (also identified as a Land Use Permit) shall be obtained. Application forms shall be available at the office of the Village Clerk. The Zoning Compliance Permit form shall:

- A. Show the name and address of the owner (and of the applicant if other than the owner)
- B. Shall be accompanied by plans and specifications including a scale site plan and, where applicable (See Sec. 3.21.00 Performance Standards), an Environmental Impact Statement.
- C. The existing and intended use of the lot and of all such structures upon it, including, in Residential areas, the number of dwelling units the building is intended to accommodate.
- D. The shape, size, and location of all structures to be erected, altered, razed or moved on the property as proposed in the application.
- E. Whether the present use is conforming or non-conforming and whether the proposed use is a permitted or special approval use.
- F. The approval and authorized signature of the Zoning Administrator or other authorized agent.
- G. Such other information concerning the lot or adjoining lots and structures as may be essential to establish compliance with the provisions of this Ordinance are being observed (e.g. elevations describing historical community motif).
- H. No land use permit shall be required for any construction which does not increase the area of the building in question or for sidewalk construction.
- I. Requests for outdoor assembly, concerts, revival meetings, circuses and carnivals, special approval shall be accompanied by a statement of the time period requested and shall give detailed information on the type of activity and anticipated size of audience. Provisions for public safety and sanitary facilities and site cleanup shall also be included and when deemed necessary a performance band may be required as a condition of approval.

4.02.00 BUILDING CONSTRUCTION PERMIT

A building permit pre-application shall be filed with the Village Clerk prior to the initiation of any construction, alterations, movement or demolition of a structure in the Village of Peck. Construction, alteration, movement or demolition subject to the State Building Code shall require

ARTICLE IV. ADMINISTRATION AND ENFORCEMENT (cont'd)

the issuance of a building permit through the Sanilac County Building and Land Use Department. While residences must comply with the Residential building code requirements, all other structures shall comply with the State Building Code required for the district in which they are located.

4.03.00 BUILDING PERMIT PRE-APPLICATION

A building permit pre-application shall designate a date (not to exceed one year) by which construction will be completed. By the specified date of completion, all work covered by the permit shall have been approved and a building occupancy permit applied for.

In cases where the work applied for is one of the following: replacement of roofing shingles, exterior siding, windows or doors, a building permit pre-application (but not a building permit) is required to ensure that the project is completed within six months. Failure to obtain the permit or to complete the project within six months shall be a Grade A civil infraction.

4.04.00 BUILDING OCCUPANCY PERMIT

No buildings, structure, or additions thereto shall be occupied until an occupancy permit has been issued by the County Building Inspector.

- A. The occupancy permit shall indicate that all required building code inspections have been made.
- B. In certain cases, the County Inspector may approve a temporary certificate of occupancy for a period not to exceed six months, if approved by the Village Council, who may require a cash bond to be posted to insure compliance with the reasons for the time extension.

4.05.00 LAND REMOVAL AND/OR LAND FILL PERMIT

Before any land in the Village is stripped, excavated, quarried, removed, or stockpiled or before any land filling operations are conducted, a permit shall be obtained from the Zoning Administrator in accordance with procedures hereinafter provided. Permits will not be required for agricultural practices or operations incidental thereto, nor will a land removal or filling permit be required when such operations are incidental to a construction project covered by a Building Permit. It is the intent of this provision to regulate any filling or excavating in the public right-of-way or on any private lands where the results or such filling or excavating will cause unsafe conditions, soil erosion or drainage problems.

4.05.01 An application for a Land Removal or a Land Fill Permit shall be made to the Zoning Administrator containing the following information:

- a) Names and address of parties of interest in the property effected, with a statement of each party's interest.
- b) A description of the property.
- c) Detailed statement of the type of operation, equipment to be used and estimated period of time operation will be in effect.
- d) A statement of the proposed method of restoring the property when the operation is completed.
- e) A site plan scaled at no more than 200 feet to the inch of the area of operation (maximum 10 acres) with existing contour lines at not more than 5 foot intervals.

Additionally, a drawing shall be submitted showing the proposed contours for the property upon completion.

- f) A soil erosion permit, where required by Public Act 347 of 1972, shall be obtained from Sanilac County Soil Erosion and Sedimentation Control Agency and a copy thereof filed with the Zoning Administrator before final approval of a any land removal or filling permit.
- g) Such addition information as may be required by the Zoning Administrator.
- h) A permit fee deposit in the amount set annually by resolution, half of which will be used to cover the cost of interim and final inspections when the operation has been completed and the balance of which will be used to cover the Village expenses for administrative and engineering review. Any portion of the deposit, except the inspection fee, that is unused will be returned to the applicant. Should expenses exceed the deposit, the outstanding balance shall be paid by the applicant.
- i) In cases where certain operations are to be conducted in the public right-of-way and a Village Ordinance has been adopted for the purpose of regulation, all provisions of said Ordinance not in conflict with those provisions, shall also apply.

4.06.00 FINAL INSPECTION

The holder of every building permit for the construction, erection, alteration or moving of any building, structure or part thereof, shall notify the Zoning Administrator immediately upon the completion of the work authorized by such permit, for a final inspection.

4.07.00 FEES

Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this ordinance may be collected by the Zoning Administrator in advance of issuance. The amount of such fees shall be established by resolution of the Village Council and shall cover the cost of inspection and supervision resulting from enforcement of this ordinance.

4.08.00 INTERPRETATION

In interpreting and applying this ordinance, the provisions of this ordinance shall be held to be the minimum requirements adopted for the protection of the public health, morals, safety, comfort, convenience or general welfare. It is not intended by this ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provisions of law or ordinance other than the above-described zoning ordinance, or with any rules, regulations or permits previously adopted or issued, or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this ordinance imposes a greater restriction than is required by existing ordinance or by rules, regulations or permits, the provisions of this ordinance shall control.

ARTICLE IV. ADMINISTRATION AND ENFORCEMENT (cont'd)

4.09.00 FEES- PETITION FOR AMENDMENT

Upon presentation of petition for amendment of the zoning ordinance by the owner of real estate to be affected, such petition shall be accompanied by a fee. The amount of such fee shall be set by resolution of the Village Council and shall be placed in the general fund to partly defray the expense of said public hearing.

4.10.00 RIGHTS AND REMEDIES ARE CUMULATIVE

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

4.11.00 DUTIES OF BUILDING INSPECTOR

4.11.01 The Building Inspector shall review all applications and issue all Building Permits.

4.11.02 Periodic inspections shall be made during construction progress in accordance with current Building Codes, Ordinances, and Adopted Standards and Regulations. Upon satisfactory completion of all requirements, including final inspection, the Building Inspector shall issue a certificate of occupancy.

4.12.00 REPORTS

The Zoning Administrator and/or Building Inspector shall submit each month a written summary of the preceding month's activities to the Village Council.

4.13.00 APPLICANTS RESPONSIBILITIES

In all cases, permits and certificates of occupancy approved by the Zoning Administrator and Building Inspector, and inspections made during the course of construction shall in no way relieve the applicant and owner of the ultimate responsibility to comply with all applicable laws of the Village, State, County, or Federal Government.

ARTICLE V.
ZONING ADMINISTRATOR

5.00.00 APPOINTMENT AND QUALIFICATIONS

The Peck Zoning Administrator shall be appointed by, and serve at the pleasure of, the Village President upon the approval of the Village Council. He/she shall possess qualifications deemed necessary by the President and Council.

5.01.00 DUTIES OF ZONING ADMINISTRATOR

5.01.01 The Zoning Administrator shall investigate all applications for zoning compliance permits and land removal and filling permits and prepare a written report of findings for his/her issuance or denial of such permit applications.

5.01.02 The Zoning Administrator shall investigate, record and report in writing every instance of non-compliance, non-conforming or apparent illegal use of any land or structure in the Village. Such reports shall be reviewed by the Village Council (acting in lieu of a Planning Commission) with a determination made in each instance. The results of each determination shall be forwarded by the Zoning Administrator to the owners of property which is subject of the investigation and determination.

5.01.03 The Zoning Administrator shall assist the Village Attorney in the investigation, preparation and presentation of evidence for ordinance enforcement or other litigation.

5.01.04 The Zoning Administrator shall review requests for outdoor assembly, concerts, revival meetings, circuses and carnivals, and other such temporary uses, which shall be accompanied by a statement of the time period requested and shall give detailed information on the type of activity and anticipated size of audience. Provisions for public safety and sanitary facilities and site cleanup shall also be included and when deemed necessary a performance bond may be required as a condition of approval. If the various conditions are met (as well as any others that the Zoning Administrator in his/her discretion deems appropriate), the administrator shall issue such permit.

5.01.05 The Zoning Administrator shall be responsible for the maintenance and revision of the official Zoning Map kept at the Village Hall.

5.01.06 The Zoning Administrator shall assist the Village Council (when it acts in lieu of a Planning Commission or the Board of Appeals) by investigating and reporting on all applications for rezoning, Special Land Uses and Variances.

5.01.07 The Zoning Administrator and/or Building Inspector shall submit each month a written summary of the preceding month's activities to the Village Council.

ARTICLE Va
CLERK-TREASURER

5a.01.00 APPOINTMENT OF VILLAGE CLERK AND TREASURER

5a.01.01 STATUTORY BASIS FOR APPOINTMENT

In accordance with Chapter II, Section 3 and other applicable provisions of 1998 PA 255 amending 1895 PA3, (The General Law Village Charter), the Village Treasurer and Village Clerk shall be appointed, rather than elected, to their respective positions.

5a.01.02 PROCEDURE

The respective offices shall be filled by nomination by the Village President and appointed by a majority vote of the Council members elect.

5a.02.00 COMBINED CLERK-TREASURER

The offices of the Village Clerk and Village Treasurer are hereby combined.

5a.03.00 COMPENSATION

The Village Clerk-Treasurer shall receive such compensation as the Council shall determine by annual resolution or by contract.

5a.04.00 TERMS OF OFFICE

The terms of office for such position shall be two (2) years, unless otherwise agreed by contract. The first term of office shall commence upon the termination of the current term of office for such position or the resignation of the current elected officer, whichever first occurs. (An elected officer who resigns during his/her elected term of office may be subsequently appointed to complete that term.)

5a.05.00 QUALIFICATIONS OF OFFICE

5a.05.01 Village Clerk-Treasurer

The qualifications for the position of Village Clerk-Treasurer shall be established by the Council prior to posting a notice of vacancy for the position of Village Clerk-Treasurer.

5a.06.00 DUTIES

5a.06.01 GENERAL

The Clerk-Treasurer shall perform the duties provided by law for the Clerk and for the Treasurer. All laws pertaining to the Clerk and to the Treasurer shall be construed to apply to the combined offices of Clerk-Treasurer. The duties are established as follows:

A. **Village Clerk:** The duties of the Village Clerk shall be those duties prescribed by 1895 PA 3 (The General Law Village Charter) and amendments thereto:

- 1) The Clerk shall keep the corporate seal and all the documents, official bonds, papers, files, and records of the Village, not by the Act or the Ordinances of the Village entrusted to some other officer. The Clerk is the Clerk of the Council and shall attend its meetings.
- 2) In case of the absence of the Clerk, or if from any cause the Clerk is unable to discharge, or is disqualified from performing, his or her duties,

the Council may appoint a Council member, or some other person, to perform the duties of the Clerk for the time being.

- 3) The Clerk shall record all the proceedings and resolutions of the Council, and shall record, or cause to be recorded, all the Ordinances of the Village.
- 4) The Clerk shall countersign and register all licenses granted.
- 5) When required, the Clerk shall make reproductions pursuant to the records media act, 1992 PA 116, MCL 24.401 to 24.403, of the papers and records filed and kept in his or her office and shall certify the reproductions under the seal of the Village. The admissibility in evidence of such reproductions is governed by Section 3 of 1964 PA 105, MCL 691.1103.
- 6) The Clerk may administer oaths and affirmations.
- 7) The Clerk shall be the general accountant of the Village.
- 8) Claims against the Village shall be filed with the Clerk for adjustment.
 - a. After examination, the Clerk shall report the claims, with the accompanying vouchers and counterclaims of the Village, and the true balance, to the Council for allowance.
 - b. After the claims are allowed by the Council, the Clerk shall present check disbursement authorizations to the Treasurer for payment of the claims, designating the fund from which payment is to be made, and take proper receipts.
- 9) The Clerk shall not present check disbursement authorizations upon a fund after the fund is exhausted. When a tax or money is levied, raised, or appropriated, the Clerk shall report the amount to the Village Treasurer, stating the objects and funds for which it is levied, raised, or appropriated, and the amounts to be credited to each fund.
- 10) Unless otherwise provided by Ordinance, the Clerk shall do all of the following:
 - a. Have charge of all the books, vouchers, and documents relating to the accounts, contracts, debts, and revenues of the corporation.
 - b. Countersign and register all bonds issued, and keep a list of all property belonging to the Village, and of all its debts and liabilities.
 - c. Keep a complete set of books, exhibiting the financial condition of the Village in all its departments, funds, resources, and liabilities, with a proper classification, and showing the purpose for which each fund was raised.
 - d. Keep an account of all the money received for each of the several funds of the Village, and credit all check disbursements drawn, keeping an account with each fund.
- 11) The Clerk shall report to the Council, whenever required, a detailed statement of the receipts, expenditures, and financial condition of the Village, of the debts to be paid, and moneys necessary to meet the estimated expenses of the corporation, and shall perform such other duties pertaining to his office as the Council may require.
- 12) Additional duties may be assigned by the Village Council.

- B. Village Treasurer:** The duties of the Village Treasurer shall be those duties prescribed in 1895 PA 3 (The General Law Village Charter) and amendments thereto, including (but not limited to):
- 1) Have the custody of all money, bonds (other than official bonds filed with the Clerk), mortgages, notes, leases, and evidences of value belonging to the Village.
 - 2) Receive all money belonging to, and receivable by the corporation.
 - 3) Keep an account of all receipts and expenditures.
 - 4) Collect and keep an account of all taxes and money appropriated, raised, or received for each fund of the Village, and keep a separate account of each fund.
 - 5) Pay check disbursement authorizations out of the particular fund raised for the purpose for which the disbursement was authorized.
 - 6) Perform duties prescribed by this act relating to assessing property and levying taxes.
 - 7) The Treasurer shall report to the Clerk on the first Monday of every month, if required, the amounts received and credited to each fund, on what account received, the amounts paid out from each fund during the preceding month, and the amount of money remaining in each fund on the day of the report.
 - 8) The Treasurer shall also exhibit to the Council annually within 45 days after the end of the fiscal year, and as often and for such period as the Council shall require, a full and detailed account of the receipts and disbursements of the treasury since the date of the Treasurer's last annual report, classifying them by the funds to which the receipts are credited and out of which the disbursements are made, and the balance remaining in each fund.
 - 9) The Treasurer shall take vouchers for all money paid from the treasury, showing the amount and fund from which payment was made. Upon settlement of the vouchers with the proper officers of the Village, the Treasurer shall file the vouchers with the Clerk.
 - 10) The Treasurer shall keep all Village money in depository accounts authorized by law. The treasurer shall not use, either directly or indirectly, the Village money, warrants, or evidences of debt for his or her own use or benefit, or that of any other person.
 - 11) Additional duties may be assigned by the Village Council.

ARTICLE VI.
VILLAGE PLANNING COMMISSION

6.00.00 VILLAGE COUNCIL TO ACT IN LIEU OF PLANNING COMMISSION

The Council of the Village of Peck, as its duly authorized legislative body, shall function in lieu of a Planning Commission and shall fulfill all such statutory duties and responsibilities as imposed by the Village Zoning Act, 1921 PA 207, as amended.

6.01.00 POWERS AND DUTIES

In addition to the powers and duties provided for by the statute the Village Council, acting in lieu of a Village Planning Commission, shall function as the administrative agency responsible for zoning and planning within the Village, and shall, among other things:

6.01.01 Maintain a separate record of all actions taken on issues involving its deliberations and decisions involving zoning.

6.01.02 Review site plans prior to issuance of any Land Use Permit or Building Construction Permit where required by the provisions of this Ordinance.

6.01.03 Issue written opinion to applicants.

6.01.04 Review and decide on uses purported to be similar in nature to permitted uses where so provided in this Ordinance.

6.01.05 Review and decide applications for Special Land Uses and conduct public hearings thereon, pursuant to the statutory procedures provided by Sec. 4a of 1921 PA 207 (MSA 5.2934(1)). See Article VIII.

6.01.06 Review and decide applications for amendments to this Ordinance and conduct public hearings thereon, pursuant to the statutory procedures provided by Section 4 of 1921 PA 207 (MSA 5.2934). See Article X.

6.01.07 Maintain a Village zoning map defining such use districts;

6.01.08 Review and decide upon architectural theme plans.

6.01.09 Maintain a MASTER PLAN for potential growth, expansion or other change to the community.

- A. Such plan, with the accompanying maps, plats, charts, and descriptive matter, shall show the prospective development of the said areas, including, among other things,
 - i. The general relation, character, and extent of streets, bridges, boulevards, parkways, playgrounds and open spaces,
 - ii. The general relation of public buildings, and of other public property, and the general location and extent of all public utilities and terminals whether public or private owned or operated; for water, light, sanitation, transportation, communication, power, and other purposes;
 - iii.

- iv. Also the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing ways, grounds, open spaces, buildings, property, utilities, or terminals;
 - v. The general location, character, layout, and extent of community centers and neighborhood units,
 - vi. And the general character, extent, and layout of the re-planning and re-developing , of any blighted districts or slum areas; as well as a zoning plan for the control of the height, area, bulk, location, and use of buildings and premises.
- B. The Master Plan shall be made with the general purpose of guiding, and accomplishing a coordinated, adjusted, and harmonious development of the Village, and its environs, which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, and general welfare, as well as efficiency and economy in the process of development; including, among other things:
- i. Adequate provisions for traffic, and
 - ii. Promotion of safety, for fire, drowning, and other dangers,
 - iii. Adequate provisions for light and air,
 - iv. The promotion of a healthful and convenient distribution of the population
 - v. The promotion of good civic design and arrangement,
 - vi. Wise and efficient expenditure of public funds, and
 - vii. The adequate provisions of public utilities and other public requirements

ARTICLE VII.
ZONING BOARD OF APPEALS

7.00.00 VILLAGE COUNCIL TO ACT AS BOARD OF APPEALS

Pursuant to the provisions of Section 5 of 1921 PA 207 as amended, the Peck Village Council shall perform the duties and exercise the powers of the Board of Appeals in order to insure that the objectives of this Ordinance are observed, that public safety, morals and general welfare are protected and that substantial justice is prohibited.

7.01.00 JURISDICTION

The Village Council, in its restricted capacity as Board of Appeals, shall not later or amend the Zoning District-Map and Classifications of the provisions of this Ordinance.

7.01.01 When acting as the Board of Appeals, the Council shall:

- A. Maintain a separate record and issue written opinions on all actions taken in its capacity as a Board of Appeals.
- B. Hear and decide appeals where it is alleged by the applicant that there is an error in any requirement relative to or refusal of the issuance of a compliance or building permit by the Building Inspector or Zoning Administrator.
- C. Permit modification of off-street parking and off-street loading requirements only in so far as area and number of spaces are concerned and where it can be clearly demonstrated that no useful purpose would be served or that land required cannot be obtained.
- D. Permit variances to the area, height, and setback requirements where practical difficulties exist because of topography or where there are exceptional circumstances that would deprive the owner of substantial rights enjoyed by other property owners in the same zone and vicinity provided such rights are of conforming nature.
- E. Vary or modify any of its rules or provisions relating to the construction or structural changes in, equipment or alteration of buildings or structures or the use of land, buildings or structures where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Ordinance.
- F. Have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the presentation of records and other evidence pertaining to matters being considered.

7.02.00 MEETINGS

7.02.01 NOTICE

- A. Public notice of a hearing on any appeal shall be published at least once in a newspaper in general circulation within the Village not less than five nor more than thirty days before the hearing.
- B. Written notice by personal delivery or by first class mail at least fifteen (15) days in advance to all property owners reflected by the current tax rolls as owning property located within three hundred (300) feet of any point of the property on which the appeal is based.
- C. The notice shall contain a brief description of the location of the property, the basis of the appeal and the time and place where the hearing will be conducted.

ARTICLE VII. ZONING BOARD OF APPEALS (cont'd)

7.02.02 The Village President shall be the Chairman of the Board of Appeals. Meetings of the Board of Appeals shall be held at the call of the Chairman and at such times as the Board may determine necessary and may be conducted as part of the agenda of any regular or special meeting of the Village Council.

7.02.03 Meetings shall be subject to the provisions of the Open Meetings Act, open to the general public and conducted pursuant to and consistent with such rules of order as have been adopted by the Board of Appeals.

7.02.04 In addition to its regular minutes, the Council shall keep an independent record of its proceedings while acting as the Board of Appeals. This record shall also show the vote of each member upon each question and which members were absent or abstained from voting.

7.03.00 APPEALS

7.03.01 An appeal may be taken to the Board of Appeals by:

- A. Any person seeking clarification or interpretation of this Ordinance, or
- B. Any person seeking or opposing a special land use as provided for by this Ordinance, or
- C. Any person affected by a decision of the Building Inspector or Zoning Administrator pursuant to or in conjunction with a compliance, building permit, or land removal and filling permit, or
- D. By any person seeking a variance

7.03.02 All appeals shall be submitted in writing to the Village Clerk and accompanied by a non-refundable filing, fee set annually by Council resolution.

7.03.03 Upon receipt of a proper application, the Council, as Board of Appeals, shall set a reasonable time and place for a hearing on the appeal and give proper notice thereof to the public and all affected parties, and render a decision without unreasonable delay.

7.03.04 Appeals made from a determination of the Building Inspector or Zoning Administrator shall be made within thirty (30) days following such determination. Appeals from any other determination shall be made within sixty (60) days of such determination.

7.04.00 EXERCISING AUTHORITY

7.04.01 In exercising the authority granted to it by this Ordinance, the Village Council (acting in lieu of a Board of Appeals) may reverse or affirm wholly or partly or modify requirements appeals from and may make such determination and attach such conditions as need to be made.

7.04.02 The Village Council (acting in lieu of a Board of Appeals) shall reduce its findings of fact and determination to writing which determination shall:

- A. Comply with the constitution and laws of this state;

- B. Recite the procedure followed;
- C. Recite sufficient competent, material and substantial evidence in its support; and
- D. Represent the reasonable exercise of discretion.

7.04.03 Approval determinations made by the Village Council (acting in lieu of a Board of Appeals) shall become null and void one year after being filed with the Village Clerk if a building permit has not been issued and construction is not being actively pursued or if other applicable action has not been taken by the applicant. Determinations once voided, shall become the subject of a new appeal, and an application subject to all the requirements of the original application, including a new filing fee, must be resubmitted.

7.04.04 No appeal rejected by the Village Council (acting in lieu of a Board of Appeals) may be resubmitted for a period of six (6) months following such rejection, unless it can be demonstrated that new evidence bearing on the matter can be presented.

ARTICLE VIII.
GENERAL EXCEPTIONS AND RESTRICTIONS

8.00.00 NON-CONFIRMING USES

8.00.01 PRIOR USES PERMITTED ("Grandfather Clause")

Where there exists within the districts established by this Ordinance and subsequent amendments, uses of land or structures that do not conform to the district uses and regulations, then such uses may be permitted to continue but will not be permitted to expand or enlarge.

8.00.02 50% RECONSTRUCTION PROHIBITED

Ordinary maintenance and repair will be permitted, but rebuilding, expansion or reconstruction of a structure that has been damaged, destroyed or deteriorated by any cause by fifty (50%) percent or more of its previous value is prohibited.

8.00.03 180 DAY DISCONTINUANCE

If the non-conforming use of any land or structure is discontinued for any reason, for a period of one hundred eighty (180) days or longer, then, any further use of such land or structure shall be in conformance with the regulations applicable to the zoning district within which such structure and/ or land is located.

8.01.00 SPECIAL LAND USES (aka Special Approval or Conditional Use)

8.01.01 PROCEDURE AND CONDITIONS FOR SPECIAL LAND USES

- A. A written request and filing fee in the amount established by resolution of the Village Council must be filed with the Village Clerk by the property owner or his agent seeking the special approval.
- B. Three copies of the site plan showing all pertinent details of the proposed development shall be filed with the Village Clerk, who shall retain a copy for the Village records, forward one of such copies to the Zoning Administrator and another to the Village Council (acting in lieu of a Planning Commission).
- C. The Village Council (acting in lieu of a Planning Commission) shall, upon receipt of the application, site plan and such other information as it may request from the applicant, schedule and publish notice of a public hearing to be held within sixty days, which notice shall include:
 - a) Contain the following:
 - i. Describe the nature of the special land use request
 - ii. Indicate the property, which is the subject of the special land request
 - iii. State when and where the special land use request will be considered
 - iv. State when and where written comments are to be received
 - b) Be published at least once not more than 15 days nor less than 5 days before the hearing in a newspaper in general circulation in the Village of Peck.
 - c) Be sent by certified mail (return receipt requested) not more than fifteen days nor less than five days before the hearing to the applicant property

owner(s), to all persons occupying or being assessed for property three hundred (300) feet within any point of the property being considered.

- D. Upon completion of the public hearing or a continuation thereof, the Village Council (acting in lieu of a Planning Commission), shall-by majority vote of its membership-reject the request or approve it subject to such conditions as they may impose to preserve the character of the neighborhood, public, health and safety and the spirit of this Ordinance.
- E. The Village Council (acting in lieu of a Planning Commission) shall maintain a record of decision of its findings and, if such use is approved, all conditions which have been imposed a s contingencies on the approval.
- F. When deemed necessary, the Village Council (acting in lieu of a Planning Commission) may, as a condition of approval, require filing a performance or surety bond with the Village Clerk to insure construction of certain site improvements or development features. The bond shall be either cash or a surety, executed by a company licensed to do business in the State of Michigan in an amount determined by the Council and running to the Village of Peck for a period of time as established by the Village Council (acting in lieu of a Planning Commission).
- G. Approved uses shall not become effective until five (5) days following filing with the Village Clerk and shall be valid for a period of one (1) year only from the date of filing with the Village Clerk unless a building permit has been issued and construction is actively progressing or the approved special land use is being actively pursued within the terms and conditions set out in the written decision.
- H. Uses approved shall be subject to all-provisions of this Ordinance and those provisions set forth as a condition of approval.

8.02.00 SPECIAL LAND USE SCHEDULE AND STANDARDS

8.02.01 Certain types of uses in certain districts have been established as uses permitted by Special Land Use Approval throughout this Ordinance but by their nature these uses can cause conflicts and peculiar problems in certain districts thus, a thorough examination by the Village Council (acting in lieu of a Planning Commission) is required before such uses can be approved.

8.02.02 The Special Land Use procedure does not amount to a rezoning of property and is established only for those districts where such uses are specifically listed or are not inconsistent with the prevailing uses in the vicinity. Any use of land or structures not listed shall be the subject of a determination by the Village Council (acting in lieu of a Planning Commission) and where the results of such determination is a funding that a proposed use is not similar in nature nor in accordance with the purpose for establishing each district, then such use can only be granted through proper rezoning of the land involved.

8.02.03 If the Village Council (acting in lieu of a Planning Commission) determines that a proposed use is similar to those listed in the Special Land Uses of a given district, the matter shall then be processed in accordance with the procedures provided for Special Land Use review.

ARTICLE VIII. 8.02.00 SPECIAL LAND USE SCHEDULE AND STANDARDS (cont'd)

8.02.04 Existing uses of land or structures that would fall under the Special Land Use category in any district upon adoption of this Ordinance, shall not be considered non-conforming and shall be only regulated by the same future expansion or reconstruction regulations as are provided for Permitted Uses.

8.02.05 Special Land Uses granted following the effective date of this Ordinance shall also be governed by the same regulations plus such requirements established by the Village Council (acting in lieu of a Planning Commission) at the time of approval.

8.02.06 Special Land Uses in existence or approved after the effective date of this Ordinance will achieve the same status as the permitted uses in the districts wherein they have been provided for.

8.02.07 Special Land Uses may be granted by the Village Council (acting in lieu of a Planning Commission) for each district in accordance with the Special Land Uses listed for a specific district.

8.03.00 PERFORMANCE STANDARDS

8.03.01 The applicable regulations governing the district in which the Special Land Use is to be located such as: Area, Height, and Setback Requirements, Off-Street Parking, Off-Street Loading and Unloading requirements shall be followed, unless otherwise determined by the Village Council (acting in lieu of a Planning Commission).

8.03.02 All permit requirements set forth in Section 4.01.00 and district regulations shall be completed with Special Approval Uses granted.

8.03.03 Site plan review for all Special land Uses shall include evaluation of conditions and development features that would:

- A. Create hazardous vehicular or pedestrian traffic conditions caused by the location of entry and exit roadways and drives.
- B. Prevent future access of fire equipment to the site of adjoining and abutting properties.
- C. Deprive abutting or adjoining property owners of normal use of their land, block the circulation of air or light, or cause adverse effects of an economic nature to abutting or adjoining properties.
- D. Outdoor storage or display areas in all commercial and industrial areas shall be screened on all sides by an obscuring fence or wall of approved design and construction details of which shall be submitted with the Site Plan, and areas used for outdoor storage or display shall be paved with either asphalt or concrete.
- E. Development or operational feature shall comply with all local, state and federal requirements for air and noise pollution. All Federal, State, and Local regulations relative to air pollution, excessive noises or location of structures in relationship to road rights of way shall be complied with.
- F. Where a commercial or industrial development abuts a different use district, a five foot high obscuring wall or thirty foot wide green belt consisting of a grass strip

and evergreen or deciduous tree planting, may be required. The grass strip shall be seeded and maintained using a mixture of common lawn grasses.

Trees shall be planted at the innermost edge of the strip and spaced not less than three not more than six feet apart in a continuous line the entire length of the green belt. Trees shall be nursery stock, minimum two inch trunk diameter at time of planting and shall be maintained in a living condition. If an obscuring wall is permitted, details of design and construction shall be submitted for approval.

- G. In all cases where a development contains an existing water course on site, or where the finished grade of the site will be higher than abutting properties, a drainage plan shall be submitted for review and approval.
- H. Minimum acreage for farm approval use shall be twenty (20) acres.
- I. Developments of a drive-in nature, such as drive-in banks, restaurants, service stations, and theaters shall be so located that entrance and exit drives shall be a minimum of one hundred (100) feet from any intersection unless otherwise approved by the Board of Appeals. Paved off-street waiting space shall be provided, so that no vehicles will be waiting on the public thoroughfare to gain entry to the premises.

8.04.00 VARIANCES

The Village Council (acting in lieu of a Board of Appeals) may grant variances to the strict application of this ordinance under the provisions of Article VII.

ARTICLE IX
LAND USE DISTRICTS

9.00.00 ESTABLISHMENT OF DISTRICTS

9.00.01 TYPES

The incorporated area of the Village of Peck, Sanilac County, Michigan, is hereby divided into five (5) districts designated:

R	Residential	Section 9.01.00
A-R	Agricultural-Residential	Section 9.02.00
MHS	Manufactured Home Subdivision or Land Lease Community	Section 9.03.00
C	Commercial	Section 9.04.00
I	Industrial	Section 9.05.00

9.00.02 MAPS

The boundaries of districts or zones are shown upon the Official Zoning Map, which is maintained in the Village office. The Official Zoning Map and all notations, references and other information appearing thereon are hereby declared to be a part of this ordinance and of the same force and effect as if the Districts were fully set forth by metes and bounds description. To facilitate the interpretation and application of this ordinance, renditions of the Official Map shall be appended to copies of this ordinance. Interested parties should be aware, however, that ordinance amendments, non-conforming uses, special land uses, etc., may cause the Official Map to be altered and differ from previous renditions which may not have been up-dated.

9.00.03 BOUNDARIES OF ZONED DISTRICTS

For determination of the boundaries of districts shown of the Zoning Maps, the following rules shall apply:

- A. Where boundaries are indicated as following, or approximately following, street and alley lines, the street or alley centerlines shall be construed to be the boundaries.
- B. Where boundaries are indicated as following, or approximately following, lot lines or plot lines, the lot line or plot line shall be construed to be the boundary.
- C. The Village Council (acting in lieu of a Board of Appeals) shall, upon application or upon its own motion determine the location of boundaries in case where uncertainty exists.

9.01.00 RESIDENTIAL (R) DISTRICTS

The following shall apply for Residential Districts:

9.01.01 TYPES

A. Permitted Uses

- i. Single or two-family dwellings and buildings accessory thereto, example, garages, properly fenced swimming pools, satellite antennae, wind power systems, etc. that are incidental to the principal use; but excluding tents, recreation vehicles, trailer coaches, and motor homes, except as otherwise provided in this Ordinance. No accessory buildings or structures (other than attached garages) shall be in side of front yards.

- ii. A home occupation in a dwelling used by the applicant as a residence. Such use shall not involve any extension or modification of the dwelling, which will alter its outward appearance as a dwelling. Signs to advertise such use shall be in compliance with Section 3.24.00. No more than one-fourth of the total dwelling area shall be used for such new purposes. The home occupation shall not employ non-family members. It must comply with parking provisions of Section 3.19.00.
- B. Special Land Uses (requiring approval of the Village Council (acting in lieu of a Planning Commission) after public hearing)
 - i. Multi-family dwellings meaning dwellings with more than two basic living units (e.g. apartment house)
 - ii. Playgrounds
 - iii. Public or Community assembly buildings
 - iv. Churches or Schools
 - v. Tourists Homes and Rooming House
 - vi. Keeping or maintaining more than two adult dogs, cats and/or rabbits per dwelling.
 - vii. Other uses which are not inconsistent with the provisions of this Ordinance.
- C. Prohibited Uses (amd Ord. 08-2)
 - i. Raising or harboring of horses, cattle, sheep, swine, mules, burros, goats, or poultry.
 - ii. More than one dwelling on a parcel of land, unless a variance is granted by the Board of Appeals after public hearing.
 - iii. Parking on or adjacent to any premises of a commercial truck or vehicle having a gross vehicle weight of 26,001 pounds or more.
 - iv. Parking of all commercial trailers that are required to be hauled by a Class A or Class B vehicle as established by definition.
 - v. Parking of any commercial vehicle that is equipped with and utilizing refrigeration equipment as defined by ordinance as refrigeration unit vehicle.

9.01.02 MINIMUM RESIDENTIAL LOT AREA

Minimum lot area shall be thirteen thousand (13,000) square feet with frontage of eighty (80) feet in all new subdivisions or newly created parcels of land. In certain cases where hardship would result a variance for an individual parcel may be considered by the Board of Appeals.

9.01.03 RESIDENTIAL CORNER LOT

On any corner lot, walls, fences, hedges or accessory structures or plantings shall not rise over three (3) feet in height above the level of the road grade within twenty (20) feet of any corner so as to interfere with traffic visibility. Side yards on corner lots shall not be less than the ratio of the setback on adjacent streets.

ARTICLE IX. LAND USE DISTRICTS (cont'd)

9.01.04 RESIDENTIAL DRIVEWAYS AND PARKING

Driveways shall be not less than ten (10) feet wide and at least three (3) feet from the lot line. No driveway common to two residences shall be permitted unless an easement providing for same is recorded with the Sanilac County Register of Deeds. Off-street vehicle parking, access and egress shall be provided as shown in Section 3.19.00.

9.01.05 RESIDENTIAL YARDS

Every dwelling hereafter erected, altered or moved upon a premises shall be provided with yards having no less than the following minimum sizes:

A. Front Yards:

- i. Front yards shall be equal to the average depth of existing front yards in the block in which parcel is located.
- ii. In event that there are no pre-existing dwellings on the block or in a new subdivision, then the front yard shall be not less than 30 feet plus one-half of the road right-of-way as measured from the centerline of the adjacent street.

B. Side Yards (other than corner lots):

- i. Shall be at least ten (10) feet in width on each side. No garage or accessory structure shall be located closer to the right-of-way of an abutting side street than the average setback on the abutting side street. In all cases structures shall be far enough from each line so as not to obstruct a view of traffic on the intersecting streets.

C. Rear Yards:

- i. Shall be at least 35 feet. The depth of a rear yard abutting upon a street shall not be less than the depth of a front yard required for a building of the same size and kind, on the adjoining lot fronting on such rear street. See also "Transitional Zoning" Section 3.30.00.

9.01.06 RESIDENTIAL FENCES

Fences located in residential districts:

A. May be constructed in the required front yard setback if:

- i. The front yard fence is placed only on the side lot lines
- ii. The front yard fence is not placed across the front of the lot
- iii. The front yard fence does not exceed three (3) feet in height

B. Shall not exceed six (6) feet in height in any part forward from the extreme rear line of the dwelling on the lot if the fence is built on the property line or within five (5) feet thereof, and

C. Shall not be of closed construction except in rear yards. Fences located in the rear yard on the lot line or within five (5) feet thereof may be built to a height of eight (8) feet without restriction on solid matter or closed construction.

9.01.07 RESIDENTIAL SIGNS

Signs shall be in conformance with Section 3.24.00.

ARTICLE IX. LAND USE DISTRICTS (cont'd)

9.01.08 RESIDENTIAL BUILDING HEIGHT AND FLOOR AREA

A. Residential Building Floor Area

- i. Every one family, one story dwelling hereafter erected, altered or moved upon premises shall contain not less than seven hundred and fifty (750) square feet of floor area. However, every one family, two story dwelling, hereafter erected, altered or moved upon a premises shall contain not less than 750 square feet of total floor area and not less than 600 square feet of ground floor area. Multiple dwellings, if permitted, shall contain an equivalent minimum floor area per unit as required in two family dwellings. In no case shall minimum area include floor space in an attached garage, open porch or other attached structure.

B. Residential Building Height

- i. Buildings may be erected or structurally altered to a maximum height of two and one-half (2 1/2) stories or thirty-five (35) feet. However, churches (not including steeples), public and semi-public buildings may be erected to a greater height if the building is set back from each required yard line at least one (1) more foot for each foot of additional height above thirty-five (35) feet.

9.01.09 ACCESSORY BUILDINGS

No accessory building shall be erected closer to a side lot line than the permitted distance for the dwelling. However, if an accessory building is erected completely to the rear of the dwelling, it may be erected three (3) feet from the side and rear lot lines. Garages shall not exceed 3 vehicle capacity and fifteen (15) feet in overall height.

9.02.00 AGRICULTURAL-RESIDENTIAL DISTRICTS (A-R)

The following shall apply to all Agricultural-Residential districts:

9.02.01 USE TYPES

A. Permitted Uses

- i. Single and two family dwellings and buildings accessory thereto, but excluding tents, recreational vehicles, trailer coaches, and motor homes, except as otherwise provided in this Ordinance.
- ii. Agricultural enterprises and related structures. However, parcels of forty acres or less may not be utilized to harbor, keep, pasture or otherwise maintain other than a total of 5 calves, beeves or horses, sheep and not more than a total of 2 pigs or goats, and not more than 50 fowl, rabbits or similar commercial small animals.
- iii. Family-owned and operated roadside stands, provided, however, that at least 50% of the produce and all other articles and goods sold therefrom shall be grown upon the premises where the stand is situated. Otherwise no transaction of any nature shall occur at such roadside stand without first obtaining the approval of the Planning Commission after a public hearing. Signs shall conform to the provisions of Section 3.24.00 of this Ordinance.
- iv. Home occupations are provided for in Residential Districts.

- v. Accessory buildings and structures such as, for example, garages, properly fenced swimming pools, satellite antennae, wind power systems, etc., that are incidental to the principal use. No accessory buildings or structures (other than attached garages) shall be in side or front yards.
- B. Special Land Uses (require approval of Village Council (acting in lieu of a Planning Commission) after a public hearing)
- The following shall be permitted, providing such use is not noxious, dangerous nor offensive by reason of odor, dust, smoke, gas, noise, fumes, flames or vibration or does not otherwise become a public nuisance, except for normal odors, dust, noise and vibrations necessary in Agricultural activities.
- i. Multi-family dwellings, meaning dwellings with more than two basic living units (e.g. apartment house)
 - ii. Churches, schools, libraries, cemeteries, hospitals, clinics, sanatoriums, convalescent homes, funeral homes, nursing homes, community fallout shelters, tourist homes, rooming houses, boarding homes and similar uses.
 - iii. Migrant worker camps
 - iv. Motor vehicle storage or repair shops
 - v. Roadside stands which do not comply with permitted use requirements. Signs shall conform to the provisions of Section 3.24.00 of this Ordinance.
 - vi. Parks and grounds for outdoor activities and recreation, recreational and community center buildings, campgrounds, airplane landing strips and helicopter landing pads, provided that all such activities be non-commercial and not operated for profit.
 - vii. Other uses which are not inconsistent with the provisions of this Ordinance.

9.02.02 **MINIMUM LOT AREA**

Minimum lot area shall be twenty thousand (20,000) square feet with a minimum frontage of one hundred (100) feet in all new subdivisions or newly created parcels of land.

9.02.03 **CORNER LOT**

On any corner lot no walls, fences, hedges or accessory structures or shrubbery shall rise over three (3) feet in height above the level of the road grade within twenty (20) feet of any corner so as to interfere with traffic visibility.

9.02.04 **DRIVEWAYS AND PARKING**

Driveways shall be not less than ten (10) feet wide and at least three (3) feet from the lot line. No driveway common to two residences shall be permitted unless an easement providing for same is recorded with the Sanilac County Register of Deeds. Off-street vehicle parking, access and egress shall be provided as shown in Section 3.19.00.

9.02.05 **YARDS**

Every dwelling hereafter erected, altered or moved upon a premises shall be provided with yards having no less than the following minimum sizes:

- A. Front Yards:

- i. Front yards shall be equal to the average depth of existing front yards in the block in which parcel is located.
- ii. In event that there are no pre-existing dwellings on the block or in a new subdivision, then the front yard shall be not less than 30 feet (as measured 63' from the street or road right-of-way).

B. Side Yards:

- i. Shall be at least ten (10) feet in width on each side. No garage or accessory structure shall be located closer to the right-of-way of an abutting side street than twenty-five (25) feet. In all cases shall be far enough from each line as not to obstruct a view of traffic on the intersecting street.

C. Rear Yards:

- i. Shall be at least thirty-five (35) feet in depth. The depth of the rear yard abutting upon a street shall be no less than the depth of a front yard required for a building of the same size and kind, on the adjoining lot fronting on such rear street.

9.02.06 FENCES AND BUFFERS

Fences, walls or shrubs of more than three (3) feet in height above the road grade level are not allowed on any interior (i.e. not on a corner) lot within ten (10) feet of the front property line, where they will interfere with traffic visibility from a driveway.

9.02.07 SIGNS

Signs shall not be in conformance with Section 3.24.00.

9.02.08 BUILDING FLOOR AREA

Every one family, one story dwelling hereafter erected, altered or moved upon premises shall contain not less than seven hundred and fifty (750) square feet of floor area. However, every one family, two story dwelling, hereafter erected, altered or moved upon a premises shall contain not less than 750 square feet of total floor area and not less than 600 square feet of ground floor area. Multiple dwellings, if permitted, shall contain an equivalent minimum floor area per unit as required in two family dwellings. In no case shall minimum area include floor space in an attached garage, open porch or other attached structure.

9.02.09 BUILDING HEIGHT

Buildings may be erected or structurally altered to a maximum height of two and one-half (2 1/2) stories or thirty-five (35) feet. However, a church (not including steeple), silo, barn, public and semi-public buildings may be erected to a greater height if the building is set back from each yard line at least one (1) more foot for each foot of additional height above thirty-five (35) feet.

9.02.10 ACCESSORY BUILDINGS

A. Private Garages

- i. In any Agricultural-Residential district no garage shall be erected closer to the side lot line than the permitted distance for the dwelling, unless said

garage shall be completely to the rear of the dwelling in which event the building may be erected ten (10) feet from the side lot line.

B. Other Accessory Buildings

- i. Accessory buildings shall not be located closer than ten (10) feet to any lot line. Accessory buildings housing livestock (e.g. cattle, horses, poultry, pigs, sheep, goats, etc.) shall be located not less than 200 feet from the nearest neighboring dwelling.

9.02.11 SETBACKS

Farm buildings or structures (except open fences) shall be not less than ten (10) feet from the side or rear line of the premises, nor shall they be exempt from erosion hazard criteria. No such building or structure shall be erected less than one hundred fifty (150) feet from the right-of-way of all Federal and State roads and one hundred eight (108) feet from the highway right-of-way on other roads.

9.02.12 PERMITS AND FEES

A Land Use permit shall be required for all accessory structures customarily erected and used on bona fide farms operated in the Village.

9.03.00 MANUFACTURED HOME SUBDIVISION or LAND LEASE COMMUNITY (MHS)

The following provisions shall apply to all Manufactured Home Subdivisions (wherein lots are individually platted and sold as private mobile home sites) or Land Lease Communities (wherein more than 2 Manufactured Home Sites are owned and managed by a lessor, licensed by the Michigan Department of Commerce).

9.03.01 NEW MANUFACTURED HOME SUBDIVISIONS and LAND LEASE COMMUNITIES (requiring a Zoning district change)

- A. An applicant who wished to create a new Manufactured Home Subdivision or Land Lease Community shall apply to the Village Council (acting in lieu of a Planning Commission) to establish a Manufactured Home Subdivision or Land Lease Community District, when a change in Zoning is required.
- B. An application for a Manufactured Home Subdivision or Land Lease Community shall have the preliminary plan approved by the County Road Commission, County Drain Commissioner, and the County Health Department before it will be considered by the Village. In considering application for a new park, the Village shall be guided by, and require compliance with, Michigan Mobile Home Commission Rules 125.1904 through 125.1911 and such other Commission rules as apply.
- C. Persons wishing to create a new Manufactured Home Subdivision or Land lease Community shall comply with the Michigan Subdivision Control Act (1967 PA 288) before the Village shall consider creating such a new district. Further, the Village shall make any rezoning recommendations conditional upon compliance with the applicable provisions of this Ordinance, including yards, buffers, fences, screening, lot size roadways, driveways, parking, etc. as restrictions on lot titles.
- D. The Village Council (acting in lieu of a Planning Commission) shall follow the requirements of Article X in rezoning of any real estate to Manufactured Home

Subdivision or Land Lease Community as well as the requirements of Article VIII for Special Land Uses. (Public hearings and notices being required).

9.03.02 USE TYPES

- A. Permitted Uses: Land in Manufactured Home Subdivision or Land Lease Community Districts (MHS) shall be used only for the following purposes:
 - i. Single-family mobile home residential dwellings with not more than one (1) such dwelling per lot.
 - ii. One garage and one accessory building or structure, such as, for example, garages, properly fenced swimming pools, satellite antennae, wind power systems, etc. that are incidental to the principal use, are allowed on each lot. No accessory building or structure (other than attached garages) shall be in side or front yards.
 - iii. Community or Subdivision grounds maintenance buildings
- B. Special Land Uses (requiring approval of the Village Council (acting in lieu of a Planning Commission) after a public hearing)
 - i. Commercial operations ancillary to the operation of a land lease community (but not subdivision)
 - ii. Playgrounds and recreational facilities
 - iii. Public and community assembly buildings
 - iv. Other uses which are not inconsistent with the provisions of this ordinance
- C. Prohibited Uses
 - i. Raising or harboring horses, cattle, sheep, swine, mules, burros, goats, or poultry.
 - ii. Keeping or maintaining more than two (2) dogs, cats or rabbits per dwelling
 - iii. More than one (1) dwelling on a parcel of land, unless a variance is granted by the Board of Appeals after public hearing
 - iv. Parking on or adjacent to any premises of a commercial truck or vehicle having gross vehicle weight of 10,000 pounds.

9.03.03 MINIMUM LOT AREA

Minimum lot area shall be no less than sixty (60) feet in width and one hundred fifty (150) feet in length with a minimum area of nine thousand (9,000) square feet.

9.03.04 CORNER LOT

On any corner lot no walls, fences, hedges, or accessory structures or shrubbery shall rise over three (3) feet in height above the level of the road grade within twenty (20) feet of any corner so as to interfere with traffic visibility.

9.03.05 DRIVEWAYS and PARKING

- A. Manufactured Home Subdivision or Land Lease Community Districts off-street parking, driveways, access and egress shall be provided in accordance with the Michigan Mobile Home Commission Rules (R125.1925)
- B. In Manufactured Home Subdivision or Land Lease Communities, driveways shall be not less than ten (10) feet wide and at least three (3) feet from the lot line. No

driveway common to two (2) mobile homes shall be permitted unless an easement providing for same is recorded with the Sanilac County Register of Deeds. Off-street vehicle parking, access and egress shall be provided as shown in 3.19.00.

9.03.06 YARDS

Manufactured Home Subdivision or Land Lease Communities (excepting parks) shall provide yards with no less than the following minimum sizes:

- A. Front Yards: Thirty (30) feet from the front lot line
- B. Side Yards: Ten (10) feet in width on each side
- C. Rear Yards: Ten (10) feet from the rear lot line

9.03.07 FENCES AND BUFFERS

- A. Manufactured Home Subdivision or Land Lease Communities shall be completely screened by a view obstructing fence, earthen berm, coniferous natural growth (or combination thereof) along the entire property line, including the line abutting a public thoroughfare, except at access points. The screen shall be at least six (6) feet above the road grade level.
- B. Manufactured Home Subdivision or Land Lease Communities shall have open buffer areas at least ten (10) feet wide at all side and rear property lines.
- C. Fences, walls and shrubs of more than three (3) feet in height above the road grade level are not allowed on and interior lot within ten (10) feet of the front property line where they will interfere with the traffic visibility from a drive.

9.03.08 SIGNS

Signs shall be in conformance with Section 3.24.00.

9.03.09 MANUFACTURED HOME & BUILDING FLOOR AREA and HEIGHT

A. Floor Area

- i. Every Manufactured home in a Manufactured Home Subdivision or Land Lease Community (including only original supplied factory produced "tip-outs" or other aesthetically compatible, approved additions) shall contain not less than seven hundred twenty (720) square feet of living area. In no case shall minimum area include floor space in an attached garage, open porch or other attached structure.

B. Height

- i. Buildings may be erected or structurally altered to a maximum height of two and one-half (2 1/2) stories or thirty-five (35) feet. However, public and semi-public buildings may be erected to a greater height if the building is set back from each required yard line at least one (1) more foot for each foot of additional height above thirty-five (35) feet.

9.03.10 ACCESSORY BUILDINGS

No accessory building shall be erected closer to a side lot line than the permitted distance for the dwelling. However, if an accessory building is erected completely to the rear of the dwelling, it may be erected three (3) feet from the side and rear lot lines. Garages shall not exceed two (2) vehicle capacity and fifteen (15) feet in height.

ARTICLE IX. LAND USE DISTRICTS (cont'd)

9.04.00 **COMMERCIAL DISTRICTS (C)**

9.04.01 **USE TYPES**

In Commercial Districts (C) land may be used and buildings or structures be erected, altered or moved on and used, in whole or in part, for any one or more of the following specified uses, except as otherwise provided in this Ordinance.

All uses shall comply with the performance standards listed in Section 3.20.00 of this Ordinance.

Other than dwellings, structures shall comply with all state and local commercial building codes.

A. Permitted Uses

- i. Any use which is permitted in Residential district.
- ii. All generally recognized and accepted retail stores or outlets and their accessory service or production departments.
- iii. Business and professional offices
- iv. Public and personal services direct to the customer (e.g. barbers and beauticians)
- v. Greenhouses and nurseries
- vi. Parking lots
- vii. Public, semi-public and public utility buildings not including storage yards
- viii. Community clubs, fraternal organizations and similar civic social organizations
- ix. Sale of alcoholic beverage for consumption off premises
- x. Outdoor advertising signs in conformance with Section 3.24.00 of this Ordinance
- xi. Publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformers (stations and substations) gas regulator stations, water and sewage stations and public utility electric power generating facilities.

B. Special Land Uses: Commercial District Special Land Use permits shall include the condition that the regular course of business shall not emit any noise, vibration, smoke, dust, fumes, odors, light, glare or other nuisance factors beyond the boundaries of the property on which it is located. Nor shall such uses be injurious to the surrounding neighborhood or contrary to the public interest or the spirit of this Ordinance. The following Special Land Uses may be permitted upon approval after a public hearing:

- i. Small businesses engaging in the repair, finishing, alteration, assembling, fabrication or storage of goods
- ii. Gasoline service stations
- iii. New and used motor vehicle storage or display lots
- iv. Motor vehicle repair shops
- v. Processing or sale of used motor vehicle parts from within a building. However, if sold from vehicles on the premises (known as "junk" cars, trucks, tractors, or trailers), the owner and/or operator shall conform to the requirements of a junkyard as herein defined and obtain licenses(s) from the State of Michigan and the Village of Peck.

- vi. Recreation and amusement facilities (e.g. pool halls, video arcades, games of skill, etc.) for which license is required pursuant to any state statute or local ordinance.
- vii. Food processing plants
- viii. Campgrounds
- ix. Open storage yards, whether principal or accessory use
- x. Theaters, stadiums or arenas
- xi. Adult bookstores
- xii. Open air markets (e.g. flea markets, farmers' markets, etc.)
- xiii. Amusement and recreation parks and playgrounds
- xiv. Churches, schools, public and community assembly buildings
- xv. Hospitals, clinics and sanatoriums
- xvi. Funeral homes, mortuaries and cemeteries
- xvii. Hotels, motels, tourist homes and rooming houses
- xviii. Multi-family dwellings
- xix. Bars and taverns
- xx. Combustible or toxic material storage structures or yards
- xxi. Private airports, aircraft landing pads or strips
- xxii. Signs not in compliance with 3.24.00
- xxiii. Any Commercial or business use of land or buildings not specifically mentioned in this Section may be conditionally permitted upon approval of the Planning Commission after a public hearing.

C. Prohibited Uses

- i. Livestock yards and slaughter houses are prohibited in Commercial districts.

9.04.02 MINIMUM LOT AREA

Minimum lot area shall be twenty thousand (20,000) square feet with a minimum frontage of one hundred (100) feet in all newly created parcels of property.

9.04.03 CORNER LOT

On any corner lot where a Residential structure is located, no walls, fences, hedges or accessory structures or shrubbery shall rise over three (3) feet in height above the level of the road grade within twenty (20) feet of any corner so as to interfere with traffic visibility.

9.04.04 DRIVEWAYS AND PARKING

Driveways shall be not less than ten (10) feet wide and at least three (3) feet from the lot line. No driveway common to two buildings shall be permitted unless an easement providing for same is recorded with the Sanilac County Register of Deeds. Off-street vehicle parking, access and egress shall be provided as shown in Section 3.19.00.

9.04.05 YARDS

Every building hereafter erected, altered or moved upon commercial premises shall be provided with yards complying with the following standards:

- A. Front Yards:

- i. Commercial structures in Commercial districts shall be erected with not more than a five (5) foot setback from the existing or prospective sidewalk at the front of the building. (The purpose of this provision being to require development of parking areas to the rear of the Commercial structure. Upon comparison of the applicant's site plan and elevations to the character of the neighboring architecture, uses, setbacks, etc., the Village Council (acting in lieu of a Board of Appeals) may vary the setback requirements.)
 - ii. Front yards for Residential structures in Commercial districts shall be not less than the average depth of existing front yards in the block in which parcel is located.
 - iii. Provisions of this Section ("Front Yards") notwithstanding, those lots which border on use districts other than Commercial shall comply with the setback requirements defined in Section 3.30.00.
- B. Side Yards:
 - i. Commercial structures may be built up to the side property line, with no side yard. However, Residential structures must comply with the side yard requirements of Residential districts.
- C. Rear Yards:
 - i. Shall contain sufficient area for off-street parking, loading and unloading as defined in Article III, but not less than 25% of the total lot depth. The depth of a rear yard abutting upon a street shall not be less than the depth of a front yard required for a building of the same size and kind, on the adjoining lot fronting on such rear street.

9.04.06 FENCES AND BUFFERS (amended Ord. 08-1)

- A. Fences are prohibited unless:
 - i. Approved by the Village Council acting in lieu of a Planning Commission (for Special Land Uses) or the Board of Appeals (for Variances), or
 - ii. Concealing all outdoor storage areas, including refuse disposal units, or
 - iii. Surrounding construction in process
- B. Requirements of Fences as approved by the Village by Variance or Special Land Use pursuant to Section 9.04.06 (A)(i)
 - i. Front Yard Fences: Any front yard fence must be open construction and must be on more than four (4) feet in height.
 - ii. Side yard Fences: Side yard fences must be open construction commencing from the closest portion of the structure forward to the front lot line, equal distance on both sides and must be no more than four (4) feet in height. From the forward most portion of the structure back to the rear lot line, fences may be open or solid construction and be no more than eight (8) feet in height.
 - iii. Rear Yard Fences: Rear yard fences may be either open or solid construction, no more than eight (8) feet in height.
- C. Occupants and owners shall also comply with Sections 3.04.00 and 3.25.00 of this Ordinance.

ARTICLE IX. LAND USE DISTRICTS (cont'd)

9.04.07 **SIGNS**

Signs shall be in conformance with Section 3.24.00.

9.04.08 **BUILDING FLOOR AREA AND HEIGHT**

A. Floor Area:

- i. Every building hereafter erected, altered or moved upon Commercial premises shall contain not less than seven hundred and fifty (750) square feet of ground floor area. The total floor area of Commercial district Special Land Uses shall not exceed five thousand (5000) square feet.

B. Building Height:

- i. No buildings shall hereafter be erected, altered or moved upon any premises exceeding a height of thirty-five (35) feet or two and one-half (2 1/2) stories unless a variance for a greater height is approved by the Village Council (acting in lieu of a Board of Appeals) after a public hearing and taking into consideration the fire fighting capabilities in the Village or available neighboring fire fighting facilities.

9.04.09 **ACCESSORY BUILDINGS**

Accessory buildings which are located on a corner lot shall not be placed closer than ten (10) feet to a rear or side line.

9.05.00 **INDUSTRIAL DISTRICTS (I)**

9.05.01 **USE TYPES**

Land may be used or buildings or structures may be erected, altered or moved on and used, in whole or part, for any one of the following specified uses, except as otherwise provided in this Ordinance:

All uses in Industrial Districts shall comply with the Performance Standards listed in Section 3.20.00 of this Ordinance as well as all state and local Industrial building codes.

A. Permitted Uses:

- i. Any Industrial purpose as defined in Article II which, in the regular course of business, shall not emit any noise, vibration, smoke, dust, fumes, odors, light, glare or other nuisance factors beyond the boundaries of the property on which it is located.
- ii. Public utilities.
- iii. Outdoor advertising signs in conformance with Section 3.24.00 of this ordinance.
- iv. Accessory buildings and structures such as, for example, storage buildings, garages, satellite antennae, wind power systems, etc. that are incidental to the principal use. No accessory buildings or structures shall be in side or front yards.

B. Special Land Use (requiring approval of the Village Council (acting in lieu of Planning Commission) after a public hearing if such use is not consistent, disruptive or non-conforming to the area):

- i. Any Commercial use or business use that is permitted in Commercial Districts.

- ii. An Industrial use which, in the normal course of business, may emit any noise, vibration, smoke, dust, fumes, odors, light, glare or other nuisance factors beyond the boundaries of the property on which it is located so long as Performance Standards (as outlined in Section 3.20.00) are not exceeded.
- iii. Reservoirs, catch basins, sewage disposal plants, aeration fields, or ponds used for the dumping or treatment of waster, chemicals, liquids or any other materials from any other Commercial or Industrial enterprise.
- iv. Signs not conforming with Section 3.24.00.
- v. Fertilizer and other chemical plants.
- vi. Slaughter houses, transfer stations and rendering plants.
- vii. Airports or aircraft launching and landing strips.
- viii. Open storage yards as principal or accessory use.
- ix. Truck terminals.
- x. Gravel pits, sand mines and open pit mines.
- xi. Landfills and dumps.
- xii. Combustible or toxic material storage structures or yards.
- xiii. Food processing plants.
- xiv. Junkyards.
- xv. Schools, churches, public and community assembly buildings.

9.05.02 MINIMUM INDUSTRIAL LOT AREA

A lot site or parcel of land shall consist of not less than five (5) acres and shall not be less than five hundred (500) feet on the front street.

9.05.03 CORNER INDUSTRIAL LOT

On any corner lot no walls, fences, hedges or accessory structures or shrubbery shall rise over three (3) feet in height above the level of the road grade within twenty (20) feet of any corner so as to interfere with traffic visibility.

9.05.04 INDUSTRIAL DRIVEWAYS AND PARKING

A. Driveways:

- i. Driveways shall be not less than fourteen (14) feet wide and located at least three (3) feet from the side lot lines.

B. Parking:

- i. Off-street vehicle parking and loading space shall comply with the provisions of Section 3.19.00 of this Ordinance. However, vehicle parking shall be allowed only in side or rear yards of Industrial zoned property.

C. Fire Lane:

- i. A clear and unobstructed drive, at least 14 feet wide, for the access of fire-fighting equipment shall be kept open in side or rear yards.

ARTICLE IX. LAND USE DISTRICTS (cont'd)

9.05.05 YARDS AND FENCES

Every building hereafter erected, altered or moved upon Industrial zoned premises shall be provided with yards having no less than the following minimum sizes:

A. Front Yard:

- i. Front yards shall include an open area of not less than one hundred and fifty (150) feet measured from the centerline of the abutting highway, street or road. However, where there are existing buildings within fifty (50) feet of the sidelines of the parcel of land upon which the building is to be located, the front yard space may be reduced to the average of such buildings. Front yards shall be ornamentally landscaped. (Upon comparison of the applicant's site plan and elevations to the character of the neighboring architecture, uses, setback, etc., the Village Council (acting in lieu of a Board of Appeals) may vary the setback requirements).

B. Side Yard:

- i. There shall be two (2) side yards, each of which shall not be less than fifty (50) feet in width except where a side property line adjoins a railroad right-of-way in which case, so no side yard will be required along such lot line.

C. Rear Yard:

- i. There shall be a rear yard of not less than fifty (50) feet in depth except where the property line adjoins a railroad right-of-way, in which case no rear yard will be required.

9.05.06 FENCES AND BUFFERS

Where Industrial property abuts any other use district, the side yard shall be at least seventy-five (75) feet in width and shall include a green strip at least fifteen (15) feet wide and an isolation barrier at least eight (8) feet high. Such barrier shall consist of coniferous trees and may be supplemented by additional ornamental foliage. The total height of the isolation barrier may include a berm.

9.05.07 BUILDING FLOOR AREA

Every Industrial building hereafter erected, altered or moved upon Industrial premises shall contain not less than two thousand (2000) feet of ground floor area.

9.05.08 BUILDING HEIGHT

Buildings and structures shall not exceed a height of thirty-five (35) feet or two and one-half (2 1/2) stories except when a variance for a greater height is approved by the Village Council (acting in lieu of a Board of Appeals) after a public hearing, and taking into consideration the fire fighting capabilities of the Village or neighboring fire fighting facilities.

9.05.09 ACCESSORY BUILDINGS

Accessory buildings shall comply with all setback (yard) requirements.

ARTICLE X.
AMENDMENTS

10.00.00 AMENDMENTS GENERALLY

10.00.01 The Village Council may from time to time, on recommendation of committee or on petition, amend, supplement, or change the district boundaries or the regulations of this Ordinance. Such action shall be pursuant to and in accordance with the provisions of Act 207 of the Public Acts of 1921 as amended.

10.00.02 Prior to any amendments to this Ordinance a public hearing shall be conducted by the Village Council (acting in lieu of a Planning Commission), notification of which shall be sent to all affected parties, including railroads and public utilities as provided below.

10.00.03 Applications for amendment shall be submitted by the property owner seeking such change or by his legally authorized representative as provided below.

10.00.04 Applications shall be made to the Village Clerk on forms provided and shall be accompanied by a nonrefundable fee annually set by Council to cover cost of publication and other charges.

10.00.05 All applications shall be referred to the Zoning Administrator and Village Council zoning committee for review at least two weeks prior to public hearings conducted by the Village Council (acting in lieu of a Planning Commission).

10.01.00 AMENDMENT PROCEDURE

10.01.01 INITIATION OF AMENDMENTS

Amendments to this ordinance may originate:

- A. From the Village Council by resolution of the majority of their respective members.
- B. By written petition of the owner of the land affected and/or
- C. By written petition signed by no less than sixty (60) percent of the owners of property located in the Village of Peck and within fifteen hundred (1500) feet of all boundaries of all property to be rezoned, and filed with the Village Clerk. Such petition shall include the address of each signer and the location of his property in the Village.

10.01.02 COUNCIL/PLANNING COMMISSION PROCEDURES

Each proposed amendment shall be referred to the Village Council (acting in lieu of a Planning Commission) for its consideration pursuant to the applicable provisions of Section 4 of Act 207 of 1921 (MSA 5.2934).

10.01.03 AMENDMENT HEARINGS

- A. The Village Council (acting in lieu of a Planning Commission) shall hold at least one public hearing on the proposed amendment.

- B. Not less than fifteen (15) days before the hearing, the date, time and place of the hearing shall be:
 - i. Published in a local newspaper and
 - ii. Sent by written notice to each public utility and railroad servicing the Village and
 - iii. If district rezoning is contemplated, then sent by written notice to the affected land owner (and all those within 300 feet of the property proposed for rezoning) and
 - iv. If district rezoning is contemplated, then posted on the affected parcels for not less than 15 days prior to the hearing.
 - v. Affidavits of posting, mailing and publication shall be maintained by the Village Clerk.
- C. Hearing(s) shall be conducted under the Open Meetings Act (1976 PA 267) and may be recessed or adjourned as necessary for a thorough and equitable investigation and recommendation. (Any interested person shall be permitted to address the Council/Commission on the issue within the limits uniformly applied).
- D. The Council/Commission shall prepare a summary of the comments submitted at the public hearing and shall review that summary, along with any reports from the Zoning Administrator and/or Council Zoning Committee, at a subsequent meeting of the Village Council.

10.01.04 **ADOPTION**

Upon subsequent review of the hearing summary and any additional reports and/or recommendations, the Village Council, with or without holding its another public hearing, may reject or adopt the amendment, with or without changes, pursuant to Section 4 Act 207 of 1921 (MSA 5.2934).

10.01.05 **NOTICE OF ADOPTION**

Following adoption of a zoning ordinance amendment, at least one (1) notice shall be published in a newspaper of general circulation in the Village within 15 days after adoption. The notice shall contain the following information:

- A. A summary of the regulatory effect of the amendment or the text of the amendment.
- B. The geographic area affected.
- C. The effective date of the amendment.
- D. The time and place where a copy of the ordinance may be purchased or inspected.

10.01.06 **RECORD OF PROCEEDINGS**

The Village Clerk shall record the ordinance, notices, proofs of service and proofs of publication.

ARTICLE XI.
VIOLATIONS AND PENALTIES

11.00.00 VIOLATIONS

Any building or structure, which is erected, altered, maintained or used, and any use of land which is begun, maintained or changed in violation of any provisions of this Ordinance is hereby declared to be a nuisance per se.

11.01.00 PENALTIES

11.01.01 The violation of any of the provisions of this ordinance is hereby declared a civil infraction.

11.01.02 Unless otherwise designated, an offense shall be considered as 1st offense, Grade A Civil Infraction.

11.01.03 Each and every day during which an illegal construction, alteration, maintenance or use continues shall be deemed a separate offense. However, correction of the violation and payment of a Civil Infraction citation within 14 days of issuance shall be considered a single day violation. The infraction shall be considered paid when payment is received by the Village Clerk.

11.01.04 Denial of responsibility or failure to accept responsibility for the Civil Infraction will result in the Civil Prosecution.

11.01.05 Any person, firm, corporation, or other organization which violates, disobeys, omits, neglects, or refuses to comply with or resists the enforcement of any provision, shall be responsible for a Civil Infraction and daily penalties as set in the Annual Fee Resolution.

11.01.06 Land Use Permits issued after the commencement of construction shall require payment of double fees.

11.01.07 The imposition of any penalties shall not exempt the offender from compliance with the provisions of this Ordinance and/or enforcement.

11.02.00 PROSECUTION

Prosecution as above noted may be initiated upon a complaint signed by the Zoning Administrator, Village President, and member of the Village Council or any attorney retained for this purpose by the Village Council.

11.03.00 COURT ACTION

The Village Council, the Board of Appeals, the Planning Commission or the Zoning Administrator may request the Village attorney to institute collection, injunction, mandamus, abatement or any other appropriate action or proceedings to enforce the Civil Infraction and/or prevent, enjoin, abate, or remove any said unlawful construction, alteration, maintenance or use.

ARTICLE XI. VIOLATIONS AND PENALTIES (cont'd)

The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

11.04.00 COSTS AND ATTORNEY FEES

The defendant found culpable in any civil or criminal action shall be responsible for all actual court costs, attorney fees, expert witness fees and any other expenditures incurred by the Village in the prosecution of this Ordinance.

ARTICLE XII.
VALIDITY

12.00.00 VALIDITY

12.00.01 This Ordinance and the various articles, sections, paragraphs, and clauses are hereby declared to be severable.

12.00.02 If any article, section, paragraph or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

12.01.00 REPEAL

All other previously adopted Ordinances or parts of Ordinances in conflict with this Ordinance shall, to the extent of such conflict, be considered repealed at such time as this Ordinance becomes legally effective.

12.02.00 INTERPRETATION

In interpreting the provisions of this Ordinance, they shall be considered the minimum requirements to preserve public safety, health, convenience, comfort, morals, prosperity, and general welfare of the community as a whole.

12.03.00 APPLICATION

In applying the provisions of this Ordinance, it is not intended to interfere with, abrogate or annul any Ordinances, rules, regulations, or permits previously adopted or issued that are not in conflict with the provisions of this Ordinance provided, however, that where the provisions of this Ordinance impose greater restrictions than is required by existing Ordinances, rules, control; nor is it intended by this Ordinance to interfere, abrogate or annul any easements, covenants of agreements between parties provided, however, that where this Ordinance imposes a greater restriction upon the use of land or structures that such easements, covenants, or agreements than the provisions of this Ordinance shall control.

**VILLAGE OF PECK,
SANILAC COUNTY, MICHIGAN**

**Notice of Adoption
of Zoning Ordinance**

A Zoning Ordinance regulating the development and use of land has been adopted by the Village Council of the Village of Peck on the 13th day of April, 1985.

This Ordinance shall take effect immediately. Copies of the Zoning Ordinance of the Village of Peck may be purchased or inspected at the office of the Village Clerk during regular office hours or by contacting the Village Clerk at the address stated below.

-LOWELL KUSSROW
Clerk
VILLAGE OF PECK
30 E. Lapeer Street
Peck, Michigan 48466
(313) 378-5505
(313) 378-5473

PROOF OF PUBLICATION

PRINTED IN SANILAC COUNTY

State of Michigan

The Probate Court for the County of Sanilac

In the Matter of the Estate of ZONING ORDINANCE

_____ , ~~Deceased~~
COUNTY OF SANILAC) ss. [Signature]

being duly sworn, says: I am the EDITOR
printer of [Signature] Brown City Banner
a newspaper printed and circulated in said
County. The annexed is a printed copy of a notice which was published in said paper on the following dates to-wit:

4-22 A.D. 1985 _____ A.D. 19____
_____ A.D. 19____ _____ A.D. 19____

Subscribed and sworn to before me this 22
day of April A.D. 1985.

Beverly Wood
Notary Public, Sanilac County, Michigan.
My Commission expires BEVERLY WOOD 19
Notary Public, Sanilac County, MI
My Comm Expires March 6, 1988

ARTICLE XIII.
ENACTMENT AND EFFECTIVE DATE

13.000 ENACTMENT AND EFFECTIVE DATE

The provisions of the Ordinance are hereby declared to be necessary for the preservation of the public peace, health, safety, welfare and moral well-being of the people of the Village of Peck and are hereby ordered to be effective as of the date- April 13, 1985.

Motion by: Longuski

Second by: Lendon

Ayes: 6

Nays: 0

/s/ _____
John L. Cook
Village President
Village of Peck

I, Lowell Kussrow, the Village Clerk of Peck, do hereby certify that this Ordinance was adopted by the Village Council at a meeting of the Village Council held at the Village Hall on the 13th day of April, 1985.

I do further certify that the Zoning Map and other information approved as a part of this Ordinance are on file in the Village Hall and may be examined at any reasonable time.

Dated: 13 April, 1985

/s/ _____
Lowell Kussrow
Village Clerk
Village of Peck

I do hereby certify that the required Notice of Zoning Ordinance Hearing was published on March 18, 1985 in the Brown City Banner and the Notice of Adoption was published in the Brown City Banner on April 22, 1985.

/s/ _____
Lowell Kussrow
Village Clerk
Village of Peck

SCHEDULE OF CAPITAL SERVICE CHARGES BASED ON WATER METER CAPACITY.

The following schedule shall be used as the basis for determining water and sewer connections fees in lieu of the schedule of sanitary use factors.

The ratings are based on manufacturer's rated maximum flows for positive displacement meters. Copies of the ratings are on file at the Village office. Any meters larger than those listed shall be computed proportionate to its capacity.

Meters of three inch and larger are also available in Turbine types with much higher rated capacities. If Turbine meters are required their rated maximum capacity shall be used accordingly, against the multiplier.

WATER MULTIPLIER \$600.00

Meter Size	GPM Capacity	Multiplier	Capital Charge
5/8 inch	20 GPM	1.0	\$660.00
3/4 inch	30 GPM	1.5	\$990.00
1 inch	50 GPM	2.5	\$1,650.00
1 1/2 inch	100 GPM	5.0	\$3,300.00
2 inch	160 GPM	8.0	\$5,280.00
3 inch	320 GPM	16.0	\$10,560.00

SEWER MULTIPLIER \$1,200.00

Meter Size	GPM Capacity	Multiplier	Capital Charge
5/8 inch	20 GPM	1.0	\$1,200.00
3/4 inch	30 GPM	1.5	\$1,800.00
1 inch	50 GPM	2.5	\$3,000.00
1 1/2 inch	100 GPM	5.0	\$6,000.00
2 inch	160 GPM	8.0	\$9,600.00
3 inch	320 GPM	16.0	\$19,200.00

The above charges are for new users buying into the system. Money received from these charges is to be used for future replacement and expansion of the systems.

All line sizing and meter sizing should be approved by the water department and the minimum size for uses other than Residential should be a minimum size of one inch. If engineering calculations are necessary to determine size it shall be at the expense of the property owner. All single, duplex, mobile home or multiple dwellings shall be computed at the multiplier of one for each dwelling unit.

Unless otherwise approved by Council meter sizing shall be comparable to line size.

RECEIVED MAY 17 1991

ARTICLE 2
AMENDMENTS
10.100 AMENDMENTS
Law Office of J. Anthony Sykora

Attorney at Law
Six North Elk Street
Sandusky, Michigan 48471
Tx (313) 648-4414
Fx (313) 648-3403

May 16, 1991

Ms. Jean Burns
Administrative Clerk
Village of Peck
30 E. Lapeer
Peck, MI 48466

RE: Zoning District Changes

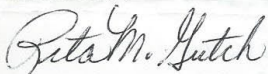
Dear Jean:

Per our telephone conversation of Wednesday, May 15, 1991, this letter is to confirm that the Village of Peck must hold a public hearing before making any changes to the Village of Peck Ordinance Code. This includes any changes to the zoning districts on the official map, regardless of whether the intended change is from Commercial to Industrial or Commercial to Agricultural-Residential.

According to the Village of Peck Ordinance Code, Sections 10.100 , 10.110 and 10.221 a, b and c (a copy of which is hereto attached), "The Village Council may.....amend, supplement or change the district boundaries.....Prior to any amendments to this Ordinance a public hearing shall be conducted....." I have also included a copy of MSA 5.2934 (3) & (4) which are Michigan Statutes pertaining to the holding of a public hearing for any contemplated rezoning.

I hope this clears up any confusion there might have been on this matter. If there are any questions pertaining to this information, please do not hesitate to contact the office.

Sincerely,



Rita M. Gutch
Legal Secretary to J. Anthony Sykora

RMG/rg

Enclosures

J. Anthony Sykora

ATTORNEY AT LAW
SIX NORTH ELK STREET
SANDUSKY, MI 48471
(313) 648-3403



November 6, 1987

RECEIVED NOV 13 1987
RECEIVED NOV 13 1987

Mr. Lowell Kussrow, Clerk
Village of Peck
30 E. Lapeer Street
Peck, MI 48466

Lowell:

This will confirm our telephone conversation at about 1:30 P.M. on Tuesday the 3rd of November, 1987 regarding liability for repaving private asphalt drives constructed on the road right of way.

It would be my opinion that the Village should not accept responsibility for original or subsequent construction of any portion of paved driveway which connect a paved street to private property.

There are many theories to support this position but basically, the Village has the right to authorize or prohibit the construction of a sidewalk or driveway. If for one reason or another the sidewalk or driveway must be replaced (because of deterioration of the original surface or for access to and repair of structures beneath the surface) all or a portion of that cost may be imposed upon the contiguous property owner. At the time of the repairs or reconstruction, the council can decide to pay a portion of the repair costs, but the citizen who improved his property by crossing a right of way must be aware that financial assistance is not assured.

Thus, if anybody wants to connect their residence to the street with a paved or improved drive, they should be allowed to do so on the assumption that any extra resurfacing costs will be their responsibility.

Very truly yours,

Tony Sykora

J. Anthony Sykora
Peck Village Attorney

JAS/dsp