

Village Code

Village of Central Lake

Antrim County, Michigan

Adopted April 14, 2003

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The Village of Central Lake Code

CHAPTER 1 – VILLAGE ADMINISTRATION

1.1 RELATIVE TO MEETINGS OF THE VILLAGE COUNCIL AND DUTIES OF OFFICERS AND COMMITTEES.

THE VILLAGE OF CENTRAL LAKE ORDAINS:

- (1) The regular meeting of the President and Council of the Village of Central Lake shall be held on the second Monday of each month.
- (2) The meeting of the Council shall be governed by the generally approved parliamentary rules.
- (3) The regular order of business shall be as follows:
 - A. Reading of the minutes of the last meeting.
 - B. Presentation of petitions, communications and accounts
 - C. Report of Committees and Officers.
 - D. General business, motions, resolutions and notices, which order of business may be considered in order as the President may direct or be referred to a committee by a majority vote of the Council present at each meeting.
- (4) It shall be the duty of the President, when present, to preside at all meetings of the Council, to preserve order, determine and decide all questions of order, and, in the absence of the Clerk, to appoint a clerk pro-tem.
- (5) At the first regular meeting of the Council after each annual election, the President shall, by and with the consent of the Council, appoint a President Pro-Tem, a Street Administrator, and such other officers as the Council may, from time to time provide for by Ordinance.
- (6) The President, at the first regular meeting, shall appoint standing Committees as follows:
 - A committee of Finance and Personnel
 - A committee on Streets, Side and Crosswalks
 - A committee on Lights and Water
 - A committee on Permits and Sewer
 - A committee on Parks and public Property
 - A committee on Law EnforcementCommittees shall not consist of less than three members.
- (7) It shall be the duty of each Trustee to attend all meetings of the Council, unless absent from the Village or unable to attend. Members of the Council shall vote on all questions unless excused by the Council.
- (8) All reports of Committees shall be in writing and signed by a majority of the Committee and filed in the Clerk's office.
- (9) The Clerk shall keep the Corporate Seal and official bonds, documents, files and records of the Village not entrusted by law or Village Ordinance to some other officer. The Clerk shall draw and sign all orders for money on the Village Treasurer and perform all duties required of him or her by Act No.3, Chapter No. 4, Sections No. 5,6,7,and 8 of the Public Acts of Michigan, being an Act to provide for the incorporation of Villages within the State of Michigan, approved and adopted February 19, A.D. 1895.
- (10) Master Penalty Provision. Unless a different penalty is expressly provided in a specific Chapter or Section of this Code, any person who shall violate any provision of this Code shall be responsible for a municipal infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five hundred and 00/100

(\$500.00) Dollars. Each day this Code is violated shall be considered as a separate violation. The Village Code enforcement Officer is hereby designated as the authorized Village official to issue municipal infraction citations directing alleged violators of this Code to appear in court. Any action taken under this Section shall not prevent civil proceedings for abatement or termination of the prohibited activity. 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 penalties reenacted in the amendatory ordinance.

- (11) Designation of Village Code Enforcement Officer. For purposes of enforcement of this Code, the following offices are designated as Village Code Enforcement Officers: Village President, Chief of Village Police Department, Village Police Officer. The Council may appoint additional Village Code Enforcement Officers at its discretion by resolution.

1.2 Relative to Competitive Bids. The Village of Central Lake Ordains; that any purchase in excess of Twenty Five Hundred and 00/100 (\$2500.00) Dollars for whatever purpose shall be accomplished by the taking of not less than three (3) competitive bids. Local suppliers may be given preference in acceptance of bids.

1.3 Relative to Terms. In accordance with Chapter 11, Section 5, Paragraph 3 of the General Law Village Charter of 1895, as amended 1973 P.A. 148, the Village of Central Lake, Michigan, hereby ordains; that the term of office for Village Trustees be for a term of four (4) years effective at the 1982 village election.

It is further hereby ordained that for implementation of this change:

- (1) The term of the incumbent trustee whose term would expire in 1981 be extended for one year, thus terminating in 1982.
- (2) At the 1982 election, three trustees be elected for a two (2) year term to expire in 1984.
- (3) After the 1982 biennial election that three trustees be elected for four (4) years terms at each subsequent biennial election.

1.4 Compensation of President and Trustees The Village of Central Lake hereby ordains:

- (1)The manner and method of compensation for the Village President and Trustees shall be determined by the General Appropriations Act to be passed by the Village Council for each fiscal year.
- (3) Disbursements of Compensations
 - A. Compensation to the President and Trustees is to be made at the end of the fiscal year.
- (4)Effective Date
 - A. This Ordinance shall become effective as of February 13, 2006. The above Ordinance is in compliance with the General Law Village Charter, Act 3 of 1895, as amended July 10, 1998 – MCL 64.21 Section 21.

1.5 AN ORDINANCE TO PROVIDE FOR THE NOMINATION BY THE VILLAGE PRESIDENT AND APPOINTMENT BY THE VILLAGE COUNCIL OF THE VILLAGE CLERK AND TREASURER.

THE VILLAGE OF CENTRAL LAKE ORDAINS:

- (1) Appointment of Clerk and Treasurer. Pursuant to MCLA 62.1(3), the position of “Clerk” and “Treasurer” shall be filled as follows:
 - A. Upon vacancy of office or upon expiration of an appointed term, the Village President shall nominate a person to serve as Village Clerk and as Village Treasurer.
 - B. Following this appointment, at a public meeting, the Village Council, by a majority of a quorum of its members, shall approve the appointment by the Village President for the position of Clerk and Treasurer
- (2) Effective Date. This Ordinance shall take effect forty five (45) days after the date adopted by the Village Council unless a petition signed by not less than 10 (10%) percent of the registered electors of the Village is filed with the Village Clerk within said forty five (45) day period, in which case, the Ordinance takes effect upon approval at an election on the question. Notice of the delayed effect of this Ordinance and the right to petition pursuant to MCLA 62.1(4) shall be published separately at the same time and in the same manner as this Ordinance is published.
- (3) Severability. If any article, section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the Village intends said portion to be disregarded, reduced and/or revised so as to be recognized to the fullest extent possible by law. The Village further states that it would have passed and adopted what remains of this Ordinance following the removal, reduction or revision of any portion so found to be invalid or unconstitutional.

CHAPTER 2 – UTILITIES

2.1 The Village of Central Lake Ordains:

The following terms and conditions of Water service, rules, regulations and rates are effective 07/10/2000.

- (1) All applications for use of Village water and connections to Village water mains shall be made at the office of the Village Treasurer/Clerk.
- (2) Applications shall state in full detail the purpose for which the supply is required, the correct address, lot number or numbers or any other information required. A water contract shall be signed at the time the applicant applies for water service.
- (3) Where water service is requested and no water main is now available, such mains will be extended only upon payment of the complete cost by the party requesting such extension and by approval of the Village Council. Water mains can be extended at the Village's expense if it is to the Village's advantage. Such extensions shall be made by the Village or under its direct supervision and shall thereafter become village property, the Village assuming all responsibility thereafter for its maintenance.
- (4) On all paved streets where water main is under pavements and it is necessary to break same in order to tap the main and make service pipe connections, a charge for the cost of repairs shall be made in addition to the regular service charge.
- (5) All service connections and service pipes from the Village main to lot lines shall be installed by properly authorized employees of the Water Department. All connections shall conform to the specifications of the A.W.W.A. standard. Before receiving a service connection, there must be paid such sums as the Water Commission shall require covering the expense of installing same.
- (6) No person, other than proper employees of the Village of Central Lake, shall open or close any valves in the main nor molest nor interfere with any valve or valve box cover.
- (7) Each dwelling, place of business or water user must have a separate connection to the main. No connections shall be taken off service lines ahead of the water meter. All service pipes from property line to meter must be exposed at each end for inspection by the Water Department before connection to the main is made.
- (8) Each water account number shall be furnished with a meter. Where a large meter is required, the applicant/property owner shall pay the difference in cost. Where multiple units are supplied by one service, each unit shall have a base minimum rate billed to the property owner.
- (9) The owner of any premises where a meter is installed shall be held responsible for its care.
- (10) Rates, fees and late charges:
 - A. The fee for a new service shall be \$500.00. In some locations, extra costs for labor and material are involved and shall be charged to the applicant.
 - B. Meters Two (2) inches and under are \$96.00 per year or \$24.00 per quarter and receive 5,000 gallons per quarter. A fee of \$.75 is charged for each additional 1,000 gallons.
 - C. Meters over Two (2) inches are \$200.00 per year or \$50.00 per quarter and receive 5,000 gallons per quarter. A fee of \$.75 is charged for each additional 1,000 gallons.
 - D. One water turn on and turn off are allowed per calendar year at no additional cost per service. Each additional turn on/ turn off will be charged at a rate of \$20.00 per visit.
 - E. Meters shall be read in January, April, July and October unless weather prohibits.

- F. Users shall be billed four times yearly – February 1st, April 1st, July 1st and November 1st. There shall be a service charge of ten percent (10%) of the unpaid amount to all water accounts not paid on or before the due date.
 - G. Property owners are responsible for payment of any water usage beyond the village curb stop (shut off valve). Property owners shall notify the Water Department in the event of a change of ownership.
- (11) The owners of any premises outside the village limits of Central Lake, but supplied by water service shall pay \$60.00 per year plus the regular usage rate.
 - (12) Where meters are not registering at the time of the reading, the water usage shall be based on the previous twelve months' usage and billed accordingly.
 - (13) If there is evidence of meter tampering or disconnection, water usage shall be based on the previous twelve months' usage.
 - (14) When a property comes under new ownership, it is the responsibility of the new owner to notify the village office of the change. Failure to do so will result in a notice being posted on the door of the residence or other building(s) having utility service(s). If the owner of the property, or the owner's representative, does not respond to the notice within 30 days, the water will be shut off, a \$20 turn-off fee will be charged, and the water will not be turned on again until an additional \$20 turn-on fee is paid.

2.2 Relative to Cross Connections

- (1) The Village of Central Lake adopts, by reference, the water supply cross connection rules of the Michigan Department of Public Health, being R325.431 to R325.440 of the Michigan Administrative Code.
- (2) That it shall be the duty of the Village of Central Lake to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the Village of Central Lake and as approved by the Michigan Department of Public Health.
- (3) That the representative of the Village of Central Lake shall have the right to enter, at any reasonable time, any property served by a connection to the public water supply system of the Village of Central Lake, for the purpose of inspecting the piping system or systems thereof for cross connections. On request, the owner, lessees or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information, or refusal of access when requested, could be deemed evidence of the presence of cross connections.
- (4) That the Village of Central Lake is hereby authorized and directed to discontinue water service, after reasonable notice, to any property wherein any connections are in violation of this ordinance, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross connection has been eliminated in compliance with the provisions of this ordinance.
- (5) That the potable water supply made available on the properties served by the public water supply shall be protected from possible contamination, as specified by this ordinance, and by the State and Village or Township plumbing code. Any water outlet which could be used for potable or domestic purpose, and which is not supplied by the potable system, must be labeled in a conspicuous manner as: Water Unsafe for Drinking
- (6) That this ordinance does not supercede the State Plumbing Code and Village or Township Plumbing Ordinance, but is supplementary to them.
- (7) That any person or customer found guilty of violating any of the provisions of the ordinance, or any written order of the Village of Central Lake, in pursuance thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a

fine of not less than \$25.00 nor more than \$100.00 for each violation. Each day upon which a violation of the provisions of this act shall occur shall be deemed a separate and additional violation for the purpose of this ordinance.

2.21 WATER SUPPLY CROSS-CONNECTION RULES, DEPARTMENT OF PUBLIC HEALTH, BUREAU OF ENVIRONMENTAL HEALTH

Filed with the Secretary of State, April 4, 1972. These rules take effect 15 days after filing with the Secretary of State.

(By authority conferred on the Department of Public Health by sections 3,6,10 of Act No.98 of the Public Acts of 1913, as amended, and sections 9 and 427 of Act No. 380 of the Public Acts of 1965, as amended, being sections 325.203, 325.210, 16.109 and 16.527 of the Compiled Laws of 1948.)

R 325.431 Definitions B and C

Rule 1. (1) "Backflow" means water of questionable quality, wastes or other contaminants entering a public water supply system due to a reversal of flow.

(2) "Cross-Connection" means a connection or arrangement of piping or appurtenances through which a backflow could occur.

R 325.432 Definitions S and W

Rule 2. (1) "Safe air gap" means 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 2 times the inside diameter of the water inlet pipe; but shall not be less than 1 inch and need not be more than 12 inches.

(2) "Secondary water supply" means 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 requirements of Act No. 98 of the Public Acts of 1913, as amended, being sections 325.201 to 325.214 of the Compiled Laws of 1948, or water from a public water supply which in any way has been treated, processed or exposed to any possible contaminant or stored in other than an approved storage facility.

(3) "Submerged inlet" means a water pipe or extension thereto from a public supply terminating in a tank, vessel, fixture or appliance which may contain water of questionable quality, waste or other contaminant and which is unprotected against backflow.

(4) "Water utility" means a governmental unit, municipal or private corporation, association, partnership or individual engaged in furnishing water to the public for household or drinking purposes.

R 325.433 Compliance with regulations and local codes.

Rule 3. A connection with a public water supply system shall comply with existing laws, ordinances and rule including:

(a) Act No. 266 of the Public Acts of 1929, as amended, being sections 338.901 to 338.917 of the

Compiled Laws of 1948.

(b) Local ordinances or rules providing acceptable protections against cross-connections.

R325.434 Cross-connections prohibited.

Rule 4. (1) A cross-connection shall not be made between a public water supply system and a secondary water supply.

(2) A cross-connection shall not be made by submerged inlet.

(3) A cross-connection shall not be made between a public water supply and piping which may contain sanitary waste or a chemical contaminant.

(4) A cross-connection shall not be made between a public water supply system and piping immersed in a tank or vessel which may contain a contaminant.

R325.435 Local cross-connection control programs.

Rule 5. (1) A water utility shall develop a comprehensive control program for the elimination and prevention of all cross-connections. The plan for the program shall be submitted to the Department of Public Health for review and approval within one year after the effective date of these rules. When the plan is approved, the water utility shall implement the program for removal of all existing cross-connections.

(2) The program shall include but not be limited to:

(a) A complete description of the method of administering the program, including the designation of inspection and enforcement agency or agencies. The local authority for implementation of the program shall be indicated, preferably by ordinance.

(b) A time schedule for inspection and re-inspection of all water utility customers' premises for possible cross-connections. The periodic re-inspection shall be used to ascertain whether or not safe air gaps or required protective devices are in place and in working order.

(c) A description of the methods and devices (as approved by the Department of Public Health) used to protect the public water supply.

R 325.436 Corrections and protective devices. (As approved by the Department)

Rule 6. (1) A user of public water shall obtain written approval by the water utility or authorized inspection agency of any proposed corrective action or protective device before using or installing same.

(2) The total time allowed for completion of the necessary corrections shall be contingent upon the degree of hazard involved and include the time required to obtain and install equipment. If the cross-connection has not been removed, after a reasonable period of time, the utility shall physically separate the public water supply from the onsite piping system in such a manner that the 2 systems cannot again be connected by any unauthorized person.

(3) A water utility shall report annually to the Department of Public Health on the status of the cross-connection control program on a form provided by the Department.

R 325.437 Piping Identification.

Rule 7. When a secondary water source is used in addition to a public water supply system, exposed public water and secondary water piping shall be identified by distinguishing colors or tags and so maintained that each pipe may be traced readily in its entirety. If piping is so installed that it is impossible to trace in its entirety, it will be necessary to protect the public water supply at the service in a manner acceptable to the Department of Public Health.

R 325.438 Private water storage tanks.

Rule 8. A private water storage tank supplied from a public water supply system shall be deemed a secondary water supply unless it is designed and approved for potable water usage.

R 325.440 Rescission

Rule 10. The regulations entitled "Protection of Potable Water Supplies in Instances Where Private Supplies are Employed for Any Purpose Whatsoever," being R325.441 to R325.447 of the Michigan Administrative Code and appearing on pages 2257 to 2259 of the 1954 volume of the Code, are rescinded. Motion by Pletcher, supported by Stickles. Carried.

2.22 Inaccurate Meters. A consumer may require that the meter be tested. If the meter is found accurate, a charge as established by resolution of the Village Council shall be made. If the meter is found defective, a new meter will be installed and no charge will be made.

2.23 Lawn Sprinkling. The Superintendent of the Department, subject to approval by the Village President, may regulate, limit or prohibit the use of water for any purpose. Such regulations shall restrict less essential water uses to the extent deemed necessary to assure an adequate supply of water for essential domestic and commercial needs and for fire protection. No such regulation, limitation or prohibition shall be effective until twenty-four (24) hours after publication of such regulation, limitation or prohibition, either in a newspaper of general circulation in the Village or posting in three (3) places within the Village. Any person who shall violate any provision of this Section shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$550.00) Dollars. Each day this Section is violated shall be considered as a separate violation. The Village Code Enforcement Officer is hereby designated as the authorized Village official to issue municipal civil infraction citations directing alleged violators of this Section to appear in court.

2.3 An Ordinance regulating the use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the Village of Central Lake sewage system, and providing penalties for violations thereof, in the Village of Central Lake, County of Antrim, State of Michigan.

Be it ordained and enacted by the Village Council of the Village of Central Lake, Antrim County, State of Michigan, as follows;

ARTICLE I: Definitions:

- (1) "Village" shall mean the Village of Central Lake acting through the Village Council or its authorized agents.
- (2) "Inspector" shall mean any person or persons authorized by the Village to inspect and approve the installation of building sewers and their connection to the public sewer system.
- (3) "Step system" shall mean a septic tank into which a building sewer directly discharges and shall be considered a part of the public sewer. STEP System shall include the effluent pumping system for those premises requiring a pump to connect to the system.
- (4) "Operator" shall mean the agent of the Village designated as being responsible for the operation of the sewage treatment works or public sewers.
- (5) "Owner" shall mean a property owner desiring or required to connect to a public sewer.
- (6) "Premises" shall mean any land or improvement to land registered as a separate parcel or lot on the tax or real estate records or having a separate street number, postal box number or apartment or unit number.
- (7) "Public sewer" shall mean the Village of Central Lake Sewage Disposal System and shall consist of facilities located in publicly owned areas or easement and the STEP System.
- (8) "Building Sewer" shall mean the buried piping between the building and the STEP System.

ARTICLE II: Use of the Public Sewers Required:

- (1) It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the Village of Central Lake any human excrement, garbage or other objectionable waste.

- (2) It shall be unlawful to discharge to any natural outlet within the Village any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
- (3) The owner of all premises used for human occupancy, employment, recreation or other purposes from which sewage is likely to be discharged, situated within the Village and abutting on any street, alley or right of way which is within the service area of the Village of Central Lake Sewage Disposal System is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance within twelve months after date of official notice to do so, provided that any part of said public sewer is within two hundred (200) feet of the structure within which such facilities are located.
- (4) Upon connection to the public sewer, any private sewage disposal facilities not part of the public sewer, such as septic tanks, dry wells or cesspools, shall be abandoned and filled with suitable materials.

ARTICLE III: Building Sewers, STEP System and Connections:

- (1) No person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Village.
- (2) The owner or his agent shall secure an installation permit for the STEP System from the Village. A permit and inspection fee, as set by the resolution of the Village Council, shall be paid at the time the permit is requested.
- (3) All costs and expenses incident to the installation and connection of the building sewer and the septic tank and effluent pumping system (STEP) as part of the public sewer shall be borne by the owner. The owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewers or STEP System.
- (4) Existing building sewers and septic tanks may be used only when they are found on examination and test by the inspector or his representative, to meet all requirements of this Ordinance.
- (5) The size, slope, alignment, material or construction of a building sewer and the STEP System, and the methods to be used in excavating, placing of the pipe, wet wall, pumping controls and jointing, testing and backfilling, shall conform to the requirements of the building and plumbing code of the Village or other applicable rules and regulations of the Village. In the absence of code provisions or in amplification thereof, the American Society for Testing Materials (A.S.T.M.) and the Water Pollution Control Federation (W.P.C.F.) Manual of Practices No. 9 shall all apply.
- (6) No person shall make connection of roof downspouts, exterior 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 sewer.
- (7) The connection of the building sewer and the STEP System into the rest of the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village, or the procedures set forth in appropriate specifications, which shall require that the connections shall be made gas-tight and water-tight. Any deviation from the prescribed procedures and materials must be approved by the Inspector, or his representative, before installation.
- (8) The applicant for the connection permit shall notify the Village when the building sewer and STEP System are ready for inspection and connection as part of the public

sewer. The connection shall be made under the supervision of the inspector, or his representative.

- (9) All excavating for building sewer and STEP System installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Street, sidewalks, parkway and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village.
- (10) No connection will be allowed unless there is capacity available in downstream sewers, pump station, interceptors force mains and treatment plant, including capacity for B.O.D. and suspended solids in the treatment plant.

ARTICLE IV: Use of the Public Sewers:

- (1) No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff or subsurface drainage to any public sewer.
- (2) No person shall discharge waters or wastes containing substances which clog or damage the STEP System, the collection system or the sewage treatment facility. Such substances include, but are not limited to, the following: improperly shredded garbage (greater than ½ inch in size), insoluble solid or viscous substance such as sand, straw, metal shavings, glass, tar, feathers, plastics, wood, hair, fleshings, grease, oil, wax or clothing.

ARTICLE V: Protection from Damage:

- (1) No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the public sewer.

ARTICLE VI: Powers and Authority of Inspectors:

- (1) The Inspector, Operator and other duly authorized employees or agents of the Village, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of operating and maintaining the STEP Units and for inspection, observations, measurement, sampling and testing in accordance with the provisions of this Ordinance.

ARTICLE VII: Conditions of Service:

- (1) At the time of original construction, the Village shall install the collecting sewers and the STEP System to be constructed on premises within the initial service area of the public sewer system.
- (2) At the time of connection to the sewer, the owner shall install, at his expense, in strict accordance with the Village regulations and specifications, the building sewer to the STEP System. The owner shall maintain, at his expense, the building sewer. If an effluent pumping unit is necessary for connection to the system, the owner shall also provide power for the pump and pay power costs for operating the pump. The Village shall have right of access to the STEP System and service lead for purposes of operation and maintenance.
- (3) The owner of any premises connecting to the system after the original construction or not charged initially on the Sewer Special Assessment Roll shall install, at his expense, in strict accordance with Village regulations and specifications, the building sewer to the STEP System, the STEP System and the service lead and stub connecting to the sewer, together with all appurtenances. At the time of connection to the collection system, the STEP System and service lead shall become part of the public sewer and shall be operated, maintained and replaced, if necessary, by the Village.
- (4) The Village shall, in no event, be held responsible for claims made against it by reason of the breaking of any mains or service laterals, or by reason of

any other interruption of the service caused by breaking of machinery, stoppages or necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.

- (5) The premises receiving sanitary sewer service shall, at all reasonable hours, be subject to inspection by duly authorized personnel of the Village.
- (6) The Village Council may, by resolution, expand the initial service area and extend the sewer system, provided the premises in the new service area shall be subject to the charges specified herein.

ARTICLE VIII: Charges and Rates:

- (1) Owners of premises within the service area of the Village of Central Lake Sewage Disposal System on the effective date of this Ordinance shall pay charges for the construction, use and benefit of the sewage disposal system which shall be computed at the following rates and shall be charged as follows:

- (a) Trunkage fee: A trunkage fee of \$920.00 per unit.
- (b) Availability fee: An availability fee of \$975.00 per connection.
- (c) Service stub charge: A service stub charge of \$150.00 per stub for each service stub provided to such premises as part of the new construction.

The charges shall escalate at a rate of \$50.00 per year for the trunkage fee and \$50.00 per year for the availability fee commencing on January 1, 1988, provided the maximum charges shall not exceed the amount listed below:

Trunkage Charge: \$1420.00
Availability Charge \$1475.00

- (2) The owners of premises listed on the Village of Central Lake Sewer Special Assessment Roll shall be given a credit against the charges specified in Section 1 equal to the amount levied on the roll.
- (3) Any premises which are directly served by the original construction of the Village of Central Lake Sewer Disposal System, but was not included on the Special Assessment Roll, which is hereinafter connected to the system shall pay the actual cost of installing the service stub and STEP System and shall pay the trunkage fee and availability specified in Section 2.38, No.1 in cash at the time of connection, provided, however, that a credit of \$175.00 shall be given against the availability fee for installation of the septic tank and, for those premises requiring an effluent pump for connection to the system, an additional credit of \$800.00 shall be given against the availability fee.
- (4) Any premises which in the future are connected to the system through extensions from the original construction shall pay the actual cost of constructing the extensions, service stubs and STEP Systems and shall pay the trunkage fee specified in Sec. 2.38, No.1 in cash at the time of connection.
- (5) During the period of construction of the original system, owners subject to trunkage or availability fees pursuant to Sec. 2.38, No. 3 and 4, may elect in writing to have the charges paid on an installment basis and shall then pay the charges in the same manner as all other properties listed on the Sewer Special Assessment Roll provided that the owner shall pay in cash, at the time of the written request, all installments already paid on the rolls in the amount which would have been charged if the property was listed on the original roll.
- (6) The term "unit" shall represent the quantity of sanitary sewage ordinarily arising from the occupancy of a residential building by a single family of

ordinary size. The number of units to be assigned to any premises in the Village shall be determined by the Village Council based on available studies and actual operating experience. The Village may, if the circumstances justify, assign more than one unit to a dwelling occupied by a single family. No less than one unit shall be assigned to each premises, and for purposes of computing the trunkage fee, fractions of units in excess of one may be computed and assigned to the nearest hundredth. Once any premises has been connected and assigned one or more units, subsequent changes in the character or the use or type of occupancy of said premises (including destruction, removal or abandonment of any or all improvements thereon) shall not abate the obligation to continue the payment of the charges to said premises for the number of units assigned to said premises, as hereinafter provided. If subsequent changes in the character of the use or type of occupancy of such premises at any time increase the amount of sanitary sewage originating from the premises, the Village Council shall increase the number of units assigned to said premises and thereupon the appropriate fees chargeable to such premises shall be increased at the unit rates specified in Sec.2.38 (subject to the escalation clauses as therein provided) which increased fee shall be payable in cash as of the date any construction or other permit is issued by the Village for an improvement which will result in such change in the character of use or type of occupancy, or if no permit is issued or required, as of the date such change in the character of use or occupancy occurs.

- (7) Each person connected to the system shall pay a service charge of \$8.00 per month, per unit. The rate of such service charge, including the amount thereof allocable to debt service, may be amended from time to time by the Village Council to reflect changes in the actual cost of operating, maintaining and administering the system, or to permit the Village to comply with any obligations, limitations or conditions contained in any agreement between the Village, or any other entity pertaining to the operation, maintenance and administration of the public sewer system. The service charges are payable quarterly in advance. The first such quarterly charge for each premise shall be due and payable on the first day of the established billing period following by at least one month the date when such premises are connected to the system, and successive charges shall be due and payable on the first day of each succeeding billing period. Service charges shall be billed at least one month before their due date.
- (8) Any trunkage fee, availability fee or service stub charge not paid on or before the due date, as hereinafter provided, shall draw interest at the rate of one percent (1%) per month until paid.
- (9) There shall be added to any service charges for sewage disposal service not paid on or before the due date, as hereinafter provided, a penalty of ten percent (10%) of the unpaid amount, and the unpaid balance shall also draw interest at the rate of one percent (1%) per month.
- (10) Charges imposed on any premises for the use and benefit of the system and for sewage disposal services furnished by the system, including any trunkage fee, availability fee, service stub charge and service charged imposed on such premises under the provisions of this ordinance, shall be a lien thereon as of the date such charges become due and payable, and on the 1st of June of each year, the Village Treasurer shall certify any unpaid charges which have been delinquent sixty (60) days or more, together with penalties and interest

accrued thereon to the Village Council which shall cause such delinquent amount to be entered upon the next Village tax roll against the premises in respect of which such unpaid charges have been imposed, and such delinquent amount shall be collected and said lien shall be enforced in the same manner as provided in respect to taxes assessed upon such roll.

ARTICLE IX: Penalties:

- (1) Any person convicted of a violation of any provision of this Ordinance shall be punished by a fine of not more than \$500.00 or by imprisonment for a period not to exceed ninety (90) days. A violation of this Ordinance is also declared to be a public nuisance and the Village may enforce same by injunction or other remedy, including the right to correct the violation and bill the owner or person in charge of the premises therefore. The bill may be collected in the same manner as Sewer Use Charges levied against the premises.
- (2) Any individual violating any of the provisions of this Ordinance, which results in fines or penalties being levied against the Village, shall become liable for said fine or penalty, plus any expenses, loss or damage occasioned by such violation. This fine or penalty, plus expenses, would be levied in addition to the fine identified in 2.38, NO. 1, and may be collected in the same manner as Sewer Use Charges levied against the premises.

ARTICLE X: Validity:

- (1) All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- (2) The validity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance, which can be given effect without such invalid part or parts.

ARTICLE XI: Ordinance in Force:

- (1) This Ordinance shall be in full force and effect from and after its passage, approval, recording and publication provided by law.
Made and passed by the Village Council of Central Lake, County of Antrim, Michigan this 22nd day of June, 1987.

AMENDED January 11, 1988

ARTICLE VIII: Charges and Rates:

- (1) Monthly service charge: Customers paying on a gravity system will pay \$8.00 per unit, per month and customers served by an individual pumping system shall pay \$7.50 per unit, per month.

AMENDED November 11, 1997

ARTICLE IX of the Village of Central Lake Ordinance is hereby amended to read in its entirety as follows:

- (1) A violation of this ordinance is deemed to be a nuisance per se and is hereby further declared to be offensive to the public health, safety and welfare. Nothing in this ordinance shall prohibit the Village from seeking injunctive relief to abate a nuisance or continuing violation of this ordinance.
- (2) Any person who shall violate any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Each day this Ordinance is violated shall be considered as a separate violation.

2.4 AN ORDINANCE PROHIBITING THE INSTALLATION OF DRINKING WATER SUPPLY WELLS ON ALL PROPERTY IN THE RESTRICTED AREA IN AND AROUND THE PATH OF WASTEWATER EFFLUENT FROM THE WASTEWATER TREATMENT FACILITY WITHIN THE VILLAGE LIMITS, IN THE VILLAGE OF CENTRAL LAKE, COUNTY OF ANTRIM, STATE OF MICHIGAN.

Be it ordained and enacted by the Village Council of the Village of Central Lake, Antrim County, State of Michigan, as follows;

ARTICLE I: Definitions:

- Sec. 1. "Village" shall mean the Village of Central Lake acting through the Village Council or its authorized agents.
- Sec. 2. "Restricted Area" shall mean all property within the Village limits, westerly of Hanley Lake and north of the centerline of Cedar Street, identified in exhibit A.
- Sec. 3. "Owner" shall mean all persons owning property in the affected area.
- Sec. 4 "Drinking Water" shall mean any water that is used for consumption.
- Sec. 5. "Drinking Water Supply Well" shall mean any well that is drilled, driven or dug for the production and use of drinking water.
- Sec 6. "Public Water" shall mean the Village of Central Lake Water System.
- Sec. 7. "Wastewater Treatment Facility" shall mean the Village of Central Lake Wastewater Treatment Facility.
- Sec. 8. "Premises" shall mean any land or improvement to land registered as a separate parcel or lot on the tax or real estate records or having a separate street number, postal box number, apartment number or unit number.

ARTICLE II: Use of Public Water Required:

- Sec. 1. It shall be unlawful for any person to install or operate a Drinking Water Supply Well in the Restricted Area within the Village limits of the Village of Central Lake.
- Sec. 2. Groundwater in the Restricted Area, east and northeast of the Wastewater Treatment Facility, may not be usable as Drinking Water for human consumption.
- Sec. 3. The Owner or his agent shall secure a written installation permit from the Village prior to connection to Public Water.

ARTICLE III: Penalties:

- Sec. 1. A violation of this Ordinance is declared to be a public safety hazard. The Village may enforce the same by injunction or other remedy, including the right to correct the violation and bill the owner or person in charge of the premises therefore.
- Sec. 2. Any group or individual violating any of the provisions of this Ordinance, which results in fines or penalties being levied against the Village, shall become liable for said fines or penalties, plus any expenses, loss or damage occasioned by such violation.

ARTICLE IV: Validity:

- Sec. 1. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- Sec. 2. This invalidity of any section, clause, sentence or provision of the Ordinance shall not affect the validity of any other part of this Ordinance, which can be given effect without such invalid part or parts.

ARTICLE V: Ordinance in Force:

- Sec. 1. This Ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

Made and passed by the Village Council of the Village of Central Lake, County of Antrim, Michigan this 12th day of March, 2001.

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

The VILLAGE OF CENTRAL LAKE ORDAINS:

Sec. No. 1 GRANT TERM: That wherever the word "Grantee" appears in the Ordinance, it is hereby intended to designate, and shall be held to refer to the Consumers Power Company, a Michigan corporation, its successors and assigns. The right, power and authority is hereby granted and vested in said Grantee to construct, maintain and commercially use electric lines, consisting of towers, masts, poles, cross arms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys bridges and other public places, and to do electric business in the Village of Central Lake, Antrim County, Michigan, for a period of thirty years.

Sec. No.2 CONSIDERATION: In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

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

Sec. No. 4 HOLD HARMLESS: The Grantee shall at all times keep and save the Village free and harmless from all loss, costs and damage to which it may be subject by reason of the negligent construction and maintenance of the towers, masts, poles, wires and other structures and appliances, the erection, burial and maintenance of which are hereby authorized.

Sec. No. 5 RATES: The Grantee shall be entitled to charge the inhabitants of said Village for electric energy for light, heat and power, the rates as approved by the Michigan Public Service Commission. Said rate shall be subject to review and change at any time by the Michigan Public Service Commission or its successors, upon proper application by wither said Grantee or the Village, acting by the Village Council, being made thereto, and the regularly filed rate as approved by said Michigan Public Service Commission or its successors, as applicable to said Village of Central Lake, shall at all times be the lawful rates. All bills for electric energy shall be payable monthly. The Grantee may collect the minimum charge as specified in said schedule. It shall also furnish and maintain commercially accurate meters to measure the energy furnished. Shall Grantee shall, at all reasonable times, have access to the premises of its customers for the purpose of reading, inspecting removing and replacing such meters.

Sec. No. 6 FRANCHISE NOT EXCLUSIVE: The rights, power and authority herein granted, are not exclusive.

Sec. No. 7: REVOCATION: The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

Sec. No 8: MICHIGAN PUBLIC SERVICE COMMISSION, JURISDICTION: Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and

remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to electric service in said Village.

Sec. No. 9: EFFECTIVE DATE: This ordinance shall take effect immediately after the date of publication thereof, provided however, it shall cease and be of no effect after thirty days from its adoption, unless within said period the Grantee shall accept the same in writing filed with the Village Clerk. Upon the acceptance and publication thereof, this ordinance shall constitute a contract between said Village and said Grantee. We hereby certify that the foregoing ordinance was duly enacted by the Village Council of the Village of Central Lake, Antrim County, Michigan, on the 26th day of October 1987.

2.6 MICHIGAN CONSOLIDATED GAS FRANCHISE ORDINANCE

AN ORDINANCE, granting to MICHIGAN CONSOLIDATED GAS COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges and other public rights of way and to do a local gas business in the VILLAGE OF CENTRAL LAKE, ANTRIM COUNTY, MICHIGAN for a period of thirty years.

THE VILLAGE OF CENTRAL LAKE ORDAINS:

Sec. 1 Grant of Gas Franchise and Consent to Laying of Pipes, Etc. Subject to all the terms and conditions mentioned in this ordinance, consent is hereby given to Michigan Consolidated Gas Company, a corporation organized under the laws of the State of Michigan (the "Company"), and to its successors and assigns, to lay, maintain, operate and use gas pipes, mains, conductors, service pipes and other necessary equipment in the highways, streets, alleys and other public rights of way in the Village of Central Lake, Antrim County, Michigan, and a franchise is hereby granted to the Company, its successors and assigns, to transact local business in said Village of Central Lake for the purposes of conveying gas into and through and supplying and selling gas in said Village of Central Lake and in all other matters incidental thereto.

Sec.2 Gas Service and Extension of System. If the provisions and conditions herein contained are accepted by the Company, as in Section 6 herein provided, then the Company shall furnish gas to applicants residing therein in accordance with applicable rules and regulations; and provided further that such initial installations shall be subject to the Main Extension provisions, the Area Expansion Program provisions (if and where applicable), and other applicable provisions now or from time to time hereafter contained in the Company's Rules and Regulations for Gas Service as filed with the Michigan Public Service Commission or successor agency having similar jurisdiction.

Sec. 3 Use of Streets and Other Public Places. The Company, its successors and assigns, shall not unnecessarily obstruct the passage of any of the highways, streets, alleys or other public places within said Village of Central Lake and shall within a reasonable time after making an opening or excavation, repair the same and leave it in as good condition as before the opening or excavation was made. The Company, its successors and assigns, shall use due care in exercising the privileges herein contained and shall be liable to said Village for all damages and costs which may be recovered against said Village arising from the default, carelessness or negligence of the Company or its officers, agents and servants.

No road, street, alley or highway shall be opened for the laying of trunk lines or lateral mains except upon application to the Highway Commission or the Village Council, or other authority having jurisdiction in the premises, stating the nature of the proposed work and the route. Upon receipt of such application, it shall be the duty of the Highway Commissioner or the Village Council, or other such authority as may have jurisdiction, to issue a permit to the Company to do the work proposed.

Sec. 4 Regulations and Rates. The Company is now under the jurisdiction of the Michigan Public Service Commission to the extent provided by the statute; and the rates to be charged

for gas, and the standards and conditions of service and operation hereunder, shall be the same as set forth in the Company's schedule of rules, regulations and rates as applicable in the several cities, villages and townships in which the Company is now rendering gas service, or as hereafter shall be validly prescribed for the Village of Central Lake under the orders, rules and regulations of the Michigan Public Service Commission or other authority having jurisdiction in the premises.

Sec. 5 Successors and Assigns. The words "Michigan consolidated Gas Company" and "the Company", whenever used herein, are intended and shall be held and construed to mean and include both Michigan Consolidated Gas Company and its successors and assigns, whether expressed or not.

Sec. 6 Effective Date: Terms of Franchise Ordinance; Acceptance by Company. This ordinance shall take effect the day following the publication thereof, which publication shall be made within fifteen (15) days after the date of its adoption, and shall continue in effect for a period of thirty (30) years thereafter, subject to revocation at the will of the Village of Central Lake at any time during said thirty (30) year period; provided, however, that when this ordinance shall become effective, the Village Clerk shall deliver to the Company a certified copy of the ordinance accompanied by written evidence of publication and recording thereof as required by law, and the Company shall, sixty (60) days after receipt of the above documents, file with the Village Clerk its written acceptance of the conditions and provisions hereof.

Sec 7 Effect and Interpretation of Ordinance. All ordinances and resolutions, and parts thereof, which conflict with any of the terms of this ordinance are hereby rescinded. In the case of conflict between this ordinance and any such ordinances or resolutions, this ordinance shall control. The catch line headings which precede each Section of this ordinance are for convenience in reference only and shall not be taken into consideration in the construction or interpretation of any of the provisions of this ordinance.

2.7 To Provide Cable Television in Central Lake The Village of Central Lake does hereby grant to Great Lakes Cable Company, with its principal office in Elk Rapids, Michigan, the right, franchise and authority to construct, operate, repair, replace and maintain a community antenna television system in the Village of Central Lake, Antrim County, Michigan, for a period of fifteen (15) years from the date hereof.

A complete copy of the Franchise Agreement is on file at the Village Clerk's office.

VILLAGE OF CENTRAL LAKE
Ordinance No. 1 of 2008

AN ORDINANCE TO AMEND CHAPTER 2, SECTION 2.1 OF THE VILLAGE OF CENTRAL LAKE CODE

THE VILLAGE OF CENTRAL LAKE ORDAINS:

Section 1. Amendment of Chapter 2, Subsection 2.1(10).

Chapter 2, Subsection 2.1(10) of the Village of Central Lake Code is hereby amended to read in its entirety as follows:

- (10) Rates, fees and late charges:
- A. The Village Council shall from time to time establish by separate resolution the fees to be charged for new water service, water meters, rates for water usage, and the fees and rates for other services performed under this Chapter.
 - B. One voluntary water turn on and turn off is allowed per calendar year at no additional cost for service. Each additional turn on/turn off shall be charged at a rate determined by resolution of the Village Council.
 - C. Meters shall be read in January, April, July and October unless weather prohibits.
 - D. Users shall be billed four times yearly – the first working day in February, May, August and November. There shall be a service charge of ten percent (10 %) of the unpaid amount to all water accounts not paid on or before the due date. The due dates shall be March 1st, June 1st, September 1st and December 1st.
 - E. The charges and rates for water services authorized under the provisions of Section 21 of Act 94 of the Public Acts of 1933, as amended, shall constitute a lien on all premises served thereby whenever any such charges or rates shall be delinquent for six (6) months or more, unless notice is given that a tenant is responsible for the payment of all such charges and rates. On June 1st of each year, the Village Treasurer shall certify the fact of such delinquency, together with penalties and interest accrued thereon to the Village Council which shall cause such delinquent amount to be entered upon the next Village tax roll against the premises in respect of which such unpaid charges have been imposed, and shall be collected and the lien thereof enforced in the same manner as general taxes against such premises; provided, however, where notice is given that a tenant is responsible for such charges and service as provided by Section 21 of Act 94 of the Public Acts of 1933, as amended, no further service shall be rendered to such premises until a cash deposit in an amount approved by resolution of the Village Council shall have been made as security for payment of such charges and service.
 - F. In addition, the Village shall have the right to shut off water service to any user for whom charges for water service are one month delinquent or when any connection is found to be in violation of any provision of this chapter. Before shutting off water service, the Village Treasurer shall send written notice by first class mail of the Village's intent to terminate water service to the owner of the premises served or to the tenant in possession where a notice is given that the tenant is responsible for such charges and service. If the water service is shut off pursuant to this subsection, such service shall not be reestablished until all delinquent charges and penalties and a turn on charge, to be specified by resolution of the Village Council, have been paid or the unlawful connection is eliminated. Further, the Village may recover such charges and penalties by court action.

- G. Property owners are responsible for payment of any water usage beyond the Village curb stop (shutoff valve). Property owners shall notify the Water Department in the event of a change of ownership.

Section 2. Amendment of Chapter 2, Subsection 2.1(14).

Chapter 2, Subsection 2.1(14) of the Village of Central Lake Code is hereby amended to read in its entirety as follows:

- (14) When a property comes under new ownership, it is the responsibility of the new owner to notify the Village office of the change. Failure to do so will result in a notice being posted on the door of the residence or other building(s) having utility service(s). If the owner of the property, or the owner's representative, does not respond to the notice within 30 days, the water service shall be shut off, a turn off fee, as determined by resolution of the Village Council, shall be charged, and the water service shall not be turned on again until a turn on fee, as determined by resolution of the Village Council, is paid.

Section 3. Amendment of Chapter 2, Subsection 2.1

Chapter 2, Subsection 2.1 of the Village of Central Lake Code is hereby amended to add a new subsection (15), which shall read in its entirety as follows:

- (15) Authorized employees of the Village shall have the right to enter at all reasonable hours upon any property connected to the waterworks system for the purpose of reading water meters.

Section 4. Severability.

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any remaining portions or application of this Ordinance, which can be given effect without the invalid portion or application.

Section 5. Effective Date.

This ordinance shall be effective the day after its publication in newspaper of general circulation within the Village.

VILLAGE OF CENTRAL LAKE

By: _____

By: _____

Drafted by:
Brian Graham
Young, Grahm, Elsenheimer and Wendling, P.C.
104 E. Forest Home
P.O. Box 398
Bellaire, Michigan 49615

CHAPTER 3 - SIDEWALKS

3.1 Definitions. The following definitions shall apply in the interpretation of this Chapter:

- (a) "Sidewalk" shall mean the portion of the street right-of-way designed for pedestrian travel.
- (b) "Superintendent" shall mean the Village Street Administrator.
- (c) "Council" shall mean the Village Council of the Village of Central Lake.

3.2 Specifications and Permits. No person shall construct, rebuild or repair any sidewalk except in accordance with the line, grade, slope and specifications established for such sidewalk nor without first obtaining permission from the Council or a designated representative of the Council.

3.3 Sidewalk Specifications. All sidewalks constructed within the Village shall be not less than four (4") inches in thickness, except sidewalks across driveways, which shall be not less than six (6") inches in thickness. All sidewalk joints shall be constructed using expansion paper.

3.4 Permit Revocation. The Superintendent may issue a stop work order to any person or business entity holding a permit issued under the terms of this Chapter for failure to comply with this Chapter or the rules, regulations, plans and specifications established for the construction, rebuilding or repair of any sidewalk, and the issuance of such stop order shall be deemed a suspension of such permit. Such stop order shall be effective until the next regular meeting of the Village Council, and if confirmed by the Council at its next regular meeting, such stop order shall be permanent and shall constitute a revocation of the permit.

3.5 Approval of Specifications. The line, grade, slope and width of sidewalks and specifications as to materials and manner of construction not in conflict with this Chapter shall be established by the Superintendent, and where, under the following sections of this Chapter, the Council orders the construction of any sidewalk, then the Council shall also, by resolution, specify the line, grade, slope, width, materials and manner of construction for the sidewalk ordered built.

3.6 Ordering Construction. The Village Council may, by resolution, require the owners of lots and premises to build sidewalks in the public streets adjacent to and abutting upon such lots and premises. When such resolution shall be adopted, the Superintendent or other representative of the Village shall give notice to the owner of such lot or premises requiring the owner to construct or rebuild such sidewalk within twenty (20) days from the date of such notice. Such notice may be made by delivering the notice to the owner personally or by leaving the same at the owner's residence, office or place of business with some person of suitable age and discretion, or by mailing said notice by certified mail to such owner at the owner's last known address, or if the owner cannot be found, by posting a notice in a conspicuous place on the premises for five (5) days.

3.7 Sidewalk Maintenance. No person through his or her act or omission shall permit any sidewalk within the Village which adjoins property owned by him or her to fall into a state of disrepair or to be unsafe.

3.8 Sidewalk Repair. Whenever the Council shall determine that a sidewalk is unsafe for use as a result of Section 7, notice may be given to the owner of the lot or premises adjacent to and abutting upon said sidewalk of such determination. The notice shall be given as provided in Section 6. Thereafter, it shall be the duty of the owner to place said sidewalk in a safe condition. Such notice shall specify a reasonable time for the owner to perform the required repair.

3.9 Sidewalk Alteration. No person shall alter or change a sidewalk within the Village unless he or she shall obtain the prior written consent of the Council.

3.10 Village Policy. The Village Council by resolution may set the contribution, if any, which would be made by the Village for sidewalk repair or construction.

3.11 Repair or Construction by the Village. If a person shall fail to abide by notice issued pursuant to Section 6 or section 8 of this Chapter, the Village may elect to perform the work itself. The expense of any such work may be assessed against the premises as permitted by state law or the Village Charter.

3.12 Penalty/Civil Infraction. Any person who shall violate any provision of this Chapter shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/00 (\$500.00) Dollars. Each day this Chapter is violated shall be considered as a separate violation.

3.13 Enforcement. The Village Code Enforcement Officer is hereby designated as the authorized Village official to issue municipal infraction citations directing alleged violators of this Chapter to appear in court.

3.14 Nuisance. A violation of this Chapter is hereby declared to be a public nuisance or a nuisance per se and is declared to be offensive to the public health, safety and welfare.

3.15 Injunctive Relief. The Village shall have the right to institute a separate court action seeking injunctive relief to abate the nuisance. This remedy may be used in addition to or in lieu of a civil infraction proceeding.

3.16 Validity. If any section, provision or clause of this Chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any remaining portions or application of this Chapter which can be given without the invalid portion or application.

CHAPTER 4 – PUBLIC BUILDINGS, GROUNDS AND PARKS

4.1 Village Ownership and Sale of Public Property. The Village may acquire, purchase and erect such public buildings as may be required for the use of the Village, and may purchase, appropriate and own such real estate as may be necessary for public grounds, parks, markets, public buildings and other purposes necessary or convenient for the public good. Such buildings and grounds, or any part thereof, may be sold at public or private sale or may be leased, as the Village may require. However, a public park shall not be sold without the consent of a majority of the qualified electors of the Village.

4.2 Severability. If any section, provision or clause of this Chapter or the application thereof to any person or circumstance shall be invalid, such invalidity shall not affect any remaining portion or application of this Chapter which can be given effect without the invalid portion or application.

CHAPTER 5 – LAND DIVISION

5.1 Purpose. The purpose of this Chapter is to carry out the provisions of the Land Division Act (Act 288 of the Public Acts of 1967, as amended, (formerly known as the Subdivision Control Act), to prevent the creation of lots and parcels that do not comply with applicable Village of Central Lake Ordinances, to minimize potential boundary disputes, to maintain the orderly development of the Village and to otherwise protect the public health, safety and welfare of the residents and the present and future property owners of the Village of Central Lake. This shall be accomplished by regulating the division of existing lots and parcels and the property transfer between two (2) or more adjacent lots or parcels. It is further the purpose of this Chapter to prescribe the procedures for the submission and review of proposed lot and parcel divisions and property transfers, to authorize fees for the review of applications submitted under this Chapter, and to provide penalties for violations of this Chapter.

5.2 Definitions. As used in this Chapter,

- (a) “Accessible” in reference to a lot or parcel means that the lot or parcel meets one (1) or both of the following requirements:
 - 1. Has an area where a driveway provides vehicular access to an existing road or street and meets all applicable location standards of the state transportation department or county road commission under Act 200 of the Public Acts of 1969, as amended, or has an area where a driveway can [provide vehicular access to an existing road or street and can meet all such applicable location standards.
 - 2. Is served by an existing easement that provides vehicular access to an existing road or street and meets all applicable location standards under Act 200 of 1969, as amended, and can be served by a proposed easement that will provide vehicular access to an existing road or street and that will meet all such applicable location standards.
- (b) “Applicant” means an owner of a lot or parcel of land, or his or her designee.
- (c) “Convey” or “Conveyance” means a transfer of an ownership interest in real property.
- (d) “Development site” means any lot, parcel or tract of land on which exists or which is intended for building development other than the following:
 - 1. Agricultural use involving the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops and field crops; dairy and dairy products; poultry and poultry products; livestock including breeding and grazing of cattle, swine and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities.
 - 2. Forestry use involving the planting, management or harvesting of timber.
- (e) “Divide” or “Division” means the partitioning or splitting of a lot, parcel or tract of land by the owner for the purpose of sale, lease for more than one (1) year, building development, or the creation of separate lots parcels or tracts of land on the tax roll that results in one (1) or more lots or parcels of less than forty (40) acres or the equivalent. “Divide” or “Division” does not include a property transfer between two (2) or more adjacent lots or parcels, if the property taken from one (1) lot or parcel is added to an adjacent lot or parcel; and any resulting lot or parcel shall not be considered a building site unless the lot or parcel conforms to the requirements of the

Land Division Act, being Act No.288 of the Public Acts of 1967, as amended, the Village of Central Lake Zoning Ordinance, as amended and this Chapter.

- (f) “Exempt split” means the partitioning or splitting of a lot, parcel or tract of land by the owner that does not result in one (1) or more lots or parcels of less than forty (40) acres or the equivalent. For a property transfer between two (2) or more adjacent lots or parcels, if the property taken from one (1) lot or parcel is added to an adjacent lot or parcel, any resulting lot or parcel shall not be considered a building site unless the lot or parcel conforms to the requirement of the Land Division Act, being Act No. 288 of the public Acts of 1967, as amended, the Village of Central Lake Zoning Ordinance, as amended, and this Chapter.
- (g) “Forty (40) acres or the equivalent” means forty (40) acres, a quarter-quarter section containing not less than thirty (30) acres, or a government lot containing not less than thirty (30) acres.
- (h) “Land” means all land areas occupied by real property, except the submerged bottomlands of inland lakes, rivers and streams.
- (i) “Lot” means a measured portion of a parcel or tract of land which is described and fixed in a recorded plat. A lot’s legal description is referred to as Lot (#) of the Plat of (Name of Plat).
- (j) “Metes and bounds” means a description of land by boundary lines with their terminal points and angles.
- (k) “Owner” means a person holding any legal, equitable, option or contract interest in a lot or parcel of land.
- (l) “Parcel” means a continuous area or acreage of land of any size, shape or nature which is described by metes and bounds.
- (m) “Parent parcel” means first a tract of land lawfully in existence on March 31, 1997, if one exists in connection with a proposed division, or, if one does not exist, a parcel lawfully in existence on March 31, 1997.
- (n) “Person” means an individual, firm, corporation, association, partnership, estate, trust, limited liability company or other legal entity.
- (o) “Plat” or “Recorded plat” means a map or chart of a subdivision of land created pursuant to the Land Division Act of 1967, being Act 288 of the Public Acts of 1967, as amended, or predecessor statutes to this act.
- (p) “Property transfer” means a transfer of property between two (2) or more adjacent lots or parcels, if the property taken from one (1) lot or parcel is added to an adjacent lot or parcel and is all resulting lots or parcels conform to the requirements of the Land Division Act, being Act 288 of the Public Acts of 1967, as amended, the Village of Central Lake Zoning Ordinance, as amended, and this Chapter. If the property transferred does not independently conform to the requirements of the Land Division Act, being Act 288 of the Public Acts of 1967, as amended, the Village of Central Lake Zoning Ordinances, as amended, and this Chapter, then it shall not be considered a development site, but may only be used in conjunction with the lot or parcel to which it was transferred.
- (q) “Tract of Land” means two (2) or more parcels that share a common property line and are under the same ownership.
- (r) “Village Council: means the Village Council for the Village of Central Lake.
- (s) “Village Code Enforcement Officer” means the Village of Central Lake Village Code Enforcement Officer.

5.3 Approval of Land Divisions or Property Transfers Required; Establishment of Exempt Splits.

- (a) The owner of a lot, parcel or tract of land shall not divide or effect a property transfer involving, or cause any person to divide or effect a property transfer involving, that

lot, parcel or tract of land except as provided in this Chapter, unless the division or property transfer is approved as part of a subdivision plat at the time of plat approval under the Land Division Act of 1967, being Act 288 of the Public Acts of 1967, as amended, the division or property transfer is part of a condominium project developed under the Condominium Act, being Act 59 of the public Acts of 1978, as amended, or the division or property transfer is done pursuant to an order of a court of competent jurisdiction.

- (b) The owner of a lot, parcel or tract of land claiming an exempt split as defined in Section 2(f) of this Chapter shall submit to the Village Code Enforcement Officer either a survey map of the land claimed to be an exempt split prepared pursuant to the survey map requirements of Act 132 of the Public Acts of 1970, as amended, certified by a land surveyor licensed by the State of Michigan, or other clear evidence documenting that the proposed exempt split of a parcel or tract of land will not result in one (1) or more parcels of less than forty (40) acres or the equivalent. In addition, the owner of a lot, parcel or tract of land claiming an exempt split shall submit to the Village Code Enforcement Officer documentation that each new lot, parcel or tract of land resulting from the proposed exempt split has or can have a driveway or easement that provides vehicular access to an existing road or street. If the Village Code Enforcement Officer finds that the proposed division is an exempt split and that each new lot, parcel or tract of land that will result from the division is accessible, then no further action under this Chapter shall be required. If the Village Code Enforcement Officer finds that the proposed division is either not an exempt split or that each new lot, parcel or tract of land that will result from the division is not accessible, then he or she shall give the owner written reasons for his or her decision. In that event the owner shall be required to proceed under Section 4 of this chapter to obtain approval of the proposed division. If the owner disagrees with the Village Code Enforcement Officer's decision, the owner can submit revised information to the Village Code Enforcement Officer or appeal the Village Code Enforcement Officer's decision to the Village Council pursuant to Section 7 of this Chapter.
- (c) In addition, an exempt split or other partitioning or splitting of a parcel or tract of land that only results in parcels of twenty (20) acres or more in size is not subject to approval under this Chapter if the parcel or tract of land being partitioned or split is not accessible and was in existence on March 31, 1997 or resulted from an exempt split or a partitioning or splitting under Section 10+b of the Land Division Act, as amended.

5.4 Procedure for Division or Property Transfer. The following procedure shall be followed to divide a lot, parcel or tract of land or to effect a property transfer:

- (a) Because of the many requirements that must be met to obtain approval to divide a lot, parcel or tract of land, or to effect a property transfer, an Applicant may request an informal meeting with the Village Code Enforcement Officer to discuss the application procedures prior to submitting a formal application under Section 4(b) of this Chapter. At this informal meeting, the Applicant and the Village Code Enforcement Officer shall review the proposed division or property transfer, discuss the information that must be submitted with the application, and review the standards the Village Council will use to render its decision on the application.
- (b) When formal approval of a division or property transfer is desired, the Applicant shall submit an application for that approval to the Village Code Enforcement Officer on a form supplied by the Village for that Purpose. The Application shall include, but not be limited to the following:

1. Proof of ownership of the lot, parcel or tract of land to be divided or of the lots or parcel involved in a property transfer.
2. The names and addresses of all persons having an interest in the lot, parcel or tract of land to be divided, or of the lots or parcels involved in a property transfer and a statement of the type of interest each holds.
3. A brief statement as to the purpose of the proposed division or property transfer and whether the lots, parcels or tracts of land that will result from the division or property transfer will be used for residential (single family, multi family, etc.), commercial or manufacturing purposes.
4. The history of the prior divisions of the parent parcel from which the Applicant's parcel or tract of land came and proof that the Applicant holds the right to divide the parcel or tract of land proposed for division.
5. A survey map of the land proposed to be divided or the land involved in the property transfer prepared pursuant to the survey map requirements of Act 132 of the Public Acts of 1970, as amended, certified by a land surveyor licensed by the State of Michigan and depicting the dimensions of the lot, parcel or tract of land to be divided, or the lots or parcels involved in a property transfer, the dimensions of the lots, parcels or tracts of land that will result from the division or property transfer, the location of all current easements on the lot, parcel or tract of land to be divided or on the lots or parcels involved in a property transfer, and the location of all proposed easements on the lots, parcels or tract of land that will result from the division or property transfer. The easements required by this subsection shall include both utility easements and ingress/egress easements. The survey shall also depict all building and structures on the lot, parcel or tract of land to be divided, or on the lots or parcels involved in a property transfer and the distances between these building and structures and the original property lines of the lot, parcel or tract of land to be divided, or the lots or parcels involved in a property transfer and shall depict the distances between these buildings and structures and the property lines of the lots, parcels or tracts of land that will result from the division or property transfer.
6. A map showing the location of the lot, parcel or tract of land to be divided, or the lots or parcels involved in a property transfer within the Village.
7. Legal description, certified by a land surveyor licensed by the State of Michigan, of the lots, parcels or tracts of land that will result from the division or property transfer.
8. A duly executed instrument of conveyance (deed, land contract, lease, etc.) suitable in form for recording at the Antrim County Register of Deeds Office which the Applicant intends to use to document these lots, parcels or tracts of land that will result from the division or property transfer. If the grantor intends to convey the rights to future divisions of the parcel being conveyed, the deed or land contract shall contain the following statement as required by the Land Division Act, as amended: "The grantor grants to the grantee the right to make (insert number) division(s) under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967." Finally, for all deeds and land contracts of unplatted land shall contain the following statement as required by the Land Division Act, as amended: "This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors and other associated conditions may be used and are protected by the Michigan Right to Farm Act."
9. If the lot, parcel or tract of land that will result from the division or property transfer will be a development site, then the Applicant shall submit

documentation that each such resulting lot, parcel or tract of land has or can have a driveway or easement that provides vehicular access to an existing road or street. In addition, the Applicant shall submit evidence establishing adequate easements for public utilities from each such resulting lot, parcel or tract of land to existing public utility facilities.

10. Such other documentation that the Village Code Enforcement Officer may require relating to the application.
- (c) The application shall be accompanied by an application fee as established and set forth in a Village fee schedule. This fee schedule shall also establish “after the fact” fees that must be paid when an otherwise lawful division or property transfer occurs but without first complying with the procedural requirements of this Chapter. This “after the fact” fee is not intended to be a penalty, but shall consist of the normal application fee plus an amount equal to the legal and administrative costs incurred by the Village as a result of the Applicant’s failure to initially comply with the requirements of this Chapter.
 - (d) After receiving the application and the information required in subsection 4(b) above, the Village Code Enforcement Officer shall make a decision on the application. The Village Code Enforcement Officer shall decide whether to approve a proposed division or property transfer within forty-five (45) days after all the information required in subsection 4(b) above is given to the Village Code Enforcement Officer. If the Applicant fails to provide all the information required in subsection 4(b) above, then the application shall be deemed incomplete and may be denied on that basis. The Village Code Enforcement Officer’s decision to approve the division or property transfer shall be made pursuant to the standards contained in Section 5 of this Chapter. If the Village Code Enforcement Officer fails to grant approval of a proposed division or property transfer, written reasons for its decision shall be given to the Applicant. The Applicant shall then have the option of resubmitting information for approval to the Village Code Enforcement Officer or appealing the decision to Village Council.
 - (e) If the Village Council approves a proposed division or property transfer, then the Village Code Enforcement Officer shall send a letter indicating such approval to the Applicant with copies to the President of the Village of Central Lake, the Village of Central Lake Assessor, the Village of Central Lake Village Council and the Antrim County Register of Deeds. This letter shall contain the following statement: “The Village of Central Lake, its officers and employees are not liable if a building permit is not issued pursuant to Section 109a of the Land Division Act, as amended, for a parcel less than one (1) acre in size that resulted from an approved division under the Village of Central Lake Division Chapter.” The copy of this letter shall be retained by the Village Council in its official records.
 - (f) Because zoning requirements may change over time, any approval for an application for a division or property transfer by the Village Council under Section 4(d) above shall expire and a new approval required after ninety (90) days from the date of the approval, unless the Applicant records in the Antrim County Register of Deeds Office an instrument(s) of conveyance documenting the division or property transfer and files a copy of that recorded instrument(s) with the Village Code Enforcement Officer.

5.5 Standards for Approval of Divisions or Property Transfers. An application to divide a lot, parcel or tract of land, or to effect a property transfer shall be granted when all of the following standards are met:

- (a) The proposed division or property transfer shall comply with all requirements of the Land Division Act of 1967, being Act 288 of the Public Act of 1967, as amended.
- (b) Each lot, [parcel or tract of land that will result from the division or property transfer shall have an adequate and accurate legal description certified by a land surveyor licensed by the State of Michigan, shall be serviced by a public utility easement and shall be accessible.
- (c) Each new lot, parcel or tract of land that will result from the division, including those lots, parcels and tracts of land greater than ten (10) acres, shall have a depth of not more than four (4) times its width as measured under the requirements of the Village of Central Lake Zoning Ordinance. This standard shall not apply to a property transfer.
- (d) If a lot, parcel or tract of land that will result from the division or property transfer will be a development site, then each resulting lot, parcel or tract of land shall have adequate easements for public utilities from each such resulting lot, parcel or tract of land to existing public utility facilities.
- (e) If the land proposed to be transferred between two (2) or more adjacent lots or parcels does not independently conform to the requirements of the Land Division Act, being Public Act 288 of the Public Acts of 1967, as amended, and this Chapter, then the land proposed to be transferred shall not thereafter be independently considered a development site, but may only be used in conjunction with an adjoining lot(s), parcel(s) or tract(s) of land.
- (f) Each lot, parcel or tract of land that will result from the division or property transfer shall be accessible.
- (g) The owner of the parcel or tract of land shall possess the right to divide the parcel or tract of land. This standard shall not apply to a property transfer.
- (h) The property lines of the lots, parcels or tracts of land that will result from the division or property transfer shall be consistent and in harmony with the property lines of the lot, parcel or tract of land to be divided, or the lots or parcels involved in a property transfer, and/or the property lines of adjacent lots, parcels or tracts of land.

5.6 Land Configuration Variances

- (a) If a lot, parcel or tract of land that will result from a division does not meet the depth to width requirements of Section 5(c) of this Chapter, then the Applicant may seek a variance from those requirements from the Village Council pursuant to the procedures of this section.
- (b) The Village Council may grant a variance under this Chapter from the depth to width requirement of Section 5(c) of this Chapter, if all of the following exist:
 1. Exceptional or extraordinary circumstances or conditions exist on the parent parcel, including exceptional topographic or physical conditions, that do not generally apply to other lots, parcels or tracts of land in the Village.
 2. The exceptional or extraordinary circumstances or conditions existing on the parent parcel are not the result of any act or omission by the Applicant or his or her predecessors in title.
 3. The granting of the variance shall not be injurious or otherwise detrimental to adjoining lots, parcel or tracts of land or to the general health, safety and welfare of the Village.
 4. The resulting lots, parcels or tracts of land with the variance granted shall be compatible with surrounding lots, parcels or tracts of land.
 5. The variance granted shall be the minimum variance that will make possible the reasonable use of the parent parcel.

- (c) In granting any variance under this Chapter, the Village Council may prescribe appropriate conditions and safeguards in order to ensure that the lot, parcel or tract of land that will result from the division or property transfer complies with the variance granted under this Chapter. Violations of such conditions and safeguards shall be deemed a violation of this Chapter, punishable under Section 8 of this Chapter.

5.7 Appeals to the Village Council. Any person aggrieved by a decision of the Village Code Enforcement Officer may appeal that decision to the Village Council. Any such appeal shall be filed within thirty (30) days from the date of the decision from which the appeal is taken. During the appeal, the Village Council shall conduct a *de novo* hearing of the matter and to that end shall have all the powers of the Village Code Enforcement Officer. In rendering its decision, the Village council shall receive and consider evidence and data relevant to the case and shall issue its decision in writing within thirty (30) days after receiving all evidence and data in the case. The decision of the Village Council shall then be sent promptly to the Applicant, to the person who filed the appeal (if different from the applicant), and to the Village Code Enforcement Officer.

5.8 Violations and Penalties. Any person who shall violate any provision of this Chapter of this Chapter shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/00 (\$500.00) Dollars. Each day this Chapter is violated shall be considered as a separate violation. Any action taken under this Section shall not prevent civil proceedings for abatement or termination of the prohibited activity.

5.9 Enforcement Officer. The Village Code Enforcement Officer is hereby designated as the authorized Village Official to issue municipal civil infraction citations directing alleged violators of this Chapter to appear in court.

5.10 Nuisance Per Se. A violation of this Chapter is hereby declared to be a nuisance per se and is declared to be offensive to the public health, safety and welfare.

5.11 Separate Court Action. In addition to enforcing this Chapter through the use of a municipal civil infraction proceeding, the Village may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Chapter.

5.12 Validity. If any section, provision or clause of this Chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any remaining portions or application of this Chapter which can be given effect without the invalid portion or application.

CHAPTER 6 – LIQUOR LICENSE

6.1 Definitions.

- (a) “License” means a liquor license issued by the Michigan Liquor Control Commission and for which the Village approval is required. It does not apply to off premise licenses for which Village input is requested and for which Village approval is not required.
- (b) “Person” means an individual, corporation, partnership, limited liability company, limited liability partnership or any other business entity.
- (c)

6.2 Legislative Intent. The Village Council acknowledges the difference which the law recognizes between applications for new licenses and the transfer, renewal or revocation of existing licenses. As to new licenses, this Chapter is designed to provide a framework in which the Village Council can decide whether to approve or deny an application for a new license. This framework, when followed, will show a reviewing court that the Village’s discretion was not exercised arbitrarily or capriciously. The Village Council recognizes that the issuance or denial of a license can be controversial and that litigation over the Village Council’s decision can easily result.

The regulation of licenses and their impact on the land use goals of the Village are legislative decisions. The voters and legislative process are the methods which should be used to alter legislative decisions as long as the legislative decisions are not made in an arbitrary and capricious manner. It is hoped that a reviewing court will respect the function of the Village Council as well as the electoral process in evaluating the actions of the Village Council. The Village acknowledges that existing licensees have property rights in those licenses. Thus, for the transfer of existing licenses the Village has adopted with modification certain requirements recommended by the Michigan Municipal League. For the renewal or revocation of existing licenses, the Village has adopted a system in this Chapter to meet procedural due process requirements.

6.3 Application for License – New and Transfer.

(a) Application.

Application for a new license or to transfer an existing license shall be made to the Village Council in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof, if a partnership or corporation, verified by oath or affidavit, and shall contain the following statements and information:

1. The name, age and address of the applicant in the case of an individual; or in the case of a co-partnership, the persons entitled to share in the profits thereof; in the case of a corporation, the objects for which organized, the names and addresses of the officers and directors, and, if a majority interest in the stock of such corporation is owned by one person or his/her nominee, the name and address of such person.
2. The citizenship of the applicant, his/her place of birth, and, if a naturalized citizen, the time and place of his naturalization.
3. The character of the business of the applicant including a description of what services will be provided to patrons and how intoxicating liquor will be offered in conjunction with those services. In the case of a corporation, a copy of the Articles of Incorporation shall also be provided.
4. The length of time the applicant has been in business of that character, or, in the case of a corporation, the date when its articles were approved by the State.

5. The location and description of the premises or place of business which is to be operated under such license.
6. A statement whether the applicant has made an application for a similar or other license on premises other than described in this application, and the disposition of that application.
7. A statement that the applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this Chapter or the laws of the State of Michigan.
8. A statement that the applicant will not violate any of the laws of the State of Michigan or of the United States or any ordinances of the Village in conduct of its business.
9. The application shall be accompanied by building and site plans showing the entire structure and premises and, in particular, the specific areas where the license is to be utilized. The plans shall demonstrate adequate off-street parking, lighting, refuse disposal facilities and, where appropriate, adequate plans for screening and noise control.
10. A copy of all financial information and documents provided to the Michigan Liquor Control Commission investigator regarding financial responsibility.

(b) Approval Standard for New License

In determining whether a new license should be issued, the Village Council shall consider the following factors:

1. Whether the applicant, or if a partnership or corporation any member of the partnership or corporation, has been denied a license in the past seven (7) years and the reason for the denial.
2. Whether the application is complete and contains all of the information required by this Chapter.
3. Whether the application shows adequate off-street parking, lighting, refuse disposal facilities, landscaping/screening and noise control.
4. The impact of the proposed license and associated business on the occupants and owners of adjoining properties.
5. Whether the proposed license and associated business will adversely affect traffic safety.
6. Accessibility to the site from abutting roads.
7. The distance from public or private schools for minors.
8. Proximity of an inconsistent zoning classification.
9. Whether the license is likely to expand or intensify a business activity in a zoning district other than the local business district and highway business district. In determining whether the license is likely to expand or intensify a business activity, the Village Council shall consider such factors as whether the number of patrons will increase, whether there will be increased traffic to and from the applicant's business, whether new buildings or the expansion of existing buildings are likely and whether secondary growth is likely to result.

(c) Requirements for License – New and Transfer

Regardless of the Village Council's evaluation of the approval standards, no license shall be issued to:

1. A person whose license, under this Chapter, has been revoked for cause.
2. A person, who at the time of the application or renewal of any license issued hereunder, would not be eligible for such license upon a first application.
3. A person who does not own the premises for which a license is sought or does not have a lease therefor for the full period for which the license is

issued, or to a person, corporation or co-partnership that does not have sufficient financial assets to carry on or maintain the business.

4. A person on whose premises there exists a violation of the applicable building, electrical, mechanical, plumbing or fire codes, applicable zoning regulations, applicable public health regulations, or any other applicable Village Ordinance.
5. A person in situations where there are delinquent unpaid real estate taxes and/or personal property taxes relating to the real estate or business which has been used, is used or will be used in conjunction with the license.
6. A person where it is determined by a majority of the Village Council that the premises for which the license has been requested do not or will not within six (6) months after commencement of operations, have adequate off-street parking, lighting, refuse disposal facilities, screening, noise or nuisance control or where a nuisance does or will exist.
7. A person whose licensing activity will expand or intensify a non-conforming use under the Village zoning ordinance.

(d) Terms of License

Approval of a license shall continue for as long as the Michigan Liquor Control commission license continues subject to periodic review by the Village Council regarding continued compliance with the regulations of this Chapter and any conditions of approval. Approval of a license shall be on the condition that any necessary remodeling or new construction for the use of the license shall be commenced within six (6) months of the action of the Village Council or the Michigan Liquor Control Commission approving such license, whichever last occurs. Any delay in the completion of such remodeling or construction may subject the license to revocation.

(e) Reservation of Authority.

No applicant for a license has the right to the issuance of such a license to him, her or it, and the Village Council reserves the right to exercise reasonable discretion to determine whom, if anyone, shall be entitled to the issuance of such license. If an application is incomplete, the license may be denied without a consideration of the merits of the application.

(f) License Hearing

The Village Council may act on an application for a new license or the transfer of an existing license at any regular or special meeting. The Village Council may hold a public hearing on any application when it is determined to be in the public interest. Following action on an application, the Village Council shall submit to the applicant a written statement of its findings and determination.

6.4 Objections to Renewal and Request for Revocation.

(a) Procedure

Before filing an objection to the renewal or a request for the revocation of a license with the Michigan Liquor Control Commission, the Village Council shall serve a notice of hearing on the license holder. This notice of hearing shall be served by first class mail, not less than ten (10) days prior to the hearing. The notice of hearing shall contain the following:

1. Notice of proposed action.
2. Reasons for the proposed action.
3. Date, time and place of the hearing.
4. A statement that the licensee may present evidence and testimony and question adverse witnesses.

Following the hearing, the Village Council shall submit to the license holder and the Commission a written statement of its findings and determination.

(b) Criteria for Non-Renewal or Revocation

The Village Council shall recommend non-renewal or revocation of a license upon a determination by it that, based upon a preponderance of the evidence presented at the hearing, either of the following exists:

1. Violation of any of the requirements on licenses set forth in Section 4, Paragraph C, 1 through 6 above, or,
2. Maintenance of a nuisance upon the premises.

6.5 Severability. Should any section or part of this Chapter be declared unconstitutional, null or void by a court of competent jurisdiction, such declaration shall not have any effect on the validity of the remaining section or parts thereof of this Chapter.

CHAPTER 7 – MASS GATHERING

7.1 Definitions. The following terms, as used in this Chapter, are hereby defined to mean:

- (a) “Licensee” shall mean any person to whom a license is issued pursuant to this Chapter.
- (b) “Mass gathering” shall mean an organized outdoor event of one hundred (100) people or more held at a single location on either public or private land within the Village.
- (c) “Person” shall mean any natural person, partnership, corporation, association, organization or other legal entity; except that a government organization shall not be considered a “Person” under this definition.
- (d) “Sponsor” shall mean any person who organizes, promotes, conducts or causes to be organized, promoted or conducted a mass gathering.
- (e) “Village” shall mean the Village of Central Lake.

7.2 License Requirements.

(a) Necessity of License

A person shall not sponsor, maintain, conduct, promote or permit a mass gathering in the Village of Central Lake without first obtaining a license from the Village for each such mass gathering.

(b) Application for License

No later than sixty (60) days before the proposed mass gathering, the sponsor(s) of the mass gathering shall submit in writing an application for a mass gathering license to the Village on such forms and in such manner as the Village prescribes. The application shall contain:

1. The name(s), address(es) and telephone number(s) of the proposed mass gathering sponsor(s).
2. The date(s) and estimated hours of the proposed mass gathering.
3. A description of the kind, character and type of mass gathering proposed.
4. The address or location of the site at which the proposed mass gathering will be held, including a written statement from the property owner consenting to the use of his or her property for the proposed mass gathering.
5. An estimate of the maximum number of people expected to attend the proposed mass gathering.
6. A written statement that indicates how the sponsor(s) plans to provide for the following:
 - (a) Police and fire protection.
 - (b) Medical facilities and services, including emergency vehicles and equipment.
 - (c) Food and water supplies.
 - (d) Health and sanitation facilities.
 - (e) Vehicle access and parking facilities.
 - (f) Cleanup and waste disposal.
 - (g) Noise control.
 - (h) Insurance and bonding arrangements.

(c) Application Fee

Each application for a mass gathering license shall be accompanied by a non-refundable fee in an amount established from time to time by the Village Council by resolution.

(d) Action on Application

After receiving an application for a mass gathering license and the appropriate fee, the Village shall consider the information contained in the application and shall, if necessary, investigate or cause to be investigated the circumstances surrounding the proposed mass gathering, the length of the proposed mass gathering, the number of people anticipated to attend, whether there is a conflict with other uses of the site, the increased demands on Village officials, the county sheriff department, the fire department serving the Village, and emergency medical resources, and the sponsor's plans to provide adequate food and water facilities, bathroom facilities, disposal of solid waste and garbage and vehicle parking and access to the site. Within thirty (30) days after receiving an application for a mass gathering license, the Village shall approve the application and issue the mass gathering license, unless after considering the above factors, it finds by a preponderance of the evidence that holding the mass gathering as proposed in the application would be detrimental to the public health, safety and welfare of the Village. If the Village denies a mass gathering license, the Village Clerk shall send written notice of the denial, including the reasons for the denial, to the sponsor(s) by certified mail within five (5) days of the denial decision.

7.3 Violations.

(a) Municipal Civil Infraction

Any person who shall violate Section 2.1 of this Chapter shall be guilty of a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/00 (\$500.00) Dollars. Each day this Chapter is violated shall be considered as a separate violation.

(b) Enforcement

The Village Code Enforcement Officer is hereby designated as the authorized Village official to issue municipal civil infraction citations directing alleged violators of this Chapter to appear in court.

(c) Civil Remedies

Notwithstanding the penalties provided in Section 3.1, a violation of Section 2.1 of this Chapter is hereby declared to be a nuisance per se and any action in violation thereof may be immediately enjoined in the Antrim County Circuit Court.

7.4 Severability.

If any portion of this Chapter or the application thereof to any person or circumstance shall be found to be invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining portions or applications of this Chapter which can be given effect without the invalid portion or application, provided such remaining portions are not determined by the court to be inoperable, and, to this end, this Chapter is declared to be severable.

Repealed 3/14/05

CHAPTER 8 - HAZARDOUS SPILLS EXPENSE RECOVERY

- 8.1 Intent. Surface waters, groundwater, soils, vegetation and atmosphere inside the Village are susceptible to damage from the handling, storage, use, processing and disposal of hazardous material and the expense incurred by the taxpayer as a result of the Village or its Designee having to respond in an emergency to protect life, property and the environment when there has been a release of hazardous materials should be recovered from the person responsible for the emergency.
- 8.2 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:
- (a). "CFR" shall mean the Code of Federal Regulations.
 - (b). "Compressed Gas" shall mean any material regulated as a compressed gas by the United States Department of Transportation by regulations found in 49 CFR#173.300.
 - (c). "Designee" shall mean the Northwestern Regional Hazardous Materials Response Team or such other public or private agency authorized in writing by the Village to respond to hazardous material incidents within the Village.
 - (d). "Emergency Action" shall mean all of the activities conducted in order to prevent or mitigate injury to human health or to the environment inside the Village from a release or threatened release of any material into or upon the environment.
 - (e). "Explosive" shall mean any material regulated as a class A or class B explosive by the United States Department of Transportation by regulations found in 49 CFR #173.53 and #173.88.
 - (f). "Flammable Liquid" shall mean any material regulated as flammable liquid by the United States Department of Transportation by regulations found in 49CFR #173.115.
 - (g). "Flammable solid" shall mean any material regulated as flammable solid by the United States Department of Transportation regulations found in 49CFR #173.150.
 - (h). "Hazardous material" shall mean any of the following:
 - 1. Any materials listed in the list of toxic pollutants found in 40CFR #401.15, as amended.
 - 2. Any material designated as hazardous material by applicable state law.
 - 3. Any compressed gas, explosive, flammable solid, oxidizer, poison or radioactive material.
 - (i). "Oxidizer" shall mean any material regulated as an oxidizer by the United States Department of Transportation by regulations found in 49CFR #173.151.
 - (j). "Person" shall include any individual, corporation, association, partnership, firm, trustee or legal representative.
 - (k). "Poison" shall mean any liquid or gas that is life threatening when mixed with air in small amounts, and shall also include all those materials regulated as poison class A by the United States Department of Transportation by regulations found in 49CFR #1763.326.
 - (l) "Radioactive material" shall mean any material required by the United States Department of Transportation to have type A packaging or other special protection or closed transport vehicle, under regulations found in 49CFR #173.425.

- (m). "Release" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into or upon the environment, which causes danger or harm to the public health or to the environment, including, but not limited to, the release of any material classified as hazardous material by any federal legislation or regulation, or by any Village ordinance.
- (n). "Threatened release" shall mean any imminent or impending event potentially causing but not resulting in a release, but causing the Village to undertake an emergency action.

8.3 Notice and Response.

- (a). Any person who has damaged the surface waters, groundwater, soils or atmosphere by the handling or storage of hazardous materials, or who have violated any local, state or federal environmental laws with respect to hazardous materials. Are required to immediately notify the Village.
- (b). The requirements of this Chapter shall not be construed to forbid or forgive any person from using all diligence necessary to control a hazardous material release prior or subsequent to the notification of the Village, especially if such efforts may result in the containment of the release or the abatement of extreme hazard to the employees or the general public. Delays in reporting releases due to in-house notification of off-site owners or supervisors shall result in penalties. Nothing in this Chapter shall be construed to exempt or release any person from any other notification or reporting required by any state or federal agency.
- (c) The Village, Fire Chief or the Designee of either, is authorized to direct an emergency action and the clean up and abatement of any release, or threatened release within the Village of Central Lake.

8.4 Liability for Costs.

- (a) Any person causing or contributing to the causing of a release or threatened release which results in an emergency action shall be liable to the Village for the recoverable costs resulting from the emergency action.
- (b) The following described persons shall be jointly and severally liable to the Village for the payment of all costs incurred by the Village as a result of such clean up or abatement activity.
 - 1. Any person whose negligent or willful act or omission proximately caused such release, discharge or deposit.
 - 2. The person who owned or had custody or control of the hazardous material or the material at the time of such release, discharge or deposit, without regard to fault or proximate cause; and
 - 3. The person who owned or had custody or control of the container which held such hazardous material at the time of or immediately prior to such release, discharge or deposit, without regard to fault or proximate cause.

8.5 Recovery of Costs.

- (a) The Village or its Designee shall keep an itemized record of recoverable costs resulting from an emergency action.
- (b) The Village or its Designee shall submit a written itemized claim to the responsible person for the total costs incurred by the Village or its Designee for the emergency action and a written notice that unless the amounts are paid in full within thirty (30) days after the date of the mailing of the claim and notice, the Village will file civil

action seeking recovery for the stated amount plus any amounts occasioned by such suit.

- (c) For the purposes of this Chapter, costs of the Village or its Designee shall mean all direct and indirect costs and shall include, but are not limited to, the following:
 - 1. Actual labor cost of personnel, including the workers compensation benefits and fringe benefits;
 - 2. Administrative overhead;
 - 3. Costs of equipment operation;
 - 4. Costs of materials;
 - 5. Laboratory costs of analyzing samples taken during the emergency action;
 - 6. Medical expenses incurred as a result of response activities;
 - 7. Costs of contract labor;
 - 8. Costs to supervise or verify the adequacy of the clean up or abatement by others; and
 - 9. Legal expenses that may be incurred as a result of the emergency action, including actions for recoverable expenses pursuant to this Chapter.
- (d) The authority to recover costs under this Chapter shall not include actual fire suppression services which are normally or usually provided by the Fire Department.

8.6 Civil Suit. The Village may bring a civil action for payment of the recoverable expenses against any and all persons liable under this Chapter. All costs of such suit, including actual attorney fees, shall also be a recoverable cost within the same civil action.

8.7 Conflict with State or Federal Law. Nothing in this Chapter shall be construed to conflict with state or federal laws requiring persons causing or responsible for release or threatened releases from engaging in remediation activities or paying the costs thereof, or both.

8.8 Nonexclusive Remedy. The remedies provided by this Chapter shall be in addition to any other remedies available in equity or at law and such penalties as provided by law or ordinance.

CHAPTER 9 - NUISANCE

9.1 Definitions. As used in this Chapter the following items shall have the meanings prescribed in this section.

- (a) "Building materials" includes but is not limited to lumber, bricks, concrete or cinder blocks, plumbing or heating materials, electrical wiring or equipment, shingles, mortar, concrete or cement, nails, screws or any other materials used in construction of any structure.
- (b) "Exotic animal" means and includes any wild animal, reptile or fowl which is not naturally tame or gentle, but is of wild nature or disposition, and which, because of its size, vicious nature or other characteristics, would constitute a danger to human life or property.
- (c) "Garbage" means rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food or that relate to the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables. "Garbage" does not include one (1) compost pile consisting of decaying organic substances intended for fertilizing land; provided, however, that the compost pile is no larger than five feet (5') square and is located on the property so that it cannot be seen from any adjoining land owned by another person.
- (d) "Harbor or Harboring" means providing food and/or shelter to any animal for any period of time in excess of twelve (12) hours or being in charge or control of any animal under any written or verbal agreement with the animal's owner.
- (e) "Junk" – By way of example and not limitation the term shall include used or salvaged metals and their compounds or combinations, used or salvaged rope, rubber, tires or car parts.
- (f) "Liquid industrial wastes" means any liquid brine, by-product, industrial wastewater, leachate, off-specification commercial product, sludge, grease-trap residue, used oil or other liquid waste produced by, incident to, or resulting from industrial or commercial activity except any liquid brine normally used or stored in regard to oil or gas extraction on a site permitted by the Michigan Supervisor of Wells.
- (g) "Owner of a cat or dog" means any person or persons owning or harboring a cat or dog. Any person who harbors a cat or dog on or about property owned or occupied by that person for a period of five (5) days shall be deemed the owner of that animal.
- (h) "Person" means an individual, firm, corporation, association, partnership, limited liability company or other legal entity.
- (i) "Rubbish" means nonputrescible solid wastes including ashes, paper, cardboard, metal containers, glass, bedding, crockery, bags, rags and demolished materials.
- (j) "Sealed container" means a covered, closable container which is rodent-proof, fly-proof and watertight such as garbage cans with properly fitting tops or plastic garbage bags which have been closed or twisted shut.
- (k) "Totally enclosed structure" means a building capable of being sealed on all sides such as a house, garage or storage shed with a roof, floor and walls or closable doors around its perimeters.

9.2 Nuisances. The following are hereby declared to be nuisances:

- (a) The keeping or storing of building materials outside on private property six (6) months after an occupancy permit is issued by the Village of Central Lake Code Enforcement Officer. This subsection, however, shall not apply to building materials kept or stored outside on private property if the building material is kept or stored in an orderly fashion. As used in this subsection, the phrase "building

material kept or stored in an orderly fashion” shall mean that all building material of the same type, including but not limited to lumber (both stick and sheet wood), cement blocks, bricks, roofing material and siding shall be kept or stored together and not intermingled with building material of a different type and shall be stacked in an organized fashion customary for that type of building material. By way of example and not limitation, stick lumber shall be piled with all sticks substantially parallel to one another, sheet wood shall be piled one on top of another with the area of one sheet covering as much as possible the area of the sheet beneath it, cement blocks and bricks shall be stacked in the shape of a cube in such a manner that they will not fall off the stack, and siding shall be piled with each piece substantially parallel to one another.

- (b) The keeping or storage of ashes, junk, garbage or rubbish outside of a totally enclosed structure on private property except in a sealed container designed for the purpose of holding such ashes, junk, garbage or rubbish.
- (c) The placing of ashes, junk, garbage or rubbish on private property without the owner’s permission or on public property. This provision applies regardless of whether the ashes, junk, garbage or rubbish is in a sealed container.
- (d) The keeping or storage of junk, garbage or rubbish on private property, including inside a building, in such a manner that the items, regardless of the method of containment, have become a breeding ground, food source or habitation of insects, rodents or vermin.
- (e) Intentional depositing of liquid petroleum crude oil, liquid petroleum crude oil by-products and derivatives or liquid industrial wastes on the ground.
- (f) The existence of any vacant building, garage, house or other outbuilding unless such structure is kept secure from entry by the public.
- (g) The distributing, placing, posting or affixing of posters, notices or handbills on private property without consent of the owner or occupant except as authorized or required by law.
- (h) The outdoor burning of building materials, garbage, junk, paper or rubbish either on the ground or in a burn barrel. This section shall not be interpreted, however, to limit the use of public or private campfire pits or public cooking facilities.
- (i) Being the owner of a cat or dog, to permit, or to allow another person to permit his or her cat or dog to do any of the following:
 - 1. To run at large within the Village limits.
 - 2. To trespass upon another person’s real property or to in any manner injure or destroy any real or personal property belonging to another person, including but not limited to breaking or tearing open any garbage bag containing garbage or rubbish awaiting pickup or otherwise spreading garbage or rubbish on another person’s property.
 - 3. To create malodorous or offensive waste conditions on the owner’s property outside of a totally enclosed structure or anywhere on the property of another person, or to fail to immediately remove said wastes from public property; or
 - 4. To whine, yelp, bark, howl or make other sounds common to its species such that said noise can be heard by any person from an adjoining lot line or from the right-of-way of any adjoining public street between the hours of 12:00 AM (midnight) and 5:00 AM or at any time in a habitual manner. For purposes of this subsection, “habitual” means whining, yelping, barking, howling or making other sounds common to its species on three (3) or more occasions separated by at least one (1) hour within a one (1) week period.
- (j) The harboring of any horse, cow, donkey, mule, goat, sheep, pig, duck, goose, turkey, chicken, guinea hen or exotic animal within the Village.

- (k) Sitting on the exterior surface of a parked automobile located in a place open to the public.
- (l) Bathing or swimming at any public park outside of an area specifically designated by sign or buoy as being open to public swimming.
- (m) Jumping or diving into water from any public street, bridge or bridge abutment, village owned dock or public sidewalk.
- (n) Any noise or vibration lasting longer than three minutes and which may be sensed by a person of normal sensory acuity a distance of 100 feet or more from its source.
- (o) A private property owner's failure to remove or allowing the accumulation of snowfall or buildup of ice for more than 24 hours on public sidewalks along County Road M-88 adjacent to said private property.

- 9.3 Prohibition. No person shall commit, create or maintain any nuisance. No person shall knowingly permit the existence of a nuisance on the property owned or possessed by such person. Each day a nuisance shall exist shall be construed as a separate violation.
- 9.4 Industrial Usage. The storing or keeping of salvageable metal or wood shall not be prohibited on property on which is located a factory engaged in manufacturing, assembling or machining as long as the salvageable metal or wood is for resale or reuse by the occupant of the property.
- 9.5 Penalty/Civil Infraction. Any person who shall violate any provision of this Chapter shall be responsible for a municipal civil infraction as defined by Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred 00/100 (\$500.00) Dollars. Each day this Chapter is violated shall be considered as a separate violation. Any action taken under this Section shall not prevent civil proceedings for abatement or termination of the prohibited activity.
- 9.6 Enforcement. The Village Code Enforcement Officer is hereby designated as the authorized Village official to issue municipal civil infraction citations directing alleged violators of this Chapter to appear in court.
- 9.7 Abatement by Village. If the owner or possessor of any property on which a nuisance exists fails to eliminate a nuisance after having received Notice from the Village of the existence of the nuisance, the Village Code Enforcement Officer, after receiving authorization by the Village Council, may take such steps as are necessary to abate or eliminate the nuisance. The Notice shall describe the location of the property, describe the nature of the nuisance and give ten (10) days in which the owner or possessor may eliminate the nuisance without intervention by the Village. The written Notice may be served personally or may be sent by first-class mail to the last known address of the owner or occupier of the premises. The time period shall commence on the date of the personal service or in the case of mailing service shall be deemed to have taken place on the date of mailing.
- The cost of elimination of the nuisance by the Village, including reasonable attorney fees, may be collected in a lawsuit against the owner and/or possessor of the property on which the nuisance existed and /or against the person who committed, created or maintained the nuisance.
- 9.8 Validity. If any section, provision or clause of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any remaining portions or application of this Chapter which can be given effect without the invalid portion or application.
- 9.9 Separate Court Action. Nothing in this Chapter shall prohibit the Village or any interested party from seeking such other relief as may be permitted in law or inequity regarding the existence of a nuisance. A violation of this Chapter is deemed to be a nuisance per se.

CHAPTER 10 – DANGEROUS STRUCTURES

- 10.1 Dangerous Structures. No person, corporation or business organization shall own, occupy or maintain any structure which is unsafe.
- 10.2 Notice. As a prerequisite to the Village abating the unsafe condition itself, the Village shall give the owner written notice of the unsafe condition, the location of the structure and give the owner and/or occupant thirty (30) days to remedy the unsafe condition. The notice may be personally delivered or may be sent to the address of the premises or if the address of the premises is unknown, the notice may be sent to the address shown on the assessor's rolls.
- 10.3 Inspection. Village representatives shall have the right to inspect structures to determine violations of or compliance with this Chapter. Village representatives may exercise this right to inspection by consent of the person having the right of possession of the structure or any part thereof, or by administrative search warrant.
- 10.4 Abatement by Village. In addition to the other remedies provided in this Chapter, the Village may elect to take such steps as are necessary to abate the unsafe condition if the owner and/or occupier fails to comply with a Notice issued pursuant to Section 2 of this Chapter. A representative of the Village, after receiving authorization by the Village Council, shall take such steps as are necessary to abate or eliminate the unsafe condition.
The cost of elimination of the unsafe condition by the Village, including reasonable attorney fees, may be collected in a lawsuit against the owner and/or occupant of the structure and/or against the person who committed, created or maintained the unsafe condition.
- 10.5 Penalty/Civil Infraction. Any person who shall violate any provisions of this Chapter shall be guilty of a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/00 (\$500.00) Dollars. Each day this Chapter is violated shall be considered as a separate violation.
- 10.6 Nuisance. A violation of this Chapter is hereby declared to be a public nuisance or a nuisance per se and is declared to be offensive to the public health, safety and welfare.
- 10.7 Injunctive Relief. The Village shall have the right to institute a separate court action seeking injunctive relief to abate the nuisance. This remedy may be used in addition to or in lieu of a civil infraction proceeding.
- 10.8 Enforcement. The Village Code Enforcement Officer is hereby designated as the authorized Village official to issue municipal civil infraction citations directing alleged violators of this Chapter to appear in court.
- 10.9 Validity. If any section, provision or clause of this Chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any remaining portions or applications of this Chapter, which can be given effect without the invalid portion or application.

CHAPTER 11 – NOXIOUS WEEDS

11.1 Definitions. The terms listed herein shall be defined as follows:

- (a) “Noxious weeds” shall mean Canada Thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), mustards (charlock, black mustard and Indian mustard, species of *Brassica* or *Sinapis*), wild carrot (*Daucus carota*), bindweed (*Convolvulus arvensis*), perennial sowthistle (*Sonchis arvenses*), hoary alyssum (*Berteroa incana*), ragweed (*ambrosia elatior*), poison ivy (*rhus toxicodendron*), poison sumac (*toxicodendron vernix*) or any grass or other weeds in excess of eight (8”) in height.
- (b) “Person” shall mean any individual, firm, partnership, corporation or any other legal entity.
- (c) “Property” shall mean lots in the Village located within a subdivision in which buildings have been erected on sixty (60%) percent of the lots within the subdivision and lots along all improved streets in the Village.
- (d) “Superintendent” shall mean the Village Street Administrator, or his designated representative.
- (e) “Township Assessor” shall mean the Village of Central Lake Assessor.
- (f) “Village” shall mean the Village of Central Lake.

11.2 Noxious Weed Control. Any person who owns or possess property in the Village shall cut down and destroy, or cause to be cut down and destroyed, all noxious weeds on his or her property as often as may be necessary to prevent them from going to seed or otherwise perpetuating themselves.

11.3 Notice. If the Superintendent determines that noxious weeds are present on property within the Village, he or she shall notify the person who possesses the property, or his or her agent, that noxious weeds are present and must be destroyed within ten (10) days from the receipt of the notice. The notice may be personally served or sent by certified mail, return receipt requested to the owner of the property at the address shown by the last current assessment or tax roll, and shall describe methods of treating and eradicating the noxious weeds. The notice shall also include a statement that if the owner or possessor of the property fails to destroy the noxious weeds, cause the noxious weeds to be destroyed, then the Village shall have the right to enter upon the land to cut the noxious weeds, to charge the owner of the property for its expenses, and to have a lien against the property to secure payment of those expenses. Failure of the Superintendent to provide the notice required in this Section shall not, however, be a defense to any action to enforce this Chapter or to collect any debt created under this Chapter.

11.4 Newspaper Notice. In lieu of the notice requirements of Section 3 above, the Village may publish a notice in a newspaper of general circulation on the Village during the month of March each year that noxious weeds not cut by May 1 of that year may be cut by the Village as many times as necessary to keep the property in compliance with this Chapter and may charge the cost of each such cutting to the person owning the property. The newspaper notice shall contain all the information required in Section 3 above.

11.5 Cutting by Village. If a person who owns or possesses property in the Village fails to comply with this Chapter within the time specified in the notice sent under Section 3 or by May 1 pursuant to the newspaper notice provided in Section 4, then the Village shall have the right to enter onto the land to cut the noxious weeds. The Superintendent shall keep an accurate account of the expenses incurred in carrying out the authority provided in this Section, including an additional ten (10%) percent administrative charge, and shall make a sworn statement of that account to the Village Council, which shall then audit and approve the account.

- 11.6 Collection of Cutting Expenses. After the Village Council approves the expense account for cutting noxious weeds on a specific property, the Village Clerk shall send by first class mail a statement of those expenses to the owner of the property at the address shown by the last current assessment or the tax roll. The statement of expenses shall be payable to the Village Treasurer within thirty (30) days from the date the statement is mailed. If the statement of expenses is not paid within that thirty (30) day period, then the Village Clerk shall forward a copy of the statement of expenses to the Township Assessor, who shall then assess those expenses against the land in question and those expenses shall become a lien on such property pursuant to Act 359 of the Public Acts of 1941, as amended, and shall be enforced in the manner prescribed by the Laws of the State of Michigan for the enforcement of tax liens.
- 11.7 Prohibition. No person shall permit noxious weeds on lands owned or rented by him or her after having received a notice under Section 3 and after the time specified in the notice has expired.
- 11.8 Penalty/Civil Infraction. Any person who shall violate any provision of this Chapter shall be guilty of a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Section 600.101-66.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/00 (\$500.00) Dollars. Each day this Chapter is violated shall be considered as a separate violation.
- 11.9 Enforcement. The Village Code Enforcement Officer is hereby designated as the authorized Village officer to issue municipal civil infraction citations directing alleged violators of this Chapter to appear in court.

CHAPTER 12 – DISMANTLED OR INOPERABLE MOTOR VEHICLES

12.1 Definitions as used in this Chapter,

- (a) “Motor vehicle” means any wheeled vehicle which is designed to be self-propelled.
- (b) “Inoperable motor vehicle” means a motor vehicle, which by reason of dismantling, disrepair, lack of licensing or other cause is either incapable of being propelled under its own power or is prevented by law from being propelled on a public highway.
- (c) “Dismantled and partially dismantled motor vehicle” means a motor vehicle form which a part or parts integral to the operation of such motor vehicle, or a part or parts required by any law or regulation to be present on a motor vehicle, has been removed or is missing.
- (d) A “junk dealer” is a person who owns or operates a lawful junkyard located within the Village.
- (e) A “person” means an individual, firm, corporation, partnership, association, limited liability company, limited partnership or any other legal entity.
- (f) “Public highway” is any publicly maintained way upon which any part thereof is open to the use of the public for the purposes of vehicular travel.

12.2 Prohibition. No person shall park or store, or knowingly allow another person to park or store for a period of ten (10) consecutive days, one (1) or more dismantled, partially dismantled or inoperable motor vehicles outside a building such that the dismantled, partially dismantled or inoperable motor vehicles can be seen from any public highway or seen from any adjoining land owned by another person. This Section shall not apply to junk dealers, garages and service stations openly and actively engaged in making service repairs for the public, and to motor vehicles licensed for no less than six (6) months in any twelve (12) month period.

12.3 Nuisance. A violation of Section 2 of this Chapter is hereby declared to be a public nuisance, a nuisance per se and is hereby further declared to be offensive to the public health, safety and welfare.

12.4 Penalty. Any person who shall violate any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Section 600.101-66.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/00 (\$500.00) Dollars. Each day this Chapter is violated shall be considered as a separate violation.

12.5 Enforcement. The Village Code Enforcement Officer is hereby designated as the authorized Village officer to issue municipal civil infraction citations directing alleged violators of this Chapter to appear in court.

12.6 Civil Action. In addition to enforcing this Chapter through the use of a municipal civil infraction proceeding, the Village may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Chapter.

12.7 Severability. If any section, provision or clause of this Chapter or the application thereof to any person or circumstance shall be invalid, such invalidity shall not affect any remaining portion or application of this Chapter which can be given effect without the invalid portion or application.

CHAPTER 13 – SUPPLEMENTAL TRAFFIC

- 13.1 Adoption of Uniform Traffic Code. The Village of Central Lake hereby adopts by reference The Uniform Traffic Code for Cities, Townships and Villages as promulgated by the director of the Michigan Department of State Police pursuant to the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.203 to 24.328 and made effective October 30, 2002, and all future amendments and revisions to the Uniform Traffic Code when they are promulgated and effective in this state.
- 13.2 References in Code. References in the Uniform Traffic Code for Cities, Townships and Villages to a “governmental unit” shall mean the Village of Central Lake.
- 13.3 Adoption of the Michigan Vehicle Code. The Village of Central Lake hereby adopts by reference the Michigan Vehicle Code, being Act No. 300 of 1949, as amended.
- 13.4 Notice to be Published. The Village Clerk shall publish this ordinance in the manner required by law and shall publish, at the same time, a notice stating the purpose of the Uniform Traffic Code for Cities, Townships and Villages, and the Motor Vehicle Code and the fact that a complete copy of the Code is available to the public at the office of the clerk for inspection.
- 13.5 Penalties. The penalties provided by the Uniform Traffic Code for Cities, Townships and Villages are adopted by reference.

CHAPTER 14 - PARKING

- 14.1 Parking Regulations. In addition to the parking provisions of the Uniform Traffic Code, no motor vehicle shall be parked on any street or alley in the Village and in parking lots under the jurisdiction of the Village between 2:00 a.m. and 6:00 a.m.
- 14.2 Evidentiary Presumption Relating to Parking Violators. In any proceeding for a violation of this Chapter, proof that the particular motor vehicle described in the complaint was parked in violation of this Chapter, together with proof that the defendant named in the complaint was, at the time of such parking, the registered owner of such vehicle, shall constitute in evidence a presumption that the registered owner of such vehicle was the person who parked or placed such vehicle in violation of this Chapter.
- 14.3 Notice of Parking Regulations. The Village Street Administrator, or his designee, shall erect signs on all streets and highways at the Village limits sufficiently legible as to be seen by an ordinarily observant person giving notice of the parking regulations contained in this Chapter.
- 14.4 Penalty/Civil Infraction. Any person who shall violate any provision of this Chapter shall be guilty of a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Section 600.101-66.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/00 (\$500.00) Dollars. Each day this Chapter is violated shall be considered as a separate violation.
- 14.5 Enforcement. The Village Code Enforcement Officer is hereby designated as the authorized Village officer to issue municipal civil infraction citations directing alleged violators of this Chapter to appear in court.
- 14.6 Impounding of Motor Vehicles. In addition to the penalties contained in Section 4 above, any motor vehicle parked in violation of this Chapter may be impounded by any police officer and removed from the street or alley where illegally parked. After the police officer impounds a motor vehicle parked in violation of this Chapter, he or she shall follow the procedures contained in the Uniform Traffic Code relating to the impoundment of motor vehicles.
- 14.7 Severability. If any section, provision or clause of this Chapter or the application thereof to any person or circumstance shall be invalid, such invalidity shall not affect any remaining portion or application of this Chapter which can be given effect without the invalid portion or application.

CHAPTER 15 – PUBLIC NUILITY

15.1 Purpose. This section is intended to prohibit nudity in public places pursuant to the village ordinance power conferred by MSA 5.1285 (aa), and to establish a definition of nudity pursuant to 1980 AACS R436.1409. This Ordinance is not intended to exclude sexually oriented businesses, as defined by the Village of Central Lake Zoning Ordinance, from opening and operating in the Village of Central Lake, to deny adults access to sexually oriented businesses and their products, to deny sexually oriented businesses access to their intended markets, to implicate ordinary public behavior, or to offend the guarantees afforded by the First Amendment to the United States Constitution. Neither is it the intent of this Ordinance to legitimize activities prohibited by Village of Central Lake ordinance, state or federal law.

15.2 Definitions.

A. Public Nudity means knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to, payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:

- (1) A woman's breast feeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
- (2) Material as defined in Section 2 of Act No. 343 of the Public Acts of 1984, being Section 752.362 of the Michigan Compiled Laws.
- (3) Sexually explicit visual material as defined in Section 3 of Act No. 33 of the Public Acts of 1978, being Section 722.673 of the Michigan Compiled Laws.

B. Public Place means any real property or an appurtenance to the real property which is owned by this state, any municipality of this state, a public agency, or by a college or university in this state and may include a structure, enclosure, facility or complex, including a court, mall, park or other area, feature or element; a public place shall also mean a business or an educational, refreshment, entertainment, recreation, health or transportation facility, or institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold or otherwise made available to the public.

C. Person means an individual, sole proprietorship, partnership, corporation, limited liability company or association.

15.3 Prohibited Conduct. No person shall engage in public nudity, nor shall any owner, officer or person in charge of or in control of the premises of any business establishment permit persons to engage in public nudity.

15.4 Aiding and Abetting Prohibited. No person shall assist, aid, abet or encourage any other person to engage in public nudity.

15.5 Exceptions.

A. Public nudity occurring within an enclosed area or structure in accordance with and on a premises benefited by a special use permit to operate a sexually oriented business issued pursuant to the Village of Central Lake Zoning Ordinance, and which premises is not licensed by the State of Michigan to sell or allow the consumption of alcoholic beverages, shall not be subject to the prohibitions of this Ordinance which prohibit exposure of a female individual's breasts, but shall be subject to the prohibition of this Ordinance relating to exposure of an individual's genitals or anus.

- B. Public nudity pursuant to a regular curriculum at an educational institution in any way funded, chartered or recognized by the State of Michigan shall not be subject to the prohibitions of this Ordinance.
- 15.6 Nuisance Per Se. A violation of this Ordinance is deemed to be a nuisance per se. Nothing in this Ordinance shall prohibit the Village or any other interested party from seeking such other relief as may be permitted in law or in equity regarding the existence of a nuisance.
- 15.7 Penalties. Any person who shall violate any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Each day this Ordinance is violated shall be considered as a separate violation. Any action taken under this Section shall not prevent civil proceedings for abatement or termination of the prohibited activity.
- 15.8 Severability. If any article, section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the Village intends said portion to be disregarded, reduced and/or revised so as to be recognized to the fullest extent possible by law. The Village further states that it would have passed and adopted what remains of this Ordinance following the removal, reduction or revision of any portion so found to be invalid or unconstitutional.

CHAPTER 16 – ADOPTION OF THE METRO ACT

16.1 Purpose. The purposes of this Chapter 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 right-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 any 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.

16.2 Conflict. Nothing in this Chapter shall be construed in such manner as to conflict with the Act or other applicable law.

16.3 Terms Defined. The terms used in this Chapter shall have the following meanings:

1. “Act” means the Metropolitan Extensions Telecommunications Rights-of-Way Oversight Act (Act No. 48 of the Public Acts of 2002), as amended from time to time.
2. “Village” means the Village of Central Lake.
3. “Village Council” means the Village Council of the Village of Central Lake 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.
4. “Village President” means the Village President or his or her designee.
5. “Permit” means a non-exclusive permit issued pursuant to the Act and this Chapter to a telecommunications provider to use the public rights-of-way in the Village for its telecommunications facilities.

All other terms in this Chapter shall have the same meaning as defined or as provided in the Act, including without limitation the following:

6. “Authority” means the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority created pursuant to Section 3 of the Act.
7. “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.
8. “Person” means an individual, corporation, partnership, association, governmental entity or any other legal entity.
9. “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 a federal, state or private right-of-way.
10. “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, receive, 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, and any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile service as defined in Section 332(d) of Part 1 of Title III of the Communications Act of 1934, Chapter 652, 48 Stat. 1064, 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.
11. “Telecommunications 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 1 of the Communications

Act of 1934, Chapter 652, 48 Stat. 1064, 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 communications device. For the purpose of the Act and this ordinance only, a Provider also includes any of the following:

- (a) A cable television operator that provides a telecommunication service.
- (b) Except as otherwise provided by the Act, a person who owns telecommunication facilities located within a public right-of-way.
- (c) A person providing broadband Internet transport access service.

16.4 Permit Required

1. 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 Chapter.
2. 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. 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.
3. Confidential Information. If a telecommunications provider claims that any portion of the route maps submitted by it as a part of its application contain trade secrets, 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. Application Fee. Except as otherwise provided by the Act, the Application shall be accompanied by a one-time non-refundable application fee in the amount of \$500.
5. Additional Information. The Village President may request an applicant to submit such additional information which the Village President deems reasonable, necessary or relevant. The applicant shall comply with all such requests in compliance with reasonable deadlines for such additional information established by the Village President. If the Village and the applicant cannot agree on the requirement of additional information requested by the Village, the Village or applicant shall notify the MPSC as provided in Section 6(2) of the Act.
6. Previously Issued Permits. Pursuant to Section 5(1) of the Act, authorizations or previously issued permits by the Village under Section 251 of the Michigan Telecommunications Act, 1991 PA 179, MCL 484.2251 and authorizations or permits issued by the Village to telecommunications providers prior to the 1995 enactment of Section 251 of the Michigan Telecommunications Act but after 1985 shall satisfy the permit requirements of this Chapter.
7. 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 Chapter. Pursuant to Section 5(3) of the Act, a telecommunications provider submitting an application under this subsection is not required to pay the \$500 application fee required under subsection 16.4(4) above. A provider under this subsection shall be

given up to an additional 180 days to submit the permit application of allowed by the Authority, as provided in Section 5(4) of the Act.

16.5 Issuance of Permit.

1. **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 16.4(2) 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 and the date on which permit was granted or denied. The Village President shall not unreasonably deny an application for a permit.
2. **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 Sections 6(1), 6(2) and 15 of the Act.
3. **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 rights-of-way.
4. **Bond Requirement.** Pursuant to Section 15(3) of the Act, and without limitation on subsection 16.4(c) 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.

16.6 Construction/Engineering Permit. Should a telecommunications provider be required to secure a construction or engineering permit from the Village prior to commencement of construction within the Village pursuant to this Code, no fee shall be charged for such a construction or engineering permit.

16.7 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 Chapter does not give a telecommunications provider a right to use conduit or utility poles.

16.8 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 Commission determines otherwise, in accordance with Section 6(8) of the Act.

16.9 Repair of Damage. Pursuant to Section 15(5) of the Act, a telecommunications provider undertaking an excavation or construction or installing a telecommunications facility within a public right-of-way or temporarily obstructing a public right-or-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 to its pre-existing condition.

16.10 Establishment and Payment of Maintenance Fee. In addition to the non-refundable application fee paid to the Village set forth in Section 16.4.4 above, a telecommunications provider with telecommunications facilities in the Village's rights-of-way shall pay an annual maintenance fee to the Authority pursuant to Section 8 of the Act.

16.11 Modification of Existing Fees. 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 providers after November 1, 2002, the effective date of the Act, relating

to access and usage of public rights-of-way, to an amount not exceeding the amounts of fees and charges required under the Act, which shall be paid to the Authority. In compliance with the requirements of Section 13(4) of the Act, the Village also hereby approves of modification of the fees of providers with telecommunication facilities in public rights-of-way within the Village's boundaries, so that those providers pay only those fees required under Section 8 of the Act. 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. 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.

- 16.12 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 16.11 above shall be void from the date modification was made.
- 16.13 Use of Funds. Pursuant to Section 9(4) of the Act, all amounts received by the Village from the Authority shall be used by the Village solely for rights-of-way related purposes. In conformance with that requirement, all funds received by the Village from the Authority shall be deposited into the Major Street Fund and/or the Local Street Fund maintained by the Village under Act No. 51 of the Public Acts of 1951.
- 16.14 Annual Report. Pursuant to 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.
- 16.15 Cable Television Operators. Pursuant to 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 provided through broadband internet transport access services.
- 16.16 Existing Rights. Pursuant to 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.
- 16.17 Compliance. The Village hereby declares that its policy and intent in adopting this ordinance is to fully comply with the requirements of the Act, and the provisions of this Chapter should be construed in such a manner as to achieve that purpose.
- 16.18 Reservation of Police Powers.
Pursuant to 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.
- 16.19 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 adjudged unconstitutional or invalid by a court or administrative agency of competent jurisdiction, the unconstitutionality or invalidity shall not affect the constitutionality or validity of any remaining provision of this ordinance.
- 16.20 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 chapter violations bureau) for violations under this Chapter as provided by the Village Code.

- 16.21 Municipal Civil Infraction. A person who violates any provision of this Chapter or the terms or conditions of a permit is responsible for a municipal civil infraction. Nothing in this Section shall be construed to limit the remedies available to the Village in the event of a violation by a person of this Chapter or a permit.
- 16.22 Repealer. All ordinances and portions of ordinances inconsistent with this Ordinance are hereby repealed.

CHAPTER 17 – PLANNING COMMISSION & DOWNTOWN DEVELOPMENT AUTHORITY

17.1 An Ordinance, pursuant to Act 285 of the Public Acts of 1931, as amended, to create a Village Planning Commission, to provide for its organization, and to define its powers and duties. The Village of Central Lake Ordains:

17.1.1 Creation of Village Planning Commission; Name of Commission.

A village planning commission is hereby established for the Village of Central Lake. This planning commission shall be known as the “Central Lake Village Planning Commission”.

17.1.2 Membership; Appointment; Compensation; Terms; Removal; Vacancy

1. The Village Planning Commission shall consist of five (5) members. One (1) member shall be a member of the Village Council selected by resolution of the Council as an *ex officio* member. The other remaining members shall be appointed by the Village President subject to the approval of the entire Village Council. All appointed members of the planning commission may be compensated at a rate to be determined by the Village Council. An appointed member may not hold another municipal office, except that one (1) of the appointed members may be a member of the village zoning board of appeals. The term of the *ex officio* member shall be determined by the Village Council and shall be stated in the resolution selecting the *ex officio* member, but the term shall not exceed the member’s term of office as a member of the Village Council. The term of each appointed member shall be three (3) years or until his or her successor takes office, except that the respective terms of one (1) of the members first appointed shall be for one (1) year and the respective terms of two (2) of the members first appointed shall be for two (2) years. After a public hearing, a member other than the member selected by the Village Council may be removed by the Village President for inefficiency, neglect of duty or malfeasance in office. The Village Council may for like cause remove the Council member selected by the council. The *ex officio* member appointed under this subsection shall have full voting rights.
2. A vacancy on the Village Planning Commission occurring otherwise than through the expiration of a member’s term shall be filled for the unexpired term by the Village President in the case of the member selected by the Village President, by the Village President subject to the approval by a majority vote of the entire Village Council in the case of the members appointed by the Village President, and by the Village Council in the case of the member appointed by the Council.

17.1.3 Organization; Chairperson and officers; meetings; rules; records.

The Village Planning Commission shall elect a chairperson from amongst the appointed members and may create and fill by election such other offices as it determines necessary. The term of chairperson and any other officers shall be one (1) year, with eligibility for reelection. The Village Planning Commission shall hold at least one (1) regular meeting in each month. It shall adopt rules for the transaction of its business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.

17.1.4 Powers and Duties.

1. The Village Planning Commission may contract with planners, engineers, architects, attorneys and other consultants for such services as it may require. The expenditures of the Village Planning Commission shall be within the amounts appropriated for

those purposes by the Village Council, which shall provide the funds, equipment and accommodations necessary for the Village Planning Commission's work.

2. The Village Planning Commission shall have all the powers and duties conferred on planning commissions by Act 285 of the Public Acts of 1931, as amended, all the powers and duties conferred on the Village Zoning Commission by Act 207 of the Public Acts of 1921, as amended, and any other powers and duties conferred on planning commissions by other provisions of law. Any and all such powers and duties are hereby conferred and incorporated as if fully set forth herein.

17.1.5 Conflicting Ordinances, Severability. Any ordinance or parts of ordinances conflicting with this Ordinance are hereby repealed. The Village Council hereby declares that sections of this Ordinance are severable. If any section, provision or clause of this ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect any remaining portion or application of this ordinance which can be given effect without the invalid portion or application.

17.1.6 Effective Date. This ordinance shall become effective the day after its publication in a newspaper of general circulation within the Village.

17.2 DOWNTOWN DEVELOPMENT AUTHORITY

The Village of Central Lake ordains:

1. Title. This ordinance shall be known as the "Downtown Development Authority Ordinance" of the Village of Central Lake.
2. Purpose. The purpose of this ordinance is to create a public body corporate to act in the best interests of the Village to halt property value deterioration, increase property tax valuation where possible in the business district of the Village, eliminate the causes of that deterioration, and to promote economic growth pursuant to Public Act 197 of the Public Acts of 1975.
3. Definitions. The terms used herein shall have the same meaning as given them in Act 197 or as hereinafter in this section provided, unless the context clearly indicates to the contrary and shall be in addition to the terms provided in Act 197.
 - (a) "Authority" means the Village of Central Lake Downtown Development Authority.
 - (b) "Act 197" means Act 197 of the Public Acts of Michigan of 1975 as now in effect of hereinafter amended.
 - (c) "Village" means the Village of Central Lake, Antrim County.
 - (d) "Council" means the Village Council of the Village of Central Lake.
 - (e) "Downtown District" means the downtown district designated herein.
4. Creation of Authority. There is hereby created pursuant to Act 197 the Village of Central Lake Downtown Authority. The Authority shall be a public body corporate and shall be known and exercise its powers under the title of "Central Lake Downtown Development Authority". The Authority may adopt a seal, sue and be sued in any court of this State, and shall possess all of the powers necessary to carry out the purpose of its incorporation as provided herein and in Act 197. The enumeration of a power herein or Act 197 shall not be construed as a limitation upon the general powers of the Authority.
5. Description of Downtown District. The boundaries of the downtown district in which the Authority shall exercise its powers as provided by Act 197 are hereby established as follows:

All properties inclusive with the western boundary being Chestnut Street from Brooks Street north to Cedar Street; the northern boundary from Chestnut Street to Cherry Street on Cedar Street; south on Cherry Street to North Street then east on North Street to Elm Street; then south on Elm Street to Maple Street; west on Maple Street to the northeast corner of Lot 4, Block V, Plat of Central Lake

1884; then south to State Street; west on State Street to Herrick Street; south on Herrick Street to the southeast corner of Lot 1, Block T, Plat of Central Lake; then west on southern border of said Lot 1, Block T, to northeastern corner of Lot 9, Block T, Plat of Central Lake; The south to Brooks Street; then west to Chestnut Street.

6. Board. The Authority shall be under the supervision and control of a Board consisting of the Village President and 8-12 members. The members shall be appointed by the Village President subject to approval by the Village Council. Eligibility for membership on the Board and terms of office shall be as provided in Act 197. All members shall hold office until the member's successor is appointed.
7. Powers of Authority. As provided in act 197, the Authority shall prepare plans for the downtown development district. The Authority must obtain Council approval of all financial plans. The authority shall possess all of the powers necessary to carry out the purposes of its incorporation and shall have all powers provided by Act 197 of the Public Acts of 1975.
8. Termination. Upon completion of its purposes, the Authority may be dissolved by the Village Council. The property and assets of the authority, after dissolution and satisfaction of its obligations, shall revert to the Village Council.

CHAPTER 18 - BICYCLES, SCOOTERS, SKATEBOARDS AND ROLLER BLADES

18.1 The Village of Central Lake Ordains:

1. Definitions

The following definitions shall apply in the interpretations of this Ordinance.

- A. "Bicycles" shall be any device on which a person may ride, which is propelled by human power, and which has either two or three wheels in tandem or tricycle arrangement, which are more than 14 inches (14") in diameter.
- B. "Scooter" shall mean a device with two wheels in a tandem arrangement on which a person may ride and which is propelled by human power by pushing one foot against the ground.
- C. "Skateboard" shall mean a board or device with wheels attached on the bottom which is propelled by human power and which is designed and capable of being ridden by a person while standing.
- D. "Roller blades" shall mean a device with several wheels in tandem arrangement, which a person wears on his/her feet and is propelled by human power.

2. Bicycles, Scooters, Skateboards and Roller Blades Prohibited. No person shall ride a bicycle, scooter, skateboard or roller blades on the sidewalks adjacent to Main Street (M-88) from Grove Street on the south to Cedar Street in the North nor on the sidewalks adjacent to State Street from Herrick Street on the east to Howard Street on the west and said devices shall not be used in the Thurston Park Pavilions. On all other sidewalks in the Village, operators of said devices shall yield to pedestrian traffic.

3. Effective Date: 8-10-1995 This Ordinance shall become effective thirty (30) days from adoption and shall be printed in the Torch Newspaper.

4. Snowmobile Regulations

- a. Act No. 58 of the Public Acts of Michigan of 1995 (MCL 324.82101 et seq.) is hereby adopted by the Village as a part of this section.
- b. A snowmobile may be operated upon any roadway, shoulder or right-of-way within the Village with the exception of restricted areas.
- c. A snowmobile, when operated upon a roadway, must be driven as far to the right of the roadway as possible.
- d. Restricted areas shall be visibly marked.
- e. A snowmobile may be operated within Thurston Park
- f. A snowmobile shall not be operated or parked on a sidewalk.

4.1 Restriction of Operation

- a. The Village Council may, by resolution, restrict the operation of snowmobiles within the Village when, in their opinion, the public safety and welfare so requires.

5. Penalties. Any person who violates this ordinance shall be responsible for a civil infraction and shall be subject to a fine of not more than One Hundred and 00/100 (\$100.00) Dollars.

6. Effective Date: 12-10-2007 This Ordinance shall become effective thirty (30) days from adoption and shall be printed in the Antrim County Review.

CHAPTER 19 - Village Ordinance Certification

At a regular meeting of the Central Lake Village Council, Antrim County, held in the Central Lake Village Hall, located in the Central Lake governmental Center, in the township of Central Lake, Michigan, on March 14, 2005 at 7:00 p.m.

PRESENT: _____

ABSENT: _____

It was moved by _____ and seconded by

_____ that the following Ordinance be adopted.

Chapter 19: The Council of the Village of Central Lake hereby repeals Chapter 8: Hazardous Spills Expense Recovery, of the Central Lake Village Code.

YES: _____

NO: _____

ORDINANCE DECLARED ADOPTED.

Village of Central Lake

By _____
Lawrence Eckhardt, President

I, the undersigned, the Clerk of the Village of Central Lake, Antrim County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the Central Lake Village Council of said County at its regular meeting held on September 10, 2001, relative to adoption of the ordinance therein set forth; that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 19Th, and that the minutes of said meeting were kept and will be made available as required by said Act; this ordinance was published in the Antrim County News, _____ 2005.

Dated: _____

By: _____

Greta E. Powers, Clerk

**Central Lake Village
Residents and Landowners**

**Effective July 1, 2006, the Central
Lake Police Department will enforce
all ordinances adopted by the Central
Lake Village Council on April 1, 2003.**

Social Security Number Privacy Policy

- I. Policy

Pursuant to Michigan state law, it is the policy of the Village of Central Lake to protect the confidentiality of social security numbers. No person shall knowingly acquire, disclose, transfer or unlawfully use the social security number of any employee or other individual unless in accordance with applicable state and federal law and the procedures and rules established by this policy.

- II. Administrative Procedures/Rules
 - A. Social Security Number Defined

As used in this policy, the term “social security number” includes both the entire nine-digit number and more than 4 sequential digits of the number.

 - B. Public Display

Social security numbers shall not be placed on identification cards or badges, membership cards, permits, licenses, time cards, employee rosters, bulletin boards or any other materials or documents that are publicly displayed. Documents, materials or computer screens that display social security numbers or other sensitive information shall be kept out of public view at all times.

 - C. Access to Social Security Numbers

Only persons authorized by the responsible department or other administrative unit shall have access to information or documents that contain social security numbers.

 - D. Mailed or Transmitted Documents

Documents containing social security numbers shall only be mailed or transmitted in the following circumstances:

 - (i) **State or federal law, rule, regulation, or court order or rule authorizes, permits, or requires that a social security number appear in the document.**

 - (ii) **The document is sent as a part of an application or enrollment process initiated by the individual whose social security number is contained in the document.**

 - (iii) **The document is sent to establish, confirm the status of service, amend or terminate an account, contract, policy, or employee or health insurance benefit or to confirm the accuracy of a social security number of an individual who has an account, contract, policy or employee or health insurance benefit.**

 - (iv) **The document or information is a copy of a public record filed or recorded with the county clerk or register of deeds office**

and is mailed by that office to a person entitled to receive that record.

- (v) The document or information is a copy of a vital record recorded as provided by law and is mailed to a person entitled to receive that record.
- (vi) The document or information is mailed by or at the request of an individual whose social security number appears in the document or information or his or her parent or legal guardian.

(vii) Documents containing social security numbers that are mailed or otherwise sent to an individual shall not reveal the number through the envelope window, nor shall the number be otherwise visible from outside the envelope or package.

(viii) Social security numbers shall not be sent over the Internet or a computer system or network (e.g. through e-mail) unless the connection is secure or the transmission is encrypted. No individual shall be required to use or transmit his or her social security number over the Internet or a computer system, or to gain access to an Internet web site, computer system, or network (e.g. through e-mail) unless the connection is secure, the transmission is encrypted, or a password or other unique personal identification number or other authentication device is also required to gain access to the Internet web site or computer system or network.

E. Storage and Disposal

All documents or files that contain social security numbers shall be stored in a physically secure manner. Social security numbers shall not be stored on computers or other electronic devices that are not secured against unauthorized access.

Documents or other materials containing social security numbers shall not be thrown away in the trash; they shall be discarded or destroyed only in a manner that protects their confidentiality, such as shredding.

F. Information Collected

Social security numbers should only be collected where required by federal and state law or as otherwise permitted under the Michigan Social Security Number Privacy Act. If a unique identifier is needed, a substitute for the social security number shall be used.

G. Accountability

Any person who fails to comply with this policy shall be subject to discipline up to and including discharge.

H. Policy Guidance

If any questions regarding social security number privacy and security should arise, contact the Central Lake Village Clerk for policy clarification and guidance.

It was moved by H.Pletcher and seconded by D.Kotwick to accept the Social Security Number Privacy Policy.

Ayes – 7

Nays – 0

Absent – 0

Social Security Number Privacy Policy hereby declared adopted.

I HEREBY DECLARE that the foregoing is a true copy of a resolution adopted by the Central Lake Village Council , Central Lake, Antrim County, Michigan at a regular meeting held on the 10th day of January, 2006.

Signed _____

Title _____