

# Village of Central Lake

## *VILLAGE CODE*

### Antrim County MI

Adopted: April 14, 2003  
Amended: September 2012  
Adopted: \_\_\_\_\_ 2013

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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 Wednesday 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) Call to order
  - (b) Pledge of Allegiance
  - (c) Roll Call
  - (d) Acceptance and approval of Agenda as presented
  - (e) Acceptance and approval of prior month's meeting minutes
  - (f) Public Comment
  - (g) Correspondence
  - (h) Reports from DPW and Police Department
  - (i) Committee Reports
  - (j) Approval of Bills
  - (k) New Business
  - (m) Action Items
  - (n) Old Business
  - (o) Adjournment
- (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 or order and, in the absence of the President, to appoint a President 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) A committee of Finance and Personnel
  - (b) A committee on Streets, Sidewalks and lights
  - (c) A committee on Sewer and Water
  - (d) A committee of Communication
  - (e) A committee on Parks and Public Property
  - (f) A committee on Law Enforcement

Committee shall not consist of less than three (3) 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.
- (8) 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 Nos. 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, 1895 A.D.
- (9) 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 Dollars (\$500.00). 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.
- (10) Designation of Village Code Enforcement Officer – For purposes of enforcement of this Code, the following offices are designated as Village Code Enforcement Officers: Chief of Village Police Department and 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 Dollars (\$2,500.00) 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:

- (a) The term of the incumbent trustee whose term would expire in 1981 be extended for one (1) year, thus terminating in 1982.

- (b) At the 1982 election, three (3) trustees be elected for a two (2) year term to expire in 1984.
- (c) After the 1982 biennial election that three (3) 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:**

- (a) 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.
- (b) Disbursement of Compensations  
To the President and Trustees is to be made at the end of the fiscal year
- (c) Effective Date  
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 ORDINANCE NO. 4 OF 2013 AN ORDINANCE TO AMEND CHAPTER 1, SECTION 1.5 OF THE VILLAGE OF CENTRAL LAKE CODE.**

**THE VILLAGE OF CENTRAL LAKE ORDAINS:**

- (A) Chapter 1, section 1.5 of the Village of Central Lake Code is hereby amended to read in its entirety as follows:
  - (1) As authorized by Section 1(3), Chapter II of Act 3 of the Public Act of 1985, as amended, MCL 62.1(3), the Village Clerk and Village Treasurer shall be chosen by nomination of the Village President and appointment by a majority of the entire Village Council.
  - (2) The initial term of office for the Village Clerk and Village Treasurer shall be ninety (90) days from the date such person(s) takes and subscribes the oath of office and files it in the Village Clerk’s Office, together with the filing of any bond required by law, and until a successor is appointed. After the expiration of the initial term of office and any subsequent terms of office, the Village Clerk and Village Treasurer may be reappointed as provided in subsection (1) above for a term of office that ends contemporaneously with the term office of the Village President, and until a successor is appointed, which generally will be two (2) years, except when the first reappointment occurs during the term office of the Village President.
- (B) Adoption. This Ordinance shall be adopted by an affirmative vote of at least two-thirds (2/3) of the members of the Village Council.
- (C) 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 without the invalid portion or application.
- (D) Effective Date.

- (1) 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 ten percent (10%) 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.
- (2) If a petition is filed within the time specified in subsection (a) above, this Ordinance shall then take affect only upon its approval at the next general village or special village election held on the question of whether the Ordinance shall be approved. Notice of the delayed effect of this ordinance and the right of petition under this section shall be published separately at the same time and in the same manner as the Ordinance

## **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 July 10, 2000 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 or its care.
- (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 (4) 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 1<sup>st</sup>, June 1<sup>st</sup>, September 1<sup>st</sup> and December 1<sup>st</sup>.
- 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 serviced 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 1<sup>st</sup> 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 established by resolution of the Village Council shall have been made as security for the 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 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.
  - H. In the event of a run water advisory, if the council votes to credit accounts, the Village will credit water accounts one-hundred fifty (150) gallons of water per day times (x) the amount of day's times (x) the cost per one-thousand (1000) gallons of water.
11. The owners of any premises outside the Village limits of Central Lake, but supplied by water service shall pay Sixty Dollars (\$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 (12) months usage and billed accordingly.
  13. If there is evidence of meter tampering or disconnection, water usage shall be based on the previous twelve (12) 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 thirty (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.
  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.
  16. 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.
  17. 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 Dollars (\$500.00). 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.

**2.2 THIS ORDINANCE WILL REPEAL CHAPTER 2.2 AND 2.21 OF CHAPTER 2 UTILITIES OF THE VILLAGE CODE WHICH WAS EFFECTIVE JULY 10, 2000. IN ITS ENTIRETY AND SHALL BE REPLACED WITH ORDINANCE NO. 1 OF 2012 ENTITLED CROSS CONNECTION.**

An Ordinance regulating cross connections with the public water supply system, i.e. a connection or arrangement of piping or appurtenances through which water of questionable quality, wastes other contaminants can enter the public water supply system.

Be it ordained by the Central Lake Village Council and Central Lake Water Department, State of Michigan:

**Section 1.** That the Village of Central Lake adopts by reference, the Water Supply Cross Connection Rules of the Michigan Department of Environmental Quality being R 325.114-1 to R 325.11407 of the Michigan Administrative Code.

**Section 2.** That it shall be the duty of the Central Lake Water Department to cause inspections to be made of all properties served by the public water supply where cross connection with the public water supply is deemed possible. The frequency of inspections and re-inspections base on potential health hazard involved shall be as established by the Central Lake Water Department and as approved by the Michigan Department of Environmental Quality.

**Section 3.** That the representative of the Central Lake Water Department 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 of 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, shall be deemed evidence of the presence of cross connection.

**Section 4.** That the Central Lake Water Department is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this ordinance exists 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(s) has been eliminated in compliance with the provisions of the Ordinance.

**Section 5.** That all testable backflow prevention assemblies shall be tested at the time of installation or relocation and after any repair. Subsequent testing of devices shall be conducted at a time interval specified by the Central Lake Water Department and in accordance with the Michigan Department of Environmental Quality requirements. Only individuals that hold a valid Michigan plumbing license and have successfully passed an approved backflow testing class shall perform such testing. Each tester shall also be approved by the Village of Central Lake Water Department. Individual(s) performing assembly testing shall certify the results of his/her testing.

**Section 6.** 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 the Village of Central Lake. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

**WATER UNSAFE  
FOR DRINKING**

**Section 7.** That this Ordinance does not superseded the State Plumbing Code and the Village of Central Lake Ordinance No. 2.1 of 2000, but is supplementary to them.

**Section 8.** That any person or customer found guilty of violating any of the provisions of this Ordinance or any written order of the Village of Central Lake Water Department in pursuance thereof shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) 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.

**CROSS CONNECTION CONROL PROGRAM  
FOR THE VILLAGE OF CENTRAL LAKE, MICHIGAN**

**(1) INTRODUCTION**

In accordance with the requirements set forth by the Michigan Department of Environmental Quality (MDEQ), the Village of Central Lake has officially adopted the State of Michigan Cross Connection Rules to protect the public water supply system. A cross connection is defined as a connection or arrangements of piping or appurtenances through which a backflow could occur. Backflow is defined as the undesirable reversal of flow of water of questionable quality, waste or other contaminants into a public water supply. The purpose of this program is to avoid contamination of the public water supply by preventing and eliminating cross connections. It is the intend of the Village of Central Lake to carry out a comprehensive and effective cross

connection control program (CCCP) to ensure public health is protected and the requirements of the Michigan Safe Drinking Water Act are complied with.

## **(2) AUTHORITY**

The authority to carry out and enforce the local CCCP is provided from local Ordinance No. 1 of 2012, the Michigan Safe Drinking Water Act (Act 339), the MDEQ, Water Bureau Cross Connection Rules Manual and the Michigan Plumbing Code.

## **(3) PROGRAM APPROACH**

The objectives of this Program will be met primarily by:

- Routinely inspecting water customers for cross connections or potential cross connections
- Requiring water customers to test backflow prevention assemblies
- Maintaining cross connection control records
- Actively enforcing violations of the Program
- Providing public education
- Reporting the status of the Program to MDEQ

The Village of Central Lake shall ensure that there are adequate personnel and resources to carry out the necessary field and administrative requirements for this Program. The Village of Central Lake adopts the MDEQ, Water Bureau Cross Connection Rules Manual as a guide to prevent and eliminate cross connection.

## **(4) INSPECTIONS**

The water connections and plumbing system of all water customers or accounts shall be initially inspected for the presence of cross connections. As a result of the initial inspections, a detailed record of each account shall be established. A representative of the water utility or their designated agent shall be responsible for inspections. Individual responsible for conducting inspections shall have obtained sufficient training on cross connection rules, identification and corrective actions.

Inspections shall consist of entering a facility from the point where water service enters the facility (usually the meter) and tracing the piping to each end point of use. Using the inspection forms, the inspector shall identify and note the location and nature of any direct and potential cross connections, location and details of backflow prevention devices and other pertinent information. Inspectors having proper identification shall be permitted to enter the building/premises at reasonable times for the purpose of cross connection inspections. If the inspector is refused proper access or if customer plumbing is untraceable, the Village of Central Lake will access a cross connection is present and take the necessary action to ensure the public water supply is protected.

The highest priority for inspections shall be placed on facilities that pose a high degree of hazard, that have a high probability that backflow will occur or are known/suspected to have cross connections.

Once initial inspections of all accounts are completed, then a re-inspection frequency shall be determined for each account based on the degree of hazard and potential for backflow. The MDEQ Cross Connection Rules Manual will be a guide in classifying the degree of hazard of each account. However, in general, situations in which backflow could cause illness or death shall be considered a high hazard. Accounts that pose a high hazard or have a high potential for backflow to occur must be re-inspected at least once per year. All other accounts must be re-inspected once every one (1) to three (3) years based on the degree of risk. Other factors such as new construction, water quality complaints or anomalies in customer billing prompt an immediate re-inspection. After initial cross connection inspections are complete, a comprehensive list or inventory of all backflow prevention devices shall be on record including all pertinent data.

Following an inspection, the Village of Central Lake shall inform the customer of their compliance status with the cross connection rules. Template notices in Appendix D may be used to inform customers of upcoming inspections, required corrective actions, compliance status, etc.

#### **(5) TESTING BACKFLOW PREVENTION ASSEMBLIES**

When all initial inspections have been completed, a comprehensive list of backflow preventers installed on customers plumbing systems will be on record. The backflow preventers that are testable assemblies shall be placed on a routine testing schedule. Based on the associated degree of hazard and provability of backflow, each assembly will be assigned a testing frequency. Assemblies in place on high hazard connections must be tested annually. All other accounts must be tested once every three (3) years. In addition, all assemblies must be tested immediately following installation and repair.

Upon notice from the Village of Central Lake, it shall be the responsibility of the water customer to arrange for the assembly to be tested and submit the completed test form.

Following the initial cross connection inspections and subsequent classification of accounts (e.g. assigning a degree of hazard), assembly testing notices shall be sent to customers each year. The notices shall be sent out in a timely manner in order to provide adequate time for customers to comply and the timing will consider seasonal assemblies. Template notices in Appendix D may be used to inform customers of testing requirements. These notices will:

- Clearly identify the assembly requiring testing (size, make, model, location, etc.)
- Stipulate the date by which the assembly must be tested
- Indicate that test must be completed by a certified tester. A list of approved testers may be provided and updated lists may be obtained for the DEQ
- Enclose a standard test form (see Appendix D)

When assembly testing reports are received by the utility, they will be checked for the following:

- All the necessary information was provided
- Name and certification number of the testing is provided
- The test results appear valid
- The assembly tested matches the assembly requiring testing (make, model, etc.)

- The assembly is ASSE certified

Cross connection program staff will follow up with owners or tester on questionable tests forms. A customer may be asked to have an assembly retested if the original test results do not appear valid. Test forms must be received and kept on record for each required test.

## **(6) RECORD KEEPING**

A system of cross connection record keeping shall be maintained. Special software specifically for cross connections may be used for:

- Efficient record searches
- Easy reporting
- Simply updating
- Automatic letter generation
- Automatic deadline notification

All cross connections accounts information must be in the records including:

- Address and location
- Owners name and contact information
- List of testable assemblies
- Description of other cross connection within the facility
  - Air gaps
  - Non-testable assemblies
- Degree of hazard classification and basis
- Required re-inspection frequency
- Photos or sketches, if available

All testable assemblies must be in the record including:

- Location of the assembly
- Name and contact information of assembly owner
- Make, model and size of assembly
- ASSE standard number
- Degree of hazard classification
- Required testing frequency and basis
- Seasonal or permanent status

Tracking changes in water use or tracking new customers is a critical part of the cross connection program. The Village of Central Lake shall make every attempt to prevent/eliminate cross connection at installation to ensure future compliance. An effort shall be made to cooperate and communicate with the local plumbing code inspector to better accomplish this goal.

Standard letter, form and reporting templates may be used to simplify the program requirements including:

- Inspection forms
- Assembly testing forms
- Inspection and/or assembly testing notification letters
- Non-compliance letters
- Water service termination notice
- Hydrant use authorization forms

Copies of the written Cross Connection Control Program. Ordinance and DEQ approval letter should be kept on file. Copies of the MDEQ Annual Reports shall be kept for a minimum of ten (10) years.

## **(7) ENFORCEMENT**

To protect public health, water customers found to be in violation of the cross connection rules will be brought into compliance in a timely manner or lose their privilege to be connected to the public water system. To properly enforce these rules, the Village of Central Lake Ordinance provides authority to inspect facilities, terminate water service and assess fines.

Following an inspection, the customer will be sent either a compliance notice or a non-compliance notice. The timeframe to complete the necessary corrective actions is at the discretion of the utility and will be based primarily on the degree of risk posed by the violation, but also consider the complexity/cost of the necessary corrective action. Cross connections that pose an imminent and extreme hazard shall be disconnected immediately and so maintained until proper protection is in place. Cross connections that do not pose an extreme hazard are generally expected to be eliminated with thirty (30) to sixty (60) days. The necessary corrective action and deadline shall be described in the non-compliance notice to the customer.

If water shut off is necessary to protect the public water system, the local health department, fire department, local law enforcement and the Village President may need to be notified.

## **(8) PUBLIC EDUCATION**

The Cross Connection Control Program Staff must have a good understanding of the Program. The Village of Central Lake shall ensure their cross connection control staff receives proper in-the-field training as well as classroom education focusing on terminology, backflow prevention devices, regulations and hydrant concepts. In addition, cross connection control staff will be encouraged to receive continuing education to be made aware of new backflow prevention devices, regulation changes (i.e. plumbing code updates), new water use devices that pose cross connection concerns, etc.

Furthermore, attempts to educate the public about cross connections will be made by distributing pamphlets on common residential cross connection, visiting schools, providing onsite education of facility management and maintenance staff during routine inspections,

speaking at condominium association meetings, showing videos on local access channels or posing newspaper announcements. Cross connection staff shall also be available upon request to provide backflow prevention education to pertinent community officials and Village and/or Township employees.

## **(9) ANNUAL REPORT**

Part 14 of the Michigan Safe Drinking Water Act requires that each community report the status of their Program to the MDEQ annually. The report summarizes testing, inspections and corrective action efforts. Cross connection records shall be on file to document each number on the report. The annual report form shall be filled out completely and submitted by the deadline. A narrative description shall be included explaining any unusual number or significant events such as:

- The addition or loss of a cross connection staff person
- Greatly expanded/contracted number of cross connection accounts
- Status of accounts not currently in compliance

- 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 (12) 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 (STE) 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. Streets, sidewalks, parkways 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 plan 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, ground water, 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  $\frac{1}{2}$  one half inch) in size, insoluble solid or viscous substance such as sand, straw, metal shavings, glass, tar, feathers, plastic, 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, measurements, 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) 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 (1) 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.

**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 Five Hundred Dollars (\$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 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 expense, 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.

**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 22<sup>nd</sup> 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 Eight Dollars and 16/100 (\$8.16) per unit, per month and customers served by an individual pumping system will pay Sixteen Dollars and 00/100 (\$16.00) 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 Dollars (\$500.00). 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:**

- Section 1:** “Village” shall mean the Village of Central Lake acting through the Village Council or its authorized agents.
- Section 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.
- Section 3:** “Owner” shall mean all persons owning property in the affected area.
- Section 4:** “Drinking Water” shall mean any water that is used for consumption.
- Section 5:** “Drinking Water Supply Well” shall mean any well that is drilled, driven or dug for the production and use of drinking water.
- Section 6:** “Public Water” shall mean the Village of Central Lake Water System.
- Section 7:** “Wastewater Treatment Facility” shall mean the Village of Central Lake Wastewater Treatment Facility.
- Section 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**

- Section 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.
- Section 2:** Groundwater in the Restricted Area, east and northeast of the Wastewater Treatment Facility may not be usable as Drinking Water for human consumption.
- Section 3:** The Owner or his agent shall secure a written installation permit from the Village prior to connection to Public Water.

**ARTICLE III: PENALTIES**

- Section 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.
- Section 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**

- Section 1:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 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**

**Section 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 12<sup>th</sup> 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 COMMERCIALY USE ELECTRIC LINES CONSISTING OF TOWERS, MASTS, POLES, CROSS ARMS, GUY, BRACES, FEEDERS, TRANSMISSION AND DISTRIBUTION WIRES, TRANSFORMERS AND OTHER ELECTRICAL APPLICANCES 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 (30) YEARS.**

**THE VILLAGE OF CENTRAL LAKE ORDAINS:**

**Section. 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 (30) years.

**Section 2: Consideration:**  
In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

**Section 3: Conditions:**  
No highway, street, alley, bridge 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.

**Section 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.

**Section 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 either 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. Said 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.

**Section 6: Franchise not Exclusive:**

The rights, power and authority herein granted are not exclusive.

**Section 7: Revocation:**

The franchise granted by this Ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

**Section 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.

**Section 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 (30) 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 26<sup>th</sup> 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 (30) YEARS.

### THE VILLAGE OF CENTRAL LAKE ORDAINS:

#### **Section 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.

#### **Section 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 nor 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.

#### **Section 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 such other authority as may have jurisdiction, to issue a permit to the Company to do the work proposed.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

## **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 designated 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 sidewalks except in accordance with the line, grade, slope and specifications established neither 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 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 7k, 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 to 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 of 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 Dollars (\$500.00). 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 relieve 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.

## CHAPTERS 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 of 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 affect 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 buildings 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, 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 the 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 affect 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) items 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 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 Dollars (\$500.00). 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.

### **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 designated 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 application 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 application 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 therefore 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 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 FIRES & OPEN BURING**

### **AN ORDINANCE TO ADD A NEW CHAPTER 7 TO THE VILLAGE OF CENTRAL LAKE CODE REGARDING FIRES AND OPEN BURNING**

#### **THE VILLAGE OF CENTRAL LAKE ORDAINS:**

##### **Section 1. Addition of new Chapter 7.**

A new chapter 7 is hereby added to the Central Lake Village Code which shall read in its entirety as follows:

##### **7.1 Definitions:**

The following are hereby provided under this chapter.

- (a) “Approved Recreational Fire Pit” a hole or indentation in the ground that is surrounded by a noncombustible material (rock, brick, pavers, concrete) that is at least 20 feet from any building or property line.
- (b) “Ashes/Soot” by-products and residue from fire.
- (c) “Bonfire” refers to an outdoor fire utilized for ceremonial purposes that exceeds four feet in diameter.
- (d) “Commercial Refuse” refers to miscellaneous waste materials such as garbage, rubbish, and ashes resulting from commercial operations and premises.
- (e) “Compostable” consist of substances which, when decomposed, and nutrient value to the land.
- (f) “Construction Waste” refers to waste materials resulting from alteration, repair, demolition, or construction of building or structures.
- (g) “Firewood” refers to natural wood products that are less than six inches in diameter and no more than two feet in length.
- (h) “Garbage” rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food or that are related to the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables.
- (i) “Person” refers to any natural person, firm, and partnership, association, limited liability company, corporation or any other legal entity.
- (j) “Recreational Fire” refers to an outdoor fire, not to exceed four feet in diameter, utilized to cook or provide warmth.

(k) “Refuse” refers to any combustible trash, including but not limited to cardboard, plastic, furniture, bedding and noncombustible material, including but not limited to metals, tin cans and glass.

(l) “Yard Waste” refers to regular wastes produced from landscaping and gardening.

**7.2 Prohibitions on burning:**

It shall be unlawful for any person to burn any refuse, yard waste, garbage, commercial or construction waste in any Village street, right-of-way, or public alley within the Village limits. Except as otherwise permitted in this chapter, all other open burning is prohibited within the limits of the Village of Central Lake.

**7.3 Permitted burning regulations:**

The following regulations shall govern all permitted burning within the Village of Central Lake.

(a) Recreational fires are allowed within the Village of Central Lake, so long as it is contained within an approved recreational fire pit. Only firewood shall be used in a recreational fire.

Chapter 7, Section 7.3 of the Central Lake Village Code is hereby amended to add a new subsection (b), which shall read in its entirety as follows:

(b) All controlled burns conducted by the Central Lake Township Fire Department are allowed within the Village of Central Lake.

**7.4 Recreational fire pits:**

(a) Each residential building within the limits of the Village of Central Lake shall be allowed to have one approved recreational fire pit. Said fire pit is to be no more than four feet in diameter, is to be located a minimum of 20 feet from any property line, and is to be surrounded by noncombustible materials (rock, brick, pavers, concrete, etc.).

(b) Only firewood, as herein defined, is to be burned in an approved recreational fire pit.

**7.5 Bonfires:**

(a) The Central Lake Police Department may grant permits for authorized bonfires. To receive a permit for an authorized bonfire, a person shall submit a request in writing that will include the date, time, place and all fire control measures that will be used on site for said bonfire. The Central Lake Police Department may grant permission to those meeting the following standards.

- 1) All bonfires shall be contained in a hole or indentation and surrounded by noncombustible materials (rock, brick, concrete, etc.)
  - 2) All bonfires shall be a minimum of 20 feet from any structure or property line
  - 3) All bonfires shall be no more than six feet in diameter and eight feet in height
  - 4) All bonfires shall be organized so as to not create a disturbance to any reasonable person
  - 5) Provide sufficient water to extinguish the fire at any time
- (b) No fees shall be associated with said permits. All permits shall be issued within five business days. At the discretion of the Central Lake Police Department, reasonable time and size restrictions may be placed on the permitted bonfire. Any rejected requests for a permit shall be stated in writing and include a stated reason for denial.

**7.6 Fire control measures:**

- (a) Any and all approved burning within the limits of the Village of Central Lake shall be constantly attended until the fire is extinguished. On-site extinguishing equipment, such as water, dirt, sand, garden hose or water truck, shall be available for immediate utilization.
- (b) Any authorized official from the Central Lake Police Department shall prohibit any burning that will be offensive or objectionable due to smoke or other odor emission by any reasonable person.

**7.7 Penalties and enforcement:**

- (a) Any person who violates 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 Section 600.101 through 600.99399 of Michigan Compiled Laws, and shall be subject to a fine of not more than \$500. Each day this chapter is violated shall be considered as a separate violation.
- (b) Officers of the Central Lake Police Department, and other Village officials designated by resolution of the Village Council, are hereby authorized to issue municipal civil infractions under this chapter directing offenders to appear in court. 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.
- (c) In addition to enforcing this chapter through the use of 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.

**Section 2. 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 portion or application of this Ordinance, which can be given effect without the invalid portion or application.

**Section 3. Effective Date.**

This Ordinance shall become effective twenty (20) days after its enactment.



## **CHAPTER 8. NUISANCE**

### **AN ORDINANCE TO AMEND THE CENTRAL LAKE VILLAGE CODE BY MAKING SOME CHANGES TO CHAPTER 8 CONCERNING NUISANCE ORDINANCE THEREOF**

#### **THE VILLAGE OF CENTRAL LAKE ORDAINS:**

##### **Section 1. Amendment of Village Code.**

The Central Lake Village Code is hereby amended to making changes to Chapter 8, which shall read in its entirety as follows:

##### **8.1 DEFINITIONS:**

As used in this Chapter the following items shall have the meanings prescribed in this section:

- (a) "AMPLIFIED SOUND SYSTEM" means a device which produces or amplifies sound either electronically or mechanically and includes but is not limited to radios, stereos, phonographs, compact disc players, tape players, televisions, musical instruments, drums and sound amplifiers.
- (b) "BUILDING MATERIALS" includes but is not limited to lumber, bricks, concrete or cinderblocks, plumbing or heating materials, electrical wiring or materials used in construction of any structure.
- (c) "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.
- (d) "GARBAGE" means rejected food waste, 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 vegetable. "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 (5) feet square and is located on the property so that it cannot be seen from any adjoining land owned by another person.

- (e) 'HARBOR OR HARBORING" man's providing food and/or shelter to any animal for any period of time in excess of twelve (12) hours or being in charge of control or any animal under any written or verbal agreement with the animal's owner.
- (f) "HIGHWAY OR STREET" means the entire width between the boundary lines of every way publically maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
- (g) "JUNK" Shall include but not limited to parts of machinery or motor vehicles, tires, vehicle parts, unused stoves or other appliances stored in open, remnants of wood, metal or any other material or other cast of material of any kind whether or not the same could be put to any immediate reasonable use.
- (h) "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 Michigan Supervisor Wells.
- (i) 'MOTOR VEHICLE" means every vehicle which is designed to be self-propelled
- (j) "OWNER OF 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.
- (k) "PERSON" means an individual, firm, corporation, association, partnership, limited partnership, estate, trust, Limited Liability Company or other legal entity.
- (l) "RUBBISH" means nonputrescible solid waste including ashes, paper, cardboard, metal containers, glass, bedding, crockery, bags, rags and demolished materials.
- (m) "SEALED CONTAINER" means a covered, closeable container which is rodent proof, fly proof and watertight such as garbage cans with property fitting tops or plastic garbage bags which have been closed or twisted shut, providing they remain closed and unopened.
- (n) "SIDEWALK" means that portion of a highway or street between the curb lines or lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.
- (o) "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 closeable doors around its perimeters.

- (p) "VEHICLE" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway and specifically includes bicycles, scooters, skateboards and tricycles.

**8.2 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 material 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 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 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 waste 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 (including automobiles) without consent of the owner or occupant except as authorized or required by law.

- (h) Being the owner of a cat or dog, to permit or 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 bags 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
  - (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 a.m. (midnight) and 5:00 a.m. or at any time in a habitual manner. For the purpose of this subsection, "habitual" means whining, yelping, barking, howling or make 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.
- (i) The harboring of any horse, cow, donkey, mule, goat, sheep, pig, duck, geese, turkey, guinea hen or exotic animal within the Village.
- (j) Jumping or diving into water from any public street, bridge or bridge abutment, village owned dock or public sidewalk.
- (k) No person operating or in control of a parked vehicle or motor vehicle and no person operating a vehicle or motor vehicle on a highway or other place open to the general public including an area designated for the parking of vehicles or motor vehicles shall operate or permit another to operate an amplified sound system that is clearly audible from the vehicle or motor vehicle by an individual of ordinary hearing ability under either of the following circumstances:
- (1) At a distance of fifty (50) feet from the vehicle or motor vehicle between the hours of 7:00 a.m. and 10:00 p.m.
  - (2) At a distance of twenty-five (25) feet from the vehicle or motor vehicle between the hours of 10:00 p.m. and 7:00 a.m. the following day.

No person shall operate or permit another person to operate an amplified sound system from any real property within the Village that is clearly audible by an individual of ordinary hearing ability under either of the following circumstances:

- (1) At a distance of fifty (50) feet from the boundaries of the property on which the amplified sound system is being operated between the hours of 7:00 a.m. and 10:00 p.m.
- (2) At a distance of twenty five (25) feet from the boundaries of the property on which the amplified sound system is being operated between the hours of 10:00 p.m. and 7:00 a.m. the following day.

No person shall operate or permit another person to operate an amplified sound system on a highway or sidewalk that is clearly audible by an individual of ordinary hearing ability under either of the following circumstances:

- (1) At a distance of fifty (50) feet from the device producing the sound between the hours of 7:00 a.m. and 10:00 p.m.
- (2) At a distance of twenty five (25) feet from the device producing the sound between the hours of 10:00 p.m. and 7:00 a.m. the following day.

**NOISE EXEMPT ACTIVITIES:**

Noise ordinance violations shall not apply to the operation of amplified sound systems when used in connection with parades, musical productions or events authorized by the Village, school district or civic or community organizations; to the operation of amplified sound systems by the Village and any police or fire official when used to disseminate official information and to the operation of amplified sound systems used to give official warnings such as sirens, whistles, bells or horns as authorized by the State Motor Vehicle Code or the Uniform Traffic Code adopted by the Village. Noise ordinance shall not apply to Village DPW operations, commercial or residential construction which is in compliance with local building and zoning regulations and/or the normal lawn care by either private or professional services.

**8.3 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.

**8.4 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.

**8.5 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 Dollars (\$500.00). 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.

**8.6 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.

**8.7 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 without interventions 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 the mailing. The cost of the 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.

**8.8 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 applications of this Chapter which can be given effect without the invalid portion or application.

**8.9 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.

**Section 2. Severability.**

If any provision or section of this Chapter be held invalid for any reason, such holdings will not affect the validity of the remaining provisions of this Chapter. It is the legislative intent that this Chapter shall remain valid despite the invalidity of any such provisions or section.

**Section 3. Effective Date.**

This Ordinance shall become effective twenty (20) days after its enactment.

**CHAPTER 9 DANGEROUS STRUCTURES**

**AN ORDINANCE TO AMEND CHAPTER 9 OF THE VILLAGE OF CENTRAL LAKE CODE REGARDING DANGEROUS STRUCTURES**

**VILLAGE OF CENTRAL LAKE ORDAINS:**

**Section 1. Amendment of Chapter 9.**

Chapter 9 of the Central Lake Village Code is hereby amended to read in its entirety as follows:

**9.1 “Dangerous Structure” Defined.**

As used in this Chapter a “dangerous structure” means a building or structure that has one (1) or more of the following defects or is in one (1) or more of the following conditions:

- (a). A portion of the building or structure is damaged by fire, wind, flood, or other cause such that the structural strength or stability of the building or structure is appreciably less than it was before the catastrophe and does not meet the minimum requirements of the building code enforced within the Village for a new building or structure.
- (b). A part of the building or structure is likely to fall, become detached or dislodged, or collapse and injure persons or damaged property.
- (c). A portion of the building or structure has settled to such an extent that walls or other structural portions of the building or structure have materially less resistance to wind than is required in the case of new construction by the building code enforced within the Village.
- (d). The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion of the ground necessary for the support, or for other reasons, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fall or give away.

- (e). The building, structure, or a part of the building or structure is manifestly unsafe for the purpose for which it is used.
- (f). The building or structure is damaged by fire, wind, or flood, or is dilapidated or deteriorated and has become an attractive nuisance to children who might play in the building or structure to their danger.
- (g). The building or structure is vacant, dilapidated, and opened at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.
- (h). A building or structure, or portion of a building or structure, above or below grade, which is not and cannot be used or occupied, either temporarily or permanently, as permitted under the building code for the State of Michigan, as amended, inclusive of all rules, codes and regulations pertaining thereto. This subsection (h) shall not apply to any building or structure for which has been issued a valid, pending zoning and building construction permit for ongoing construction.

## **9.2 Prohibition.**

No person, corporation, limited liability company, trust, partnership, or other legal entity shall own, occupy or maintain any dangerous structure within the Village.

## **9.3 Notice.**

If a building or structure is found to be a dangerous structure, the Village shall give the owner of the building or structure written notice of the dangerous condition and thirty (30) days to demolish and remove the dangerous structure from the property or to repair the dangerous structure to make it safe. The notice may be personally delivered to the owner or mailed to the owner by first class mail at the address shown on the assessor's roll.

## **9.4 Inspection.**

Village representative shall have the right to inspect buildings or 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 to possession of the building or structure or any part thereof, or by administrative search warrant.

## **9.5 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 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 Chapter is violated shall be considered as a separate violation.



## **9.6 Enforcement.**

The Village President, officers of the Central Lake Police Department, and other person appointed by the Village Council are hereby designated as the authorized Village official to issue municipal civil infraction citations directing alleged violators of this Chapter

## **9.7 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.

## **9.8 Injunctive Relief.**

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.

## **9.9 Abatement by Village.**

If a Court of competent jurisdiction finds the owner or occupant of a building or structure in violation of this Chapter, the Court, in addition to ordering the owner or occupant to demolish the dangerous structure and remove it from the property or to repair the dangerous structure to make it safe, may authorize the Village to demolish the dangerous structure and remove it from the property or to repair the dangerous structure to make it safe. The Court, however, shall not authorize the Village to demolish the dangerous structure if the cost of repairing the building or structure to a safe condition is less than the state equalized value for the building or structure.

## **9.10 Cost Recovery; Lien.**

- (a). The Cost incurred by the Village in demolishing the dangerous structure and removing it from the property or repairing the dangerous structure to a safe condition, including reasonable attorney fees, shall be reimbursed to the Village by the owner or party in interest in whose name the property appears.
- (b). The owner or party in interest in whose name the property appears upon the last local tax assessment roll shall be notified by the assessor of the amount of the costs of the demolition or repair of the dangerous structure by first-class mail at the address shown on the record. If the owner or party in interest fails to pay the costs within thirty (30) days after mailing by the assessor of the notice of the amount of the cost, the Village shall have a lien for the costs incurred by the Village to bring the property to compliance with this Chapter. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. The lien provided for in this subsection does not have priority over previously filed or recorded liens and encumbrances. The lien for the costs

shall be collected and treated in the same manner as provided for property tax liens under the state General Property Tax Act.

**9.11 Validity.**

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

**Section 2. Effective Date.**

This Ordinance shall become effective twenty (20) days after its enactment

**CHAPTER 10 NOXIOUS WEEDS**

**10.1 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) inches 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 percent (60%) 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.

**10.2 Noxious Weed Control:**

Any person who owns or possesses 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.

**10.3 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 these 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.

**10.4 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 of each such cutting to the person owning the property. The newspaper notice shall contain all the information required in Section 3 above.

**10.5 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 percent (10%) administrative charge and shall make a sworn statement of that account to the Village Council which shall then audit and approve the account.

**10.6 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 and shall be enforced in the manner prescribed by the laws of the State of Michigan for the enforcement of tax liens.

**10.7 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.

**10.8 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 Dollars (\$500.00). Each day this chapter is violated shall be considered as a separate violation.

**10.9 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 11    DISMANTLED OR INOPERABLE MOTOR VEHICLES**

### **11.1    Definitions as used in this chapter:**

- (a)    “Motor vehicle” means any wheeled vehicle which is designated 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 from which a part of 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.

### **11.2    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.

### **11.3    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.

### **11.4    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 Dollars (\$500.00). Each day this chapter is violated shall be considered as a separate violation.

### **11.5    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.

**11.6 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.

**11.7 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 12      SUPPLEMENTAL TRAFFIC**

### **12.1      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 24.328 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.

### **12.2      Reference in Code:**

References in the Uniform Traffic Code for cities, townships and villages to a “governmental unit” shall mean the Village of Central Lake.

### **12.3      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.

### **12.4      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.

### **12.5      Penalties:**

The penalties provided by the Uniform Traffic Code for cities, townships and villages are adopted by reference.

## **CHAPTER 13     PARKING**

### **13.1     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 on of the Village between 2:00 a.m. and 6:00 a.m.

### **13.2     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.

### **13.3     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.

### **13.4     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 Dollars (\$500.00). Each day this chapter is violated shall be considered as a separate violation.

### **13.5     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.

### **13.6     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.

### **13.7     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 14 PUBLIC NUDITY

### 14.1 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 AACRS 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 the intent of this ordinance to legitimize activities prohibited by the Village of Central Lake ordinance, state or federal law.

### 4.2 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 breastfeeding 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.

### 14.3 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.

**14.4 Aiding and Abetting Prohibited:**

No person shall assist, aid, abet or encourage any other person to engage in public nudity.

**14.5 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.

**14.6 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.

**14.7 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 Dollars (\$500.00). 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.

**14.8 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 15 ADOPTION OF THE METRO ACT

### 15.1 Purpose:

The purposes of this chapter are to regulate access to and ongoing use of public rights of way by telecommunication providers for their telecommunication 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.

### 15.2 Conflict:

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

### 15.3 Terms Defined:

The terms used in this chapter shall have the following meanings:

- (a) “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.
- (b) “Village” means the Village of Central Lake.
- (c) “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.
- (d) “Village President” means the Village President or his or her designee.
- (e) “Permit” means a non-exclusive permit issued pursuant to the Act and this chapter to a telecommunication provider to use the public rights of way in the Village for its telecommunication 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:

- (f) “Authority” means the Metropolitan Extension Telecommunications Rights of Way Oversight Authority created pursuant to Section 3 of the Act.
- (g) “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.
- (h) “Person” means an individual, corporation, partnership, association, governmental entity or any other legal entity.

- (i) “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.
- (j) “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.
- (k) “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:
  - (1) A cable television operator that provides a telecommunication service
  - (2) Except as otherwise provided by the Act, a person who owns telecommunication facilities located within a public right of way
  - (3) A person providing broadband internet transport access service.

#### **15.4 Permit Required**

- (a) Permit Required: Except as otherwise provided in the Act, a telecommunications provider using or seeking to use public rights of way in the Village for its telecommunications facilities shall apply for and obtain a permit pursuant to this chapter.
- (b) Application: Telecommunications providers shall apply for a permit on an application form approved by the MPSC in accordance with Section 6(1) of the Act. 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.
- (c) 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.

- (d) **Application Fee:** Except as otherwise provided by the Act, the application shall be accompanied by a onetime non-refundable application fee in the amount of Five Hundred Dollars (\$500.00)
- (e) **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 request 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.
- (f) **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.
- (g) **Existing Providers:** Pursuant to Section 5 (3) of the Act, within one hundred eighty (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 Five Hundred Dollar (\$500.00) application fee required under subsection 16.4d above. A provider under this subsection shall be given up to an additional one hundred eighty (180) days to submit the permit application ~~of~~ if allowed by the Authority as provided in Section 5 (4) of the Act.

## **15.5 Issuance of Permit**

- (a) **Approval or Denial:** The authority to approve or deny an application for a permit is hereby delegated to the Village President. Pursuant to Section 15 (3) of the Act, 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.

- (b) **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.
- (c) **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.
- (d) **Bond Requirement:** Pursuant to Section 15(3) of the Act and without limitation on subsection 16.4(c) above, the Village President may required 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.

**15.6 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.

**15.7 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 right to use conduit or utility poles.

**15.8 Route Maps:**

Pursuant to Section 6(7) of the Act, a telecommunications provider shall, within ninety (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.

**15.9 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 of way in the Village as authorized by a permit shall promptly repair all damage done to the street surface and all installations under, over, below or within the public right of way to its preexisting condition.

**15.10 Establishment and Payment of Maintenance Fee:**

In addition to the non-refundable application fee paid to the Village set forth in Section 16.4.d. 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.

**15.11 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 such 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.

**15.12 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 15.11 above shall be void from the date modification was made.

**15.13 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.

**15.14 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.

**15.15 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.

**15.16 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.

**15.17 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.

**15.18 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.

**15.19 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.

**15.20 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.

**15.21 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.

**15.22 Repealer:**

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



**CHAPTER 16 PLANNING COMMISSION AND DOWNTOWN DEVELOPMENT AUTHORITY**

**16.1 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:**

**16.1.1 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."

**Ordinance NO. 2 of 2018-2019**

AN ORDINANCE TO AMEND CHAPTER 16, SECTION 16.1.2 OF THE VILLAGE OF CENTRAL LAKE CODE CONCERNING MEMBERSHIP ON THE VILLAGE PLANNING COMMISSION.

THE VILLAGE OF CENTRAL LAKE ORDAINS:

**Section 1. Amendment of Chapter 16, Section 16.1.2.**

Chapter 16, Section 16.1.2 of the Central Lake Village Code is hereby amended to read in its entirety as follows:

**16.1.2 Membership; Appointment; Compensation; Terms; Removal; Vacancy**

- (a) The Village Planning Commission shall consist of five (5) members. The Village President, one (1) or more members of the Village Council, or any combination thereof, may be appointed to the Planning Commission as *ex officio* members with full voting rights on the Planning Commission, provided that these officials constitute no more than one-third (1/3) of the total membership on the Planning Commission. Except as provided herein, an elected official or employee of the Village, however, shall not be eligible to be a member of the Planning Commission. Members of the Planning Commission shall be qualified electors of the Village, except two (2) members may be individuals who are not qualified electors of the Village. In addition, members of the Planning Commission shall be representative of the entire geography of the Village to the extent practicable and shall be representative of important segments of the Village, such as the economic, governmental, educational, and social development of the Village, in accordance with the major interests as they exist in the Village, such as agricultural, natural resources, recreation, education, public health, government, transportation, industry, and commerce.

**ORDINANCE CERTIFICATION**

At a regular meeting of the Central Lake Village Council, Antrim County, held in the Central Lake Governmental Center, located at 1622 M-88 Hwy, Central Lake, Michigan, on August 8, 2018 at 7:00 P.M.

PRESENT: Chapman, Clark, Loveless, Patton, Tyler Eckhardt

ABSENT: Zelenak

- (b) It was moved by Loveless and supported by Chapman
- (c) All members of the Planning Commission shall be appointed by the Village President, subject to the approval by a majority vote of the entire Village Council.
- (d) Except for any *ex officio* members, the term of each appointed member shall be three (3) years or until his or her successor is appointed, except that the respective terms of approximately one-third (1/3) of the non-*ex officio* members first appointed shall be for one (1) year and the respective term of approximately one-third (1/3) of the non-*ex officio* members first appointed shall be for two (2) years, so that as nearly as possible the terms of one-third (1/3) of the non-*ex officio* members of the Planning Commission will expire each year. If appointed to the Planning Commission, the term of the Village President shall correspond to his or her term as Village President and the term of any member appointed for the Village Council shall expire with his or her term on the Village Council.
- (e) After written charges and a public hearing before the Village Council, a member of the Planning Commission, including any *ex officio* member, may be removed from office for misfeasance, malfeasance, or nonfeasance in office by the Village Council. The failure of a Planning Commission member to disclose to the Planning Commission a potential conflict of interest, as defined in Planning Commission bylaws, shall constitute malfeasance in office. The failure of a Planning Commission member to regularly attend scheduled meetings of the Planning Commission shall constitute nonfeasance in office. The Planning Commission secretary shall report to the Village Council when a Planning Commission member has failed to attend three (3) consecutive Planning Commission meetings.
- (f) A vacancy on the Planning Commission occurring otherwise than through the expiration of a member's term shall be filled for the unexpired term in the same manner as the original appointment.

### **16.1.3 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 the 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 but not less than four (4) per year. 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.

### **16.1.4 Powers and Duties**

- (a) 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.

- (b) 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.

#### **16.1.5 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.

#### **16.1.6 Effective Date:**

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

### **16.2 DOWNTOWN DEVELOPMENT AUTHORITY**

#### **Ordinance No. 1 of 2018-2019**

AN ORDINANCE TO AMEND CHAPTER 16, SECTION 16.2(6) OF THE VILLAGE OF CENTRAL LAKE CODE CONCERNING BOARD OF THE CENTRAL LAKE 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 ct 197 of the Public Acts of Michigan of 1975 as now in effect or 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 lamination 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; then 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 eight (8) 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 of the Public Acts of 1975, as amended. All members shall hold office until the member's successor is appointed.

#### **ORDINANCE CERTIFICATION**

At a regular meeting of the Central Lake Village Council, Antrim County, held in the Central Lake Governmental Center, located at 1622 M-88 Hwy, Central Lake, Michigan, on August 8, 2018 at 7:00 P.M.

PRESENT: Chapman, Clark, Loveless, Patton, Tyler Eckhardt

ABSENT: Zelenak

It was moved by Chapman and supported by Patton

- (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 17 BICYCLES, SCOOTERS, SKATEBOARDS AND ROLLER BLADES

### 17.1 THE VILLAGE OF CENTRAL LAKE ORDAINS:

- A. Definitions: The following definitions shall apply in the interpretations of this Ordinance.
- (1) "Bicycles" shall be any device on which a person may ride, which is propelled by human power and which has either two (2) or three (3) wheels in tandem or tricycle arrangement which are more than fourteen inches (14") in diameter.
  - (2) "Scooter" shall mean a device with two (2) wheels in a tandem arrangement on which a person may ride and which is propelled by human power by pushing one (1) foot against the ground.
  - (3) "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.
  - (4) "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.
- B. 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 on 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.
- C. 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 Dollars (\$100.00).
- D. Effective Date [August 10, 1995]: This ordinance shall become effective thirty (30) days from adoption and shall be published in a newspaper of general circulation within the Village.

## CHAPTER 18 SPECIAL EVENT

### AN ORDINANCE TO ADD A NEW CHAPTER 18 TO THE VILLAGE OF CENTRAL LAKE CODE REGARDING SPECIAL EVENTS

#### THE VILLAGE OF CENTRAL LAKE ORDAINS:

#### Section 1. Addition of new Chapter 18

A new Chapter 18 – SPECIAL EVENT

##### 18.1. Definitions.

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

**Person:** shall mean any natural person, partnership, corporation, association, organization, or other legal entity; except a governmental organization shall not be considered a “Person” under this definition.

**Special Event:** shall mean an organized outdoor event of two hundred (200) people or more held on property owned by or under the jurisdiction of the Village, including but not limited to Thurston Park, the Ron Donaldson Field, and public streets within the Village.

**Sponsor:** shall mean any person who organizes, promotes, conducts or causes to be organized, promoted or conducted a special event.

##### 18.2. Permit Requirements.

- a) Necessity of Permit. A person shall not sponsor, maintain, conduct, or promote a special event in the Village of Central Lake without first obtaining a permit from the Village for each such special event.
- b) Applications for permit. No later than sixty (60) days before the proposed special event, the sponsor(s) of the special event shall submit in writing an application for a special event permit 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 special event sponsor(s).
  2. The date(s) and estimated hours of the proposed special event.
  3. A description of the kind, character and type of special event proposed.
  4. The address and location of the site at which the proposed special event will be held.
  5. An estimate of the maximum number of people expected to attend the proposed special event.
  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 supply facilities.
    - (d) Health and sanitation facilities.
    - (e) Vehicle access and parking facilities.
    - (f) Cleanup and waste disposal.
    - (g) Noise control.

- (h) Insurance arrangements, which shall be no less than public liability and property damage insurance coverage during the time of the proposed special event in the sum of not less than ONE MILLION and 00/100 DOLLARS (\$1,000,000.00) for damages relating to any one person or for damages relating to any one occurrence. This insurance policy shall name the Village as an additional named insured and shall contain a provision that the policy cannot be terminated, canceled, or substantially altered without ten (10) days written notice to the Village.
- c) Action on Application. After receiving an application for a special event permit, 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 special event, including the suitability of the site for the proposed special event, the length of the proposed special event, the number of people anticipated to attend, whether there is a conflict with other used 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 special event license, the Village shall approve the application and issue the special event permit, unless after considering the above factors, it finds that holding the special event as proposed in the application would be detrimental to the public health, safety and welfare of the Village. If the Village denies a special event permit, 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.

**18.3 Violations.**

- a) Municipal Civil Infraction. Any person who violates Section 18.2(a) 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 fine of not more than Five Hundred and 00/100 (\$500.00) dollars. Each day this Chapter is violated shall be considered as a separate violation.
- b) Enforcement. The village president and police officers of the Village of Central Lake are hereby designated as the authorized officials to issue municipal civil infractions directing alleged violator of this Chapter to appear in court.
- c) Nuisance Per se. 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.
- d) Civil Remedies. 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 Ordinance.

**Section 2. Severability.**

If any section, provisions or clause of this Ordinance or the application thereof to any person or circumstances is 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.

**Section 3. Effective Date.**

This Ordinance shall become effective twenty (20) days after its enactment.



**CHAPTER 19 MEDICAL MARIJUANA**

**AN ORDINANCE TO AMEND THE VILLAGE OF CENTRAL LAKE ZONING ORDINANCE TO AUTHORIZE MEDICAL MARIJUANA**

**THE VILLAGE OF CENTRAL LAKE ORDAINS**

**Section 1. Amendment of Section 2.02**

Section 2.02 of the Village of Central Lake Zoning Ordinance is hereby amended to add the following definitions in their appropriate alphabetical locations, which new definitions shall read in their entirety as follows:

**Enclosed, locked facility:** That term as defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423.

**Marijuana or marihuana:** That term as defined in Section 7106 of Act No. 368 of the Public Acts of 1978, as amended (Michigan Public Health Code), being MCL 333.7106

**Medical Use:** That term as defined in Section 2 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423.

**Primary caregiver:** That term as defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423 who has registered with the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the Michigan Medical Marijuana Act.

**Qualifying Patient:** That term as defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423 who has registered with the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the Michigan Medical Marijuana Act.

**Section 2. Amendment of Article 3.**

Article 3 of the Village of Central Lake Zoning Ordinance is hereby amended to add a new Section 3.16, which shall read in its entirety as follows:

**Section 3.16 Medical Use of Marijuana**

**19.1 Intent and Purpose:** With the enactment of the Michigan Medical Marijuana Act (hereinafter referred to as the “MMMA”), initiated Law 1 of 2008, MCL 333.26423, et seq, and its administrative rules, R 333.101, et seq, the Village of Central Lake Zoning Ordinance has not kept pace with this recent legislation. As a result, the purpose of this section is to implement land use regulations to address the medical use of marijuana in accordance with the MMMA.

**19.2 Regulations of Qualifying Patients:** The medical use of marijuana by a qualifying patient in that qualifying patient’s dwelling or an accessory building is hereby recognized as an accessory use to

the principal residence use of the property and can be established without a zoning permit in any zoning district, but shall be subject to the following regulations:

- a) The qualifying patient must be issued and at all times must maintain a valid registry identification card by the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the provisions of the MMMA.
- b) All marijuana plants or products must be contained within the dwelling or accessory building in an enclosed, locked facility that permits access only by the qualifying patient.
- c) If a room with a window within the dwelling or accessory building is utilized to grow marijuana for medical uses, any artificial lighting shall be shielded to prevent glare, must not be visible from neighboring properties, and must not be visible from adjacent streets or public ways.

**19.3 Regulations for Primary Caregivers:** The medical use of marijuana by a primary caregiver is hereby authorized as a use by right within a dwelling or an accessory building in any zoning district, provided that all of the following regulations are met:

- a) The primary caregiver must be issued and at all times must maintain a valid registry identification card by the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the provisions of MMMA.
- b) The primary caregiver must obtain a zoning permit under Section 10.02 of this Ordinance.
- c) Except when being transported as provided in subsection I below, all marijuana plants or products must be contained within the dwelling or accessory building in an enclosed, locked facility that permits access only by the primary caregiver.
- d) If a room with windows within the dwelling or accessory building is utilized to grow marijuana for medical uses, any artificial lighting shall be shielded to prevent glare, must not be visible from neighboring properties, and must not be visible from adjacent streets or public ways
- e) Except as provided herein, no more than one (1) primary caregiver shall be permitted to provide primary caregiver services to qualifying patients within a single dwelling or accessory building. Provided, however, a husband and wife or not more than two (2) unrelated individuals whose relationship is of a permanent and distinct domestic character and who live as single, nonprofit housekeeping unit with single culinary facilities may both be primary caregivers within the same dwelling or accessory building.

- f) Except for any qualifying patients who reside with the primary caregiver at the dwelling, no more than five (5) qualifying patients may be present at the same time at a dwelling or accessory building in which a primary caregiver of medical marijuana is providing primary caregiver services to qualifying patients for any purpose directly related to primary caregiver services. This subsection, however, shall not be construed to prohibit the presence of qualifying patients at a dwelling or accessory building in which a primary caregiver of medical marijuana is providing primary caregiver services for purposes unrelated to primary caregiver services.
- g) Qualifying patient visits to a dwelling or accessory building in which a primary caregiver is providing primary caregiver services to qualifying patients shall be restricted between the hours of 8:00 a.m. and 8:00 p.m., except when the qualifying patient resides with the primary caregiver at the dwelling and except when the qualifying patient visits are for purposes unrelated to primary caregiver services.
- h) No qualifying patients under the age of 18 (eighteen) shall be permitted at any time at a dwelling or accessory building in which a primary caregiver is providing primary caregiver services to qualifying patients, except in the presence of his/her parent or guardian, except when the qualifying patient resides with the primary caregiver at the dwelling, and except when the qualifying patient visits are for purposes unrelated to primary caregiver services.
- i) No marijuana for medical use shall be dispensed by the primary caregiver to qualifying patients at the dwelling or accessory building in which a primary caregiver is providing primary caregiver services to qualifying patients, except to a qualifying patient who resides with the primary caregiver at the dwelling. Except as provided herein, the primary caregiver shall deliver all marijuana for the medical use of such qualifying patient, and such delivery shall take place on private property away from public view. Any such delivery vehicle shall be unmarked and not bear any emblem or sign that would indicate the nature of its cargo. In addition, all marijuana for medical use delivered to qualifying patients shall be packaged so the public cannot see or smell the marijuana.
- j) No marijuana for medical use shall be consumed, smoked, or ingested by a qualifying patient by any method at a dwelling or accessory building in which a primary caregiver is providing primary caregiver services to qualifying patients, except by a qualifying patient who resides with the primary caregiver at the dwelling.
- k) A dwelling or a accessory building in which a primary caregiver is providing primary caregiver services qualifying patients shall display indoors and in a manner legible and visible to his/her qualifying patients:

- a. A notice that qualifying patients under the age of eighteen (18) are not allowed at the dwelling or accessory building in which a primary caregiver is providing primary caregiver services to qualifying patients, except in the presence of his/her parents or guardian, except when the qualifying patient resides with the primary caregiver at the dwelling, and except when the qualifying patient visits are for purposes unrelated to primary caregiver services, and
  - b. A notice that no dispensing or consumption of marijuana for medical use shall occur at the dwelling or accessory building in which a primary caregiver is providing primary caregiver services to qualifying patients, except to or by a qualifying patient who resides with the primary caregiver at the dwelling.
- l) A dwelling or an accessory building in which a primary caregiver is providing primary caregiver services to qualifying patients shall not have signage that would indicate the nature of the primary caregiver services being conducted in the dwelling or accessory building.
- m) A dwelling or an accessory building in which a primary caregiver is providing primary caregiver services to qualifying patients shall not be located within 500 feet of any other dwelling or accessory building in which primary caregiver services is being provided to qualifying patients, shall not be located within 500 feet of a lot on which any church or place of worship or library and their accessory structures are located, and shall not be within 1,000 feet of a lot on which any of the following uses are located:
- a. Any public or private school, having curriculum including kindergarten through twelve grade and its accessory structures.
  - b. Any preschool, child care or day care facility and its accessory structures.
  - c. Any public facility, such as museums, parks, playgrounds, public beaches, community centers, and other public place where children congregate.
- n) The portion of the dwelling or accessory building in which primary caregiver is providing primary caregiver services to qualifying patients, including any room or area utilized to grow marijuana for medical use, shall contain electrical service and wiring, certified by an electrician licensed in the State of Michigan, meeting the applicable requirements of the electrical code in effect in the Village.

**19.4 Relationship to Federal Law:**

Nothing within this Section is intended to grant, nor shall it be construed as granting, immunity from federal law.

**Section 3. Severability**

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

**Section 4. Effective Date**

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the Village.

## CHAPTER 20 YARD WASTE

### AN ORDINANCE TO AMEND THE CENTRAL LAKE VILLAGE CODE BY MAKING SOME CHANGES TO CHAPTER 20 CONCERNING DUMPING YARD WASTE AT THE VILLAGE YARD WASTE AREA AND TO PROVIDE PENEALTIES FOR VIOLATIONS THEREOF

#### THE VILLAGE OF CENTRAL LAKE ORDAINS:

#### Section 1. Amendment of Village Code.

The Central Lake Village Code is hereby amended to making changes to Chapter 20, which shall read in its entirety as follows:

## CHAPTER 20 YARD WASTE

**20.1 Title:** This Chapter shall be known as the Village of Central Lake Yard Waste Ordinance.

**20.2 Definitions:** As used in this Chapter.

- (a) **Ashes:** means the residue from burning of wood, coal, coke or other combustible material.
- (b) **Building materials:** means by way of example but is not limited to scrap wood, treated wood, lumber, pallets, 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.
- (c) **Commercial lawn service:** means an individual, firm, corporation, association, partnership, limited liability company, or other legal entity who provides lawn services, including but not limited to the removal of yard clippings and wood, as defined herein, for economic gain to property owners within the Village.
- (d) **Garbage:** means rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food or that result from preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables.
- (e) **Junk:** shall include but not limited to parts of machinery or motor vehicles, tires, vehicle parts, unused stoves or other appliances stored in open, remnants of wood, metal or any other material or other cast of material of any kind whether or not the same could be put to an y immediate reasonable use.
- (f) **Person:** means an individual, firm, corporation, association, partnership, limited liability company, or other legal entity.
- (g) **Rubbish:** means nonputrescible solid waste, including ashes, consisting of both combustible and noncombustible waste, including paper, cardboard, metal containers,

glass, bedding, crockery, demolished building materials, or litter of any kind that may be a detriment to the public health and safety.

- (h) **Scrap wood:** means wood or wood product that is 1 or more of the following:
- a. Plywood, pressed board, oriented strand board, or any other wood or wood product mixed with glue or filler.
  - b. Wood or wood product treated with creosote or pentachlorophenol.
  - c. Any other wood or wood product designated as scrap wood in rules promulgated by the department.
- (i) **Treated wood:** means wood or wood product that has been treated with 1 or more of the following:
- a. Chromated copper arsenate (CCA)
  - b. Ammoniacal copper quat (ACQ)
  - c. Ammoniacal copper zinc arsenate (ACZA)
  - d. Any other chemical designated in rules promulgated by the department.
- (j) **Village:** means the Village of Central Lake
- (k) **Wood:** means trees, branches, bark, wood chips, and sawdust, but does not include scrap wood, treated wood, painted wood or painted wood product, or any wood or wood product that has been contaminated during manufactured or use.
- (l) **Yard clippings:** means leaves, grass clippings, vegetable or other garden debris,
- (m) **Yard waste area:** means the parcel of land situated in the Village of Central Lake, Antrim County, Michigan and described as follows:
- Parcel 1  
COM AT THE INTER OF THE S LINE OF GOV LOT 8 AND THE E LINE OF R/W OF C&O RR, TH NLY ALG THE R/W 312.6 FT TO THE POB, TH CONT NLY 141.26 FT ALG SD E LINE OF R/W, TH W PARA WITH THE N LINE OF SD GOV LOT 8 TO THE W R/W OF SD RR, TH NLY ALG SD W R/W 100 FT, TH W 174.26 FT, TH S 239.06 FT, TH E 300 FT TO POB. SEC 26 T31N R8W
- Parcel 2  
COM AT NW COR, TH S ALG W LINE OF SEC 1003.82 FT. TH E 264 FT TO POB, TH N 304 FT M/L, TH E TO RR R/W, TH SLY ALG SD R/W TO PT 553.92 FT FROM S LINE OF GOV LOT 8, TH W 174.26 FT, TH S 239.06 FT, TH W 281.12 FT TO THE POB, BEING PART OF GOVERNMENT LOT 8 SEC 26 T31N R8W

**20.3 Prohibited Conduct:**

- (a) Except as provided in subsections (b) and (c) below and Sections 20.4 of this Chapter, no person shall deposit, dump, or leave or cause another person to deposit, dump, or leave within the Village yard waste area garbage, rubbish, junk, building materials, wood, stumps, roots, yard clippings, and animal waste.
- (b) A person other than a commercial lawn service may deposit, dump or leave within the Village yard waste area yard clippings ~~and wood~~, as defined herein, that were collected or removed from property within the Village.
- (c) A commercial lawn service, after obtaining a permit from the Village DPW, may deposit, dump, or leave within the Village yard waste area yard clippings ~~and wood~~, as defined herein, that were collected or removed from property located within the Village.

**20.4 Exempt Activities:**

Section 20.3 (a) of this Chapter shall not apply to employees of the Village when engaged in the scope of their employment with the Village and when the item(s) to be deposited, dumped, or left within the Village yard waste area were collected or generated as a result of official Village duties.

**20.5 Violations & Penalties:**

Any person who violates 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 00/100 (\$500.00) Dollars. Each day this Chapter is violated shall be considered as a separate violation.

- (a) The Village Code Enforcement Officer is hereby designated as the authorized official to issue municipal civil infraction citations directing alleged violators of this Chapter to appear in court.
- (b) 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.
- (c) In addition to enforcing this Chapter through the use of municipal civil infraction proceedings, the Village may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Chapter.

**Section 2. Severability.**

If any provision or section of this Chapter be held invalid for any reason, such holdings will not affect the validity of the remaining provisions of this Chapter. It is the legislative intent that this Chapter shall remain valid despite the invalidity of any such provisions or section.

**Section 3. Effective Date.**

This Ordinance shall become effective twenty (20) days after its enactment.



## **CHAPTER 21 SNOWMOBILE REGULATIONS**

### **21.1 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.

### **21.2 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.

### **21.3 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.

### **21.4 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 22 ORV

**AN ORDINANCE PURSUANT TO ACT 240 OF THE PUBLIC ACTS OF 2008 AUTHORIZING AND REGULATING THE OPERATION OF OFF-ROAD VEHICLES ON STREETS WITHIN THE VILLAGE OF CENTRAL LAKE, PROVIDING PENALTIES FOR VIOLATIONS THEREOF, AND PROVIDING FOR THE DISTRUTION OF PUBLIC FUNDS RESULTING FROM THOSE PENALTIES**

**THE VILLAGE OF CENTRAL LAKE ORDAINS:**

**Section 1. Title:** This Ordinance shall be known as the Central Lake ORV Ordinance

**Section 2. Definitions:** As used in this Ordinance:

- (a) **ATV:** means a 3 or 4 wheeled vehicle designed for off-road use that has low-pressure tires, has a seat designed to be straddled by the rider, and is powered by a 50cc to 500cc gasoline engine or an engine of comparable size suing other fuels.
- (b) **Driver's License:** manes any driver privileges, license, temporary instruction permit, or temporary license issued under the laws of any state, territory, or possession of the United States, Indian country as defined in 18 USC 1151, the District of Columbia, the Dominion of Canada, or any province or territory of the Dominion of Canada pertaining to the licensing of persons to operate motor vehicles.
- (c) **Far Right of the Maintained Portion of the Roadway:** means the shoulder of the street, but does not include the sidewalk.
- (d) **Official state personal identification card:** means the official identification card issued by the Michigan Secretary of State under Act 222 of Public Acts of 1972, as amended, or issued under a comparable statute by any state, territory, or possession of the United States, Indian country as defined in 18USV 1151, the District of Columbia, the Dominion of Canada, or any province or territory of the Dominion of Canada to a person who is not legally blind and who has not currently has his or her driver's license suspended, revoked, or restricted.
- (e) **Operate:** means to ride in or on and to be in actual physical control of the operation of the ORV.
- (f) **Operator:** means a person who operates of an ORV
- (g) **ORV:** means a motor driven off-road recreation vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. ORV includes, but is not limited to, a multitrack or multi-wheel drive vehicle, an ATV, a golf cart, a motorcycle or related 2-wheel, 3-wheel, or 4-wheel vehicle, an amphibious machine, or other means of transportation deriving motive power from a source other than muscle or

wind. ORV, however, does not include a registered snowmobile, a farm vehicle being used for farming, a vehicle used for military, fire, emergency, or law enforcement purposes, a vehicle owned and operated by a utility company or an oil or gas company when performing maintenance on its facilities or on property over which it has an easement, a construction or logging vehicle used in performance of its common function, or a registered aircraft.

- (h) **Roadway:** means that portion of a street improved, designed, or ordinarily used for vehicular travel.
- (i) **Safety Certificate:** means a certificate issued pursuant to Section 81129 of Act 451 of the Public Acts of 1994, as amended, being MCL 324.81129, or a comparable ORV safety certificate issued under the authority of another state or province of Canada.
- (j) **Shoulder:** means that portion of the street contiguous to the roadway generally extending the contour of the roadway, not designed for vehicular travel but maintained for the temporary accommodation of disabled or stopped vehicles otherwise permitted on the roadway.
- (k) **Sidewalk:** means that portion of the street between the curb lines or lateral lines of the street and the adjacent property lines intended for the use of pedestrians.
- (l) **Street or Road:** means the entire width between the boundary lines of a way publically maintained when any part of the way is open to the use of the public for purposes of vehicular travel, except a state road as defined herein.
- (m) **State Road:** means M-88
- (n) **Village:** means Village of Central Lake
- (o) **Visual Supervision:** means the direct observation of the operator of an ORV with the unaided or normally corrected eye, where the observer is able to come to the immediate aid of the operator.

### **Section 3. Prohibited Conduct**

- (a) No person shall operate an ORV on the roadway, shoulder, sidewalk, or any other portion of a state road within the Village
- (b) Except as permitted under Section 4 of this Ordinance, no person shall operate and ORV on the roadway, shoulder, sidewalk or any other portion of the street within the Village.

#### **Section 4. Permitted ORV Operations**

- (a) A person may operate an ORV on the far right of the maintained portion of the roadway on all streets within the Village, except on State Street 100 feet east and 100 feet west of M-88.
- (b) When operating an ORV as authorized under this Ordinance, the operator shall comply with all of the following regulations:
  - 1) The operator shall be a person 12 years of age or older
  - 2) The operator and each passenger shall wear a crash helmet and protective eyewear approved by the United States Department of Transportation, unless the ORV is equipped with a roof that meets or exceeds the standards for a crash helmet and the operator and each passenger wears a properly adjusted and fastened seatbelt.
  - 3) If the operator is a person 12 years of age or older, but less than 16 years of age, then the operator shall be under the direct visual supervision of a parent or guardian and shall have in his or her immediate possession a safety certificate.
  - 4) If the operator is a person 16 years of age or older, but less than 18 years of age, then the operator shall have in his or her immediate possession a valid driver's license or a valid official state personal identification card and a safety certificate or he or she shall be under the direct visual supervision of a parent or guardian and shall have in his or her immediate possession a safety certificate.
  - 5) If the operator is a person 18 years of age or older, then the operator shall have his or her immediate possession a valid driver's license or a valid official state personal identification card.
  - 6) If the ORV is a 3-wheeled ATV, then the operator shall be a person 16 years of age or older.
  - 7) If the ORV is registered as a motor vehicle and is either more than 60 inches wide or has three wheels, then the operator shall have in his or her immediate possession a valid driver's license.
  - 8) Except as provided in subsection (9) below, the ORV shall not be operated at a speed greater than 25 miles per hour or at a speed greater than any posted ORV speed limit.
  - 9) When the ORV is operated within 100 feet of a dwelling, the ORV shall not be operated at a speed greater than the minimum speed required to maintain controlled forward movement of the vehicle.

- 10) The ORV shall be operated with the flow of traffic on the street.
- 11) The ORV shall be operated in a manner that does not interfere with traffic on the street.
- 12) All ORVs shall be operated in a single-file formation, except when overtaking and passing another ORV or when being overtaken and passed by another ORV.
- 13) The ORV shall at all times be operated displaying a lighted headlight and lighted taillight.
- 14) The ORV shall be equipped with a throttle so designed that when the pressure used to advance the throttle is removed, the engine speed will immediately and automatically return to idle.
- 15) The ORV shall be equipped with an arrester type, United States forest service approved muffler in good working order and in constant operation.
- 16) The ORV shall be operated in full compliance with all noise emission standards defined by law.
- 17) The ORV shall be licensed by the Michigan Department of Natural Resources, and the license shall be permanently attached to the vehicle in the manner prescribed and in the location designated by the Michigan Department of Natural Resource in accordance with state law.

**Section 5. Signs**

The Village shall procure and have posted on the applicable portions of State Street signs conforming to the requirements of the state manual and specifications for a uniform system of traffic-control devices that provide notice to the public that the operation of ORVs on those portions of State Street on which the signs are posted is prohibited under this Ordinance.

**Section 6. Penalties**

- (a) A person who violates 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 4961, being Section 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a civil fine of not more than Five Hundred and 00/100 (\$500.00) Dollars.

- (b) In addition to the fine specified in subsection (a) above, the court may order a person who cause damage to the environment, a street or other property as a result of the operation of an ORV to pay full restitution for that damage.

**Section 7. Enforcement Officer**

Officers of the Central Lake Police Department are hereby designated as the authorized officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

**Section 8. ORV Fund**

The Village Treasurer shall deposit all fines and damages received by the Village from the Courts under Section 6 of this Ordinance into a fund to be designated as the "ORV Fund." The Village Council shall appropriate revenue in the ORV Fund as follows:

- (a) Fifty percent (50%) to the Village DPW for repairing damage to streets and the environment that may have been caused by ORVs and for posting signs indicating ORV speed limits and/or indicating where streets are closed to the operation of ORVs.
- (b) Fifty percent (50%) to the Village police department for ORV enforcement and training.

**Section 9. Validity**

If any section, provisions or clause of this Ordinance or the application thereof to any person or circumstance 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 10. Effective Date**

This Ordinance shall become effective twenty (20) days after its enactment

**Chapter 23 Peddlers**

**AN ORDINANCE TO AMEND CHAPTER 23 OF THE VILLAGE OF CENTRAL LAKE CODE  
CONCERNING PEDDLERS, SOLICITORS AND MERCHANTS**

**THE VILLAGE OF CENTRAL LAKE ORDAINS**

**Section 1. Amendment of Chapter 23**

Chapter 23 of the Village of Central Lake Code is hereby amended to read in its entirety as follows:

**23.1 Title:**

This Chapter shall be known as the Village of Central Lake Peddlers Licensing Ordinance

**23.2 Definitions:** As used in this Chapter

- (a) **Motor vehicle:** means any wheeled vehicle which is self-propelled or intended to be self-propelled.
- (b) **Municipality:** means any city, township, or village.
- (c) **Peddler:** means a person licensed under this Chapter who goes about from place to place, traveling by foot, wagon, motor vehicle, trailer or other type of conveyance, selling or renting or offering for sale or rent any goods, wares or merchandise.
- (d) **Person:** means an individual, firm, corporation, association, partnership, limited liability company, or other legal entity.
- (e) **Trailer:** means any wheeled vehicle designed and normally towed behind a motor vehicle which is required to have a currently valid registration to be lawfully operated on a public highway.
- (f) **Veteran Peddler:** means an individual who is a veteran of the armed forces of the United States and who receives a license from the county clerk to sell his or her own goods under the state Peddler's License Act, being MCL 35.441, et seq.
- (g) **Wagon:** means any wheeled vehicle designed and normally pulled by an individual or under the power of an individual.

**23.3 License Required**

Except as provided in section 20.9 below, no person shall be a peddler within the Village of Central Lake without first obtaining a license from the Village pursuant to the requirements of this Chapter.

#### 23.4 Application and Fee Requirements

A person seeking a license under this Chapter shall submit a complete application to the village clerk and pay the required fee, which shall be determined from time to time by resolution of the village council. The application shall include all of the following information:

- (a) Name and address (legal and local, if applicable) of the applicant.
- (b) A brief description of the nature of the business and the goods, wares or merchandise to be sold.
- (c) A description of the method to be used in the sale of the goods, wares or merchandise (i.e., in a transient manner or from a fixed, specified location).
- (d) If employed by another person, the name and address of the employer.
- (e) The length of time for which the right to do business is desired.
- (f) If a motor vehicle, trailer or wagon is to be used, a description of that motor vehicle, trailer or wagon and the state issues license plate number or the motor vehicle or trailer, and other means of identifying the motor vehicle, trailer or wagon.
- (g) A photograph of the applicant taken within 60 days immediately prior to the date the application is filed, which pictures shall be no less than two (2) inches by two (2) inches showing the head and shoulders of the applicant in a clear and distinguishing manner.
- (h) A complete set of fingerprints taken from the applicant by or under the direction of the Village of Central Lake Police Chief.
- (i) The names and addresses of no less than two (2) reliable residents of the Village of Central Lake or the Central Lake Township who will vouch for the applicant's good character and business responsibility, or in lieu of the names of such references, any other available evidence reflecting the good character and business responsibility of the applicant which will enable a proper evaluation of such character and business responsibility.
- (j) A statement whether the applicant has made an application for a similar peddlers license in the Village of Central Lake or in any other municipality within the state and a deposition of those other license applications.
- (k) A written statement signed by the applicant concerning whether he or she has ever been convicted of any crimes or found in violation of an ordinance of any municipality.



### **23.5 Investigation**

Upon receipt of an administratively complete application, the village clerk shall refer the application to the Village of Central Lake Police Chief for investigation. If the applicant fails to provide all the information required by this Chapter, then the application shall be deemed incomplete and may be denied by the village clerk on that basis. The police chief shall conduct such investigation of the applicant's business and moral character as he or she deems necessary to protect the health, safety, and general welfare of the public. The police chief shall submit a written report of the investigation findings to the village clerk.

### **23.6 Standards for Approval**

The village clerk shall approve, or approve with conditions, an application for a peddlers license only upon a finding that the applicant complies with all of the following standards:

- (a) The applicant's business and moral character will not be detrimental to the health, safety, and general welfare of the public.
  
- (b) The applicant has not been convicted of a felony in the State of Michigan or any other state within the past five (5) years, or if the felony involves an element of dishonesty, false statement, or theft, the applicant has not been convicted of that felony within the past ten (10) years. For purposes of calculating the time under this standard, the times begin from the date of the conviction or from the applicant's release from confinement for that conviction, whichever is the later date.
  
- (c) The applicant is willing and able to post a bond in the amount of \$10,000 with the village clerk that is conditioned upon the applicant's faithful performance of all contracts and fulfillment of all warranties made by him or her in connection with the peddling business licensed under this Chapter.

### **23.7 Duration of License; Re-application**

A license issues under this Chapter shall remain in effect for a period of one (1) year from the date of issuance. A person who desires to renew a peddlers license shall apply for such renewal following the same procedures required for an initial license. Provided, however, the village council may from time to time by resolution establish a renewal fee that is less than the fee for the initial application.

### **23.8 Regulations**

A peddler and a veteran peddler shall comply with all of the following applicable regulations:

- (a) A peddler shall display the peddlers license issued under this Chapter or the license received for the county clerk at the request of any citizen and at the request of any police officer.
- (b) A peddler, a veteran peddler, or any other person on behalf of the peddler or veteran peddler shall not shout, make any cryout, blow a horn, ring a bell or use any sound device, including any loudspeaker, radio or sound amplifying system upon any public street, alley, park or other public place or upon any private property where sound of sufficient volume is emitted or produced that annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any reasonable person of normal sensitivities which the peddler or veteran peddler proposes to sell or rent.
- (c) A peddler, a veteran peddler, or any other person on behalf of the peddler or veteran peddler shall not sell or rent or offer for sale or rent any goods, wares or merchandise from a public street, alley, park or other public place, unless such activity is in conjunction with a community function designated by the village council.
- (d) A peddler, a veteran peddler, or any other person on behalf of the peddler or veteran peddler shall not remain on or upon any public street, alley, park or other public place after being requested by a police officer to leave that public street, alley, park or other public place.

### **23.9 Persons Exempt from License Requirement**

Section 23.3 of this Chapter shall not be applicable to any of the following:

- (a) To farmers or truck gardeners selling or offering for sale any products grown, raised or produced by them, the sale of which is not otherwise prohibited or regulated
- (b) To any person when in peddling on foot and under the direct supervision of any school or recognized charitable or religious organization.
- (c) To any person selling, renting or offering for sale or rent goods, wares or merchandise on behalf of and solely for the benefit of any school or recognized charitable or religious organization
- (d) To a veteran who receives a license from the county clerk to sell his or her own goods under the state Peddler's License Act, being MCL35.441, et seq.

### **23.10 Conditions**

The village clerk may impose reasonable conditions on a license issued under this Chapter which are reasonably necessary to ensure compliance with the standards for approval provided in Section 23.6 of the regulations provided in Section 23.8.

### **23.11 Nuisance**

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

### **23.12 Violations & Penalties**

(a) Any person who violates any provision of this Chapter, except Section 23.8(d), shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Section 600.101-600.9939 of Michigan Compiled Law, and shall be subject to the following fines:

- 1) For a first offense, the offender shall pay a fine of One Hundred and 00/100 (\$100.00) Dollars.
- 2) For the second offense within two (2) years of the date on which the person was found responsible for the first violation, the offender shall pay a fine of Two Hundred and 00/100 (\$200.00) Dollars
- 3) For a third or subsequent offense within two (2) years of the date on which the person was found responsible for the first violation, the offender shall pay a fine of Five Hundred and 00/100 (\$500.00) Dollars.

(b) Any person who knowingly violates Section 23.8(d) of this Chapter shall be guilty of a misdemeanor punishable by a fine of not more than Five Hundred and 00/100 Dollars (\$500) and/or by imprisonment in the county jail for not more than ninety (90) days.

(c) Each day this Chapter is violated shall be considered a separate violation.

### **23.13 Enforcement Officials**

The village president and police officers of the Village of Central Lake are hereby designated as the authorized officials to issue municipal civil infractions directing alleged violators of this Chapter to appear in court.

**Section 2. 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 effect any remaining portion or application of this Ordinance, which can be given effect without the invalid portion or application.

**Section 3. Effective Date**

This Ordinance shall become affective twenty (20) days after being published in a newspaper of general circulation within the Village.

## Chapter 24

### **AN ORDINANCE TO APPROVE THE CENTRAL LAKE DOWNTOWN DEVELOPMENT AUTHORITY DEVELOPMENT AND TIF PLAN.**

THE VILLAGE OF CENTRAL LAKE ORDAINS:

#### **Section 1. Addition of new Chapter 24**

A new Chapter 24 is hereby added to the Central Lake Village Code which shall read in its entirety as follows:

##### **Central Lake Downtown Development Plan**

This Development Plan contains the information required by Section 17(2) Public Act 197 of 1975, as amended. Additional information is available from the Village Clerk. Public Act 197 of 1975 seeks to address problems of urban decline, strengthen existing areas and encourage new private developments in the downtown districts of our communities. It seeks to accomplish this goal by providing communities with the necessary legal, monetary, and organization tools to revitalize downtown districts either through public initiated project undertakings or in concert with privately motivated development projects.

##### **Designated Boundaries and Map**

The Central Lake Downtown Development Authority (DDA) encompasses approximately 5 acres of land and includes residential, commercial, and mixed-use properties. The designated and legal boundaries of the Central Business District are:

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; then south to Brooks Street; then west to Chestnut Street

##### **Existing Improvements to be Demolished, Repaired or Altered; Description of Repairs and Alterations, and Estimated Time of Completion**

The DDA will consider an improvement plan that may replace some areas of the downtown with facilities and improvements to better promote and enhance the use of space within the DDA District.

##### **Location, Extent, Character, Estimated Cost of Improvements, Construction Stages, and Estimated Completion Time**

The DDA, as requested by Village Council will work with the community to improve it's downtown. This will be an open, community-engaged process that will have as its premise a focus on the needs of the entire Central Lake community. The DDA's Design Committee will lead this effort, which is anticipated to begin in the first quarter of 2015. Cost and completion schedules to be determined by the community.

**Portion of the Development Area that the Authority Desires to Sell, Donate, Exchange, or Lease to or from the City**

None.

**Proposed Zoning Changes and Changes to Streets, Intersections, Utilities, etc.**

None.

**Estimates of the number of persons residing in the development area and the number of families and individuals to be displaced.**

Approximately 50 persons live in the development area. The DDA has no plans to displace any persons as a result of the development plan.

**Estimated Costs of the Proposed developments and How the DDA Proposes to Finance Them**

The DDA plans the following projects:

**1. Adopt the Four-Point Main Street organization and training model from The Michigan Main Street Center.**

The DDA adopted the Main Street Model in January 2014, which provides structure and training to enhance the viability of downtowns in the areas of promotion, organization, design, and economic restructuring.

*Organization* - Establishes consensus and cooperation by building partnerships among the various groups that have a stake in the DDA district.

*Promotion* - The goal is to create a positive image that will enhance community pride and improve consumer and investor confidence in the commercial district.

*Design* - Getting the central business district into top physical shape and creating a safe, inviting environment for shoppers, workers, and visitors. It takes advantage of the visual opportunities inherent in a commercial district by directing attention to all of its physical elements: public and private buildings, storefronts, signs, public spaces, parking areas, street furniture, public art, landscaping, merchandising, window displays, and promotional materials.

*Economic Restructuring* - Strengthens the community's existing economic assets while diversifying its economic base. This is accomplished by retaining and expanding successful businesses to provide a balanced commercial mix, sharpening the competitiveness and merchandising skills of business owners, and attracting new businesses that the market can support.

Projected Cost \$0

Funding Plan: Including, but not limited to: DDA Budget in cooperation with the Village of Central Lake, donations, help from local service organizations, Grants.

Timeline: Quarter 1, 2014

**2. Establish Downtown Recreation and Annual Signature Events.**

The DDA will establish four signature events/activities to provide recreation in the downtown area. This includes an outdoor ice-skating rink for the winter and a stage downtown for summer performances. These events will provide the public with activities in the downtown area and will benefit Central Lake's "attractability." It is also expected to benefit the downtown economically by drawing people to the area and encouraging them to linger. These events are family-oriented and affordable, if not free. Projected Cost: \$20,000.

Funding Plan: Including, but not limited to: DDA Budget in cooperation with the Village of Central Lake, donations, help from local service organizations, grants.

Timeline: Quarter 4, 2015

### **3. Downtown Lodging and Parking Study.**

The DDA will seek information and gather data regarding the downtown district's parking and lodging needs. This data will help inform additional future goals.

Projected Cost \$3,000

Funding Plan: Including, but not limited to: DDA Budget in cooperation with the Village of Central Lake, donations, help from local service organizations, grants.

Timeline: Quarter 2, 2015

### **4. Enhance Appearance of Downtown District.**

The DDA will establish and maintain various endeavors to improve the general appearance of the downtown district, while encouraging historic preservation. Such improvements include maintenance of flower beds, planting and care of trees and other greenery, planting and maintenance of hanging flower baskets, signage, decorative flags, seasonal displays, upkeep of public areas, etc.

Projected Cost: \$15,000.

Funding Plan: Including, but not limited to: DDA Budget in cooperation with the Village of Central Lake, donations, help from local service organizations, grants.

Timeline: Quarter 4, 2015

### **5. Public Facilities/Information Center.**

The DDA will coordinate with other entities to construct public restrooms and an information kiosk in the downtown district. This facility would benefit the entire village and would provide amenities that visitors expect and need. This structure would enhance the downtown and the surrounding area by providing a "hub" for visitors to find information and a place for them to access restrooms. .

Projected Cost \$40,000.

Funding Plan: Including, but not limited to: DDA Budget in cooperation with the Village of Central Lake, donations, help from local service organizations, grants.

Timeline: Quarter 4, 2017

### **Timelines**

Projects will be developed as funds are available through private contributions, Grants, TIF funding, fundraising and assessments.

Estimated timelines:

1. Quarter 1, 2014 - Adopt the Four-Point Main Street organization and training model from The Michigan Main Street Center
2. Quarter 4, 2015 - Establish Downtown Recreation and Annual Signature Events
3. Quarter 2, 2015 - Downtown Lodging and Parking Study
4. Quarter 4, 2015 - Enhance Appearance of Downtown District
5. Quarter 4, 2017 - Public Facilities/Information Center

These timelines represent target dates only as public input and funding will determine actual results.

## **TIF PLAN**

### **Tax Increment Financing Procedure**

The Tax Increment Financing procedure outlined in the Act requires the passage of an ordinance by the Village of Central Lake to adopt or amend a Downtown Development Plan and Tax Increment Financing Plan. Following adoption of the ordinance approving the Development and Tax Increment Financing Plan, the Township and County Treasurers are required by law to transmit to the DDA that portion of the tax levy of all taxing jurisdictions paid each year on the captured assessed value of all real and personal property included in the Tax Increment Financing Plan. The Tax Increment Financing Plan may be modified if the Village of Central Lake follows the same modification and public hearing procedures as were required to adopt the original Plan.

At the time this Tax Increment Financing Plan is adopted, the “initial assessed value” is determined. The initial assessed value means the assessed value, as equalized, of all the taxable property within the boundaries of the Development Area at the time the ordinance establishing the Tax Increment Financing Plan is approved, as shown by the most recent assessment roll for which equalization has been completed at the time the ordinance is adopted. Property exempt from taxation at the time of the determination of the initial assessed value shall be included at zero. Property for which a specific local tax is paid in lieu of property tax shall not be considered exempt from taxation. The initial assessed value of property for which a specific local tax was paid in lieu of property tax is determined as provided below.

The percentage of taxes levied for school operating purposes that is captured and used by the tax increment financing plan shall not be greater than the plan’s percentage capture and use of taxes levied by a municipality or county for operating purposes. For purposes of the previous sentence, taxes levied by a county for operating purposes include only millage allocated for county or charter county purposes under the property tax limitation act, Michigan Public Act 62 of 1933, being sections 211.201 to 211.217a of the Michigan Compiled Laws. Tax increment revenues used to pay bonds issued by the Township under section 16(1) of the Act shall be considered to be used by the tax increment financing plan rather than shared with the Township.

“Specific local tax” means a tax levied under Michigan Public Act 198 of 1974, being Sections 207.551 to 207.572 of the Michigan Compiled Laws, the Commercial Redevelopment Act, Michigan Public Act 255 of 1978, being Section 207.651 to 207.668 of Michigan Compiled Law, Act No. 189 of the Michigan Public Acts of 1953, being Sections 211.181 to 211.182 of the Michigan Compiled Laws, and the Technology Park Development Act, Michigan Public Act 385 of 1984, being Sections 207.701 to 207.718 of the Michigan Compiled Laws. The initial assessed value or current assessed value or current assessed value of property subject to specific local tax shall be the quotient of the specific local tax paid divided by the ad valorem millage rate. However, after 1993, the Michigan State Tax Commission shall prescribe the method of calculating the initial assessed value and current assessed value for which a specific local tax was paid in lieu of a property tax.

### **Estimated Captured Assessed Values, and Estimated Tax Increment Revenues**

The tax increment revenues or “captured assessed value” means the amount in any one year by which the current assessed value of the project area, including the current assessed value of property for which specific local taxes are paid in lieu of property taxes, exceeds the initial assessed value. Tax Increment Revenue to be transmitted to the Authority by the City Treasurer and/or County Treasurer shall be that portion of the tax levy of all taxing bodies paid each year on the assessed value of real and personal property in the Development Area on the captured assessed value.



The DDA is not authorized to capture tax increment revenues from any ad valorem taxes or specific local taxes attributable to the levy by the State of the six-mill education tax pursuant to Michigan Public Act 331 of 1993, as amended, or taxes levied by any local or intermediate school district.

Refer to Exhibit c for estimated captured assessed values and estimated tax increment revenues based upon a 3% annual taxable value growth rate in the DDA district. Although the actual tax increment revenues available to the DDA may vary from the estimates herein provided, the estimates of tax increment revenue in the exhibit are based on the following:

- Millage rates
  - Antrim County COA 0.40
  - Antrim County MB 1.0
  - Antrim County –E911 OP 0.50
  - Antrim County County Tax 5.4
  - Ambulance Authority 0.65
  - Dist Library – CL 0.35
  - Township Tax 1.0
  - SP ASMT-Fire 2.0
  - Twp Vote – Roads 1.0
  - Village of Central Lake 12.0

- An initial taxable base of \$2,160,965.in the DDA area. In accordance with the requirements of Act 197, this is the assessed value established on December 31 of 2013 and finally equalized in December 2044.
- All voted millages will be renewed throughout the duration of the plan.
- No local, intermediate school district, or state education taxes will be captured.

#### **Amount of bonded indebtedness to be incurred**

The maximum amount of bonded indebtedness to be incurred by the DDA and/or the Village of Central Lake for all bond issues or loans, including payments of capitalized interest, principal and required reserve shall be \$1,000,000 for the proposed projects (as demonstrated in Exhibit C – Projected Revenue) outlined in the Development Plan. Actual bonded indebtedness that may be incurred will be limited by the amount of revenues anticipated to be received each year that will be available for servicing the debt load. (Exhibit C) The bonded indebtedness proceeds will be sufficient to pay the estimated costs of the development plus any associated costs of accompanying professional services. The Village of Central Lake must approve any bonds or indebtedness, which pledge the full faith and credit for the Village of Central Lake.

#### **Duration of the Program**

The Tax Increment Financing Plan will remain in effect to the end of fiscal year 2044, unless amended after hearing and notice in accordance with section 19(2) of the Act to a shorter or longer period. Further, if repayment of the Bonds or any future bonds issued by the Authority has not been completed by 2044, the Development Plan will be extended until the bonds have been retired.

#### **Estimated Impact on Assessed Value of Taxing Jurisdictions**

The tax increment financing plan generates revenue based only on the captured assessed value. Each Taxing Jurisdiction will continue to levy and receive taxes on the initial taxable value of \$2,160,965 in the DDA. That taxable value will continue to be used for taxing purposes by the Taxing Jurisdictions that are not exempted by the DDA Act. In effect, the taxable value is frozen at the base level for taxing purposes for the duration of the DDA development plan.

The Intermediate School District, the local school district, and the State of Michigan Education Tax fund will receive revenues from all increases in taxable value.

The justification of the tax increment financing procedure is based on the expectation that all or a portion of the “capture assessed value” that is created following implementation of a downtown development plan, would not have occurred without the stimulation of the public investment involved in the plan implementation. Therefore, the short term investment made by the taxing unit in foregoing part of the initial growth in tax revenues is repaid by the long-term benefit of substantially greater taxes realized from a stronger commercial base when the plan is completed. Furthermore, this plan uniquely tries to retain the same value of tax revenues throughout the plan, while encouraging revenue generation for all taxing jurisdictions.

The overall impact of the Tax Increment Financing Plan is expected to generate increased economic activity in the Village of Central Lake and Antrim County at large. This increase in activity will, in turn, generate additional amounts of tax revenue to local taxing

jurisdictions through increases in assessed valuations of real and personal property and from increases in personal income due to new employment within the Development Area, the Village of Central Lake, and other neighboring communities throughout Antrim County.

#### **Provision for use of part or all of the captured assessed value to be used by the DDA**

The DDA shall expend the tax increments received from the development plan only in accordance with the Tax Increment Financing Plan. Tax Increment revenues in excess of the estimated tax increment revenues or in excess of the actual cost of the Plan to be paid by the tax increment revenues may be retained by the DDA only for purposes that, by the resolution of the DDA Board, are determined to further the development plan in accordance with the Tax Increment Financing Plan. The excess revenue not so used shall revert proportionately to the respective taxing jurisdictions upon the execution of a resolution directing said action. The resolution should only be adopted if the DDA Board determines that all of the projects listed in the TIF Plan are completed and it has no intention to begin the process to amend its plan to add additional projects. These revenues shall not be used to circumvent existing property tax laws that provide a maximum authorized rate for the levy of property taxes.

#### **Compliance with Section 15 of the Act**

As referred to above, it is the intent of these plans to comply with Section 15 of the Act regarding tax increments, amount of tax increments, expenditure of tax increments, and submission of the tax increment financing report. These revenues shall not be used to circumvent existing property tax limitations.

#### **Reports**

The authority shall file the following with the State Tax Commission within ninety (90) days of the end of the fiscal year of the authority

- 1) Form 2604 (if one school district) Form 2967 (if more than one), as amended, if required
- 2) Annual report (AR) as required by State Tax Commission Bulletin 9 of 1997, as amended (see appendix 3 of form 2604/2967 instructions). The Village annual audit will not fulfill this requirement. At a minimum, the annual report on the status of the tax increment financing account shall contain the following (125.1665):
  - a) The amount and source of revenue in the account
  - b) The amount in any bond reserve account

- c) The amount and purpose of expenditures from the account
  - d) The amount of principal and interest on any outstanding bonded indebtedness
  - e) The initial assessed value of the project
  - f) The captured assessed value retained by the authority
  - g) The tax increment revenues received
  - h) The number of jobs created as a result of the implementation of the tax Increment financing plan
  - i) Any additional information the Village or the state tax commission considers necessary.
- 3) An increment financing plan district, which was used to determine the plan's tax increment revenue. This is the worksheet that was used to compute how much money to send to the authority, and it may be either handwritten or computed. The worksheet should include:
- a) Millages
  - b) Initial, current, and captured values by property tax roll (i.e., ad valorem homestead, ad valorem non-homestead, IFT new, CFT new, Tech Park, IFT replacement, and CFT restored), and
  - c) The source of tax increment revenue, subdivided by each millage levied.

**Section 2. Severability.**

If any section, provisions or clause of this Ordinance or the application thereof to any person or circumstances is 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.

**Section 3. Effective Date.**

This Ordinance shall become effective twenty (20) days after its enactment.

## CHAPTER 25 – CHICKENS

### AN ORDINANCE TO ADD A NEW CHAPTER 25 TO THE VILLAGE OF CENTRAL LAKE CODE REGARDING CHICKENS

#### THE VILLAGE OF CENTRAL LAKE ORDAINS:

##### Section 1. Addition of new Chapter 25

A new Chapter 25 is hereby added to the Central Lake Village Code which shall read in its entirety as follows:

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

“Dwelling” means a single unit building, or portion thereof, providing complete independent living facilities for one (1) family residential purpose, including permanent provisions for living, sleeping, heating, cooking, and sanitation.

“Family” means an individual, or two (2) or more persons related by blood, marriage, or adoption, together with not more than three (3) persons not so related, occupying a dwelling and living as a single nonprofit housekeeping unit with single culinary facilities, as distinguished from a group occupying a boarding house, lodging house, hotel, club, fraternity, or similar dwelling for group use.

“Owner” means a person holding any legal, equitable, option or contract interest in land.

“Parcel” means an area of land, two or more contiguous areas of land, or two or more continuous platted lots that are under single ownership and used or designated by the owner for treatment as one development site.

“Principal Residence” means the main or primary dwelling in which the owner habitually sleeps, keeps his or her personal effects, and has a regular place of lodging.

“Totally Enclosed Structure” means a building with a roof, floor, and walls, or a building with closable doors around its perimeter, or a building otherwise capable of being sealed on all sides.

**25.2 Permit Required.**

No person shall keep or confine chickens within the Village without first obtaining a permit from the Village pursuant to the requirements of this Chapter.

**25.3 Application and Fee Requirements.**

A person seeking a permit under this Chapter shall submit a complete application to the official designated by the village council, and pay the required fee, which shall be ten dollars (\$10.00). The application shall include proof of ownership of the property on which the chickens will be kept or confined and all information reasonably necessary for the official designated by the village council, to determine whether the standards for approval provided in Section 25.5 of this Chapter have been met.

**25.4 Issuance of Permit; Conditions; Annual Renewal.**

- A. After receiving the information required in Section 25.3 of this Chapter, the official designated by the village council, shall within ten (10) days decide whether to issue the permit for the chickens. If the applicant fails to provide all the information required by Section 25.3, then the application shall be deemed incomplete and may be denied on that basis. The decision of the official designated by the village council, to issue the permit shall be made pursuant to the standards contained in Section 25.5 of this Chapter. The decision of the official designated by the village council, concerning whether to issue the permit shall be in writing and shall include findings of fact, based on information presented by the applicant, on each standard of approval.
- B. The official designated by the village council, may impose reasonable conditions on a license issued under this Chapter which are reasonably necessary to ensure continuing compliance with the standards for approval provided in Section 25.5 of this Chapter.
- C. Any permit issued pursuant to this Chapter shall be valid for a period of one (1) year and shall be renewable annually upon inspection of the property by the official designated by the village council, to assure continued compliance with this the standards of approval in Section 25.5 of this Chapter and the payment of the permit renewal fee, which shall be ten dollars (\$10.00).

**25.5 Standards for Approval.**

The official designated by the village council, shall approve, or approve with conditions, an application for a chicken permit only upon finding that the application complies with all of the following standard:

- A. No more than four (4) hens will be kept or confined per parcel. There shall be no roosters kept or confined within the Village.
- B. The parcel on which the hens will be kept or confined is the principal residence of the owner of that parcel.
- C. The parcel on which the hens will be kept or confined has no more than one (1) dwelling located on that parcel. Hens shall not be kept or confined on a parcel on which two-family or multi-family dwellings are located.
- D. The hens will be kept or confined in a totally enclosed structure located in the rear yard of the parcel, with an optional covered fenced enclosed. In addition, the structure will be constructed and maintained to prevent the structure becoming a breeding ground, food source or habitation place for rats, mice, or other rodents.
- E. The feed and other items associated with the hens will be kept in a totally enclosed structure which shall be constructed and maintained to prevent the structure becoming a breeding ground, food source or habitation place for rats, mice, or other rodents.

- F. The structure in which the hens will be kept or confined, any optional covered fence enclosed, and any structure in which the feed and other items associated with the hens will be kept are located on the parcel no less than twenty-five (25) feet from any dwelling or neighboring parcel and ten (10) feet from the rear and side property lines.
- G. Chickens shall be kept in compliance with the Michigan Department of Agriculture Generally Accepted Agricultural and Management Practices for the Care of Farm Animals, as it related to Laying Chickens, as amended, except as otherwise provided in this Chapter.
- H. No hens will be slaughtered on the parcel outdoors.

**25.6 Nuisance.**

A violation 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.

**25.7 Violations.**

Any person who violates 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 Five Hundred and 00/100 (\$500.00) Dollars. Each day this Chapter is violated shall be considered a separate violation.

**25.8 Enforcement Officials.**

The police officers of the Village of Central Lake are hereby designated as the authorized officials to issue municipal civil infractions directing alleged violators of this Ordinance to appear in court.

**25.9 Civil Action.**

In addition to enforcing this Ordinance through the use of 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 Ordinance.

**25.10 Severability.**

In 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.

**25.11 Effective Date.**

This Ordinance shall become effective twenty (20) days after its enactment.